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II

(Acts whose publication is not obligatory)

COUNCIL

COUNCIL DIRECTIVE

of 26 June 1975

on the approximation of the laws of the Member States relating to the reverse and speedometer equipment of motor vehicles

(75/443/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 which motor vehicles must satisfy pursuant to national laws relate *inter alia* to the reverse and the speedometer;

Whereas these requirements, particularly those relative to the speedometer, differ from one Member State to another; whereas it is therefore necessary that all Member States adopt the same provisions either in addition to or in place of their existing rules, in order, in particular, that the EEC type-approval procedure which was the subject of Council Directive No 70/156/EEC ⁽³⁾ of 6 February 1970 on the approximation of the laws of the Member States relating to the type approval of motor vehicles and

their trailers, may be applied in respect of each type of vehicle;

Whereas the approximation of national laws relating to motor vehicles involves the mutual recognition by Member States of the inspections carried out by each of them on the basis of common provisions; whereas, for such a system to function successfully, these provisions must be applied by all Member States with effect from the same date,

HAS ADOPTED THIS DIRECTIVE:

Article 1

For the purposes of this Directive, 'vehicle' means any motor vehicle intended for use on the road, with or without bodywork, having at least four wheels and a maximum design speed exceeding 25 km/h, with the exception of vehicles which run on rails, agricultural tractors and machinery, and public works vehicles.

Article 2

No Member State may refuse to grant EEC type-approval or national type-approval of a vehicle on grounds relating to the reverse and the speedometer if these satisfy the requirements set out in Annexes I and II to this Directive.

Article 3

No Member State may refuse registration or prohibit the sale, entry into service or use of a vehicle on

⁽¹⁾ OJ No C 5, 8. 1. 1975, p. 41.

⁽²⁾ OJ No C 47, 27. 2. 1975, p. 44.

⁽³⁾ OJ No L 42, 23. 2. 1970, p. 1.

grounds relating to the reverse or the speedometer if these satisfy the requirements set out in Annexes I and II to this Directive.

Article 4

The Member State which grants EEC type-approval shall take the necessary steps to be informed of any modification to any of the parts or characteristics referred to in section 2.1 of Annex II. The competent authorities of that Member State shall determine whether it is necessary to carry out further tests on the modified vehicle type and to prepare a new report. If these tests show that the requirements of this Directive have not been complied with the modification shall not be authorized.

Article 5

Member States in which vehicle speed is, at the time of adoption of this Directive, measured in miles per hour, shall be permitted to require speedometer equipment fitted to vehicles sold in their countries to be marked both in kilometres per hour and in miles per hour, until such time as their national legislation is amended to require only the use of metric (SI) units of measurement in accordance with the provisions of Council Directive No 71/354/EEC⁽¹⁾ of 18 October 1971 on the approximation of the laws of the Member States relating to units of measurement, as amended by the Treaty of Accession⁽²⁾.

Article 6

The amendments needed to adapt the requirements of Annexes I and II to technical progress shall be adopted in accordance with the procedure laid down in Article 13 of Directive No 70/156/EEC.

Article 7

1. Member States shall adopt and publish by 1 April 1976 the provisions necessary to comply with this Directive and shall forthwith inform the Commission thereof.

They shall implement these provisions with effect from 1 January 1977.

2. After notification of this Directive, Member States shall take steps to inform the Commission, in sufficient time for it to make comments, of any draft laws, regulations or administrative provisions which they intend to adopt in the field covered by the Directive.

Article 8

This Directive is addressed to the Member States.

Done at Luxembourg, 26 June 1975.

For the Council

The President

P. BARRY

⁽¹⁾ OJ No L 243, 29. 10. 1971, p. 29.

⁽²⁾ OJ No L 73, 27. 3. 1972, p. 14.

ANNEX I**REVERSE**

All vehicles must be equipped with a device for reversing which can be operated from the driving position.

ANNEX II**SPEEDOMETER EQUIPMENT****1. PRESENCE**

All vehicles must be fitted with speedometer equipment. This will not be required for vehicles which are manufactured with recording equipment, the design characteristics and installation of which comply with the provisions of Council Regulation (EEC) No 1463/70 ⁽¹⁾ of 20 July 1970 on the introduction of recording equipment in road transport.

2. DEFINITIONS

For the purpose of this Directive:

- 2.1. 'Vehicle type with regard to the speedometer equipment' means vehicles which do not differ in the following essential respects:
 - 2.1.1. tyres normally fitted;
 - 2.1.2. overall transmission ratio including reduction drive if fitted (number of revolutions at the speedometer input per revolution of the axle driving the speedometer equipment when vehicle is travelling in a straight line);
 - 2.1.3. type(s) of speedometer equipment; the type shall be defined by the tolerance of the measuring mechanism of the speedometer, the instrument constant and the range of indicated speeds;
- 2.2. 'tyres normally fitted' means the type or types of tyre provided by the manufacturer on the vehicle type in question and specified in the information document annexed to Directive No 70/156/EEC; snow tyres shall not be regarded as tyres normally fitted;
- 2.3. 'normal running pressure' means the cold inflation pressure specified by the vehicle manufacturer increased by 0.2 bar;
- 2.4. 'speedometer' means that part of the speedometer equipment which indicates to the driver the speed of his vehicle at any given moment.

⁽¹⁾ OJ No L 164, 27. 7. 1970, p. 1.

3. APPLICATION FOR EEC TYPE-APPROVAL

- 3.1. Applications for EEC type-approval of a vehicle type with regard to the speedometer equipment shall be submitted by the vehicle manufacturer or by his duly appointed representative.
- 3.2. It shall be accompanied by the following documents in triplicate and the following information:
 - 3.2.1. description of the vehicle type with regard to the speedometer equipment;
 - 3.2.2. details of tyres normally fitted;
 - 3.2.3. ratio of the speedometer equipment.
- 3.3. For the test described in section 5 below, a representative vehicle of the type to be approved shall be submitted to the technical service responsible for conducting the approval tests.

4. SPECIFICATIONS

- 4.1. The speedometer display shall be situated in the driver's direct field of vision and shall be clearly legible both by day and by night. The range of speeds indicated must be large enough to include the maximum speed given by the manufacturer for the type of vehicle.
- 4.2. Where the speedometer has a scale, as distinct from a digital display, it shall be clearly legible.
 - 4.2.1. The graduations shall be of 1, 2, 5 or 10 km/h. The values of the speed, multiples of 20 km/h, shall be indicated on the dial.
 - 4.2.2. In the case of a speedometer manufactured for sale in any Member State where imperial units of measurement are used, and where transitional arrangements in accordance with Article 5 are in force, the speedometer shall be marked both in km/h and in mph (miles per hour); the graduations shall be of 1, 2, 5 or 10 km/h and also of 1, 2, 5 or 10 mph and the values of the speed indicated on the dial shall be multiples of 20 km/h and multiples of 20 mph.
- 4.3. The accuracy of the speedometer equipment shall be tested in accordance with the following procedure:
 - 4.3.1. the vehicle is equipped with one of the types of tyre normally fitted; the test shall be repeated for each of the types of speedometer specified by the manufacturer;
 - 4.3.2. the load on the axle driving the speedometer equipment must correspond to the weight complying with 2.6 of Annex I to Directive No 70/156/EEC;
 - 4.3.3. the reference temperature at the speedometer shall be $23 \pm 5^{\circ} \text{C}$;
 - 4.3.4. during each test the pressure of the tyres shall be the normal running pressure as defined in 2.3;
 - 4.3.5. the vehicle is tested at the following three speeds: 40, 80 and 120 km/h, or 80 % of the maximum speed specified by the manufacturer, if this is inferior to 150 km/h;

- 4.3.6. the test instrumentation used for measuring the true vehicle speed shall be accurate to $\pm 1.0\%$;
- 4.3.6.1. the surface of a test track when used be flat and dry, and shall provide sufficient adhesion.
- 4.4. The speed indicated must never be less than the true speed. At the speeds specified for the test in 4.3.5 above and between these speeds, there shall be the following relationship between the speed indicated on the dial of the speedometer (V_1) and the true speed (V_2): $0 \leq V_1 - V_2 \leq \frac{V_2}{10} + 4 \text{ km/h}$.
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COUNCIL DIRECTIVE

of 26 June 1975

amending Directives No 66/400/EEC, No 66/401/EEC, No 66/402/EEC, No 66/403/EEC and No 69/208/EEC on the marketing of beet seed, fodder plant seed, cereal seed, seed potatoes, and seed of oil and fibre plants

(75/444/EEC)

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community, and in particular Articles 43 and 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, for the reasons given below, certain Directives on the marketing of seeds should be amended;

Whereas it has become apparent, in the course of applying the Directives, that small packages of beet seed and fodder plant seed form an item of trade within the Community;

Whereas it accordingly seems appropriate to harmonize this sector which has hitherto been covered by national legislation;

Whereas in this connection it seems advisable, on the one hand, to facilitate the marking and sealing of such small packages, and on the other hand to make adequate control compulsory for identifying the seed;

Whereas certain of the abovementioned Directives provide that from 1 July 1975 the equivalence of seed harvested in other countries, particularly in third countries, can no longer be established nationally by Member States; whereas, however, since it has not been possible to carry out Community examination for seed of fodder, oil and fibre plants in all cases, the abovementioned period should be extended for

these seeds in order to avoid disturbing current commercial relations;

Whereas it is advisable to authorize Member States to introduce provisions facilitating the sealing of small packages containing cereal seed, seed potatoes and seed of oil and fibre plants;

Whereas it is also necessary to make certain corrections to the way in which the quantities of seed are specified;

HAS ADOPTED THIS DIRECTIVE:

Article 1

Council Directive No 66/400/EEC ⁽³⁾ of 14 June 1966 on the marketing of beet seed, as last amended by Directive No 73/438/EEC ⁽⁴⁾, shall be amended as follows:

1. The following subparagraph shall be added to Article 2 (1):

‘G. Small EEC packages: packages containing the following certified seeds:

- monogerm or precision seed: not exceeding 100 000 clusters or grains or a net weight of 2.5 kg excluding, where appropriate, granulated pesticides, pelleting substances or other solid additives;
- seed other than monogerm or precision seed: not exceeding a net weight of 10 kg, excluding, where appropriate, granulated pesticides, pelleting substances or other solid additives.’

⁽¹⁾ OJ No C 62, 31. 7. 1973, p. 37.

⁽²⁾ OJ No C 8, 31. 1. 1974, p. 19.

⁽³⁾ OJ No 125, 11. 7. 1966, p. 2290/66.

⁽⁴⁾ OJ No L 356, 27. 12. 1973, p. 79.

2. In Article 9 (1) the words 'in Articles 10, 11 or 11a, whichever is appropriate', are to be substituted for 'in Articles 10 and 11'.

3. The following paragraphs shall be substituted for Article 10:

'Article 10

1. Member States shall require that packages of basic seed and certified seed, except where seed of the latter category takes the form of small EEC packages, be officially sealed in such a manner that when the container is opened the seal is damaged and cannot be reattached.

2. Member States shall require that, except in the case of small EEC packages, packages shall not be resealed on one or more occasions unless this is done officially. If packages are resealed, the fact of resealing, the date of resealing and the authority responsible therefor shall be stated on the label required under Article 11 (1).

3. Member States shall require that small EEC packages be sealed in such a manner that when the package is opened the seal is damaged and cannot be reattached. Packages shall not be resealed on one more occasions unless this is done under official supervision.

4. Member States may provide for exceptions to paragraphs 1 and 2 in the case of small packages of basic seed.'

4. The following is to be substituted for the introductory section of Article 11 (1):

'1. Member States shall require that packages of basic seed and certified seed, except where seed of the latter category takes the form of small EEC packages ...'

5. The following shall be substituted for the text of Article 11 (2) (b):

'(b) provide for exceptions to paragraph 1 in the case of small packages of basic seed where they are marked: "Passed for marketing in (Member State concerned) only".'

6. The following Articles shall be added after Article 11:

'Article 11a

1. Member States shall require that small EEC packages:

(a) bear on the outside, in accordance with Annex III (B), a supplier's label, a printed notice or stamp in one of the official languages of the Community; in the case of transparent packages this label may be placed inside, provided it can be read through the package; the label shall be blue in colour;

(b) bear on the outside or on the supplier's label provided for in subparagraph (a) an officially assigned serial number; should an official adhesive label be used, it shall be blue in colour; the methods of attaching the said serial number may be fixed in accordance with the procedure laid down in Article 21.

2. Member States may require that an official adhesive label containing all or part of the information laid down in Annex III (B) be used for marking small EEC packages packed in their territory; in so far as the information is given on such label, the marking provided for in paragraph 1 (a) shall not be required.

Article 11b

Member States may provide that, on request, small EEC packages of certified seed are officially sealed and marked pursuant to Article 10 (1) and Article 11.

Article 11c

The Member States shall take all measures necessary to ensure that, in the case of small packages of certified seed, the identity of the seed can be checked in particular at the time when seed lots are divided up. To this end, they may require that small packages divided up in their territory be sealed officially or under official supervision.'

7. In Article 12 the words 'in Article 4' shall be replaced by the words 'by this Directive'.

8. The following shall be substituted in Article 14 (1):

'1. Member States shall ensure that:

— basic seed and certified seed which has been officially certified and the containers of which have been officially marked and sealed in accordance with this Directive,

— certified seed which has been officially certified and takes the form of small EEC packages which have been marked and sealed in accordance with this Directive,

are not subject to any marketing restrictions as regards their characteristics, examination requirements, marking and sealing, other than those laid down in this Directive.'

9. The following shall be substituted for the wording of Annex III:

'ANNEX III

MARKING

A. Official label

I. Information required

1. "EEC rules and standards",
2. Certification authority and Member State or their initials,
3. Reference number of lot,
4. Sugar beet or fodder beet,
5. Variety,
6. Category,
7. Country of production,
8. Declared net or gross weight or declared number of clusters or pure seeds,
9. Where weight is indicated and granulated pesticides, pelleting substances or other solid additives are used, the nature of the additive and also the approximate ratio between the weight of clusters or pure seeds and the total weight,
10. For monogerm seed: the word "monogerm",
11. For precision seed: the word "precision".

II. Minimum dimensions

110 × 67 mm.

B. Supplier's label or information on the packing (small ECC package)

Information required

1. "Small EEC package",
2. Name and address of the supplier responsible for marking or his identification mark,

3. Officially assigned serial number,
4. Service which assigned the serial number and name of Member State or their initials,
5. Reference number if the official serial number does not enable the lot to be identified,
6. Sugar beet or fodder beet,
7. Variety,
8. "Certified seed",
9. Net or gross weight or number of clusters or pure seeds,
10. Where weight is indicated and granulated pesticides, pelleting substances or other solid additives are used, the nature of the additive and also the approximate ratio between the weight of clusters or pure seeds and the total weight,
11. For monogerm seed: the word "monogerm"
12. For precision seed: the word "precision".'

Article 2

Council Directive No 66/401/EEC ⁽¹⁾ of 14 June 1966 on the marketing of fodder plant seed, as last amended by Directive No 73/438/EEC, shall be amended as follows:

1. The following subparagraphs shall be added to Article 2 (1):

'F. Small EEC A packages: packages containing a mixture of seeds not intended for the production of fodder plants, with a net weight not exceeding 2 kg excluding, where appropriate, granulated pesticides, pelleting substances or other solid additives.

G. Small EEC B packages: packages containing certified seed, commercial seed or — if the packages concerned are not small EEC A packages — a mixture of seeds with a net weight not exceeding 10 kg excluding, where appropriate, granulated pesticides, pelleting substances or other solid additives.'

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

2. In Article 8 (1) the words 'in Article 9, 10 or 10a, whichever is appropriate', shall be substituted for the words 'in Articles 9 and 10'.

3. The text of Article 9 shall be replaced by the following:

'Article 9

1. Member States shall require that packages of basic seed, certified and commercial seed, except where seed of the last two categories takes the form of small EEC B packages, be officially sealed in such a manner that when the package is opened, the seal is damaged and cannot be reattached.

2. Member States shall require that, except in the case of small EEC B packages, packages shall not be resealed on one or more occasions unless this is done officially. If packages are resealed, the fact of resealing, the date of resealing and the authority responsible therefor shall be stated on the label required under Article 10 (1).

3. Member States shall require that small EEC B packages be sealed in such a manner that when the package is opened the seal is damaged and cannot be reattached. Packages shall not be resealed on one or more occasions unless this is done under official supervision.

4. Member States may provide for exceptions to paragraphs 1 and 2 in the case of small packages of basic seed.'

4. The following shall be substituted for the introductory section of Article 10 (1):

'1. Member States shall require that packages of basic seed, certified and commercial seed, except where seed of the last two categories takes the form of small EEC B packages'

5. The following shall be substituted for Article 10 (2) (b):

'(b) provide for exceptions to paragraph 1 in the case of small packages of basic seed where they are marked: "Passed for marketing in ... (Member State concerned) only".'

6. The following Articles shall be added to Article 10:

'Article 10a

1. Member States shall require that small EEC B packages:

- (a) bear on the outside in accordance with Annex IV (B) a supplier's label, a printed notice or stamp in one of the official languages of the Community; in the case of transparent packages this label may be placed inside, provided it can be read through the package; as regards the colour of the label, Article 10 (1) (a) shall apply;

- (b) bear on the outside or on the supplier's label provided for in subparagraph (a) an officially assigned serial number; should an official adhesive label be used, Article 10 (1) (a) shall apply as regards its colour; the methods of attaching the said serial number may be fixed in accordance with the procedure laid down under Article 21.

2. Member States may require that an official adhesive label containing part of the information prescribed in Annex IV (B) is used for the marking of small EEC B packages packed in their territory; in so far as the information is given on such label, the marking provided for in paragraph 1 (a) shall not be required.

Article 10b

Member States may provide that, on request, small EEC B packages of certified seed and commercial seed are officially sealed and marked according to Articles 9 (1) and 10.

Article 10c

The Member States shall take all measures necessary to ensure that, in the case of small packages of seed, the identity of the seed can be checked, in particular at the time when seed lots are divided up. To this end they may require that small packages divided up in their territory shall be sealed officially or under official supervision.'

7. In Article 11 the words 'by this Directive' shall be substituted for the words 'in Article 4'.

8. The following Article shall be substituted for Article 13:

'Article 13

1. Member States shall require that fodder plant seed in the form of mixtures of seed of various genera, species or varieties or of mixtures containing seed of plants which are not fodder plants within the meaning of this Directive may

only be marketed if they are not intended for the production of fodder plants and if the various components of the mixture complied, before mixing, with the marketing regulations applicable to them.

2. Notwithstanding paragraph 1, Member States may also authorize the marketing of fodder plant seed in the form of mixtures:

- if such mixtures are intended for the production of fodder plants, or
- if these mixtures contain seed of plant species for which Community provisions do not provide that they may be mixed with seed of fodder plants.

3. Articles 8, 9, 10b, 11 and 12 shall apply, and, providing, however, the label is green in colour, Articles 10 and 10a. For this purpose, small EEC A packages shall be considered small EEC B packages.

However, for small EEC A packages, the officially assigned serial number provided for in paragraph 1 (b) of Article 10 (a) shall not be required.

In applying paragraph 2, Member States may authorize derogations from this Directive for small packages as regards maximum quantities and the information to be provided when marking, if such packages are marked: "Passed for marketing in ... (Member State concerned) only".

9. The following paragraph shall be substituted for Article 14 (1):

'1. Member States shall ensure that:

- basic seed and certified seed which has been officially certified and the packaging of which has been officially marked and sealed, pursuant to this Directive,
- commercial seed which has been officially tested and the packaging of which has been officially marked and sealed, pursuant to this Directive,
- certified seed which has been officially certified and officially tested commercial seed which take the form of small EEC B packages which have been marked and sealed pursuant to this Directive,
- seed in the form of mixtures, produced in accordance with this Directive and not intended for the production of fodder plants,

whose packaging has been marked and sealed pursuant to this Directive,

is not subject to any marketing restrictions as regards its characteristics, examination requirements, marking and sealing other than those laid down in this Directive.'

10. In Article 16 (2), 1 July 1977 shall be substituted for 1 July 1975.

11. The text of Annex IV shall be replaced by the following:

'ANNEX IV

MARKING

A. Official label

I. Information required

(a) For basic seed and certified seed:

1. 'EEC rules and standards',
2. Certification authority and Member State or their initials,
3. Reference number of lot,
4. Species,
5. Variety,
6. Category,
7. Country of production,
8. Declared net or gross weight or declared number of pure seeds,
9. Where weight is indicated and granulated pesticides, pelleting substances or other solid additives are used, the nature of the additive and also the approximate ratio between the weight of pure seeds and the total weight,
10. For certified seed of the second generation and subsequent generations after basic seed: number of generations after basic seed,
11. For seed of grass varieties which have not been subjected to tests for their cropping value and use in accordance with Article 4 (2) (a) of Council Directive No 70/

457/EEC ⁽¹⁾ of 29 September 1970 concerning the common catalogue of species of agricultural plants: "Not intended for the production of fodder plants".

between the weight of pure seed and the total weight.

II. Minimum dimensions

110 × 67 mm.

(b) For commercial seed:

1. "EEC rules and standards",
2. "Commercial seed (not certified as to variety)",
3. Supervising authority and Member State or their initials,
4. Reference number of lot,
5. Species ⁽²⁾,
6. Area of production,
7. Declared net or gross weight or declared number of pure seeds,
8. Where weight is indicated and granulated pesticides, pelleting substances or other solid additives are used, the nature of the additive and also the approximate ratio between the weight of pure seed and the total weight.

(c) For mixtures of seed:

1. "Mixture of seed for (intended use)",
2. Authority responsible for sealing and Member State or their initials,
3. Reference number of lot,
4. Percentage by weight of the various components shown by species and, where appropriate, by variety; it is sufficient to give the name of the mixture if the percentage by weight has been notified in writing to the purchaser and officially recorded,
5. Declared net or gross weight or declared number of pure seeds,
6. Where weight is indicated and granulated pesticides, pelleting substances or other solid additives are used, the nature of the additive and also the approximate ratio

B. Supplier's label or information on the packaging (small EEC package)

Information required

(a) Certified seed:

1. "Small EEC B package",
2. Name and address of the supplier responsible for marking or his identification mark,
3. Officially assigned serial number,
4. Service which assigned the serial number and name of Member State or their initials,
5. Reference number if the official serial number does not enable the certified seed lot to be identified,
6. Species,
7. Variety,
8. "Certified seed",
9. Net or gross weight or number of pure seeds,
10. Where weight is indicated and granulated pesticides, pelleting substances, or other solid additives are used, the nature of the additive and also the approximate ratio between the weight of pure seed and the total weight,
11. For seed of grass varieties which have not been subjected to tests for their cropping value and use in accordance with Article 4 (2) (a) of Council Directive No 70/457/EEC of 29 September 1970 concerning the common catalogue of species of agricultural plants: "not intended for the production of fodder plants".

(b) Commercial seed:

1. "Small EEC B package",
2. Name and address of the supplier responsible for marking or his identification mark,
3. Officially assigned serial number,
4. Service which assigned the serial number and name of Member State or their initials,

⁽¹⁾ OJ No L 225, 12. 10. 1970, p. 1.

⁽²⁾ For lupins, it should be specified whether they are bitter or sweet lupins.

5. Reference number if the official serial number does not enable the admitted seed lot to be identified,
6. Species ⁽¹⁾,
7. "Commercial seed",
8. Net weight or gross weight or number of pure seeds,
9. Where weight is indicated and granulated pesticides, pelleting substances, or other solid additives are used, the nature of the additive and also the approximate ratio between the weight of pure seeds and the total weight.

(c) Seed mixtures:

1. "Small EEC A package" or "small EEC B package",
2. Name and address of the supplier responsible for marking or his identification mark,
3. Small EEC B package: officially assigned serial number,
4. Small EEC B package: service which assigned the serial number and name of Member State or their initials,
5. Small EEC B package: reference number if the official serial number does not enable the used seed lots to be identified,
6. Small EEC A package: reference number enabling the used seed lots to be identified,
7. Small EEC A package: Member State or its initials,
8. "Seed-mixture for ... (intended use)",
9. Net weight or gross weight or number of pure seeds,
10. Where weight is indicated and granulated pesticides, pelleting substances, or other solid additives are used, the nature of the additives and also the approximate ratio between the weight of pure seed and the total weight,
11. Percentage by weight of the various components shown by species and, where appropriate, by variety; it is

sufficient to give part of this information, as Member States may prescribe for small packages produced in their territory, and a reference to the kind of mixture if the proportion by weight can be communicated to the purchaser on request and has been officially recorded.'

Article 3

Council Directive No 66/402/EEC ⁽²⁾ of 14 June 1966 on the marketing of cereal seed, as last amended by Directive No 73/438/EEC shall be amended as follows:

1. The following paragraph shall be added to Article 9:
'3. Member States may provide for exceptions to paragraph 1 in the case of small packages.'
2. The following words shall be inserted as 8a and 6 respectively in subparagraphs (a) and (b) of Annex IV (A):
'Where weight is indicated and granulated pesticides, pelleting substances, or other solid additives are used the nature of the additive and also the approximate ratio between the weight of pure seeds and the total weight.'

Article 4

Council Directive No 66/403/EEC ⁽³⁾ of 14 June 1966 concerning the marketing of seed potatoes, as last amended by Directive No 73/438/EEC shall be amended as follows:

The following subparagraph shall be added to Article 9:

- '3. Member States may provide for exceptions to paragraph 1 in the case of small packages.'

Article 5

Council Directive No 69/208/EEC ⁽⁴⁾ of 30 June 1969 concerning the marketing of seed of oil and fibre plants, as last amended by Directive No 73/438/EEC shall be amended as follows:

1. The following paragraph shall be added to Article 9:
'3. Member States may provide for exceptions to paragraph 1 in the case of small packages.'

⁽¹⁾ For lupins, it should be specified whether they are bitter or sweet lupins.

⁽²⁾ OJ No 125, 11. 7. 1966, p. 2309/66.

⁽³⁾ OJ No 125, 11. 7. 1966, p. 2320/66.

⁽⁴⁾ OJ No L 169, 10. 7. 1969, p. 3.

2. In Article 15 (2), 1 July 1977 shall be substituted for 1 July 1975.

3. The following words shall be inserted as 10 and 9 respectively in subparagraphs (a) and (b) of Annex IV (A):

‘Where weight is indicated and granulated pesticides, pelleting substances, or other solid additives are used, the nature of the additive and also the approximate ratio between the weight of pure seeds and the total weight.’

Article 6

Member States shall, by the undermentioned dates at the latest, put into force the laws, regulations and administrative provisions necessary to comply with the provisions of this Directive:

— 1 July 1975 in the case of Article 2 (10) and Article 5 (2),

— 1 July 1980 in the case of Article 2 (6) as regards Article 10a (1) (b),

— 1 July 1977 in the case of the other provisions of this Directive.

Article 7

This Directive is addressed to the Member States.

Done at Luxembourg, 26 June 1975.

For the Council

The President

P. BARRY

SECOND COUNCIL DIRECTIVE

of 26 June 1975

amending Directive No 66/404/EEC on the marketing of forest reproductive material
(75/445/EEC)

THE COUNCIL OF THE EUROPEAN
COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community, and in particular Articles 43 and 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 for reasons given below certain provisions of Council Directive No 66/404/EEC ⁽³⁾ of 14 June 1966 on the marketing of forest reproductive material, as amended by Directive No 69/64/EEC ⁽⁴⁾, should be amended;

Whereas forest reproductive material marketable in the Community should be divided into two categories: 'selective reproductive material' and 'tested reproductive material'; whereas material satisfying the requirements of Directive No 66/404/EEC should constitute the first category; whereas the second category may include only such material as is shown by comparative tests to be genetically superior;

Whereas poplar cultivation has increased to such an extent that the marketing of poplar reproductive material should be confined to the category 'tested reproductive material';

Whereas approval of basic material for the production of tested reproductive material must be given in the Member States in accordance with identical rules which are as strict as possible, and whereas the setting up and management of comparative tests and

the assessment of the results thereof are an essential element of these common rules;

Whereas comparative tests take a long time to yield definitive results; whereas it should be possible for Member States in certain circumstances to approve basic material for the production of tested reproductive material if the provisional results of the tests in progress warrant this;

Whereas comparative tests using methods which differ from those provided for in this Directive are at present being carried out in a number of Member States; whereas those Member States should be authorized, on a temporary basis and subject to certain conditions, to make use of the results of such tests;

Whereas, in order to facilitate intra-Community trade, a common catalogue of basic material approved for the production of forest reproductive material should be published in the *Official Journal of the European Communities*;

Whereas each Member State should be able to obtain precise information on forest reproductive material coming from other Member States or from third countries;

Whereas difficulties have been encountered in the various Member States during the import of reproductive material, because each State requires the importer to give different information; whereas such information should therefore also be harmonized;

Whereas any restrictions which Member States consider imposing on the marketing of forest reproductive material should be subject to a Community procedure which ensures close cooperation between the Commission and the Member States;

Whereas an accelerated procedure should be used in order to facilitate essentially technical amendments to the Annexes;

⁽¹⁾ OJ No C 108, 10. 12. 1973, p. 26.

⁽²⁾ OJ No C 8, 31. 1. 1974, p. 19.

⁽³⁾ OJ No 125, 11. 7. 1966, p. 2326/66.

⁽⁴⁾ OJ No L 48, 26. 2. 1969, p. 12.

Whereas certain improvements and clarifications should be made to Directive No 66/404/EEC,

HAS ADOPTED THIS DIRECTIVE:

Article 1

Council Directive No 66/404/EEC is hereby amended in accordance with the following Articles.

Article 2

Article 2 is amended as follows:

1. In paragraph 1 (a) the words 'produced by sexual means and' are inserted after the words 'reproductive material'.
2. The text of paragraph 1 (b) is replaced by the following:
'(b) vegetative reproductive material derived from *Populus* sp.'
3. The text of paragraph 2 is replaced by the following:
'2. Under the procedure laid down in Article 17, vegetative reproductive material of the species listed in paragraph 1 (a), *Populus* sp. reproductive material produced by sexual means and also reproductive material of species other than those listed in paragraph 1, may be made subject wholly or in part to this Directive.'
4. The following paragraph is added after paragraph 2:
'3. In so far as measures have not yet been taken pursuant to paragraph 2 for the Community, Member States may take such measures for their own territory. For the species concerned, Member States may impose less stringent requirements.'

Article 3

Article 3 is amended as follows:

1. The text of section A (b) is replaced by the following:
'(b) parts of plants: cuttings, layers, roots and scions intended for the production of plants, but not sets;'
2. The text of section A (c) is replaced by the following:
'(c) young plants: plants raised by means of seeds or parts of plants; also includes sets and natural regeneration.'
3. The text of section B is replaced by the following:
'B. Basic material:

(a) stands and seed orchards, in the case of reproductive material produced by sexual means;

(b) clones and mixtures of clones in specified proportions, in the case of reproductive material produced by vegetative means.'

4. After section B the following sections are inserted:

'B (a) selected reproductive material: material derived from basic material officially approved in accordance with Article 5;

B (b) tested reproductive material: material derived from basic material officially approved in accordance with Article 5b, 5d or 5e.'

5. The text of section C is replaced by the following:

'C. Seed orchard:

A plantation of selected clones or progenies which is isolated or laid out to avoid or reduce pollination from outside sources, and managed to produce frequent, abundant and easily harvested crops of seed.'

6. After section C the following section is inserted:

'C (a) Improved value for use:

The genetic characters, taken as a whole, showing a distinct improvement for forestry purposes as compared with standards selected in accordance with Annex II, at least for cultivation in the region in which those standards are generally used.'

7. The text of section F is replaced by the following:

'F. Region of provenance:

For a given species, subspecies or variety, the area or group of areas subject to practically uniform ecological conditions on which are found stands showing similar phenotypic or genetic characters.

The region of provenance of reproductive material produced in a seed orchard is that of the basic material used for the establishment of the orchard.'

8. After section F the following section is inserted:

‘F (a) Marketing: display with a view to sale, offering for sale, sale or delivery to another person.’

Article 4

Article 4 is amended as follows:

1. The text of paragraph 1 is replaced by the following:

‘1. The Member States shall provide that reproductive material:

— of the species listed in Article 2 (1) (a), may not be marketed unless it is of the “selected reproductive material” or “tested reproductive material” category;

— of the species listed in Article 2 (1) (b), may not be marketed unless it is of the “tested reproductive material” category.’

2. The following subparagraph is added to paragraph 2:

‘(c) for small quantities of seeds which are clearly shown not to be intended for forestry purposes.’

3. Paragraph 3 is deleted.

Article 5

The text of Article 5 is replaced by the following:

‘Article 5

The Member States shall provide that only basic material whose qualities are such as to make it suitable for reproductive purposes and from which no undesirable characters for forestry are to be expected, may be approved for the production of selected reproductive material. Approval shall be given in conformity with the requirements set out in Annex I.’

Article 6

The following Articles are added after Article 5:

‘Article 5a

In the case of basic materials intended for the production of selected reproductive material, the Member States shall delimit regions of provenance defined by means of administrative or geographical boundaries and, where applicable, by altitudinal boundaries.

Article 5b

1. The Member States shall provide that only basic material, of which the derived reproductive material gives improved value for use, may be approved for the production of tested reproductive material. Improved value for use shall be assessed by means of comparative testing. The comparative tests shall satisfy the requirements set out in Annex II.

2. Examination of the various species shall include certain characters at least, which shall be fixed in accordance with the procedure laid down in Article 17.

Article 5c

1. The Member States shall draw up descriptions of the sites in which they carried out comparative tests where such trials have led to the approval of basic material. Descriptions shall give all relevant information for each site, in particular, full details about the ecological conditions prevailing in the region in which it is situated.

2. The form in which these descriptions and the relevant information referred to in paragraph 1 shall be drawn up may be fixed in accordance with the procedure laid down in Article 17.

3. These descriptions and any alterations made to them shall be notified forthwith to the Commission which shall communicate them to the other Member States.

Article 5d

Member States may approve, for a maximum period of 10 years, in all or part of their territory, basic material for the production of tested reproductive material where, from the provisional results of comparative tests, it can be assumed that the basic material will, when tests have been completed, satisfy the requirements for the approval referred to in Article 5 b.

Article 5e

For a transitional period not exceeding 10 years from 1 July 1977, Member States may use, for the purpose of approving basic material for the production of tested reproductive material, the results of comparative tests which do not satisfy the requirements laid down in Annex II where such tests were begun before 1 July 1977 and prove that the reproductive material derived from the basic material possesses improved value for use. Member States may, under the procedure laid down in Article 17, be authorized to use

the results of comparative tests after expiry of the abovementioned transitional period.'

Article 7

The text of Article 6 is replaced by the following:

'Article 6

1. Each Member State shall draw up lists of the basic material of the various species approved on its territory. Basic material for the production of selected reproductive material and basic material for the production of tested reproductive material shall be entered separately in these lists.

2. The form in which such lists shall be drawn up may be determined in accordance with the procedure laid down in Article 17.

3. These lists and any alterations made to them shall be sent forthwith to the Commission which shall communicate them to the other Member States.'

Article 8

Article 7 is deleted.

Article 9

Article 8 is amended as follows:

1. The text of paragraph 1 (a), (b), (c), (d) and (e) replaced by the following:

- '(a) species and, where applicable, subspecies, variety, clone;
- (b) category;
- (c) region of provenance — for selected reproductive material;
- (d) basic material — for tested reproductive material;
- (e) indigenous or non-indigenous material;'

2. Paragraph 2 is deleted.

Article 10

The text of Article 9 is replaced by the following:

'Article 9

1. Member States shall provide that reproductive material may be marketed only in consignments which comply with Article 8 and are accompanied by a label or other document from the supplier

giving the requirements referred to in Article 8 and the following information:

- (a) botanical name of the reproductive material;
- (b) name of supplier responsible for the batch;
- (c) quantity;
- (d) in the case of seeds from seed orchards and of young plants raised from such seeds, the words "reproductive material from seed orchards";
- (e) in the case of tested reproductive material whose basic material was approved under Article 5d, the words "provisionally approved".

The colour of the label or document shall be green in the case of selected reproductive material and blue in the case of tested reproductive material.

2. In accordance with the procedure laid down in Article 17, Member States may also require that, in the case of tested reproductive material, supplementary information concerning the basic material be given on the abovementioned label or document.'

Article 11

Article 11 (2) is deleted.

Article 12

The text of Article 12 is replaced by the following:

'Article 12

Member States may provide that no reproductive material be introduced into their territory unless it is accompanied by an official certificate of another Member State conforming to the model in Annex III, or by an equivalent certificate of a third country.'

Article 13

The text of Article 13 is replaced by the following:

'Article 13

1. Member States shall ensure that after 31 December of the second year following approval, reproductive material derived from basic material approved in accordance with Article 5, 5b or 5e is subject to no marketing restrictions as to its genetic characters.

This period shall not apply in the case of reproductive material derived from basic material approved before 1 July 1975.

2. Upon application by a Member State, such Member State may be authorized, pursuant to the procedure provided for in Article 17, to prohibit, after the date set in the first subparagraph of paragraph 1, the marketing in all or part of its territory of reproductive material derived from specific basic material or — as far as selected material is concerned — a specific region of provenance.

Such authorization shall be granted only where there is reason to believe that use of the said reproductive material would, on account of its genetic character, have an adverse effect on forestry in that Member State.

3. If, in respect of a basic material or for a region of provenance, a Member State does not intend to lodge an application under the procedure laid down in paragraph 2, it shall notify the Commission or make a statement to this effect within the Committee referred to in Article 17.

4. If all the Member States give the notification or make the statement referred to in paragraph 3, the period specified in the first subparagraph of paragraph 1 shall no longer apply and Article 13a shall apply.'

Article 14

The following Articles are added after Article 13:

'Article 13a

On the basis of the information supplied by the Member States and as this is received, the Commission shall publish in the *Official Journal of the European Communities* under the title "Common catalogue of basic material for forest reproductive material" a list of the basic material of which the derived reproductive material is subject to no marketing restrictions under Article 13. The published notice shall mention any Member States which have received authorizations under Article 13 (2).

Article 13b

1. Member States shall ensure that, as regards the measures taken to guarantee its identity, reproductive material is subject to no marketing restrictions other than those laid down in this Directive.

2. The Member States may take all measures necessary to ensure that when reproductive material coming from another Member State or from a third country is marketed, the following

information is given to their competent authority:

- (a) nature of product;
- (b) species and, where applicable, subspecies, variety, clone;
- (c) category;
- (d) country of production and official inspection authority;
- (e) region of provenance — for selected reproductive material; basic material — for tested reproductive material;
- (f) country of dispatch;
- (g) importer;
- (h) quantity of reproductive material;
- (i) year of ripening of seed;
- (j) indigenous or non-indigenous material.

This information may be modified, and detailed rules for the supply of such information adopted, by the procedure laid down in Article 17.'

Article 15

The following Articles are added after Article 16:

'Article 16a

Any amendments to be made to the Annexes in the light of the development of scientific or technical knowledge shall be adopted according to the procedure laid down in Article 17.

Article 16b

This Directive shall not apply to young plants and parts of plants which are shown to be intended mainly for purposes other than those of forestry.'

Article 16

The following Article is added after Article 17:

'Article 17a

This Directive shall be without prejudice to the provisions of national laws justified on grounds of the protection of health and life of humans, animals or plants or the protection of industrial and commercial property.'

Article 17

Annex I is amended as follows:

1. The title is replaced by the following:

‘Requirements for the approval of basic material intended for the production of selected reproductive material.’

2. In part B the words ‘conservation seed orchards’ are in all instances replaced by the words ‘seed orchards’.

3. The text of Part C is replaced by the following:

‘C. CLONES

Items 4, 5, 6, 7 and 9 of Part A shall apply.’

Article 18

Annex 1 to this Directive is added after Annex I.

Article 19

The text of Annex II is replaced by Annex 2 to this Directive.

Article 20

Member States shall bring into force the laws, regulations or administrative provisions necessary to comply with this Directive not later than 1 July 1977.

They shall forthwith inform the Commission thereof.

Article 21

This Directive is addressed to the Member States.

Done at Luxembourg, 26 June 1975.

For the Council

The President

P. BARRY

ANNEX 1

ANNEX II

REQUIREMENTS FOR THE COMPARATIVE TESTS FOR THE APPROVAL OF BASIC MATERIAL INTENDED FOR THE PRODUCTION OF TESTED REPRODUCTIVE MATERIAL**1. GENERAL**

- 1.1. Comparative tests for the approval of basic material are to be prepared, set up, conducted and their results interpreted in such a way as to give an objective comparison, both as between the reproductive materials and with one or preferably several pre-chosen standards.
- 1.2. Every care shall be taken to ensure that the reproductive material, including the standards, is representative of the basic material being studied.
- 1.3. If during tests it is proved that the reproductive material does not possess at least the characters:
 - which identify its basic material, then such reproductive material must be immediately eliminated;
 - of resistance of the basic material to harmful organisms of economic importance, then such reproductive material may be eliminated.

2. SETTING UP THE TESTS

- 2.1. Reproductive material is to be raised in nurseries and planted in the trials in a replicated random layout enabling the possible causes of genetic and environmental variation and interactions and experimental errors to be checked.
- 2.2. Each experimental unit shall contain a sufficient number of trees in order that the individual characteristics of each material to be examined can be evaluated.
- 2.3. The basic materials represented and the replicates must be sufficient in number to give a satisfactory degree of statistical accuracy.

3. MANAGEMENT OF TESTS

- 3.1. Reproductive materials and standards must be treated in an identical way throughout the test. This includes treatment in the nursery, whether seeds, rooting cuttings or vegetative production of root stocks, and the establishment and management of the forest tests themselves, as regards fertilizing, spacing, pruning and all other methods and techniques of culture and husbandry.
- 3.2. As regards thinning, the methods used should take into account the development of each reproductive material.

4. PROCUREMENT OF REPRODUCTIVE MATERIAL FOR TESTING INCLUDING STANDARDS

- 4.1. The basic material shall be:
- (i) well defined as regards provenance, constitution, composition and reasonable isolation from foreign pollination;
 - (ii) of such age and development that reasonable stability of the main features of the offspring can be expected.
- 4.2. Sexual reproductive material shall be:
- (i) harvested in years of good flowering and good fruit setting unless artificial pollination is used;
 - (ii) harvested by methods that ensure that the samples obtained are representative.
- 4.3. Vegetative reproductive material is to originate from a single individual by vegetative means.

5. SUPPLEMENTARY REQUIREMENTS FOR STANDARDS

- 5.1. Standards should, if possible, have been used over a sufficiently long period in the region in which the test is to be carried out. They shall normally be represented by materials which, at the time of commencement of testing, have proved their suitability for forestry in the ecological conditions for which it is proposed to approve the material. They should come as far as possible from approved basic material.
- 5.2. In the case of sexual reproductive material, clones or progenies from controlled pollination may also be used as standards.
- 5.3. Whenever possible, several standards are to be used. When it is shown to be necessary, the standard may be replaced by the most suitable of the materials being tested.
- 5.4. The same standards shall be used in all tests over as wide a range as possible.

6. CHARACTERS TO BE EXAMINED

- 6.1. The characters to be examined shall be:
- identifying characters, in the case of basic material;
 - behavioural characters;
 - production characters.
- 6.2. The identifying characters of the basic material shall be entered, in sufficient detail, on a descriptive sheet.
- 6.3. As regards behavioural and production characters, weight shall usually be given to growth, adaptability and resistance to abiotic factors and to harmful organisms of economic importance. In addition, other characters, considered important in view of the objective sought, shall be considered and evaluated in relation to the ecological conditions of the region in which the test is carried out.

7. ANALYSIS OF RESULTS AND EVALUATION

- 7.1. The results of the tests as to behavioural and production characteristics for each character evaluated as provided in 6.3 shall be set out separately in the form of numerical data. These characters shall be evaluated individually.

- 7.2. Each reproductive material is classified for each behavioural and production character for each environment tested. The means and variance of the tests are to be presented.

The significance level of differences shall be shown. The difference in both absolute and relative terms shall be expressed as far as possible as genetic gain relative to the standard.

The age of reproductive material at which the character is evaluated should be indicated.

- 7.3. A significant superiority, both economically and statistically (95 % level), as compared with the standards must be demonstrated for at least one important character, see paragraph 6.3. Where superiority is found for only one important character the values of at least two other important characters as assessed under paragraph 6.3 must at least achieve the average values of the standards for these two characters.

It shall be clearly reported if there are any characters as assessed under paragraph 6.3 which are significantly (95% level) inferior to those of the standards. However, if their effects are likely to be compensated for by favourable characters, this must be stated.

- 7.4. When the aim of the test is to approve basic material with reference to a character which is essential for survival under extreme ecological conditions, equality to the average value of the standards for the other characters is no longer required.

- 7.5. The methodology used for the test and the detailed results obtained shall be made available to those able to show a legitimate interest.

8. EARLY TESTS

Nursery, greenhouse and laboratory tests are acceptable as valid early tests if it can be shown that there is a close correlation between the results shown in the early tests and subsequent stages of development of such material.'

ANNEX 2

ANNEX III

CERTIFICATE OF PROVENANCE (*)

CERTIFICATE OF IDENTITY (*)

..... No
 (Country)

It is hereby certified that the forest reproductive material described below has been inspected by the competent authorities and that, according to the findings made and the documents submitted, it is in conformity with the information given below:

1. Nature of produce: seed/parts of plants/young plants (*)
2. Species, subspecies, variety, clone (*):
 - (a) Common name:
 - (b) Botanical name:
3. Category: selected reproductive material/tested reproductive material (*).
4. (a) Region of provenance and eventually provenance for selected reproductive material:
- (b) Basic material — for tested reproductive material:
- (c) Indigenous/introduced from (origin)/unknown (*)
5. Kind of the basic material: stands/clones/seed orchards (*)
6. (a) Year of ripening of seed (*)
- (b) Length of time in nursery as seedlings/vegetatively reproduced young plants or transplants (*):
7. Quantity:
8. Number and nature of packages:
9. Marking of packages:
10. Additional information:

..... 19.....
 (Place and date)

(Stamp of competent authority)
 (Signature)

 (Position)

.....
 (*) Delete where inapplicable.

COMMISSION

COMMISSION DECISION

of 14 February 1975

authorizing the Kingdom of Belgium, the Grand Duchy of Luxembourg and the Kingdom of the Netherlands not to apply Community treatment to tea towels and glass cloths of a mixture of cotton and flax, falling within subheading ex 62.02 B of the Common Customs Tariff, originating in Romania and in free circulation in the other Member States

(Only the French and Dutch texts are authentic)

(75/446/EEC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community, and in particular the first paragraph of Article 115 thereof;

Having regard to the application under the first paragraph of Article 115 of the Treaty, made on 6 February 1975 by the Governments of the Benelux countries to the Commission by telex from the office of the Permanent Representative of the Kingdom of Belgium to the European Communities, for authorization not to apply Community treatment to tea towels and glass cloths of a mixture of cotton and flax, falling within subheading ex 62.02 B of the Common Customs Tariff, originating in Romania and in free circulation in the other Member States;

Whereas, this application is based on an application for authorization to import tea towels and glass cloths of a mixture of cotton and flax, originating in Romania and in free circulation in France; whereas these products are imported into all Member States subject to the quantitative quotas provided for in the Council Decision of 2 December 1974 ⁽¹⁾ laying down the import arrangements applicable to imports from State-trading countries, including Romania;

Whereas the quota of the products concerned opened by the Benelux countries in respect of Romania is valued at Bfrs 750 000 and is already exhausted; whereas the quota opened by France in respect of

Romania is FF 238 000 (that is to say Bfrs 1 980 000 at the present rate of exchange);

Whereas, according to information supplied by the Benelux Governments, there are serious economic difficulties in the weaving and clothes manufacturing industries which are evidenced by a reduction in orders, an increase in stocks and a considerable fall in production resulting in unemployment in several factories;

Whereas, in view of the large number of applications for import licences lodged with the Benelux authorities, imports of the products concerned originating in Romania and in free circulation in France are likely to aggravate these difficulties;

Whereas the machinery for bringing about the necessary cooperation from the French Republic cannot be set in motion with sufficient speed;

Whereas, in these circumstances, authorization should be given for the application of protective measures as provided in the first paragraph of Article 115 subject to the conditions laid down in the Commission Decision of 12 May 1971 ⁽²⁾, and in particular Article 1 thereof,

HAS ADOPTED THIS DECISION:

Article 1

The Kingdom of Belgium, the Grand Duchy of Luxembourg and the Kingdom of the Netherlands

⁽¹⁾ OJ No L 358, 31. 12. 1974, p. 1.

⁽²⁾ OJ No L 121, 3. 6. 1971, p. 26.

are authorized not to apply Community treatment to imports of tea towels and glass cloths of a mixture of cotton and flax, falling within subheading ex 62.02 B of the Common Custom Tariff, originating in Romania and in free circulation in other Member States in respect of which applications for import licences were lodged after 30 January 1975.

Article 2

This Decision shall apply until 31 December 1975.

Article 3

This Decision is addressed to the Kingdom of Belgium, the Grand Duchy of Luxembourg and the Kingdom of the Netherlands.

Done at Brussels, 14 February 1975.

For the Commission

The President

François-Xavier ORTOLI

COMMISSION DECISION

of 24 February 1975

authorizing the Italian Republic not to apply Community treatment to woven fabrics of cotton, other than gauze or terry towelling and similar terry fabrics, unbleached, falling within heading No ex 55.09 of the Common Customs Tariff, originating in the USSR and in free circulation in the other Member States

(Only the Italian text is authentic)

(75/447/EEC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community, and in particular the first paragraph of Article 115 thereof;

Having regard to the application under the first paragraph of Article 155 of the Treaty, made on 11 February 1975 by the Italian Government to the Commission by telex from the office of its Permanent Representative to the European Communities, for authorization not to apply Community treatment to woven fabrics of cotton other than gauze or terry towelling and similar terry fabrics, unbleached, falling within heading No ex 55.09 of the Common Customs Tariff, originating in the USSR and in free circulation in the other Member States;

Whereas in pursuance of the Council Decision of 2 December 1974 ⁽¹⁾, Italy has opened a one-year quota of 300 metric tons for imports of such woven fabrics of cotton from the USSR while in Belgium no quantitative restrictions are imposed on the importation of such products from that third country;

Whereas, according to information supplied by the Italian Government, there are severe economic difficulties in the weaving industry, evidenced by decreased orders, an increase in stocks and a considerable fall in production, resulting in unemployment in several factories;

Whereas indirect imports of the products concerned are likely to aggravate these difficulties;

Whereas the machinery for bringing about the necessary cooperation from the Kingdom of Belgium cannot be set in motion with sufficient speed;

Whereas in view of the above the application of protective measures should be authorized as provided in the first paragraph of Article 115 subject to the conditions laid down in the Commission Decision of 12 May 1971 ⁽²⁾, and in particular Article 1 thereof,

HAS ADOPTED THIS DECISION:

Article 1

The Italian Republic is authorized not to apply Community treatment to imports of woven fabrics of cotton other than gauze or terry towelling and similar terry fabrics, unbleached, falling within heading No ex 55.09 of the Common Customs Tariff, originating in the USSR and in free circulation in the other Member States, in respect of which applications for authorization to import were lodged after 5 February 1975.

Article 2

This Decision shall apply until 31 December 1975.

Article 3

This Decision is addressed to the Italian Republic.

Done at Brussels, 24 February 1975.

For the Commission

The President

François-Xavier ORTOLI

⁽¹⁾ OJ No L 358, 31. 12. 1974, p. 1.

⁽²⁾ OJ No L 121, 3. 6. 1971, p. 26.

COMMISSION DECISION

of 5 March 1975

authorizing the concentration between Compagnie Lorraine Industrielle et Financière
and Marine-Firminy

(Only the French text is authentic)

(75/448/ECSC)

THE COMMISSION OF THE EUROPEAN
COMMUNITIES,

Having obtained the views of the Government of
the French Republic;

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

Whereas:

I

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
constitutes control of an undertaking;

1. Compagnie Lorraine Industrielle et Financière
(CLIF), Paris, is a holding company with a share
capital of FF 355 950 000;

Having regard to the application made on
6 December 1974 by Compagnie Lorraine Industrielle
et Financière, confirmed in agreement with Marine-
Firminy and Schneider SA by letter dated 14
January 1975, for authorization to take control of
Marine-Firminy by means of a transfer of the assets
of Compagnie Lorraine Industrielle et Financière to
Marine-Firminy;

2. Marine-Firminy SA (Marine), Paris, is a holding
company with a share capital of FF 273 959 000;

3. CLIF and Marine have shareholdings of 26.9
and 12% respectively in Sacilor SA, a steel
undertaking with a share capital of FF 432 361 000
falling within Article 80. Sacilor has direct and
indirect shareholdings in the following undertakings:

Undertaking	Main activity	Share capital (million FF)	Shareholding (%)
Sollac SA	Steel	927.0	65.2
SOLMER SA	Steel	1.200.0	47.5
Société des Laminoirs de Villerupt	Steel	50.0	60.0
Daval SA	Steel stockholder	54.1	73.2
Valor SA	Steel stockholder	13.6	99.9
Le Fer Blanc SA	Steel stockholder	6.0	90.4
Le Matériel de Voie	Steel stockholder	2.0	75.0

4. Either alone or together with other parties, CLIF and Marine are in a position to exercise control within the meaning of Decision No 24/54 over the undertakings listed above. There is therefore a concentration within the meaning of Article 66 (1) between CLIF and these undertakings and between Marine and these undertakings, all the undertakings together forming a group (Sacilor group);

⁽¹⁾ OJ of the ECSC No 9, 11. 5. 1954, p. 345/54.

5. Schneider SA, Paris, is a holding company with a share capital of FF 275 384 900; Schneider and Marine share control on a fifty-fifty basis in the Marine-Schneider holding company, which has a share capital of FF 89 277 600 and has direct and indirect shareholdings in the following undertakings, many of which fall within Article 80:

Undertaking	Main activity	Share capital (million FF)	Shareholding (%)
Creusot-Loire (Marine-Schneider subsidiary)	Steel	294.7	51.5
Marrel Frères SA (Creusot-Loire subsidiary)	Steel	29.4	67.5
Decazeville (Creusot-Loire subsidiary)	Steel	9.0	49.9
Forges et Ateliers de Combeplaine (Creusot-Loire subsidiary)	Steel	4.0	95.0
Framatome (Creusot-Loire subsidiary)	Nuclear construction	12.0	51.0

6. Either alone or together with other parties, Schneider and Marine are in a position to exercise control over the undertakings listed above. There is therefore a concentration between Schneider and these undertakings and between Marine and these undertakings, all of which together form the Creusot-Loire group;

7. CLIF alone controls the following undertakings among others:

Undertaking	Main activity	Share capital (million FF)	Direct or indirect shareholding by CLIF (%)
Forges de Gueugnon SA	Steel	103.1	41.29
Ets JJ Carnaud et Forges de Basse-Indre SA	Steel	103.5	32.33
Ets Ziegler SA	Steel	24.0	51.0
Profilés et Tubes de l'Est SA	Steel processing	22.8	54.0
Constructions Métalliques FILLOD	Steel processing	7.5	70.7
Ets Nozal	Steel stockholder	28.8	62.0
Gros et Cie	Steel stockholder	10.0	68.6
Roland-Prosilor SA	Steel stockholder	10.0	96.7
Ugine-Gueugnon	Steel stockholder	20.0	50.0

8. There is therefore a concentration between CLIF and the undertakings listed above, while the control exercised by CLIF over these undertakings and, jointly with Marine, over the undertakings forming the Sacilor group means that all these undertakings together form a group under the influence of CLIF;

9. Either alone, or together with third parties, other than CLIF or Schneider, Marine controls the following undertakings among others:

Undertaking	Main activity	Share capital (million FF)	Direct or indirect shareholding (%)
AG der Dillinger Hüttenwerke	Steel	DM 157.5	25.3
Aciérie de Champagnole	Steel	10.5	64.43
SA des Aciéries et Forges de St-François	Steel	2.0	82.97
Société des Hauts Fourneaux d'Allevard SA	Steel	21.5	86.31
Ferembal	Steel processing	47.6	75.1
Tréfilunion	Steel processing	33.4	21.8
Aciéries de Micheville	Steel stockholder	9.1	14.62
Davum France	Steel stockholder	41.0	33.34

10. There is therefore a concentration between Marine and the undertakings listed above, and the control exercised by Marine over these undertakings, jointly with CLIF over the Sacilor undertakings and jointly with Schneider over the Creusot-Loire undertakings, means that all these undertakings together form a group under the influence of Marine;

11. Either alone or together with other parties, Schneider controls the following steel undertakings among others:

Undertaking	Main activity	Share capital (million FF)	Direct or indirect shareholding (%)
Arbed SA	Steel	Lfrs 6 500.0	13.8
Société Mét. de Normandie	Steel	90.0	38.54
Sté des Aciéries de Montereau SA	Steel	29.3	50.0

12. There is therefore a concentration between Schneider and the undertakings listed above, all the undertakings together forming the Schneider group;

II

13. Early in November 1973 Schneider acquired a 32% shareholding in Marine. Since Marine's shares were dispersed among a large number of small shareholders and in view of the low level of attendance at its general meetings, the acquisition of a 32% holding would have enabled Schneider to control Marine, and an application for authorization was made by Schneider on 16 November 1973;

14. On 26 March 1974, in order to protect itself from control exercisable by Schneider, Marine

requested the Commission to take interim measures of protection under Article 66 (5). By its decision of 5 April 1974, the Commission adopted interim measures to safeguard the interests and independence of the relevant undertakings until such time as it had taken a decision under Article 66 (2) on the concentration between Schneider and Marine. Since then Schneider has thereby been prevented from exercising control over Marine;

15. On 5 December 1974, Denain Nord-Est Longwy (DNEL) launched a public share-exchange takeover bid (hereinafter referred to as the 'bid') for Marine, offering one USINOR share plus FF 45 for each Marine share. Before launching its bid, DNEL applied to the Commission for authorization under Article 66;

16. On 6 December 1974 CLIF made an application for authorization to acquire shares in Marine on the stock exchange; CLIF has succeeded in acquiring a 19.4% shareholding in Marine;

17. On 10 December 1974 Schneider made an application, in the light of the new circumstances, for immediate revocation of the interim measures taken by the Commission on 5 April 1974, whereby it was prohibited from acquiring or disposing of shares in Marine. The reason given for the application was that Schneider feared that another group might acquire an important shareholding in Marine without Schneider being able to react to this situation because of the interim measures which, in the changed circumstances, Schneider considered to be unfair;

18. Having considered these various applications and the developments in the situation, with a view to excluding any sudden change in the power relationships between the various undertakings interested in controlling Marine before decisions were taken on the applications for authorization from the three undertakings, the Commission adopted two interim decisions, concerning DNEL and CLIF, on 21 December 1974. The main points of these decisions were that DNEL was required to suspend its bid and CLIF was required to refrain from any subsequent acquisition on the stock exchange before the Commission had taken a decision on the applications for authorization;

19. On 13 January 1975 Schneider and CLIF, which hold 32 and 19.4% respectively of the shares in Marine, i.e. 51.4% together, signed an agreement whereby CLIF was to transfer to Marine its shareholdings in the undertakings listed in paragraph 7 above. Provisional estimates suggested that the value of the shareholdings involved was broadly equal to Marine's present assets, which would thus be approximately doubled;

20. Following this transaction, CLIF's shareholding in Marine (hereinafter referred to as 'CLIF/Marine') is estimated by those concerned at about 60% while Schneider's holding would be reduced proportionately to about 15%. For a transitional period, until the transaction concerned had been completed, CLIF and Schneider would jointly control Marine;

21. By letter dated 14 January 1975 Schneider stated that it was willing to withdraw its application for authorization to acquire control of Marine provided that the CLIF transaction was approved by the Commission;

22. That transaction would give CLIF, with a 60% shareholding, the power to control the new CLIF/Marine holding company thus entailing a concentration between CLIF, Marine and the undertakings controlled by these two groups separately as listed in paragraphs 5, 7 and 9 above;

III

23. In order to assess the effects of the transaction on the steel market, the nature and volume of production by the relevant undertakings and their share in steel production and the steel products market must be considered;

24. In 1973 the undertakings in the Marine and CLIF groups produced the quantities of steel shown in the tables which follow. The Marine and CLIF columns show production by undertakings controlled separately by each of them. Production by undertakings already under joint control by Marine and CLIF (Sacilor group) are given in the 'Joint undertakings' column:

Total production of ordinary and special steels in 1973

(in 1 000 metric tons)

Product	Production 1973				
	Marine	CLIF	Sub-total	Joint under-takings	Grand total
Crude steel	2 914	42	2 956	8 889	11 845
Wide hot-rolled strip — total	—	—	—	135	3 135
Finished rolled products:					
— permanent way material	—	—	—	299	299
— broad-flanged beams	—	—	—	324	324
— other sections	—	—	—	560	560
— tube rounds	191	—	191	158	349
— wire rod	39	—	39	1 182	1 221
— merchant bars	448	—	448	1 298	1 746
— wide flats	—	—	—	114	114
— hoop and strip	22	—	22	65	87
— heavy and medium plate	1 015	7	1 022	265	1 287
— sheets	41	547	588	2 603	3 191
— coils (finished products)	—	—	—	63	63
End rolled products:					
— tinplate and other tinned sheets	—	270	270	585	855
— black plate	—	2	2	12	14
— coated sheets	—	259	259	65	324
— electrical sheets	41	79	120	—	120

Production of ordinary and special steels in 1973

Product	% of total production in France					% of total production in the Community (Nine)				
	Marine	CLIF	Sub-total	Joint under-takings	Grand total	Marine	CLIF	Sub-total	Joint under-takings	Grand total
Crude steel	11.5	0.2	11.7	35.2	46.9	1.9	0.0	1.9	5.9	7.8
Wide hot-rolled strip — total	—	—	—	41.9	41.9	—	—	—	7.0	7.0
Finished rolled products:										
— permanent way material	—	—	—	99.0	99.0	—	—	—	21.5	21.5
— broad-flanged beams	—	—	—	73.3	73.3	—	—	—	11.6	11.6
— other sections	—	—	—	52.4	52.4	—	—	—	8.9	8.9
— tube rounds	35.6	—	35.6	29.5	65.1	6.7	—	6.7	5.5	12.2
— wire rod	1.4	—	1.4	43.3	44.7	0.3	—	0.3	9.8	10.1
— merchant bars	11.6	—	11.6	33.7	45.3	1.9	—	1.9	5.4	7.3
— wide flats	—	—	—	84.4	84.4	—	—	—	14.0	14.0
— hoop and strip	1.4	—	1.4	4.2	5.6	0.3	—	0.3	0.7	1.0
— heavy and medium plate	55.0	0.4	55.4	14.4	69.8	6.9	0.1	7.0	1.8	8.8
— sheets	0.7	8.7	9.4	41.4	50.8	0.1	1.8	1.9	8.8	10.7
— coils (finished products)	—	—	—	14.6	14.6	—	—	—	0.8	0.8
End rolled products:										
— tinplate and other tinned sheets	—	30.8	30.8	66.7	97.5	—	6.6	6.6	14.3	20.9
— black plate	—	14.3	14.3	85.7	100.0	—	1.9	1.9	11.7	13.6
— coated sheets	—	26.6	26.6	6.7	33.3	—	5.2	5.2	1.3	6.5
— electrical sheets	18.0	34.6	52.6	—	52.6	3.5	6.7	10.2	—	10.2

25. Consideration of these tables shows that the bulk of production is carried out by the joint undertakings, while the rest of the production which is not under joint control consists largely of complementary lines;

26. As regards ordinary steels, the groups compete with each other only in sheets and electrical sheets. The CLIF group's production of *heavy and medium plates* is negligible (7 000 metric tons), accounting for only 0.1% of total Community production. With a grand total of 8.8%, the new CLIF-Marine group will be the fifth-largest Community producer of heavy and medium plate, coming behind four undertakings accounting for 16.8, 13.9, 12.2 and 9% respectively. The 10 largest producers together account for some 90 % of Community production, while the remaining 10 % is shared among 26 other producers;

27. As regards *crude steel* of all qualities, the new group, with 7.8% of Community production (1.9% for Marine, 0.8% for CLIF and 5.9% for the Sacilor group) will be the fifth-largest producer, coming behind four undertakings accounting for 15.9, 11, 8.4 and 8.3% respectively. The 10 largest Community

producers of crude steel account for some 77% of total production, the remaining 23% being shared among 113 other producers;

28. As regards *sheets*, the new group, with 10.7% of the market (0.1% for Marine, 1.8% for CLIF, 8.8% for the Sacilor group) will be the fourth-largest Community producer, coming behind three undertakings accounting for 17.4, 13.5 and 12.4% respectively. The 10 largest Community producers account for 88% of total production, the remaining 12% being shared among 24 other producers;

29. As regards *electrical sheets*, the new group, with 10.2% (3.5% for Marine, 6.7% for CLIF) will be the fourth-largest Community producer, coming behind three undertakings accounting for 27.5, 24 and 14.1% respectively, while the five others produce 9.2, 7.9, 3.3, 2.5 and 1.4% respectively. These nine producers account for the entire production of the Community;

30. *Special steels* production by the Marine and CLIF groups in 1973 is set out in the following tables:

(in 1 000 metric tons)

Product	Production in 1973				
	Marine	CLIF	Sub-total	Joint undertakings	Grand total
Special steels — total	1 089	3	1 092	109	1 201
Of which:					
— fine carbon steels	365	2	367	51	418
— alloy steels	724	1	725	58	783
Finished rolled special steel products	605	204	809	73	882
Of which:					
— tube rounds	57	—	57	31	88
— merchant bars	378	—	378	10	388
— wire rod	39	—	39	10	49
— hoop and strip	3	21	24	0	24
— heavy and medium plates	124	27	151	18	169
— sheets	1	156	157	4	161
— other	3	0	3	0	3

Special steels production in 1973

Product	% of production in France					% of production in the Community (Nine) (a)				
	Marine	CLIF	Sub-total	Joint under-takings	Grand total	Marine	CLIF	Sub-total	Joint under-takings	Grand total
Special steels — total	33.2	0.1	33.3	3.3	36.6	6.4	0.0	6.4	0.6	7.0
Of which:										
— fine carbon steels	35.1	0.2	35.3	4.9	40.2	7.1	0.0	7.1	1.0	8.1
— alloy steels	32.3	0.0	32.3	2.6	34.9	6.1	0.0	6.1	0.5	6.6
Finished rolled special steel products	29.8	10.1	39.9	3.6	43.5	8.2	2.7	10.9	1.0	11.9
Of which:										
— tube rounds	45.6	—	45.6	24.8	70.4	7.2	—	7.2	3.9	11.1
— merchant bars	41.3	—	41.3	1.1	42.4	12.7	—	12.7	0.3	13.0
— wire rod	19.9	—	19.9	5.1	25.0	2.3	—	2.3	0.6	2.9
— hoop and strip	2.7	18.6	21.3	0	21.3	0.7	5.0	5.7	0	5.7
— heavy and medium plates	28.5	6.2	34.7	4.1	38.8	15.7	3.4	19.1	2.3	21.4
— sheets	0.5	79.2	79.7	2.0	81.7	0.2	25.2	25.4	0.6	26.0
— other	6.6	0	6.6	0	6.6	2.5	0	2.5	0	2.5

(a) Estimates.

31. It is in respect of *special steels* that the complementary nature of the production of Marine and CLIF is most evident. CLIF's production here amounts to little more than 3 000 metric tons as against Marine's 1 089 000 metric tons. With 7% of the market (6.4% for Marine, 0.6% for the Sacilor group the new group will still be the fifth-largest Community producer, coming behind four undertakings accounting for 13.7, 12.3, 9 and 8.3% respectively. The 10 largest producers in the Community together account for 70% of production, the remaining 30% being shared among 60 other producers;

32. However, CLIF is in business as a reroller of special steel. It produces considerable quantities of sheets, heavy and medium plates and hoop and strip. Here too its production is complementary to that of Marine, except as regards *heavy and medium plates*. In this area the new group, with 21.4% (15.7% for Marine, 3.4% for CLIF, 2.3% for the Sacilor group), will be the second-largest Community producer, coming behind an undertaking accounting for 29%. The 10 largest producers in the Community together account for nearly 95% of production, the remaining 5% being shared among 21 other producers;

33. Examination of the above tables shows clearly the extent to which Marine and CLIF are complementary in their production. The undertakings in the CLIF group are hardly steelmakers but rather are rerollers, in particular of sheets, tinplate, coated sheets and electrical sheets, whereas the Marine group produces special steels in its Creusot-Loire works and heavy and medium plate in its Dillingen works. By pooling production in the various fields, the undertakings concerned propose to improve the balance of the Lorraine steel industry;

34. The transaction will involve no major changes as regards production of other steel products;

IV

35. In 1973 the Marine group's consumption of steel for conversion into non-EXCS products was 1 470 000 metric tons, of which 900 000 metric tons were special steels; and 112 000 metric tons were tinplate;

36. In the same year the CLIF group's similar consumption was 1 125 000 metric tons of steel, of which some 200 000 metric tons were special steels and 250 000 metric tons were tinplate;

37. The total steel internal consumption of the combined Marine and CLIF group will be approximately 2 600 000 metric tons, representing some 22%

of their combined production of 11 845 000 metric tons. Their combined consumption of special steels will be 1 100 000 metric tons, or 91% of their combined production of 1 200 000 metric tons. Their combined consumption of tinplate will be 362 000 metric tons or 42% of their combined production of 855 000 metric tons;

38. In the Community steel industry the proportion of production for internal consumption is often very high. As compared with other Community groups, the CLIF/Marine group will not have a particularly high degree of vertical integration;

39. The internal consumption rate of 91.5% of special steels is justified by the pre-existing situation. It is caused particularly by the fact that Creusot-Loire processes virtually all the special steel it produces in the manufacture of its various mechanical engineering products. Creusot-Loire even has to purchase special steels from outside the group in order to meet all its needs. Such purchases in 1973 amounted to 20 000 metric tons, of which 15 000 metric tons came from the CLIF group;

40. As regards tinplate, the internal consumption rate of 42.5% is made up of the internal consumption of Carnaud in the CLIF group and of Ferembal in the Marine group, both of which produce metal containers. It should be stressed that the Marine undertakings listed in paragraph 9 are not tinplate producers. Ferembal obtains 72% of its requirements from Sollac, which is already combined with CLIF and Marine;

41. The transaction will therefore bring about no major change in supply flows;

V

42. As regards distribution, the Commission Decision of 18 July 1974 authorized the reorganization of the sales networks of CLIF, Marine and Compagnie St Gobain Pont-à-Mousson (SGPM). The result was a concentration between all the undertakings and other bodies acting as distributors in the steel industry which market products of the CLIF, Marine and SGPM joint undertakings. The excep-

tions are Davum France and Aciéries de Micheville, and Marine has already applied to the Commission for authorization *inter alia* to transfer them to SGPM. The transaction will therefore bring about no new concentration in steel distribution;

VI

43. To ensure that effective competition is preserved in oligopolistic markets such as the steel market, the Commission must ensure that the independence of the main groups active in that market is safeguarded;

44. Consequently, it is important that none of these main groups apart from CLIF should have a shareholding in CLIF/Marine which would enable it to exercise an influence over the deliberations or decisions of the management organs in CLIF/Marine;

45. CLIF/Marine and Schneider will henceforth jointly control Creusot-Loire. It is appropriate to limit the links between these two groups to this particular joint control. Accordingly it is necessary to avoid the possibility of Schneider exercising an influence over the management of the future CLIF/Marine. In these circumstances Schneider ought to be obliged to reduce its participation in the capital of CLIF/Marine to the level of 10% maximum within a period of two years;

46. In addition it is appropriate that no personal links should be established between the groups at management level. Accordingly no member of a management organ in the CLIF/Marine group or in the Schneider group ought to exercise like functions in each other's undertakings, with the exception of the joint undertaking Compagnie Financière Creusot-Loire (new name of the former Marine-Schneider holding company). Similarly no member of a management organ in the CLIF/Marine group ought to exercise like functions in third party undertakings or holding companies engaged in the production or the distribution of steel products. Conversely, no member of a management organ of undertakings or holding companies of undertakings within the meaning of Article 80 ought to be invited to participate in the management of the CLIF/Marine group. It is also appropriate, however, to allow for the possibility that the Commission may authorize, in response to a reasoned request, exceptions to these prohibitions, if justified by special circumstances;

47. Because of its size, its position in the steel market, and the diversified structure of its production, significant new shareholdings by the CLIF/Marine group in undertakings engaged in the production, distribution or further processing of steel and consuming large quantities of steel could result in new restrictions of competition, in particular by enabling CLIF/Marine to establish an artificially privileged position involving a substantial advantage in access to supplies or markets. To enable the Commission to assess the effect of such shareholdings on competition, it is important that in future the acquisition of the shares in question should be subject to prior authorization, when they represent 10% or more of the share capital in the undertakings concerned and, in the case of undertakings not falling under Article 80, when their steel consumption exceeds 50 000 metric tons a year;

48. This Decision gives a positive response to CLIF's request for authorization. There is therefore no reason for maintaining the Commission decisions of 5 April and 21 December 1974 in force, and they should accordingly be repealed;

49. In view of the conditions imposed, the Commission finds that the transaction 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 market for steel products, or to evade the rules of competition instituted under the Treaty, in particular by establishing an artificially privileged position involving a substantial advantage in access to supplies or markets;

50. The present authorization is entirely without prejudice to any examination which the Commission may undertake under Article 86 of the EEC Treaty on the concentrations resulting from this transaction in sectors other than the steel industry;

51. The transaction accordingly satisfies the tests for authorization set out in Article 66 (2) and may be authorized,

HAS ADOPTED THIS DECISION:

Article 1

The acquisition by Compagnie Lorraine Industrielle et Financière of the majority of the share capital in

Marine-Firminy in the form which that company will take as a result of applying the agreement of 13 January 1975 is hereby authorized.

Article 2

The authorization is given under the following conditions:

1. Schneider shall dispose of its holding in excess of 10% in the share capital of CLIF/Marine before 31 December 1976;
2. no member of a management organ in the CLIF/Marine group or in the Schneider group shall exercise like functions in the undertakings of the other group; this condition does not apply to the joint control of Creusot-Loire;
3. no member of a management organ in the CLIF/Marine group shall exercise like functions in third party undertakings or holding companies engaged in the production or the distribution of steel products;
4. no member of a management organ of undertakings or holding companies or undertakings within the meaning of Article 80 shall be invited to participate in the management of the CLIF/Marine group;
5. the acquisition in future by the CLIF/Marine group of 10% or more of the share capital of any undertaking engaged in the production or the distribution of steel, or in the further processing of steel with an annual steel consumption ex-

ceeding 50 000 metric tons, shall be subject to prior authorization by the Commission.

Article 3

The Commission may authorize, on receipt of a reasoned request, exceptions to the application of Article 2 (1) to (4).

Article 4

The Commission Decision of 5 April 1974 on interim measures concerning Schneider SA and Marine-Firminy SA is hereby repealed.

Article 5

The Commission Decision of 21 December 1974 on interim measures concerning Compagnie Lorraine Industrielle et Financière is hereby repealed.

Article 6

This Decision is addressed to Compagnie Lorraine Industrielle et Financière, Marine-Firminy SA and Schneider SA, Paris.

Done at Brussels, 5 March 1975.

For the Commission

The President

François-Xavier ORTOLI

COMMISSION DECISION

of 5 March 1975

authorizing the United Kingdom not to apply Community treatment to woven fabrics of man-made fibres (discontinuous or waste), falling within heading No 56.07 of the Common Customs Tariff, originating in Taiwan and in free circulation in the other Member States

(Only the English text is authentic)

(75/449/EEC)

THE COMMISSION OF THE EUROPEAN
COMMUNITIES,

HAS ADOPTED THIS DECISION:

Having regard to the Treaty establishing the European Economic Community, and in particular the first paragraph of Article 115 thereof;

Having regard to the application under the first paragraph of Article 115 of the Treaty made on 27 February 1975 by the United Kingdom Government to the Commission by telex from the office of its Permanent Representative to the European Communities, for authorization not to apply Community treatment to woven fabrics of man-made fibres (discontinuous or waste), falling within heading No 56.07 of the Common Customs Tariff, originating in Taiwan and in free circulation in the other Member States;

Whereas differences in the measures of commercial policy taken in connection with these products by the United Kingdom and by the other Member States as regards Taiwan are giving rise to deflection of trade;

Whereas this deflection of trade is preventing the execution of measures of commercial policy taken by the United Kingdom as regards Taiwan;

Whereas it is not possible at the present time to set in motion the machinery for bringing about the necessary cooperation from the other Member States;

Whereas authorization should be given, for the deflection of trade in question for the application of protective measures, under the first paragraph of Article 115, subject to the conditions laid down by the Commission Decision of 12 May 1971 ⁽¹⁾, and in particular Article 1 thereof;

⁽¹⁾ OJ No L 121, 3. 6. 1971, p. 26.

Article 1

The United Kingdom is authorized not to apply Community treatment to imports of the following products, where they originate in Taiwan and are in free circulation Belgium, and in respect of which applications for import licences were lodged after 16 February 1975 and are, on the date of this Decision, pending with the United Kingdom authorities:

CCT heading No	Description
56.07	Woven fabrics of man-made fibres (discontinuous or waste): A. Of synthetic textile fibres: I. Gauze weighing not less than 80 g/m ² but not more than 120 g/m ² II. Other B. Of regenerated textile fibres

Article 2

This Decision is addressed to the United Kingdom.

Done at Brussels, 5 March 1975.

For the Commission

The President

François-Xavier ORTOLI

COMMISSION DECISION

of 6 March 1975

authorizing the French Republic not to apply Community treatment to natural honey, falling within heading No 04.06 of the Common Customs Tariff, originating in Cuba and Mexico and in free circulation in the other Member States

(Only the French text is authentic)

(75/450/EEC)

HAS ADOPTED THIS DECISION:

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Article 1

Having regard to the Treaty establishing the European Economic Community, and in particular the first paragraph of Article 115 thereof;

Having regard to the application under the first paragraph of Article 115 of the Treaty made on 25 February 1975 by the French Government to the Commission by telex from the office of its Permanent Representative to the European Communities, for authorization not to apply Community treatment to natural honey, falling within heading No 04.06 of the Common Customs Tariff, originating in Cuba and Mexico and in free circulation in the other Member States;

Whereas differences in the measures of commercial policy taken in connection with these products by France and by the other Member States as regards Cuba and Mexico are giving rise to deflection of trade;

Whereas this deflection of trade is preventing the execution of measures of commercial policy taken by France as regards Cuba and Mexico;

Whereas it is not possible at the present time to set in motion the machinery for bringing about the necessary cooperation from the other Member States;

Whereas authorization should be given, for a limited period, for the application of protective measures, under the first paragraph of Article 115, subject to the conditions laid down by the Commission Decision of 12 May 1971 ⁽¹⁾, and in particular Article 1 thereof,

The French Republic is authorized not to apply Community treatment to imports of the following products, where they originate in Cuba and Mexico and are in free circulation in the other Member States, and in respect of which applications for import licences were lodged after 18 February 1975:

CCT heading No	Description
04.06	Natural honey

Article 2

This Decision shall apply until the date of entry into force of an eventual common import Regulation for the products in question and, in any event, not later than 31 December 1975.

Article 3

This Decision is addressed to the French Republic.

Done at Brussels, 6 March 1975.

For the Commission

The President

François-Xavier ORTOLI

⁽¹⁾ OJ No L 121, 3. 6. 1971, p. 26.

COMMISSION DECISION

of 2 April 1975

authorizing the French Republic not to apply Community treatment to natural honey, falling within heading No 04.06 of the Common Customs Tariff, originating in Argentina and Guatemala and in free circulation in the other Member States

(Only the French text is authentic)

(75/451/EEC)

THE COUNCIL OF THE EUROPEAN
COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community, and in particular the first paragraph of Article 115 thereof;

Having regard to the application under the first paragraph of Article 115 of the Treaty made on 21 March 1975 by the French Government to the Commission by telex from the office of its Permanent Representative to the European Communities, for authorization not to apply Community treatment to natural honey, falling within heading No 04.06 of the Common Customs Tariff, originating in Argentina and Guatemala and in free circulation in the other Member States;

Whereas differences in the measures of commercial policy taken in connection with these products by France and by the other Member States as regards Argentina and Guatemala are giving rise to deflection of trade;

Whereas this deflection of trade is preventing the execution of measures of commercial policy taken by France as regards Argentina and Guatemala;

Whereas it is not possible at the present time to set in motion the machinery for bringing about the necessary cooperation from the other Member States;

Whereas authorization should be given, for a limited period, for the application of protective measures, under the first paragraph of Article 115, subject to the conditions laid down by the Commission Deci-

sion of 12 May 1971 ⁽¹⁾, and in particular Article 1 thereof,

HAS ADOPTED THIS DECISION:

Article 1

The French Republic is authorized not to apply Community treatment to imports of the following products, where they originate in Argentina and Guatemala and are in free circulation in the other Member States, and in respect of which applications for import licences were lodged after 13 March 1975:

CCT heading No	Description
04.06	Natural honey

Article 2

This Decision shall apply until the date of entry into force of an eventual common import Regulation for the product in question and, in any event, not later than 31 December 1975.

Article 3

This Decision is addressed to the French Republic.

Done at Brussels, 2 April 1975.

For the Commission

The President

François-Xavier ORTOLI

⁽¹⁾ OJ No L 121, 3. 6. 1971, p. 26.

COMMISSION DECISION

of 7 April 1975

authorizing the formation of a holding company in the commercial vehicle, bus and articulator tractor industry

(Only the German and Italian texts are authentic)

(75/452/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 constitutes control of an undertaking;

Having regard to the application submitted by Fiat on 12 September 1974;

Having obtained the views of the Italian and German Governments;

Whereas:

1. Fiat SpA (Fiat), Turin, is a steel-producing undertaking within the meaning of Article 80 of the Treaty with a share capital of Lit 150 000 million;

2. Klöckner-Humboldt-Deutz (KHD), Cologne, is a mechanical engineering undertaking, producing, among other things, commercial vehicles and buses, with a share capital of DM 182 million, 25% of which is held by the commercial company Klöckner and Co., Duisburg, which apart from its other activities is one of the largest steel stockholders in the Community;

3. By the agreement concluded on 10 July 1974, which is to enter into force as from 1 January 1975 if authorized by the Commission, Fiat and KHD propose to transfer to a holding company formed under Dutch law and known as Industrial Vehicle Corporation (IVECO) a given part of their assets relating to commercial vehicles and buses for on-highway and off-highway use;

4. Initially, 80 % of the share capital in IVECO will be subscribed by Fiat and 20% by KHD. Whenever the capital of IVECO is increased, Fiat and KHD

will both subscribe in such a way as to preserve the four-to-one ratio in favour of Fiat. The parties will be represented on the board of directors in proportion to their shareholdings;

5. As a result of its 80% shareholding in IVECO and of its majority position on the board of directors, Fiat will be in a position to exercise sole control over IVECO's activities. It can therefore be assumed that Fiat will control IVECO within the meaning of Decision No 24/54. The transaction will therefore entail a concentration within the meaning of Article 66 (1) between Fiat and the firms transferred by KHD to the IVECO group;

6. In 1973 Fiat produced 1 550 000 metric tons of finished rolled products. In manufacturing the vehicles involved in the transaction it used approximately 180 000 metric tons of steel, i.e. about 11.6% of its total output. It used nearly 90% of its output of rolled steel products in its own processing plants;

7. During the same period KHD's steel input for the manufacture of vehicles was 11 600 metric tons — approximately 0.7% of Fiat's total output of finished rolled products;

8. A consequence of the transaction at issue is that it will be possible for Fiat to supply finished rolled products which KHD has hitherto purchased from other producers. However, any resulting expansion of FIAT's internal outlets is likely to be negligible and would not bring about any significant change in Fiat's market position as a supplier of finished rolled products;

9. The proposed transaction then, will not give Fiat the power to determine prices, to control or restrict

⁽¹⁾ OJ of the ECSC No 9, 11. 5. 1954, p. 345/54.

production or distribution or to hinder effective competition in a substantial part of the market for finished rolled steel products, or to evade the rules of competition instituted under the Treaty, in particular by establishing an artificially privileged position involving a substantial advantage in access to supplies or markets;

10. The transaction consequently satisfies the tests for authorization under Article 66 (2) of the Treaty and may be authorized;

11. The effects of this concentration on the markets for commercial vehicles, buses and articulator tractors have been examined in the light of the competition rules of the EEC Treaty;

12. Any agreement or concerted practice between the parties going beyond the scope of the transaction here at issue will have to be notified to the Commis-

sion for appraisal in the light of Article 65 of the ECSC Treaty or Article 85 of the EEC Treaty,

HAS ADOPTED THIS DECISION:

Article 1

The formation of the holding company IVECO is hereby authorized.

Article 2

This Decision is addressed to Fiat Società per Azioni, Turin, and Klöckner-Humboldt-Deutz AG, Cologne.

Done at Brussels, 7 April 1975.

For the Commission

The President

François-Xavier ORTOLI

COMMISSION DECISION

of 16 April 1975

authorizing the French Republic not to apply Community treatment to knives with cutting blades, serrated or not (including pruning knives), except knives with handles in ivory or in gilded or silvered base metal, falling within heading No ex 82.09 of the Common Customs Tariff, originating in Japan and in free circulation in the other Member States

(Only the French text is authentic)

(75/453/EEC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community, and in particular the first paragraph of Article 115 thereof;

Having regard to the application under the first paragraph of Article 115 of the Treaty made on 11 April 1975 by the French Government to the Commission by telex from the office of its Permanent Representative to the European Communities, for authorization not to apply Community treatment to knives with cutting blades, serrated or not (including pruning knives), except knives with handles in ivory or in gilded or silvered base metal, falling within heading No ex 82.09 of the Common Customs Tariff, originating in Japan and in free circulation in the other Member States;

Whereas differences in the measures of commercial policy taken in connection with these products by France and by the other Member States as regards Japan are giving rise to deflection of trade;

Whereas this deflection of trade is preventing the execution of measures of commercial policy taken by France as regards Japan;

Whereas it is not possible at the present time to set in motion the machinery for bringing about the necessary cooperation from the other Member States;

Whereas authorization should be given, for a limited period, for the application of protective measures, under the first paragraph of Article 115, subject to the conditions laid down by the Commission Decision of 12 May 1971 ⁽¹⁾, and in particular in Article 1 thereof;

Whereas a uniform system of imports could be adopted for the products in question as part of a common commercial policy as regards Japan;

whereas the period of validity of these protective measures should expire upon the introduction of such a system,

HAS ADOPTED THIS DECISION:

Article 1

The French Republic is authorized not to apply Community treatment to imports of the following products, where they originate in Japan and are in free circulation in the other Member States, and in respect of which applications for import licences were lodged after 3 April 1975:

CCT heading No	Description
ex 82.09	Knives with cutting blades, serrated or not (including pruning knives), except knives with handles in ivory or in gilded or silvered base metal

Article 2

The period of validity of this Decision shall expire upon the introduction of a uniform system of imports as part of the common commercial policy as regards Japan and in any event not later than 31 December 1975.

Article 3

This Decision is addressed to the French Republic.

Done at Brussels, 16 April 1975.

For the Commission

The President

François-Xavier ORTOLI

⁽¹⁾ OJ No L 121, 3. 6. 1971, p. 26.

COMMISSION DECISION

of 17 April 1975

authorizing the Federal Republic of Germany not to apply Community treatment to preparations and preserves of beans in pod, falling within subheading 20.02 ex G of the Common Customs Tariff, originating in the People's Republic of China and in free circulation in the other Member States

(Only the German text is authentic)

(75/454/EEC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community, and in particular the first paragraph of Article 115 thereof;

Having regard to the application made on 9 April 1975 under the first paragraph of Article 115 of the Treaty by the Federal Government to the Commission by telex from the office of its Permanent Representative to the European Communities, in which it requested authorization not to apply Community treatment to preparations and preserves of beans in pod, falling within subheading 20.02 ex G of the Common Customs Tariff, originating in the People's Republic of China and in free circulation in the other Member States;

Whereas it emerges from this application that the Federal Republic of Germany does not at present permit importation of the products in question from the People's Republic of China, except for certain limited quantities in the context of quotas for trade fairs;

Whereas differences in the measures of commercial policy taken in connection with these products by Germany and by the other Member States as regards the People's Republic of China are giving rise to deflection of trade;

Whereas this deflection of trade is obstructing the execution of the said measures of commercial policy which Germany is at present applying in respect of the People's Republic of China;

Whereas it is not possible at the present time to set in motion the machinery for bringing about the necessary cooperation from the other Member States;

Whereas, in order to ensure that the execution of the said measures of commercial policy is not obstructed, authorization should be given, for a limited period, for the application of protective measures under the

first paragraph of Article 115, subject to the conditions laid down by the Commission Decision of 12 May 1971 ⁽¹⁾, and in particular Article 1 thereof;

Whereas a proposal is before the Council for a Regulation on the standardization of the import arrangements applied by each of the Member States *vis-à-vis* third countries for products processed from fruit and vegetables,

HAS ADOPTED THIS DECISION:

Article 1

The Federal Republic of Germany is authorized not to apply Community treatment to imports of the following products, where they originate in the People's Republic of China and are in free circulation in the other Member States, and in respect of which applications for import licences were lodged after 31 March 1975:

CCT heading No	Description
20.02 ex G	Vegetables prepared or preserved otherwise than by vinegar or acetic acid: — Beans in pod

Article 2

This Decision shall apply until new possibilities are created in the Federal Republic of Germany for importing the products in question from the People's Republic of China or until such time as a Council Regulation on the standardization of import arrange-

⁽¹⁾ OJ No L 121, 3. 6. 1971, p. 26.

ments for products processed from fruit and vegetables becomes operative or until 30 September 1975, whichever is the earlier.

Done at Brussels, 17 April 1975.

Article 3

This Decision is addressed to the Federal Republic of Germany.

For the Commission

The President

François-Xavier ORTOLI

COMMISSION DECISION

of 24 April 1975

authorizing the Italian Republic not to apply Community treatment to sewing machine heads and their parts, falling within subheadings 84.41 A ex I, ex II and ex III of the Common Customs Tariff, originating in Japan and in free circulation in the other Member States

(Only the Italian text is authentic)

(75/455/EEC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community, and in particular the first paragraph of Article 115 thereof;

Having regard to the application under the first paragraph of Article 115 of the Treaty made on 21 April 1975 by the Italian Government to the Commission by telex from the office of its Permanent Representative to the European Communities, for authorization not to apply Community treatment to sewing machine heads and their parts, falling within subheadings 84.41 A ex I, ex II and ex III of the Common Customs Tariff, originating in Japan and in free circulation in the other Member States;

Whereas differences in the measures of commercial policy taken in connection with these products by Italy and by the other Member States as regards Japan are giving rise to deflection of trade;

Whereas this deflection of trade is preventing the execution of measures of commercial policy taken by Italy as regards Japan;

Whereas it is not possible at the present time to set in motion the machinery for bringing about the necessary cooperation from the other Member States;

Whereas authorization should be given, for a limited period, for the application of protective measures under the first paragraph of Article 115, subject to the conditions laid down by the Commission Decision of 12 May 1971 ⁽¹⁾, and in particular in Article 1 thereof;

Whereas a uniform system of imports could be adopted for the products in question as part of a

common commercial policy as regards Japan; whereas the period of validity of these protective measures should expire upon the introduction of such a system,

HAS ADOPTED THIS DECISION:

Article 1

The Italian Republic is authorized not to apply Community treatment to imports of the following products, where they originate in Japan and are in free circulation in the other Member States, and in respect of which applications for import licences were lodged after 14 April 1975:

CCT heading No	Description
84.41 A ex I ex II ex III	Sewing machine heads and their parts

Article 2

The period of validity of this Decision shall expire upon the introduction of a uniform system of imports as part of the common commercial policy as regards Japan and in any event not later than 30 September 1975.

Article 3

This Decision is addressed to the Italian Republic.

Done at Brussels, 24 April 1975.

For the Commission

The President

François-Xavier ORTOLI

⁽¹⁾ OJ No L 121, 3. 6. 1971, p. 26.