

Official Journal

of the European Communities

Volume 18 No L 238

10 September 1975

English Edition

Legislation

Contents

I *Acts whose publication is obligatory*

Regulation (EEC) No 2304/75 of the Commission of 9 September 1975 fixing the import levies on cereals and on wheat or rye flour groats and meal 1

Regulation (EEC) No 2305/75 of the Commission of 9 September 1975 fixing the premiums to be added to the import levies on cereals, flour and malt 3

Regulation (EEC) No 2306/75 of the Commission of 9 September 1975 fixing the average producer prices for wine 5

★ Regulation (EEC) No 2307/75 of the Commission of 9 September 1975 re-establishing the levying of customs duties on embroidery, in the piece, in strips or in motifs, falling within heading No 58.10, originating in South Korea, to which the preferential tariff arrangements set out in Council Regulation (EEC) No 3046/74 of 2 December 1974 apply 7

★ Regulation (EEC) No 2308/75 of the Commission of 9 September 1975 re-establishing the levying of customs duties on outer garments, clothing accessories and other articles, knitted or crocheted, not elastic or rubberized, of cotton, falling within subheadings 60.05 A ex II and ex B, originating in South Korea, to which the preferential tariff arrangements set out in Council Regulation (EEC) No 3046/74 of 2 December 1974 apply 8

★ Regulation (EEC) No 2309/75 of the Commission of 9 September 1975 re-establishing the levying of customs duties on women's, girls' and infants' under garments, other than of cotton, falling within heading No ex 61.04, originating in South Korea, to which the preferential tariff arrangements set out in Council Regulation (EEC) No 3048/74 of 2 December 1974 apply 10

Regulation (EEC) No 2310/75 of the Commission of 9 September 1975 amending the amounts applicable as compensatory amounts for cereals and rice 11

Contents (continued)

Regulation (EEC) No 2311/75 of the Commission of 9 September 1975 altering the import levies on products processed from cereals and rice	15
--	----

II *Acts whose publication is not obligatory*

Commission

75/543/ECSC :

★ Commission Decision of 10 July 1975 authorizing the French Republic to grant additional aids to coal mining undertakings in 1973 and authorizing the French Republic to grant aids to coal mining undertakings in 1974	17
--	----

75/544/ECSC :

★ Commission Decision of 10 July 1975 authorizing the United Kingdom to grant additional aids to coal mining undertakings in respect of the 1973/74 coal year and authorizing the United Kingdom to grant aids to coal mining undertakings in respect of the 1974/75 coal year	21
--	----

75/545/ECSC :

★ Commission Decision of 10 July 1975 authorizing the Kingdom of Belgium to grant aids to coal mining undertakings in 1974	25
--	----

75/546/ECSC :

★ Commission Decision of 10 July 1975 authorizing the Federal Republic of Germany to grant aids to coal mining undertakings in 1974	27
---	----

75/547/ECSC :

★ Commission Decision of 10 July 1975 authorizing the Kingdom of the Netherlands to grant aids to coal mining undertakings in respect of the calendar year 1974	31
---	----

I

(Acts whose publication is obligatory)

REGULATION (EEC) No 2304/75 OF THE COMMISSION**of 9 September 1975****fixing the import levies on cereals and on wheat or rye flour groats and meal**

THE COMMISSION OF THE EUROPEAN
COMMUNITIES,

Having regard to the Treaty establishing the European
Economic Community;

Having regard to Council Regulation No 120/
67/EEC⁽¹⁾ of 13 June 1967 on the common organiza-
tion of the market in cereals, as last amended by Regu-
lation (EEC) No 665/75⁽²⁾, and in particular Article
13 (5) thereof;

Whereas the import levies on cereals, wheat and rye
flour, and wheat groats and meal were fixed by Regula-
tion (EEC) No 1976/75⁽³⁾ and subsequent amending
Regulations;

Whereas it follows from applying the provisions
contained in Regulation (EEC) No 1976/75 to the

offer prices and today's quotations known to the
Commission that the levies at present in force should
be altered as shown in the Annex to this Regulation,

HAS ADOPTED THIS REGULATION:

Article 1

The import levies to be charged on the products listed
in Article 1 (a), (b) and (c) of Regulation No 120/
67/EEC are hereby fixed as shown in the table
annexed to this Regulation.

Article 2

This Regulation shall enter into force on 10
September 1975.

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

Done at Brussels, 9 September 1975.

For the Commission

P. J. LARDINOIS

Member of the Commission

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

⁽²⁾ OJ No L 72, 20. 3. 1975, p. 14.

⁽³⁾ OJ No L 202, 1. 8. 1975, p. 1.

ANNEX

to the Commission Regulation of 9 September 1975 fixing the import levies on cereals and on wheat or rye flour groats and meal

(u.a./metric ton)

CCT heading No	Description of goods	Levies
10.01 A	Common wheat and meslin	20.04
10.01 B	Durum wheat	0 ^{(1) (5)}
10.02	Rye	23.48 ⁽⁶⁾
10.03	Barley	0.82
10.04	Oats	10.68
10.05 B	Maize other than hybrid maize for sowing	18.03 ^{(2) (3)}
10.07 A	Buckwheat	0
10.07 B	Millet	4.10 ⁽⁴⁾
10.07 C	Grain sorghum	23.84 ⁽⁴⁾
10.07 D	Canary seed; other cereals	0 ⁽⁵⁾
11.01 A	Wheat or meslin flour	46.94
11.01 B	Rye flour	51.77
11.02 A I a	Durum wheat groats and meal	16.60
11.02 A I b	Common wheat groats and meal	50.53

(¹) Where durum wheat originating in Morocco is transported directly from that country to the Community, the levy is reduced by 0.50 u.a./metric ton.

(²) Where maize originated in the ACP or OCT is imported into the French overseas departments, the levy is reduced by 6 u.a./metric ton as provided for in Regulation (EEC) No 1599/75.

(³) Where maize originating in the ACP or OCT is imported into the Community the levy is reduced by 1.50 u.a./metric ton subject to the application of the provisions of Article 22 of Regulation (EEC) No 1599/75.

(⁴) Where millet and sorghum originating in the ACP or OCT is imported into the Community the levy is reduced by 50 % subject to the application of the provisions of Article 22 of Regulation (EEC) No 1599/75.

(⁵) Where wheat and canary seed produced in Turkey are transported directly from that country to the Community, the levy is reduced by 0.50 u.a./metric ton.

(⁶) The import levy charged on rye produced in Turkey and transported directly from that country to the Community is laid down in Council Regulation (EEC) No 1234/71 and Commission Regulation (EEC) No 2622/71.

REGULATION (EEC) No 2305/75 OF THE COMMISSION**of 9 September 1975****fixing the premiums to be added to the import levies on cereals, flour and malt**

THE COMMISSION OF THE EUROPEAN
COMMUNITIES,

Having regard to the Treaty establishing the European
Economic Community ;

Having regard to Council Regulation No 120/
67/EEC ⁽¹⁾ of 13 June 1967 on the common organiza-
tion of the market in cereals, as last amended by Regu-
lation (EEC) No 665/75 ⁽²⁾, and in particular Article
15 (6) thereof ;

Whereas the premiums to be added to the levies on
cereals and malt were fixed by Regulation (EEC) No
1977/75 ⁽³⁾ and subsequent amending Regulations ;

Whereas, on the basis of today's cif prices and cif
forward delivery prices, the premiums at present in
force, which are to be added to the levies, should be

altered as shown in the tables annexed to this Regula-
tion,

HAS ADOPTED THIS REGULATION :

Article 1

The scale of the premiums to be added, pursuant to
Article 15 of Regulation No 120/67/EEC, to the
import levies fixed in advance in respect of cereals
and malt is hereby fixed as shown in the tables
annexed to this Regulation.

Article 2

This Regulation shall enter into force on 10
September 1975.

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

Done at Brussels, 9 September 1975.

For the Commission

P. J. LARDINOIS

Member of the Commission

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

⁽²⁾ OJ No L 72, 20. 3. 1975, p. 14.

⁽³⁾ OJ No L 202, 1. 8. 1975, p. 4.

ANNEX

to the Commission Regulation of 9 September 1975 fixing the premiums to be added to the import levies on cereals, flour and malt

A. Cereals and flour ⁽¹⁾

(u.a. / metric ton)

CCT heading No	Description of goods	Current 9	1st period 10	2nd period 11	3rd period 12
10.01 A	Common wheat and meslin	0	0	0	0
10.01 B	Durum wheat	0	0	0	0
10.02	Rye	0	0	0	0
10.03	Barley	0	0	0	0
10.04	Oats	0	0	0	0
10.05 B	Maize other than hybrid maize for sowing	0	0	0	0
10.07 A	Buckwheat	0	0	0	0
10.07 B	Millet	0	0	0	0
10.07 C	Grain sorghum	0	0	0	0
10.07 D	Other	0	0	0	0
11.01 A	Wheat or meslin flour	0	0	0	0

⁽¹⁾ The period of validity of the licence is limited in accordance with Regulation (EEC) No 2196/71 (OJ No L 231, 14. 10. 1971, p. 28), as last amended by Regulation (EEC) No 3148/73 (OJ No L 321, 22. 11. 1973, p. 13).

B. Malt

(u.a. / metric ton)

CCT heading No	Description of goods	Current 9	1st period 10	2nd period 11	3rd period 12	4th period 1
11.07 A I (a)	Unroasted malt, obtained from wheat, in the form of flour	0	0	0	0	0
11.07 A I (b)	Unroasted malt, obtained from wheat, other than in the form of flour	0	0	0	0	0
11.07 A II (a)	Unroasted malt, other than that obtained from wheat, in the form of flour	0	0	0	0	0
11.07 A II (b)	Unroasted malt, other than that obtained from wheat, other than in the form of flour	0	0	0	0	0
11.07 B	Roasted malt	0	0	0	0	0

REGULATION (EEC) No 2306/75 OF THE COMMISSION
of 9 September 1975
fixing the average producer prices for wine

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community;

Having regard to Council Regulation (EEC) No 816/70⁽¹⁾ of 28 April 1970 laying down additional provisions for the common organization of the market in wine as last amended by Regulation (EEC) No 1932/75⁽²⁾, and in particular Article 4 (1) thereof;

Whereas Article 4 of Regulation (EEC) No 816/70 provides that an average producer price must be fixed for each type of wine for which a guide price is fixed; whereas this average price must be fixed for each marketing centre for the type of wine in question on the basis of all the facts available;

Whereas the marketing centres for table wines are determined in Commission Regulation (EEC) No 1020/70⁽³⁾ of 29 May 1970 on recording quotations and fixing average prices for table wines, as last amended by Regulation (EEC) No 528/74⁽⁴⁾;

Whereas Article 10 of Regulation (EEC) No 1020/70 provides that the average price must be fixed on the basis of the average of the quotations notified, particular account being taken of the extent to which these quotations are representative, the comments of the Member States, and the alcoholic strength and quality of table wines which have been the subject of transactions;

Whereas arrangements for the notification by the Member States of quotations and information related thereto are specified in Regulation (EEC) No 1020/70; whereas, where this information is not available for any marketing centre, the average price for the preceding week must be maintained;

Whereas the average price for the type of wine in question must be fixed per degree/hl or per hl as appropriate; whereas, if the Tuesday is a public holiday, the average price must be fixed on the following working day;

Whereas it follows from applying these rules to the information at present available to the Commission that the average price should be fixed as shown in the Annex to this Regulation,

HAS ADOPTED THIS REGULATION:

Article 1

The average prices referred to in Article 4 (1) of Regulation (EEC) No 816/70 are hereby fixed as shown in the Annex to this Regulation.

Article 2

This Regulation shall enter into force on 10 September 1975.

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

Done at Brussels, 9 September 1975.

†

For the Commission

P. J. LARDINOIS

Member of the Commission

⁽¹⁾ OJ No L 99, 5. 5. 1970, p. 1.

⁽²⁾ OJ No L 198, 29. 7. 1975, p. 19.

⁽³⁾ OJ No L 118, 1. 6. 1970, p. 16.

⁽⁴⁾ OJ No L 64, 6. 3. 1974, p. 8.

ANNEX

Average prices for table wines at the various marketing centres

Type	u.a. per degree/hl	Type	u.a. per degree/hl
R I		A I	
Béziers	1.649	Bordeaux	1.635
Montpellier	1.629	Nantes	1.457
Narbonne	1.626	Bari	No quotation
Nîmes	1.622	Cagliari	No quotation
Perpignan	1.646	Chieti	1.020
Asti	1.715	Ravenna (Lugo, Faenza)	1.345
Firenze	No quotation	Trapani (Alcamo)	1.273
Lecce	No quotation	Treviso	1.471
Pescara	1.255		
Reggio Emilia	1.501		
Treviso	1.471		
Verona (for local wines)	1.471		
			u.a./hl
		A II	
		Rheinfalz (Oberhaardt)	21.86
		Rheinhessen (Hügelland)	21.86
R II		The wine-growing region of the Luxembourg Moselle	No quotation ⁽¹⁾
Bari	No quotation		
Barletta	No quotation		
Cagliari	1.621		
Lecce	No quotation		
Taranto	No quotation		
		A III	
		Mosel-Rheingau	30.34
R III	u.a./hl	The wine-growing region of the Luxembourg Moselle	No quotation ⁽¹⁾
Rheinfalz-Rheinhessen (Hügelland)	19.95		

⁽¹⁾ Quotation not taken into account in accordance with Article 10 (1) of Regulation (EEC) No 1020/70.

REGULATION (EEC) No 2307/75 OF THE COMMISSION
of 9 September 1975

re-establishing the levying of customs duties on embroidery, in the piece, in strips or in motifs, falling within heading No 58.10, originating in South Korea, to which the preferential tariff arrangements set out in Council Regulation (EEC) No 3046/74 of 2 December 1974 apply

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community;

Having regard to Council Regulation (EEC) No 3046/74⁽¹⁾ of 2 December 1974 establishing preferential tariffs in respect of certain cotton textile and like products originating in developing countries, and in particular Article 4(2) thereof;

Whereas Article 1(3) and (4) of that Regulation provides that customs duties may, for each category of product, be suspended up to a Community ceiling equal to 157.5 % of the sum arrived at by adding together the value of the products in question, in metric tons, imported into the Community in 1968 and coming from countries listed in Annex B to that Regulation, but not including products coming from countries already covered by various preferential tariff arrangements established by the Community, and 5 % of the 1970 metric tonnage of such imports coming from other countries and from countries already covered by such arrangements; whereas, having regard to that ceiling, the amounts for products originating in any one of the countries listed in Annex B to that Regulation should be within a maximum Community amount representing 50 % of that ceiling, with the exception of certain products for which the maximum amount is to be reduced to the percentage indicated in Annex A to that Regulation; Whereas Article 2(2) of that Regulation provides that the levying of customs duties may be re-established at any time in respect of imports of the products in question originating in any of the said countries once the relevant Community maximum amount has been reached;

Whereas, in respect of embroidery, in the piece, in strip or in motifs the ceiling, calculated as indicated

above, should be 120 metric tons, and therefore the maximum amount 60 metric tons; whereas on 4 September 1975 the amounts of imports into the Community of embroidery, in the piece, in strips or in motifs, originating in South Korea, a country covered by preferential tariff arrangements, reached that maximum amount; whereas, bearing in mind the objectives of Regulation (EEC) No 3046/74 which provides that maximum amounts should not be exceeded, customs duties should be re-established in respect of the products in question in relation to South Korea,

HAS ADOPTED THIS REGULATION:

Article 1

As from 13 September 1975, the levying of customs duties, suspended in pursuance of Council Regulation (EEC) No 3046/74 of 2 December 1974, shall be re-established in respect of the following products, imported into the Community and originating in South Korea:

CCT heading No	Description of goods
58.10	Embroidery, in the piece, in strips or in motifs

Article 2

This Regulation shall enter into force on the third day following its publication in the *Official Journal of the European Communities*.

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

Done at Brussels, 9 September 1975.

For the Commission

F. O. GUNDELACH

Member of the Commission

⁽¹⁾ OJ No L 329, 9. 12. 1974, p. 9.

REGULATION (EEC) No 2308/75 OF THE COMMISSION
of 9 September 1975

re-establishing the levying of customs duties on outer garments, clothing accessories and other articles, knitted or crocheted, not elastic or rubberized, of cotton, falling within subheadings 60.05 A ex II and ex B, originating in South Korea, to which the preferential tariff arrangements set out in Council Regulation (EEC) No 3046/74 of 2 December 1974 apply

THE COMMISSION OF THE EUROPEAN
COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community;

Having regard to Council Regulation (EEC) No 3046/74⁽¹⁾ of 2 December 1974 establishing preferential tariffs in respect of certain cotton textile and like products originating in developing countries, and in particular Article 4(2) thereof;

Whereas Article 1(3) and (4) of that Regulation provides that customs duties may, for each category of products, be suspended up to a Community ceiling equal to 157.5 % of the sum arrived at by adding together the value of the products in question, in metric tons, imported into the Community in 1968 and coming from countries listed in Annex B to that Regulation, but not including products coming from countries already covered by various preferential tariff arrangements established by the Community, and 5 % of the 1970 metric tonnage of such imports coming from other countries and from countries already covered by such arrangements; whereas, having regard to that ceiling, the amounts for products originating in any one of the countries listed in Annex B to that Regulation should be within a maximum Community amount representing 50 % of that ceiling, with the exception of certain products for which the maximum amount is to be reduced to the percentage indicated in Annex A to that Regulation;

Whereas, for those products, this reduced percentage will be 30 %;

Whereas Article 2(2) of that Regulation provides that the levying of customs duties may be re-established at any time in respect of imports of the products in question originating in any of the said countries once the relevant Community maximum amount has been reached;

Whereas, in respect of outer garments, clothing accessories and other articles, knitted or crocheted, not elastic or rubberized, of cotton, falling within subheadings 60.05 A ex II and ex B, the ceiling, calculated as

indicated above, should be 158 metric tons, and therefore the maximum amount 47 400 metric tons; whereas on 4 September 1975 the amounts of imports into the Community of outer garments, clothing accessories and other articles, knitted or crocheted, not elastic or rubberized, of cotton, falling within subheadings 60.05 A ex II and ex B, originating in South Korea, a country covered by preferential tariff arrangements, reached that maximum amount; whereas, bearing in mind the objectives of Regulation (EEC) No 3046/74 which provides that maximum amounts should not be exceeded, customs duties should be re-established in respect of the products in question in relation to South Korea,

HAS ADOPTED THIS REGULATION:

Article 1

As from 13 September 1975, the levying of customs duties, suspended in pursuance of Council Regulation (EEC) No 3046/74 of 2 December 1974, shall be re-established in respect of the following products, imported into the Community and originating in South Korea:

CCT heading No	Description of goods
60.05	Outer garments and other articles, knitted or crocheted, not elastic or rubberized: A. Outer garments and clothing accessories: ex II. Other, of cotton ex B. Other, of cotton

Article 2

This Regulation shall enter into force on the third day following its publication in the *Official Journal of the European Communities*.

⁽¹⁾ OJ No L 329, 9. 12. 1974, p. 9.

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

Done at Brussels, 9 September 1975.

For the Commission

F. O. GUNDELACH

Member of the Commission

REGULATION (EEC) No 2309/75 OF THE COMMISSION
of 9 September 1975

re-establishing the levying of customs duties on women's, girls' and infants' under garments, other than of cotton, falling within heading No ex 61.04, originating in South Korea, to which the preferential tariff arrangements set out in Council Regulation (EEC) No 3048/74 of 2 December 1974 apply

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community;

Having regard to Council Regulation (EEC) No 3048/74⁽¹⁾ of 2 December 1974 establishing preferential tariffs in respect of certain textile products originating in developing countries, and in particular Article 4(2) thereof;

Whereas Article 1(3) and (4) of that Regulation provides that customs duties may, for each category of products, be suspended up to a Community ceiling equal to 157.5 % of the sum arrived at by adding together the value of the products in question, in metric tons, imported into the Community in 1968 and coming from countries listed in Annex B to that Regulation, but not including products coming from countries already covered by various preferential tariff arrangements established by the Community, and 5 % of the 1970 metric tonnage of such imports coming from other countries and from countries already covered by such arrangements; whereas, having regard to that ceiling, the amounts for products originating in any one of the countries listed in Annex B to that Regulation should be within a maximum Community amount representing 50 % of that ceiling, with the exception of certain products for which the maximum amount is to be reduced to the percentage indicated in Annex A to that Regulation;

Whereas Article 2(2) of that Regulation provides that the levying of customs duties may be re-established at any time in respect of imports of the products in question originating in any of the said countries once the relevant Community maximum amount has been reached;

Whereas, in respect of women's, girls' and infants' under garments, other than of cotton, the ceiling,

calculated as indicated above, should be 111 metric tons, and therefore the maximum amount 55 500 metric tons, whereas on 5 September 1975 the amounts of imports into the Community of women's, girls' and infants' under garments, other than of cotton, originating in South Korea, a country covered by preferential tariff arrangements, reached that maximum amount; whereas, bearing in mind the objectives of Regulation (EEC) No 3048/74 which provides that maximum amounts should not be exceeded, customs duties should be re-established in respect of the products in question in relation to South Korea,

HAS ADOPTED THIS REGULATION:

Article 1

As from 13 September 1975, the levying of customs duties, suspended in pursuance of Council Regulation (EEC) No 3048/74 of 2 December 1974, shall be re-established in respect of the following products, imported into the Community and originating in South Korea:

CCT heading No	Description of goods
ex 61.04	Women's, girls' and infants' under garments, other than of cotton

Article 2

This Regulation shall enter into force on the third day following its publication in the *Official Journal of the European Communities*.

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

Done at Brussels, 9 September 1975.

For the Commission

F. O. GUNDELACH

Member of the Commission

⁽¹⁾ OJ No L 329, 9. 12. 1974, p. 24.

REGULATION (EEC) No 2310/75 OF THE COMMISSION
of 9 September 1975

amending the amounts applicable as compensatory amounts for cereals and rice

THE COMMISSION OF THE EUROPEAN
COMMUNITIES,

Having regard to the Treaty establishing the European
Economic Community;

Having regard to the Treaty of Accession ⁽¹⁾;

Having regard to Council Regulation (EEC) No
229/73 ⁽²⁾ of 31 January 1973 laying down general
rules for a system of compensatory amounts for
cereals and fixing these amounts for certain products,
as last amended by Regulation (EEC) No 1602/75 ⁽³⁾,
and in particular Article 7 thereof;

Having regard to Council Regulation (EEC) No
243/73 ⁽⁴⁾ of 31 January 1973 laying down general
rules for a system of compensatory amounts for rice
and fixing these amounts for certain products, as
amended by Regulation (EEC) No 1999/74 ⁽⁵⁾, and in
particular Article 5 thereof;

Whereas compensatory amounts for cereals and rice
have been fixed pursuant to Regulation (EEC) No

2235/75 ⁽⁶⁾, as last amended by Regulation (EEC) No
2303/75 ⁽⁷⁾;

Whereas the application of the rules referred to in
Regulation (EEC) No 2235/75 requires that the
amounts at present in force should be amended as
shown in the Annex to this Regulation,

HAS ADOPTED THIS REGULATION:

Article 1

The amounts applicable as compensatory amounts
shown in the Annex to amended Regulation (EEC)
No 2235/75 are amended as shown in the Annex to
this Regulation.

Article 2

This Regulation shall enter into force on 10
September 1975.

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

Done at Brussels, 9 September 1975.

For the Commission

P. J. LARDINOIS

Member of the Commission

⁽¹⁾ OJ No L 73, 27. 3. 1972, p. 5.
⁽²⁾ OJ No L 27, 1. 2. 1973, p. 25.
⁽³⁾ OJ No L 164, 27. 6. 1975, p. 2.
⁽⁴⁾ OJ No L 29, 1. 2. 1973, p. 26.
⁽⁵⁾ OJ No L 209, 31. 7. 1974, p. 5.

⁽⁶⁾ OJ No L 229, 30. 8. 1975, p. 17.
⁽⁷⁾ OJ No L 237, 9. 9. 1975, p. 15.

ANNEXE A — BILAG A — ANHANG A — ALLEGATO A — BIJLAGE A — ANNEX A

Montants applicables au titre des montants compensatoires pour les céréales

Beløb, der skal anvendes som udligningsbeløb for korn

Für Getreide als Ausgleichsbeträge anzuwendende Beträge

Importi applicabili a titolo di importi di compensazione per i cereali

Als compenserende bedragen toe te passen bedragen voor granen

Amounts applicable as compensatory amounts for cereals

(RE/UC/u.a./1 000 kg)

N° du tarif douanier commun Position i den fælles toldtarif Nr. des Gemeinsamen Zolldarfs N. della tariffa doganale comune Nr. van het gemeenschappelijk douanetarief CCT heading No	DK	IRL	UK
10.01 A ⁽¹⁾	6.00	4.50	22.00

(¹) Le montant applicable pour le froment tendre ayant été rendu impropre à la consommation humaine par la dénaturation visée à l'article 7 du règlement n° 120/67/CEE est celui applicable pour l'orge.

(¹) Der Betrag für Weichweizen, der durch Denaturierung im Sinne des Artikels 7 der Verordnung Nr. 120/67/EWG für die menschliche Ernährung ungeeignet gemacht wurde, ist der für Gerste anwendbare Ausgleichsbetrag.

(¹) L'importo applicabile al frumento tenero reso inadatto al consumo umano in seguito alla denaturazione di cui all'articolo 7 del regolamento n. 120/67/CEE è quello applicabile all'orzo.

(¹) Voor zachte tarwe die voor menselijke consumptie ongeschikt is gemaakt door de denaturering als bedoeld in artikel 7 van Verordening nr. 120/67/EEG is het bedrag voor gerst van toepassing.

(¹) The amount for common wheat rendered unfit for human consumption by denaturing as specified in Article 7 of Regulation No 120/67/EEC shall be that applicable to barley.

(¹) Beløbet for blød hvede, der efter bestemmelserne i artikel 7 i forordning nr. 120/67/EØF ved denaturering er blevet gjort uegnet til menneskeføde, er det, der anvendes for byg.

ANNEXE C — BILAG C — ANHANG C — ALLEGATO C — BIJLAGE C — ANNEX C

Montants applicables au titre des montants compensatoires pour les produits transformés à base de céréales et de riz

Beløb, der skal anvendes som udligningsbeløb for produkter, der er forarbejdet på basis af korn og ris

Für Getreide- und Reisverarbeitungserzeugnisse als Ausgleichsbeträge anzuwendende Beträge

Importi applicabili a titolo di importi di compensazione per i prodotti trasformati dei cereali e del riso

Als compenserende bedragen toe te passen bedragen voor op basis van granen en rijst verwerkte produkten

Amounts applicable as compensatory amounts for products processed from cereals or rice

(RE/UC/u.a./1 000 kg)

N° du tarif douanier commun Position i den fælles toldtarif Nr. des Gemeinsamen Zolltarifs N. della tariffa doganale comune Nr. van het gemeenschappelijk douanetarief CCT heading No	DK	IRL	UK
11.01 A ⁽¹⁾	8,07	5.57	30.00
11.02 A I b) ⁽¹⁾	8,72	6.02	30.00
11.02 B II a) ⁽¹⁾	7,98	5.99	29.26
11.02 C I ⁽¹⁾	8,40	6.30	30.80
11.02 D I ⁽¹⁾	6,12	4.59	22.44
11.02 E II a) ⁽¹⁾	8,40	6.30	30.80
11.02 F I ⁽¹⁾	6,12	4.59	22.44
11.02 G I	1,50	1.13	5.50
11.07 A I a)	10,68	8.01	39.16
11.07 A I b)	7,98	5.99	29.26
11.08 A III	—	—	12.54
11.09 A	—	—	22.80
11.09 B	—	—	22.80
23.02 A I a)	0,64	1.41	3.36
23.02 A I b) 1	0,64	1.41	3.36
23.02 A I b) 2	0,64	1.41	3.36
23.02 A II a)	0,64	1.41	3.36
23.02 A II b)	0,64	1.41	3.36

⁽¹⁾ Pour la distinction entre les produits des n°s 11.01 et 11.02, d'une part, et ceux de la sous-position 23.02 A d'autre part, sont considérés comme relevant des n°s 11.01 et 11.02 les produits ayant simultanément :

- une teneur en amidon (déterminée d'après la méthode polarimétrique Ewers modifiée) supérieure à 45 % (en poids) sur matière sèche,
- une teneur en cendres (en poids) sur matière sèche (déduction faite des matières minérales ayant pu être ajoutées) inférieure ou égale à 1,6 % pour le riz, 2,5 % pour le froment et le seigle, 3 % pour l'orge, 4 % pour le sarrasin, 5 % pour l'avoine et 2 % pour les autres céréales.

Les germes de céréales, même en farines, relèvent en tout cas du n° 11.02.

⁽¹⁾ Für die Abgrenzung der Erzeugnisse der Tarifnummern 11.01 und 11.02 von denen der Tarifstelle 23.02 A gelten als Erzeugnisse der Tarifnummern 11.01 und 11.02 Erzeugnisse, die gleichzeitig folgendes aufweisen :

- einen auf den Trockenstoff bezogenen Stärkegehalt (bestimmt nach dem abgeänderten polarimetrischen Ewers-Verfahren) von mehr als 45 Gewichtshundertteilen,
- einen auf den Trockenstoff bezogenen Aschegehalt (abzüglich etwa zugesetzter Mineralstoffe), der bei Reis 1,6 Gewichtshundertteile oder weniger, bei Weizen und Roggen 2,5 Gewichtshundertteile oder weniger, bei Gerste 3 Gewichtshundertteile oder weniger, bei Buchweizen 4 Gewichtshundertteile oder weniger, bei Hafer 5 Gewichtshundertteile oder weniger und bei anderen Getreidearten 2 Gewichtshundertteile oder weniger beträgt.

Getreidekeime, auch gemahlen, gehören auf jeden Fall zur Tarifnummer 11.02.

- (¹) Per la distinzione tra i prodotti delle voci nn. 11.01 e 11.02 da un lato, e quelli della sottovoce 23.02 A dall'altro, si considerano come appartenenti alle voci nn. 11.01 e 11.02 i prodotti che abbiano simultaneamente :
- un tenore in amido (determinato in base al metodo polarimetrico Ewers modificato), calcolato sulla materia secca, superiore al 45 % (in peso),
 - un tenore in ceneri (in peso), calcolato sulla materia secca (dedotte le sostanze minerali che possono essere state aggiunte), inferiore o pari all'1,6 % per il riso, al 2,5 % per il frumento e la segala, al 3 % per l'orzo, al 4 % per il grano saraceno, al 5 % per l'avena e al 2 % per gli altri cereali.
- I germi di cereali, anche sfarinati, rientrano comunque nella voce n. 11.02.
- (¹) Voor het onderscheid tussen de produkten van de nummers 11.01 en 11.02 enerzijds en die van de onderverdeling 23.02 A anderzijds, worden geacht onder de nummers 11.01 en 11.02 te vallen de produkten die tegelijkertijd :
- een zetmeelgehalte hebben (bepaald volgens de gewijzigde polarimetrische methode van Ewers) van meer dan 45 gewichtspercenten, berekend op de droge stof, en
 - een asgehalte hebben (onder aftrek van eventueel toegevoegde minerale stoffen), berekend op de droge stof, van ten hoogste : 1,6 gewichtspercent voor rijst, 2,5 gewichtspercenten voor tarwe en rogge, 3 gewichtspercenten voor gerst, 4 gewichtspercenten voor boekweit, 5 gewichtspercenten voor haver en 2 gewichtspercenten voor andere granen.
- Graankiemen ook indien gemalen, vallen in elk geval onder nummer 11.02.
- (¹) For the purpose of distinguishing between products falling within headings Nos 11.01 and 11.02 and those falling within subheading 23.02 A, products falling within headings Nos 11.01 and 11.02 shall be those meeting the following specifications :
- a starch content (determined by the modified Ewers polarimetric method), referred to dry matter, exceeding 45 % by weight,
 - an ash content, by weight, referred to dry matter (after deduction of any added minerals) not exceeding 1.6 % for rice, 2.5 % for wheat and rye, 3 % for barley, 4 % for buckwheat, 5 % for oats and 2 % for other cereals.
- Germ of cereals, whole, rolled, flaked or ground, falls in all cases within heading No 11.02.
- (¹) Med henblik på sondringen mellem varer tariferet under pos. 11.01 og 11.02 på den ene side og under pos. 23.02 A på den anden side anses som tariferet under pos. 11.01 og 11.02 varer, der samtidig har :
- et indhold af stivelse (bestemt ved Ewers modificerede polarimetriske metode) på over 45 vægtprocent, beregnet på grundlag af tørsubstansen,
 - et askeindhold (efter fradrag af eventuelle tilsatte mineralske stoffer) på 1,6 vægtprocent eller derunder for ris, 2,5 vægtprocent eller derunder for hvede og rug, 3 vægtprocent eller derunder for byg, 4 vægtprocent eller derunder for boghvede, 5 vægtprocent eller derunder for havre og 2 vægtprocent eller derunder for de øvrige kornsorter, beregnet på grundlag af tørsubstansen.
- Kim af korn samt mel deraf tariferes under alle omstændigheder under pos. 11.02.

REGULATION (EEC) No 2311/75 OF THE COMMISSION**of 9 September 1975****altering the import levies on products processed from cereals and rice**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community;

Having regard to Council Regulation No 120/67/EEC⁽¹⁾ of 13 June 1967 on the common organization of the market in cereals, as last amended by Regulation (EEC) No 665/75⁽²⁾, and in particular Article 14 (4) thereof;

Having regard to Council Regulation No 359/67/EEC⁽³⁾ of 25 July 1967 on the common organization of the market in rice, as last amended by Regulation (EEC) No 668/75⁽⁴⁾, and in particular Article 12 (4) thereof;

Whereas the import levies on products processed from cereals and rice were fixed by Regulation (EEC) No 2210/75⁽⁵⁾, as last amended by Regulation (EEC) No 2270/75⁽⁶⁾;

Whereas the levy on the basic product as last fixed differs from the average levy by more than 2.5 units of

account per metric ton of basic product; whereas, pursuant to Article 1 of Regulation (EEC) No 1579/74⁽⁷⁾, the levies at present in force must therefore be altered as shown in the table annexed to this Regulation,

HAS ADOPTED THIS REGULATION:

Article 1

The import levies to be charged on products processed from cereals and rice covered by Regulation (EEC) No 1052/68⁽⁸⁾, as last amended by Regulation (EEC) No 980/75⁽⁹⁾, as fixed in the Annex to amended Regulation (EEC) No 2210/75 are hereby altered as shown in the table annexed to this Regulation.

Article 2

This Regulation shall enter into force on 10 September 1975.

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

Done at Brussels, 9 September 1975.

For the Commission

P. J. LARDINOIS

Member of the Commission

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

⁽²⁾ OJ No L 72, 20. 3. 1975, p. 14.

⁽³⁾ OJ No 174, 31. 7. 1967, p. 1.

⁽⁴⁾ OJ No L 72, 20. 3. 1975, p. 18.

⁽⁵⁾ OJ No L 226, 28. 8. 1975, p. 5.

⁽⁶⁾ OJ No L 233, 4. 9. 1975, p. 17.

⁽⁷⁾ OJ No L 168, 25. 6. 1974, p. 7.

⁽⁸⁾ OJ No L 179, 25. 7. 1968, p. 8.

⁽⁹⁾ OJ No L 95, 17. 4. 1975, p. 1.

ANNEX

to the Commission Regulation of 9 September 1975 altering the import levies on products processed from cereals and rice

CCT heading No	Levies in u.a./metric ton	
	Third countries (other than ACP and OCT) (*)	ACP and OCT (*)
11.01 D ⁽²⁾	23.52	18.52
11.01 H ⁽²⁾	7.83	5.33
11.01 K ⁽²⁾	26.54	24.04
11.02 A IV ⁽²⁾	23.52	18.52
11.02 A VIII ⁽²⁾	7.83	5.33
11.02 A IX ⁽²⁾	26.54	24.04
11.02 B I a) 2 aa)	13.00	10.50
11.02 B I a) 2 bb) ⁽²⁾	21.02	18.52
11.02 B I a) 4 ⁽²⁾	10.87	8.37
11.02 B I b) 2 ⁽²⁾	21.02	18.52
11.02 B I b) 4 ⁽²⁾	10.87	8.37
11.02 B II d) ⁽²⁾	40.21	37.71
11.02 C IV ⁽²⁾	18.96	16.46
11.02 C VII ⁽²⁾	10.87	8.37
11.02 C VIII ⁽²⁾	40.21	37.71
11.02 D IV ⁽²⁾	13.00	10.50
11.02 D VII ⁽²⁾	7.83	5.33
11.02 D VIII ⁽²⁾	26.54	24.04
11.02 E I a) 2 ⁽²⁾	13.00	10.50
11.02 E I a) 4 ⁽²⁾	7.83	5.33
11.02 E I b) 2 ⁽²⁾	25.58	20.58
11.02 E I b) 4 ⁽²⁾	14.41	9.41
11.02 E II d) ⁽²⁾	47.43	42.43
11.02 F IV ⁽²⁾	23.52	18.52
11.02 F VIII ⁽²⁾	7.83	5.33
11.02 F IX ⁽²⁾	26.54	24.04

(*) Subject to the application of the provisions of Article 22 of Regulation (EEC) No 1599/75.

(²) For the purpose of distinguishing between products falling within headings Nos 11.01 and 11.02 and those falling within subheading 23.02 A, products falling within heading Nos 11.01 and 11.02 shall be those meeting the following specifications:

- a starch content (determined by the modified Ewers polarimetric method), referred to dry matter, exceeding 45 % by weight
- an ash content, by weight, referred to dry matter (after deduction of any added minerals), not exceeding 1.6 % for rice, 2.5 % for wheat, 3 % for barley, 4 % for buckwheat, 5 % for oats and 2 % for other cereals.

Germ of cereals, whole, rolled, flaked or ground, falls in all cases within heading No 11.02.

II

(Acts whose publication is not obligatory)

COMMISSION

COMMISSION DECISION

of 10 July 1975

authorizing the French Republic to grant additional aids to coal mining undertakings in 1973 and authorizing the French Republic to grant aids to coal mining undertakings in 1974

(Only the French text is authentic)

(75/543/ECSC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Coal and Steel Community, and in particular Articles 2, 3, 4 and 5 thereof;

Having regard to Commission Decision No 3/71/ECSC⁽¹⁾ of 22 December 1970 on Community rules for interventions by Member States for the benefit of the coal industry;

Having regard to Decision No 73/287/ECSC⁽²⁾ of 25 July 1973 on coking coal and coke, and in particular Article 9 (1) thereof;

Having consulted the Council;

Whereas on 16 October 1974 the Commission of the European Communities issued Decision No 74/615/

ECSC⁽³⁾; whereas that Decision authorized the aids which the French Government proposed to grant to the coal industry for 1973 provided they had been dealt with and examined by the Commission in the 'Memorandum on additional financial aid awarded by Member States to the coal industry in 1972 and financial aid awarded by Member States in 1973'⁽⁴⁾;

Whereas, as was stated in that Memorandum⁽⁵⁾, the French Government proposed to grant FF 1 323.0 million of aid under Decision No 3/71/ECSC to Charbonnages de France; whereas this sum included FF 110.9 million of aid in respect of coking coal;

Whereas the French Government in a written application dated 15 February 1974 requests permission to alter or to increase the aids originally proposed as follows:

⁽¹⁾ OJ No L 3, 5. 1. 1971, p. 7.

⁽²⁾ OJ No L 259, 15. 9. 1973, p. 41.

⁽³⁾ OJ No L 335, 14. 12. 1974, p. 40.

⁽⁴⁾ Doc. SEC (74) 1377 fin., p. II/70.

⁽⁵⁾ Doc. SEC (74) 1377 fin., p. II/78.

(in FF million)

	Original amounts	Additional amounts	Total
1. To cover operating losses sustained :			
(a) by the coalfields ⁽¹⁾	932.1	154.9	1 087.0
(b) by the central administration	125.0	4.5	129.5
(c) overall	1 057.1	159.4	1 216.5
2. To cover exceptional conversion costs	155.0	37.0	192.0
Total	1 212.1	196.4	1 408.5

⁽¹⁾ Exclusive of aid in respect of coking coal but including aid in respect of coal for power stations (FF 74.0 million).

Whereas the aid to cover operating losses is to be apportioned as follows among the individual coalfields :

(in FF million)

	Nord/ Pas-de-Calais	Lorraine	Centre- Midi	Total
Original amounts	436.8	212.9	282.4	932.1
Additional amounts	— 26.4	37.8	143.5	154.9
Total	410.4	250.7	425.9	1 087.0

Whereas the overall amount of aid to the French coal industry in 1973 is thus increased by FF 196.4 million ;

Whereas the increase in French aids to cover operating losses relates only to the Lorraine and Centre-Midi coalfields ; whereas it was necessary for the following reasons :

- the costs of working the fields in question rose more steeply than expected,
- the average income per metric ton of output increased only slightly in 1973 over 1972 (by about 3 %),
- in 1973 the output of Charbonnages de France did not reach the target of 28 million metric tons but was only 25.7 million metric tons so that total receipts from the sale of coal were down ;

Whereas, for the above reasons, operating losses increased ; whereas the increase in aid is intended to cover the operating losses sustained in 1973 ; whereas the measure is therefore compatible with the provisions of Article 9 (2) of Decision No 3/71/ECSC ;

Whereas, as regards the avoidance of serious economic and social disturbances in certain regions of France, the criteria for the appraisal of an increase in the aids to cover operating losses are basically the same as those already set out in the Commission Decision of 16 October 1974 ⁽²⁾ whereas the same regional and social problems continue to exist and the increase in aid therefore meets the criteria laid down in Article 9 (1) (1) of Decision No 3/71/ECSC ;

Whereas, as regards raising the aids to cover exceptional conversion costs from FF 155 million to FF 192 million, this amount represents the actual expenditure incurred by Charbonnages de France in covering costs which are no longer related to coal production ; whereas the measure is therefore in accordance with the provisions of Article 6 (1) (1) of Decision No 3/71/ECSC ;

Whereas the following remarks must be made in respect of the compatibility of the total amount of French aids with the proper functioning of the common market :

⁽²⁾ OJ No L 335, 14. 12. 1974, p. 41.

- there has been no noticeable decline in trade in coal between France and the other Community countries,
- industrial users of coking coal and boiler coal receive no indirect aids as a result of artificially low prices for French coal;

Whereas the increase in French aids for 1973 as proposed may therefore be considered as compatible with the proper functioning of the common market;

Whereas, in addition, the French Government has informed the Commission under Article 2 of Decision No 3/71/ECSC of financial measures, both direct and indirect, which it proposes to take in 1974 for the benefit of the coal industry; whereas of those measures the aids listed below require authorization under the abovementioned Decision;

Whereas the French Government proposes to grant to Charbonnages de France in 1974 aid amounting to FF 255 million to cover exceptional conversion costs; whereas the total amount is to be apportioned among the individual coalfields as follows: Nord/Pas-de-Calais: FF 157 million, Lorraine: FF 23 million, Centre-Midi FF 75 million; whereas the aid represents a reimbursement of the cost of social measures implemented by Charbonnages de France for the benefit of redundant or prematurely retired miners;

Whereas the French Government also proposes to grant to Charbonnages de France in 1974 aid amounting to FF 1 091.7 million for the purpose of enabling the economic restructuring of the coalfields to be carried out at a suitable rate;

Whereas, lastly, the French Government proposes to grant to Charbonnages de France in 1974 additional aid amounting to FF 131 million to cover outstanding or new losses; whereas this aid is intended not for the coalfields but for the central administration of Charbonnages de France in order to cover outstanding losses or to prevent losses increasing in the future as a result of interest on further loans; whereas the central administration has been obliged to contract loans, even after the grant of aid, in order to meet its current obligations;

Whereas the abovementioned aids meet the criteria laid down in Articles 6 and 9 of Decision No 3/71/ECSC in respect of the admissibility of such State assistance;

Whereas the aid to cover exceptional conversion costs represents a reimbursement of non-operating expendi-

ture incurred by Charbonnages de France on behalf of the French Government to enable social measures for the benefit of redundant or prematurely retired miners to be implemented in a more rational way; whereas the following expenditure is proposed for 1974; in respect of miners made redundant because of pit closures: FF 69 million, in respect of prematurely retired miners: FF 131 million, in respect of compensation to retired miners under the CAN scheme: FF 51 million, and in respect of the reimbursement of heating costs to prematurely retired miners: FF 4 million;

Whereas these social measures are for the benefit of persons no longer employed in mining; whereas the aid is designed to cover expenditure which is not directly related to the production and marketing of coal; whereas it is therefore in accordance with the provisions of Article 6(1)(1) of Decision No 3/71/ECSC;

Whereas the aids, amounting to FF 1 222.7 million, proposed by the French Government for 1974 to cover losses (comprising FF 1 091.7 million to cover the coalfields' operating losses and FF 131 million to cover the losses sustained by the central administration of Charbonnages de France) may be regarded as fulfilling the conditions laid down in Article 9 of Decision No 3/71/ECSC; whereas in 1974 the revenue from production will probably cover on average 75 % of the total production costs incurred by the French pits;

Whereas the profitability of individual coalfields varies; whereas, although losses in the Lorraine field are fairly small, there is still a large number of unprofitable pits in the Nord/Pas-de-Calais and Centre-Midi fields; whereas the general increase in energy prices has caused the French Government to carry out an examination and reappraisal of its coal reserves; whereas the prospects of the Lorraine field were considered to be good; whereas, therefore, aids for the Lorraine field are intended to prevent temporary shortages of coking coal for the French steel industry, whereas, however, in the case of the Nord/Pas-de-Calais and Centre-Midi fields, regional and social difficulties are the prime consideration; whereas because the outlook for these fields was less promising three pits were closed down in 1974;

Whereas, in view of the above circumstances, the aids proposed by the French Government for 1974 to cover operating losses may be regarded as fulfilling the conditions laid down in Article 9(1)(1) and (2) of Decision No 3/71/ECSC;

Whereas it must be pointed out, furthermore, that the aids to cover losses on mine operation and losses sustained by the central administration of Charbonnages de France do not exceed the estimated actual operating losses and are therefore in accordance with the provisions of Article 9 (2) of Decision No 3/71/ECSC;

Whereas the aids proposed by the French Government for 1974 are not such as to impair the proper functioning of the common market, although the total amount of aid calculated in accordance with Articles 6 to 9 of Decision No 3/71/ECSC is FF 62.88 (9.98 units of account) per metric ton produced and is thus relatively high in comparison with the aids for the German and British coal industries;

Whereas this conclusion is based on the following findings:

- there has been no noticeable decline in trade in coal between France and the other Community countries,
- the number of price alignment agreements is small,
- industrial users of coking coal and boiler coal receive no indirect aids as a result of artificially low prices for French coal,
- the closure of unprofitable pits leads to rationalization and the concentration of production in pits where productivity is highest;

Whereas in the light of the above trends it may be concluded that the competitive position of the French coal industry will not change in 1974, either as regards the relative positions of the individual French coalfields or as regards their position *vis-à-vis* other Community coalfields;

Whereas this applies even when account is taken of the aids paid to coal mines under Decision No 73/287/ECSC;

Whereas under Article 11 (1) of Decision No 3/71/ECSC the Commission must ensure that the aids authorized are used for the purpose set out in Articles 6 to 9 of that Decision; whereas to this end it must be informed in particular of the amount and apportionment of such aids,

HAS ADOPTED THIS DECISION:

Article 1

The French Government is hereby authorized to grant to the French coal industry the following additional aids for 1973:

- (a) FF 154.9 million to cover operating losses;
- (b) FF 37 million to cover exceptional conversion costs;
- (c) FF 4.5 million to cover losses sustained by the central administration of Charbonnages de France.

The French Government is hereby authorized to grant to the French coal industry in respect of the calendar year 1974 the following aids:

- (a) FF 1 091.7 million to cover operating losses;
- (b) FF 255 million to cover exceptional conversion costs;
- (c) FF 131 million to cover losses sustained by the central administration of Charbonnages de France.

Article 2

The French Republic shall supply the Commission by 15 November 1975 at the latest with full particulars regarding the aids granted pursuant to this Decision, in particular the amounts paid and the manner in which they were apportioned and the nature and scope of the rationalization measures undertaken.

Article 3

This Decision is addressed to the French Republic.

Done at Brussels, 10 July 1975.

For the Commission

The President

François-Xavier ORTOLI

COMMISSION DECISION

of 10 July 1975

authorizing the United Kingdom to grant additional aids to coal mining undertakings in respect of the 1973/74 coal year and authorizing the United Kingdom to grant aids to coal mining undertakings in respect of the 1974/75 coal year

(Only the English text is authentic)

(75/544/ECSC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Coal and Steel Community, and in particular Articles 2, 3, 4 and 5 thereof;

Having regard to Commission Decision No 3/71/ECSC⁽¹⁾ of 22 December 1970 on Community rules for interventions by Member States for the benefit of the coal industry;

Having regard to Decision No 73/287/ECSC⁽²⁾ of 25 July 1973 concerning coking coal and coke for the iron and steel industry in the Community, and in particular Article 9 (1) thereof;

Having consulted the Council;

Whereas on 16 October 1974 the Commission of the European Communities issued Decision No 74/612/ECSC⁽³⁾; whereas that Decision authorized the aids which the United Kingdom Government proposed to grant to the coal industry for the 1973/74 coal year in so far as they had been dealt with and examined in the 'Memorandum on additional financial aid awarded by Member States in 1973'⁽⁴⁾;

Whereas, as was stated in the Memorandum⁽⁵⁾, the United Kingdom Government proposed to grant aids of £ 130.2 million to the coal industry under Decision No 3/71/ECSC;

Whereas in a written application dated 20 March 1974 the United Kingdom Government requested permission to increase the aids by £ 150 million in order to make up the operating losses caused by strikes in the 1973/74 coal year;

Whereas from 12 November 1973 to 11 February 1974 the British miners refused to do overtime, which led to a fall in output of approximately 10 million metric tons; whereas at the same time this considerably impeded general operations in the pits, since the

maintenance work on machinery and the general clearance work which were usually carried out in overtime were not being done;

Whereas following the end of the overtime ban there was a total strike lasting until 11 March 1974 which caused a further loss in output of 10 million metric tons; whereas after the strike the NCB installations had to be brought into working order again at considerable expense;

Whereas the figure of £ 150 million by which the United Kingdom Government requested permission to increase the aid was only a provisional estimate; whereas the actual additional losses which the aid is designed to cover amount to only £ 130.7 million according to the annual report of the NCB which has now been published; whereas the Commission can therefore authorize aid of only £ 130.7 million to cover the operating losses; whereas, subject to the above, the measure is compatible with the provisions of Article 9 of Decision No 3/71/ECSC;

Whereas an increase in the aid for the 1973/74 coal year, as requested by the United Kingdom Government, is not likely to hinder the proper functioning of the common market;

Whereas this view is supported by the following findings:

- the granting of aid did not impede trade in coal between the United Kingdom and the other Community countries in 1973. Because of the coal miners' strike British industry itself risked running short of fuel. The uncertainties in the general energy supply situation caused by the oil crisis and the miners' strike meant that the British market was supplied mainly with domestic fuels and that the NCB's pithead stocks could be reduced,
- in 1973 the prices of coking coal and steam coal in the United Kingdom did not lead to indirect aids for industrial users of coal;

⁽¹⁾ OJ No L 3, 5. 1. 1971, p. 7.

⁽²⁾ OJ No L 259, 15. 9. 1973, p. 41.

⁽³⁾ OJ No L 335, 14. 12. 1974, p. 26.

⁽⁴⁾ Doc. SEC (74) 1377 fin., p. II/85.

⁽⁵⁾ Doc. SEC (74) 1377 fin., p. II/95.

Whereas the Commission therefore considers that the proposed raising of the aid to the British coal mining industry for the 1973/74 coal year to cover operating losses may be regarded as compatible with the proper functioning of the common market;

Whereas, in addition, the United Kingdom Government has informed the Commission under Article 2 of Decision No 3/71/ECSC of financial measures, both direct and indirect, which it intends to take during the 1974/75 coal year⁽¹⁾ for the benefit of the coal industry; whereas of those measures the aids listed below require authorization under the above-mentioned Decision;

Whereas the United Kingdom Government proposes to grant the following aids to the British coal industry in the course of the 1974/75 coal year:

	<i>in £ million</i>
to cover expenditure resulting from the retirement of staff	13.8
for severance payments to redundant miners and/or for the vocational retraining of staff	5.8
to cover the NCB's expenditure resulting from the early retirement of staff	3.7
to cover expenditure on the supply of concessionary coal to redundant miners aged from 55 to 65	0.65
for the adaptation and retention of staff	2.7
aid in respect of pithead stocks	2.0
to cover the NCB's estimated operating losses during the coal year 1973/74	45.0

Whereas the abovementioned aids meet the criteria laid down in Articles 6 to 9 of Decision No 3/71/ECSC in respect of the admissibility of such State assistance;

Whereas aid towards covering the expenditure resulting from the retirement of staff was introduced by the Coal Industry Act 1973 and makes provision for payment of a maximum of £ 60 million for the years 1973/74 to 1975/76; whereas for 1974/75 provision has been made for a sum of £ 13.8 million;

Whereas such aid is granted in respect of miners who have retired; whereas the expenditure on pensions

incurred by the NCB is no longer related to coal production and is covered partly by the aid;

Whereas aid towards severance payments for miners about to be made redundant or for the vocational retraining of staff was introduced by the Coal Industry Act 1965; whereas the Coal Industry Act 1973 continues the aid and makes provision for payment of a maximum of £ 60 million for the years 1973/74 to 1975/76; whereas for 1974/75 provision has been made for a sum of £ 5.8 million;

Whereas such aid is granted in respect of miners leaving mining as a result of pit closures and of those being retrained and/or re-employed in coal mining;

Whereas the purpose and form of the aid show that the measure meets the criteria laid down in Articles 6(1)(1) and 7(3) of Decision No 3/71/ECSC;

Whereas aid towards covering the NCB's expenditure resulting from the early retirement of staff was introduced by the Coal Industry Act 1967; whereas for 1974/75 provision has been made for an amount of £ 3.7 million;

Whereas such aid is granted in respect of miners retired prematurely; whereas such retirement was necessary on account of the fall in production (as a result of marketing difficulties) during the years 1967 to 1970; whereas the expenditure on pensions incurred by the NCB is no longer related to coal production and is covered in full by the aid;

Whereas the purpose and form of the aid show that the measure meets the criteria laid down in Article 6(1) of Decision No 3/71/ECSC;

Whereas the aid towards covering the NCB's expenditure on the supply of concessionary coal is in respect of expenditure which is no longer related to coal production; whereas the NCB's expenditure on the supply of concessionary coal to miners between the ages of 55 and 60 made redundant during 1974 is reimbursed in full by the United Kingdom Government, while for miners made redundant between the ages of 60 and 65 the aid will cover 50 % of the expenditure on the supply of concessionary coal; whereas for 1974/75 the amount of aid provided for is £ 650 000;

Whereas the purpose and form of the aid show that the measure meets the criteria laid down in Article 6(1)(1) of Decision No 3/71/ECSC;

⁽¹⁾ The 1974/75 coal year runs from the beginning of April 1974 to the end of March 1975.

Whereas the aid towards the adaptation and retention of staff is a subsidy to be paid by the United Kingdom Government towards the estimated sum of £ 7.5 million which the NCB will have to spend in 1974/75 on the regrouping of staff under the rationalization programme; whereas, in order to ensure that qualified personnel are retained, the costs incurred by the miners affected by the regroupment schemes must be reimbursed by the NCB; whereas such costs include removal and resettlement costs, travel expenses and temporary loss of income;

Whereas in 1974/75 the United Kingdom is to contribute £ 2.7 million towards such expenditure incurred by the NCB;

Whereas the purpose and form of the aid show that the measure meets the criteria laid down in Article 7(3) of Decision No 3/71/ECSC;

Whereas provision is made in the Coal Industry Act for aid in respect of pithead stocks; whereas pursuant to that Act the United Kingdom Government proposes to grant the NCB over the years 1973/74 to 1975/76 a subsidy of up to a maximum of £ 40 million towards the cost of maintaining pithead stocks; whereas provision has been made for £ 2.0 million to be granted in 1974/75; whereas according to UK Government estimates the NCB's pithead stocks of coal and coke will by the end of March 1975 exceed the limit laid down in Article 8 of Decision No 3/71/ECSC; whereas the aid would thus meet the criteria laid down in that Article;

Whereas the aid, amounting to £ 45.0 million, proposed by the UK Government in respect of the period from 1 January 1974 to the end of March 1975 to cover losses may be regarded as fulfilling the conditions laid down in Article 9 of Decision No 3/71/ECSC;

Whereas the covering of operating losses for the 1974/75 coal year relates to losses sustained in current production; whereas the Coal Industry Act provides for a maximum of £ 210 million for this purpose for the coal years 1973/74 to 1975/76; whereas the sum of £ 45.0 million has been made available for the 1974/75 coal year;

Whereas in view of oil supply difficulties the United Kingdom's overall energy supply situation is far from clear; whereas a sharp increase in coal imports is not possible; whereas the NCB is therefore concerned to maintain production and thus avoid the risk of an energy shortage;

Whereas in 1974 several small unprofitable pits were closed down; whereas not only large parts of the coal mining regions but also other parts of the country have a weak economic structure; whereas the overall unemployment figure is relatively high (about 4 %); whereas for these reasons account must be taken of regional and social difficulties when pits are closed down;

Whereas it follows from the foregoing that the aid proposed for covering the NCB's operating losses in the 1974/75 financial year is in accordance with the provisions of Article 9(1)(1) and (2) of Decision No 3/71/ECSC;

Whereas it must be pointed out, in addition, that the £ 45.0 million aid applied for is to be paid out only to the extent of the actual operating losses of the NCB; whereas the aid is therefore in accordance with the provisions of Article 9(2) of Decision No 3/71/ECSC;

Whereas the following remarks must be made in respect of the compatibility of the total amount of United Kingdom aids with the proper functioning of the common market:

- in 1974 there was no restriction of trade in coal between the United Kingdom and the other Community countries (Article 3(1)(1) of Decision No 3/71/ECSC),
- no alignments on the prices of other Community producers were notified in respect of British coal in 1974,
- the prices of coking coal and steam coal in the United Kingdom did not lead to indirect aids for industrial users of coal in 1974,
- the closure of unprofitable pits leads to rationalization and the concentration of production in pits where productivity is highest;

Whereas it can therefore be said that United Kingdom aids to the coal industry are compatible with the proper functioning of the common market;

Whereas this also applies if account is taken of aids granted to the coal industry under Decision No 73/287/ECSC;

Whereas, under Article 11(1) of Decision No 3/71/ECSC the Commission must ensure that the aids authorized are used for the purposes set out in Articles 6 to 9 of that Decision; whereas to this end it must be informed in particular of the amount and apportionment of such aids,

HAS ADOPTED THIS DECISION:

Article 1

The Government of the United Kingdom is hereby authorized to grant to the British coal industry additional aid totalling £ 130 700 000 for the 1973/74 coal year and aids totalling £ 73 650 000 for the 1974/75 coal year.

The amount of £ 130 700 000 for the 1973/74 coal year is intended to cover operating losses.

The amount of £ 73 650 000 for the 1974/75 coal year is made up as follows:

1. To cover expenditure resulting from the retirement of staff (£ 13 800 000);
2. Severance payments to miners made redundant as a result of pit closures or to miners who are retrained and/or re-employed in the coal industry, up to a maximum of £ 5 800 000;
3. Reimbursement in full of the NCB's expenditure resulting from the premature retirement of miners (£ 3 700 000);
4. Assumption of responsibility for the costs of supplying concessionary coal to redundant miners aged between 55 and 65, up to a maximum of £ 650 000;
5. Subsidy towards the NCB's expenditure on the regrouping of staff under the rationalization programme, up to a maximum of £ 2 700 000;
6. Aids in respect of pithead stocks (£ 2 000 000);
7. Subsidy towards the NCB's estimated operating losses in the 1974/75 coal year, up to a maximum of £ 45 000 000.

Article 2

The United Kingdom Government shall supply the Commission by 15 November 1975 with particulars regarding the aids granted pursuant to this Decision, in particular the amounts paid and the manner in which they were apportioned.

Article 3

This Decision is addressed to the United Kingdom.

Done at Brussels, 10 July 1975.

For the Commission

The President

François-Xavier ORTOLI

COMMISSION DECISION

of 10 July 1975

**authorizing the Kingdom of Belgium to grant aids to coal mining undertakings
in 1974**

(Only the French and Dutch texts are authentic)

(75/545/ECSC)

THE COMMISSION OF THE EUROPEAN
COMMUNITIES,

Having regard to the Treaty establishing the European Coal and Steel Community, and in particular Articles 2, 3, 4 and 5 thereof;

Having regard to Commission Decision No 3/71/ECSC⁽¹⁾ of 22 December 1970 on Community rules for interventions by Member States for the benefit of the coal industry;

Having regard to Decision No 73/287/ECSC⁽²⁾ of 25 July 1973 concerning coking coal and coke for the iron and steel industry in the Community, and in particular Article 9(1) thereof;

Having consulted the Council;

Whereas the Belgian Government has informed the Commission in accordance with Article 2 of Decision No 3/71/ECSC of financial measures, both direct and indirect, which it intends to take for the benefit of the coal industry during 1974; whereas the aids listed below, which are included in such measures, require authorization in accordance with the Decision referred to above;

Whereas the Belgian Government proposes to grant aids in 1974 for investment financing amounting to Bfrs 150 million;

Whereas this sum is to enable the necessary investments to be made by undertakings whose closure is not planned in 1974;

Whereas the Belgian Government also proposes to grant aids amounting to Bfrs 50 million to the undertaking 'Espérance et Bonne Fortune'; whereas as a result of the closure of shaft 2 of the Gosson-Kessales mining company in Montegnée and the closure of the 'Bure-aux-Femmes' shaft of Patience and Beaujonc, that undertaking has incurred additional expenditure on pumping out underground water seeping from the closed pits;

Whereas the Belgian Government also proposes paying Bfrs 4 453 million to ensure that the closure programme is carried out at what the Belgian Government considers to be a suitable rate; whereas this sum

is designed to cover the operating losses, which are defined in a standard book of charges in respect of all subsidized pits;

Whereas the aids referred to above fulfil the criteria laid down in Articles 6, 7 and 9 of Decision No 3/71/ECSC for the admissibility of such State aid measures;

Whereas the object of the aids for the financing of investment projects in the undertakings benefiting from the aid meets the requirements of Article 7(2) of Decision No 3/71/ECSC; whereas these aids are to be used to cover part of the expenditure on the concentration, mechanization and automation of mine workings; to enable the coal to be more intensively up-graded and better cleaned; whereas the information submitted to the Commission also reveals that the undertakings benefiting from the aid will not apply for any loans at a reduced rate of interest within the meaning of Article 54 of the ECSC Treaty in respect of such investment projects;

Whereas intervention under Article 6(1)(2) of Decision No 3/71/ECSC may take the form of reimbursement of the cost of pumping out underground water seeping from the workings of closed pits; whereas removal of the underground water is necessitated by the closure of the Gosson-Kessales and Bure-aux-Femmes pits; whereas the aid does not exceed the actual pumping costs for the additional removal of underground water;

Whereas the other aids provided for by the Belgian Government for 1974 amounting to Bfrs 4 453 million can be regarded as being compatible with the provisions of Article 9 of Decision No 3/71/ECSC;

Whereas, although production costs rose by about 20 % compared with 1973, the Belgian coal mining industry succeeded by means of a relatively more severe increase in coal prices in reducing operating costs in 1974 and therefore aids, by about 16 % compared with the previous year.

Whereas in the southern coalfield, revenue from production in 1974 covered barely 50 % of total operating costs; whereas in 1974, three pits in the southern coalfield were closed, so that by the end of

(¹) OJ No L 3, 5. 1. 1971, p. 7.

(²) OJ No L 259, 15. 9. 1973, p. 41.

1974 only nine pits were in operation ; whereas about 1 800 persons have been affected by these closures ;

Whereas, in view of the social factors obtaining in the Belgian southern coalfield, the aid to be granted for 1974 to cover operating losses can be regarded as being compatible with the provisions of Article 9 (1)(1) of Decision No 3/71/ECSC ;

Whereas it should be noted that the Campine coalfield is of extreme importance to the Belgian steel industry for the supply of coking coal ; whereas, as a result of the high level of activity in the steel industry in 1974, demand for coking coal and coke was great ; whereas, because of the tight supply situation with regard to coking coal throughout the world, it was very difficult for the Belgian steel industry to increase even more sharply its purchases of coking coal from other Community countries and third countries in 1974 ; whereas for this reason, the stabilization of output in the Campine coalfield contributed to the avoidance of temporary supply bottlenecks in coking coal ; whereas the aid is therefore compatible with Article 9 (1)(2) of Decision No 3/71/ECSC ;

Whereas it should be noted, moreover, that the aids to cover operating losses are not higher than the expected operating losses ; whereas they are therefore also in accordance with the provisions of Article 9 (2) of Decision No 3/71/ECSC ;

Whereas the aids proposed by the Belgian Government for 1974 are not such as to impair the proper functioning of the common market ;

Whereas this view is supported by the following findings :

- no adverse effects on trade in coal between Belgium and the other Community countries were discernible in 1974,
- in 1973, no price alignments on lower Community coal prices were effected in the formation of prices for Belgian coal,
- industrial users of boiler coal receive no indirect aids as a result of artificially low prices for Belgian coal,
- the closure of unprofitable pits leads to rationalization and concentration of production in pits where productivity is highest ;

Whereas it may therefore be concluded that the aids proposed by the Belgian Government for 1974 will

not impair the proper functioning of the common market ;

Whereas this view also applies if account is taken of the aids granted to the coal mining undertakings pursuant to Decision No 72/287/ECSC ;

Whereas according to Article 11 (1) of Decision No 3/71/ECSC, the Commission must satisfy itself that the aids authorized are used for the purposes laid down in Articles 6 to 9 of that Decision ; whereas to this end it must be informed in particular of the amount and apportionment of the payments,

HAS ADOPTED THIS DECISION :

Article 1

The Government of the Kingdom of Belgium is hereby authorized to grant the Belgian coal mining industry aids totalling Bfrs 4 653 million for the 1974 calendar year.

Bfrs 150 million of this amount are intended for the financing of investment projects, Bfrs 50 million for the removal of underground water which has entered the Espérance and Bonne Fortune pit and Bfrs 4 453 million to cover operating losses.

Article 2

The Government of the Kingdom of Belgium shall notify the Commission in full detail by 15 November 1975 of the aids granted pursuant to this Decision, and in particular the amounts paid and the manner in which they are apportioned.

Article 3

This Decision is addressed to the Kingdom of Belgium.

Done at Brussels, 10 July 1975.

For the Commission

The President

François-Xavier ORTOLI

COMMISSION DECISION

of 10 July 1975

authorizing the Federal Republic of Germany to grant aids to coal mining undertakings in 1974

(Only the German text is authentic)

(75/546/ECSC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Coal and Steel Community, and in particular Articles 2, 3, 4 and 5 thereof;

Having regard to Commission Decision No 3/71/ECSC⁽¹⁾ of 22 December 1970 on Community rules for interventions by Member States for the benefit of the coal industry;

Having regard to Decision No 73/287/ECSC⁽²⁾ of 25 July 1973 concerning coking coal and coke for the iron and steel industry in the Community, and in particular Article 9(1) thereof;

Having consulted the Council;

Whereas the Government of the Federal Republic of Germany has informed the Commission under Article 2 of Decision No 3/71/ECSC of financial measures, both direct and indirect, which it intends to take in 1974 for the benefit of the coal industry; whereas of those measures the aids listed below require authorization under the abovementioned Decisions;

(a) Measures already in force in previous years which are to be continued in 1974:

in DM million

For the Aktionsgemeinschaft Deutsche Steinkohlenreviere GmbH in respect of pit closures:

— aids in respect of equalization of burdens payments	21.8
— closure premiums	180.0
Total	201.8

Aid to water supply undertakings in respect of expenditure incurred in removing underground water from closed pits	39.0
--	------

Coal-mining premiums for shift workers and piece-workers for every shift worked underground 94.0

Investment aids to individual projects under an overall investment programme 160.1

Payment of the instalments owed by RAG in respect of state-guaranteed compensation to the former mine-owning companies 50.0

(b) New measures proposed for 1974:

Subsidies towards the coal industry's contraction costs 99.0

Subsidies towards repayment of the coal industry's old debts 69.0

Aid for development and trials (testing of newly developed machinery) in the coal industry 10.0

Payment of instalments owed by Ruhrkohle AG in respect of the special item to offset depreciation in connection with pit closures 48.0

Measures to assist Preussag AG 60.0

Whereas the abovementioned aids meet the criteria laid down in Articles 6 to 9 of Decision No 3/71/ECSC in respect of the admissibility of such State assistance;

Whereas the aids to be paid through the Aktionsgemeinschaft Deutsche Steinkohlenreviere are to be granted only on condition that they are used in connection with 'a total or partial closure of pits' (Article 6(1) of Decision No 3/71/ECSC);

Whereas the amounts of such aids do not exceed the permissible level;

⁽¹⁾ OJ No L 3, 5. 1. 1971, p. 7.

⁽²⁾ OJ No L 259, 15. 9. 1973, p. 41.

Whereas, as regards the aid in respect of equalization of burdens payments, account is taken of the fact that the closure of a pit leads to the destruction of the original fixed assets to a considerable degree; whereas the aid, which consists in the remission of two thirds of the property levy and the levy on profits from credits payable to the Equalization of Burdens Fund in respect of the closed pits, is in any case considerably lower than the capital loss resulting from the closures and is therefore within the limits laid down in Article 6 of Decision No 3/71/ECSC;

Whereas the closure premiums paid to coal mining undertakings by the Aktionsgemeinschaft Deutsche Steinkohlenreviere in respect of closures are paid at a flat rate of DM 20 per metric ton produced; whereas this amount is far below that required to cover actual closure costs; whereas following closure the undertakings' continuing obligations in respect of damage caused by mining and social charges alone may be estimated at between DM 30 and 35 per metric ton for 1974;

Whereas the aid paid at a flat rate thus does not exceed the expenditure incurred as a result of pit closures and is therefore in accordance with the provisions of Article 6(2) of Decision No 3/71/ECSC;

Whereas the payment of aid amounting to DM 39 million for the removal of underground water from closed pits likewise meets the criteria laid down in Article 6(1) of Decision No 3/71/ECSC;

Whereas the aid towards payment of the coal-mining premium helps the coal industry to retain skilled workers, which is absolutely essential if its productivity is to increase; whereas, moreover, the undertakings incur expenditure in respect of the necessary recruitment, training, adaptation and retention of staff which is several times greater than the amount of the aid towards payment of the coal-winning;

Whereas the purpose and amount of the coal-winning premium show that the measure is in accordance with Article 7(3) of Decision No 3/71/ECSC;

Whereas the purpose of the investment aid is to increase the economic viability of the German coal industry; whereas such aids are to be granted only to undertakings which are of optimum size within the meaning of Section 18 of the Law of 15 May 1968 on the adaptation and recovery of the German coal industry and the German coal mining regions; whereas the undertakings may use the aids only for investment in pits and their auxiliary installations and in processing plant; whereas a maximum of 30 % of the procurement costs and/or manufacturing costs

incurred in respect of an investment project may be covered by the aid;

Whereas it is not yet possible to indicate how the aid for 1974 will be apportioned among the individual projects; whereas this will not be possible before the end of 1974;

Whereas the purpose and amount of the proposed aids show that the measure is in accordance with the provisions of Article 7(2) of Decision No 3/71/ECSC; whereas the Federal Government is required to notify the Commission at least once a year in respect of each project of the objective pursued, the amounts invested and the amounts of aid granted;

Whereas provision has been made for 1974 for the public authorities to pay (in lieu of RAG) an instalment of DM 50 million to the former pit owners, who have a state-guaranteed claim to compensation from RAG;

Whereas RAG suffered losses in 1973; whereas payment of the instalments by the public authorities is to be regarded as a measure aimed at preventing financial difficulties for RAG and avoiding temporary supply difficulties on the coal market;

Whereas payment by the Federal Government of the instalments in respect of state-guaranteed compensation is therefore in accordance with the provisions of Article 9(1)(1) of Decision No 3/71/ECSC;

Whereas, as regards determining the amount of the aid by reference to the difference between production costs and income, it can be seen that the aid will cover only a fraction of the RAG's expected operating losses in 1974; whereas it is therefore in accordance with the provisions of Article 9(2) of Decision No 3/71/ECSC;

Whereas, in order to provide guidelines for coal and energy policy, the Federal Government adopted the Law of 15 May 1969 on the adaptation and recovery of the German coal industry (Coal Law: Bundesgesetzblatt I, p. 365) and introduced in the Bundestag a Programme for the Federal Government's Energy Policy (Energy Programme: Bundestag paper No 7/1057, 3 October 1973);

Whereas in the light of the situation on the world energy market, which has changed fundamentally since Autumn 1973, the Energy Programme was brought up to date in Autumn 1974; whereas the Federal Government has based some of the new measures proposed for 1974 either on the Coal Law or on the Energy Programme;

Whereas undertakings in the German coal industry which, under their programmes for the adaptation of production to market conditions, carry out pit closures which after 1 January 1973 lead to a lasting reduction in coal production are to receive aids towards the costs arising from reduced production (contracting costs); whereas over a period of 5 years aid at the rate of DM 30 per metric ton of reduction in annual production capacity is to be paid, provided this does not exceed the contraction costs actually incurred by the undertaking;

Whereas the purpose and amount of the proposed aid show that the measure is in accordance with the provisions of Article 6(1)(1) of Decision No 3/71/ECSC;

Whereas the subsidies towards payment of the coal industry's old debts are intended to supplement the closure premiums; whereas these old debts include costs incurred in respect of damage caused by mining, pensions and concessionary coal as a result of pit closures effected before 1 January 1972; whereas aid is granted towards such costs, which were actually incurred by the undertakings;

Whereas the purpose and amount of the proposed aid show that the measure is in accordance with the provisions of Article 6(1)(1) of Decision No 3/71/ECSC;

Whereas it is necessary for the speedy and lasting recovery of the coal industry that the results of research should pass as rapidly as possible through the development and trial stages and be put to practical use in the production process; whereas aid is granted for individual projects which promise to produce tangible economic results for the coal industry in the medium term;

Whereas the aid, amounting to DM 10 million, proposed for 1974 represents a subsidy towards the costs actually incurred;

Whereas the purpose and amount of the aid show that the measure is compatible with Article 7(1) of Decision No 3/71/ECSC;

Whereas payment on behalf of Ruhrkohle AG of instalments in respect of the special item to offset depreciation in connection with pit closures is a special measure for the benefit of RAG;

Whereas in previous years RAG has had to write off separately its assets lost on the occasion of pit closures; whereas under Article 8(2) of the Tax Amendment Law of 1969 RAG is entitled to include in respect of such depreciation on the assets side of the balance sheets a special item which may be written off in instalments in subsequent years;

Whereas in 1969 it was assumed that the results of the undertaking in subsequent years would be so good that such depreciation by instalments could in fact be included in the calculation of production costs or income as appropriate;

Whereas in view of the unfavourable trends which have actually developed in subsequent years RAG is now no longer able to bear the additional burden of these amounts of depreciation from previous years;

Whereas in RAG's balance sheet as on 31 December 1973 the special item for offsetting depreciation in respect of pit closures amounted to some DM 700 million;

Whereas in order to enable RAG to cancel part of this special item, the public authorities are to pay aid of DM 48 million annually to it over a ten-year period;

Whereas special depreciation in the event of pit closures constitutes closure costs; whereas the aid is designed to reduce these costs and is therefore, having regard to its purpose and amount, compatible with Article 6(1) of Decision No 3/71/ECSC;

Whereas, in order to avoid temporary supply difficulties and because of the regional and social importance for the Ibbenbüren area of the Ibbenbüren mines of Preussag AG, the Federal Government has decided to grant aid to this mining company, which has been operating at a loss for years; whereas the undertaking is unable to finance the necessary investment itself and is therefore to be granted a conditionally repayable subsidy to cover part of its losses;

Whereas the purpose of the aid and its amount (DM 60 million) show that the measure is in accordance with the provisions of Article 9(1) and (2);

Whereas any examination of the compatibility of the German aids with the proper functioning of the common market must include all direct and indirect measures to be taken for the benefit of the coal industry in 1974 (Article 3(2) of Decision No 3/71/ECSC);

Whereas on that basis of calculation the total cost of the proposed direct and indirect measures amounts to 395.8 million units of account, i.e. 3.99 units of account per metric ton produced;

Whereas this represents a 0.3 % increase in the total amount of aid compared with 1973; whereas the amount of aid per metric ton has risen from 3.82 units of account to 3.99 units of account, i.e. by 4.5 %;

Whereas the following remarks must be made in respect of the compatibility of the total amount of German aids with the proper functioning of the common market ;

- there has been no noticeable decline in trade in coal between the Federal Republic of Germany and the other Community countries in 1974,
- the quantities of German coal sold at aligned prices in 1973 were negligible ; no price alignment agreements were concluded in 1974,
- the prices of coking coal and boiler coal in Germany did not lead to indirect aids for industrial users of coal in 1974,
- the closure of unprofitable pits leads to rationalization and the concentration of production in pits where productivity is highest ;

Whereas it can therefore be said that the German aids to the coal industry are compatible with the proper functioning of the common market ;

Whereas this applies even if account is taken of the aids granted to the coal industry under Decision No 73/287/ECSC ;

Whereas under Article 11 (1) of Decision No 3/71/ECSC the Commission must ensure that the aids authorized are used for the purpose set out in Articles 6 to 9 of that Decision ; whereas to this end it must be informed in particular of the amount and apportionment of such aids,

HAS ADOPTED THIS DECISION :

Article 1

The Government of the Federal Republic of Germany is hereby authorized to grant to the German coal industry in the calendar year 1974 the following aids :

1. Remission of two thirds of the property levy and the levy on profits from credits on pits due to be closed ;
2. Payment through the Aktionsgemeinschaft Deutsche Steinkohlenreviere of closure premiums amounting to DM 20 per metric ton of discontinued production ;
3. Reimbursement of the costs of pumping out underground water from closed pits, up to a maximum of DM 39 million ;

4. Partial remission of the wages tax due from coal mining undertakings, up to a maximum of DM 94 million ;
5. Grant of investment aid not exceeding DM 160.1 million to coal mining undertakings in order to encourage investment ;
6. Payment of instalments owed by RAG in respect of the payment of state-guaranteed compensation to the former mine-owning companies, up to a maximum of DM 50 million ;
7. Subsidies towards the coal industry's contraction costs, up to a maximum of DM 99 million ;
8. Subsidies towards payment of the coal industry's old debts, up to a maximum of DM 69 million ;
9. Aid for development and trials, up to a maximum of DM 10 million ;
10. Payment on behalf of Ruhrkohle AG, of instalments in respect of the special item to offset depreciation in connection with pit closures, up to a maximum of DM 48 million ;
11. Measures for the benefit of the Ibbenbüren mines of Preussag AG, up to a maximum of DM 60 million.

Article 2

The Federal Government shall supply the Commission with particulars by 15 November 1975 regarding the aids granted pursuant to this Decision, in particular the amounts paid and the manner in which they were apportioned.

Article 3

This Decision is addressed to the Federal Republic of Germany.

Done at Brussels, 10 July 1975.

For the Commission

The President

François-Xavier ORTOLI

COMMISSION DECISION

of 10 July 1975

authorizing the Kingdom of the Netherlands to grant aids to coal mining undertakings in respect of the calendar year 1974

(Only the Dutch text is authentic)

(75/547/ECSC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Coal and Steel Community, and in particular Articles 2, 3, 4 and 5 thereof;

Having regard to Commission Decision No 3/71/ECSC⁽¹⁾ of 22 December 1970 on Community rules for interventions by Member States for the benefit of the coal industry;

Having regard to Decision No 73/287/ECSC⁽²⁾ of 25 July 1973 concerning coking coal and coke for the iron and steel industry in the Community, and in particular Article 9(2) thereof;

Having consulted the Council;

Whereas the Netherlands Government has informed the Commission under Article 2 of Decision No 3/71/ECSC of financial measures, both direct and indirect, which it intends to take during 1974 for the benefit of the coal industry; whereas of those measures the aids listed below require authorization under the abovementioned Decision;

Whereas the Netherlands Government has made provision for aid amounting to Fl 56.3 million for privately-owned pits for 1974 to cover operating losses; whereas the Netherlands Government considers that this amount should enable pit closures to take place at a suitable rate;

Whereas, furthermore, privately-owned pits are to receive for 1974 Fl 5.0 million in interest on defaulted payments in respect of aid promised by the Netherlands Government in previous years but not paid until a later date; whereas this payment will also help to reduce the difference between the costs and revenue of the pits;

Whereas the aforementioned aids are in accordance with the criteria laid down in Article 9 of Decision No 3/71/ECSC;

Whereas coal production in the Netherlands was stopped at the end of 1974; whereas existing welfare

plans and plans for setting up new jobs made it possible to reduce the number of persons employed to several hundred by 31 December 1974; whereas additional plans have been drawn up to enable these workers also to be re-integrated into the economy without hardship;

Whereas production costs have risen very sharply as production has been run down; whereas in spite of several price increases revenue has not risen to the same extent, so that in 1974 pit operating losses showed a sharp increase compared with the previous year;

Whereas the aids are not expected to exceed the probable pit operating losses;

Whereas, in view of the special situation prevailing in the Netherlands, which stopped its coal production at the end of 1974, and in view of the points set out above, the proposed aids to the Netherlands coal industry may be regarded as compatible with the provisions of Article 9 of Decision No 3/71/ECSC;

Whereas the aid proposed by the Netherlands Government for 1974 is not such as to impair the proper functioning of the common market, although the aid proposed for 1974 under Article 9 of Decision No 3/71/ECSC amounts to Fl 61.30 (18.24 units of account) per metric ton produced and is therefore at a higher level than in any other Member State;

Whereas these conclusions are based on the following findings:

- supplies of Netherlands coal to other Community countries fell considerably in 1974,
- the amount of Community coal purchased by the Netherlands showed a relatively sharp increase in 1974; the amount of coal imported from non-member countries rose in 1974 by more than 30 % as compared with 1973. As a result of stopping domestic production, the Netherlands must now look to imports for its coal supplies,

⁽¹⁾ OJ No L 3, 5. 1. 1971, p. 7.

⁽²⁾ OJ No L 259, 15. 9. 1973, p. 41.

- no further price alignment agreements were concluded,
- the aids to the coal industry cannot amount to indirect aid to industrial consumers of coal as domestic coal for private consumption is the only coal produced now;

Whereas having regard to these considerations it may generally be said that the aids proposed for 1974 are compatible with the proper functioning of the common market;

Whereas, pursuant to Article 11 (1) of Decision No 3/71/ECSC, the Commission must satisfy itself that the aids authorized used for the purposes indicated in Article 9 of Decision No 3/71/ECSC; whereas in order to do so it must be informed in particular of the amount of these aids and the manner in which they are apportioned,

HAS ADOPTED THIS DECISION:

Article 1

The Government of the Kingdom of the Netherlands is hereby authorized to grant in respect of the

calendar year 1974 aid of an amount not exceeding Fl 61.3 million for the benefit of the Netherlands coal industry.

Article 2

The Government of the Kingdom of the Netherlands shall notify the Commission by 15 November 1975 of details of the aids granted pursuant to this Decision, in particular as regards the amounts paid and the manner in which such amounts are apportioned.

Article 3

This Decision is addressed to the Kingdom of the Netherlands.

Done at Brussels, 10 July 1975.

For the Commission

The President

François-Xavier ORTOLI