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I

(Information)

COUNCIL

COUNCIL RESOLUTION

of 21 January 1974

concerning a social action programme

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaties establishing the European Communities;

Having regard to the draft from the Commission;

Having regard to the Opinion of the European Parliament;

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

Whereas the Treaties establishing the European Communities assigned to them tasks with relevance to social objectives;

Whereas, pursuant to Article 2 of the Treaty establishing the European Economic Community, the European Economic Community shall have as a particular task to promote throughout the Community a harmonious development of economic activities, a continuous and balanced expansion, an increase in stability and an accelerated raising of the standard of living;

Whereas the Heads of State or of Government affirmed at their conference held in Paris in October 1972 that economic expansion is not an end in itself but should result in an improvement of the quality of life as well as of the standard of living;

Whereas the Heads of State or of Government emphasized as one of the conclusions adopted at the above-mentioned conference that they attach as much importance to vigorous action in the social field as to the achievement of Economic and Monetary Union and invited the Community institutions to draw up a social action programme providing for concrete

measures and the corresponding resources particularly in the framework of the European Social Fund on the basis of suggestions put forward by the Heads of State or of Government and the Commission at the said Conference;

Whereas such a programme involves actions designed to achieve full and better employment, the improvement of living and working conditions and increased involvement of management and labour in the economic and social decisions of the Community, and of workers in the life of undertakings;

Whereas actions described in the above programme should be implemented in accordance with the provisions laid down in the Treaties, including those of Article 235 of the Treaty establishing the European Economic Community;

Having regard to the wishes expressed by management and labour;

Whereas, irrespective of serious threats to employment which may arise from the situation obtaining at the time of adoption of this Resolution, and without prejudice to the results of any future studies or measures, the Community should decide on the objectives and priorities to be given to its action in the social field over the coming years;

Takes note of the Social Action Programme from the Commission,

Considers that vigorous action must be undertaken in successive stages with a view to realising the social aims of European union, in order to attain the following broad objectives: full and better employment at Community, national and regional levels, which is an essential condition for an effective social

policy; improvement of living and working conditions so as to make possible their harmonization while the improvement is being maintained; increased involvement of management and labour in the economic and social decisions of the Community, and of workers in the life of undertakings;

Considers that the Community social policy has an individual role to play and should make an essential contribution to achieving the aforementioned objectives by means of Community measures or the definition by the Community of objectives for national social policies, without however seeking a standard solution to all social problems or attempting to transfer to Community level any responsibilities which are assumed more effectively at other levels;

Considers that social objectives should be a constant concern of all Community policies;

Considers that it is essential to ensure the consistency of social and other Community policies so that measures taken will achieve the objectives of social and other policies simultaneously;

Considers that, to achieve the proposed actions successfully, and particularly in view of the structural changes and imbalances in the Community, the necessary resources should be provided, in particular by strengthening the role of the European Social Fund;

Expresses the political will to adopt the measures necessary to achieve the following objectives during a first stage covering the period from 1974 to 1976, in addition to measures adopted in the context of other Community policies:

Attainment of full and better employment in the Community

- to establish appropriate consultation between Member States on their employment policies, guided by the need to achieve a policy of full and better employment in the Community as a whole and in the regions;
- to promote better cooperation by national employment services;
- to implement a common vocational training policy, with a view to attaining progressively the principal objectives thereof, especially approxima-

tion of training standards, in particular by setting up a European Vocational Training Centre;

- to undertake action for the purpose of achieving equality between men and women as regards access to employment and vocational training and advancement and as regards working conditions, including pay, taking into account the important role of management and labour in this field;
- to ensure that the family responsibilities of all concerned may be reconciled with their job aspirations;
- to establish an action programme for migrant workers and members of their families which shall aim in particular:
 - to improve the conditions of free movement within the Community of workers from Member States, including social security, and the social infrastructure of the Member States, the latter being an indispensable condition for solving the specific problems of migrant workers and members of their families, especially problems of reception, housing, social services, training and education of children;
 - to humanize the free movement of Community workers and members of their families by providing effective assistance during the various phases, it being understood that the prime objective is still to enable workers to find employment in their own regions;
 - to achieve equality of treatment for Community and non-Community workers and members of their families in respect of living and working conditions, wages and economic rights, taking into account the Community provisions in force;
 - to promote consultation on immigration policies *vis-à-vis* third countries;
- to initiate a programme for the vocational and social integration of handicapped persons, in particular making provisions for the promotion of pilot experiments for the purpose of rehabilitating them in vocational life, or where appropriate, of placing them in sheltered industries, and to undertake a comparative study of the legal provisions and the arrangements made for rehabilitation at national level;

- to seek solutions to the employment problems confronting certain more vulnerable categories of persons (the young and the aged);
- to protect workers hired through temporary employment agencies and to regulate the activities of such firms with a view to eliminating abuses therein;
- to continue the implementation of the Council's conclusions on employment policy in the Community and particularly those concerning the progressive integration of the labour markets including those relating to employment statistics and estimates;

Improvement of living and working conditions so as to make possible their harmonization while the improvement is being maintained

- to establish appropriate consultations between Member States on their social protection policies with the particular aim of their approximation on the way of progress;
- to establish an action programme for workers aimed at the humanization of their living and working conditions, with particular reference to:
 - improvement in safety and health conditions at work;
 - the gradual elimination of physical and psychological stress which exists in the place of work and on the job, especially through improving the environment and seeking ways of increasing job satisfaction;
 - a reform of the organization of work giving workers wider opportunities, especially those of having their own responsibilities and duties and of obtaining higher qualifications;
- to persevere with and expedite the implementation of the European Social Budget;
- gradually to extend social protection, particularly within the framework of social security schemes, to categories of persons not covered or inadequately provided for under existing schemes;
- to promote the coordination of social security schemes for self-employed workers with regard to freedom of establishment and freedom to provide services;
- to invite the Commission to submit a report on the problems arising in connection with coordination of supplementary schemes for employed persons moving within the Community;
- progressively to introduce machinery for adapting social security benefits to increased prosperity in the various Member States;
- to protect workers' interests, in particular with regard to the retention of rights and advantages in the case of mergers, concentrations or rationalization operations;

- to implement, in cooperation with the Member States, specific measures to combat poverty by drawing up pilot schemes;

Increased involvement of management and labour in the economic and social decisions of the Community, and of workers in the life of undertakings

- to refer more extensively to the Standing Committee on Employment for the discussion of all questions with a fundamental influence on employment;
- to help trade union organizations taking part in Community work to establish training and information services for European affairs and to set up a European Trade Union Institute;
- progressively to involve workers or their representatives in the life of undertakings in the Community;
- to facilitate, depending on the situation in the different countries, the conclusion of collective agreements at European level in appropriate fields;
- to develop the involvement of management and labour in the economic and social decisions of the Community;

Lays down the following priorities among the actions referred to in this Resolution:

Attainment of full and better employment in the Community

1. The establishment of appropriate consultation between Member States on their employment policies and the promotion of better cooperation by national employment services.
2. The establishment of an action programme for migrant workers who are nationals of Member States or third countries.
3. The implementation of a common vocational training policy and the setting up of a European Vocational Training Centre.
4. The undertaking of action to achieve equality between men and women as regards access to employment and vocational training and advancement and as regards working conditions, including pay.

Improvement of living and working conditions so as to make possible their harmonization while the improvement is being maintained

5. The establishment of appropriate consultations between Member States on their social protection policies.

6. The establishment of an initial action programme, relating in particular to health and safety at work, the health of workers and improved organization of tasks, beginning in those economic sectors where working conditions appear to be the most difficult.
7. The implementation, in cooperation with the Member States, of specific measures to combat poverty by drawing up pilot schemes.

Increased involvement of management and labour in the economic and social decisions of the Community, and of workers in the life of undertakings

8. The progressive involvement of workers or their representatives in the life of undertakings in the Community.
9. The promotion of the involvement of management and labour in the economic and social decisions of the Community.

Takes note of the Commission's undertaking to submit to it, during 1974, the necessary proposals concerning the priorities laid down above ;

Takes note of the Commission's undertaking to submit to it, before 1 April 1974, proposals relating to :

- an initial action programme with regard to migrant workers ;
- the setting up of a European Vocational Training Centre ;
- a directive on the harmonization of laws with regard to the retention of rights and advantages in the event of changes in the ownership of undertakings, in particular in the event of mergers ;

Notes that the Commission has already submitted to it proposals relating to :

- assistance from the European Social Fund for migrant workers and for handicapped workers ;
- an action programme for handicapped workers in an open market economy ;
- the setting-up of a European General Industrial Safety Committee and the extension of the competence of the Mines Safety and Health Commission ;
- a Directive providing for the approximation of legislation of Member States concerning the application of the principle of equal pay for men and women ;
- the designation as an immediate objective of the overall application of the principle of the standard 40-hour working week by 1975, and the principle of four weeks annual paid holiday by 1976 ;
- the setting up of a European Foundation for the improvement of the environment and of living and working conditions ;
- a Directive on the approximation of the Member States' legislation on collective dismissals.

Undertakes to act, at the latest five months after the Commission has informed the Council of the results of its deliberations arising from the opinions given by the European Parliament and the Economic and Social Committee, if such consultations have taken place, or, if such consultations have not taken place, at the latest nine months from the date of the transmission of the proposals to the Council by the Commission ;

Takes note of the Commission's undertaking to submit to it before 31 December 1976 a series of measures to be taken during a further phase.

COMMISSION

Communication from the Commission pursuant to Article 4 of Council Regulation (EEC) No 3502/73 of 18 December 1973

Pursuant to Article 4 of Council Regulation (EEC) No 3502/73 ⁽¹⁾ of 18 December 1973 on the opening, allocating and providing for the administration of Community tariff quotas for certain textile products originating in developing countries, notice is hereby given that charges at Community level, against the Community tariff quota, in respect of products originating in the countries specified below have reached the relevant maximum amount laid down in column 4 of Annex A of that Regulation.

CCT heading No	Description of goods	Country of origin
ex 62.02	Bed linen, table linen, toilet linen and kitchen linen, curtains and other furnishing articles: — In woven fabrics of cotton	India

The normal Common Customs Tariff duty is, consequently, reintroduced for the abovementioned products originating in India from 13 February 1974.

⁽¹⁾ OJ No L 358, 28. 12. 1973, p. 60.

II

(Preparatory Acts)

COMMISSION

Proposal for a Council Decision on assistance from the European Social Fund to persons employed in the shipbuilding industry*(Submitted to the Council by the Commission on 11 January 1974)*

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community;

Having regard to the Council Decision of 1 February 1971⁽¹⁾ on the reform of the European Social Fund, and in particular Article 4 (1) thereof;

Having regard to the proposal from the Commission;

Whereas under Article 4 of the Council Decision of 1 February 1971 it is for the Council, on a proposal from the Commission, to determine the areas in which the Fund may intervene;

Whereas detailed provisions for intervention by the Fund and the manner in which it operates are defined by Council Regulation (EEC) No 2396/71⁽²⁾ of 8 November 1971 implementing the Council Decision of 1 February 1971 on the reform of the European Social Fund;

Whereas the employment situation in some sectors of the Community's shipbuilding industry stands in need of quantitative and qualitative adjustments which will or may cause many workers to change their jobs to import their qualifications, gain further qualifications or to change their place of residence;

Whereas this trend will continue during the coming years and could increase following special measures, provided for under the Community's industrial policy to adjust the structure of the shipbuilding industry;

Whereas the European Social Fund as reformed by the Council can contribute towards the financial costs

arising from initiatives which are developing or develop in the Member States to render the re-employment of workers in the shipbuilding industry easier and to increase their geographical and occupational mobility;

Whereas in the Decisions based on Article 4 of the Council Decision of 1 February 1971 the Council specified those types of aids, among those defined by provisions laid down pursuant to Article 127 of the Treaty, which qualify for assistance from the Fund,

HAS DECIDED AS FOLLOWS:

Article 1

The following shall qualify for assistance from the Social Fund under Article 4 of the Council Decision of 1 February 1971: operations designed to facilitate the employment and increase the geographical and occupational mobility of workers employed in the shipbuilding industry whose jobs are, or run the risk of being, directly affected by quantitative or qualitative measures to adjust the structure of the shipbuilding industry and who need to be employed either within that industry or elsewhere.

Article 2

To qualify for assistance from the Fund, the operations referred to in Article 1 should take the form of a specific programme designed to contribute within a short time towards the long-term improvement of the competitiveness of undertakings so that they can compete on a world-wide basis.

⁽¹⁾ OJ No L 28, 4. 2. 1971, p. 15.

⁽²⁾ OJ No L 249, 10. 11. 1971, p. 54.

In particular, this programme should emphasize the objectives for various regions and sectors of the economy, to which those operations are to contribute.

Article 3

Assistance may be granted from the Fund under this Decision for aids listed in Council Regulation (EEC) No 2397/71 ⁽¹⁾ of 8 November 1971 on aid which may qualify for assistance from the European Social Fund.

Article 4

Four years after this Decision enters into force the Council, on a proposal from the Commission, shall

examine the desirability of maintaining all or part of the provisions.

Article 5

The Decision shall enter into force on the fifth day following its publication in the *Official Journal of the European Communities*.

It shall apply to operations which have been approved by the Commission in their draft form before the expiry of the period of four years following the entry into force of this Decision.

⁽¹⁾ OJ No L 249, 10. 11. 1971, p. 58.

Proposal for a Council Directive supplementary to Council Directive No 71/286/EEC of 26 July 1971 concerning statistical surveys to be carried out by Member to determine the production capacity of plantings of certain tree fruits

(Submitted to the Council by the Commission on 11 January 1974)

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

Pursuant to the Treaty of Establishment of the European Community, and in particular Article 43;

At the suggestion of the Commission;

After seeking the advice of the European Parliament; and

Taking the following into consideration:

1. Council Directive No 71/286/EEC of 26 July 1971 ⁽¹⁾ instructing Member States to carry out statistical surveys in 1972 and thereafter in spring at five-yearly intervals, on plantations of eating apples, dessert pears, peaches, and oranges in their territories;

2. Because of unforeseeable and insurmountable difficulties, some Member Countries were unable to meet the final dates laid down in Directive No 71/286/EEC, either because they could not carry out the survey in 1972, or because they were unable to submit the results of the survey to the Commission before 1 September 1973;

3. However, the results of the surveys are urgently needed, because they will form the basis of forecasts of the development of production capacity of these fruit crops, and because they are indispensable for medium-term estimation of production and market supply;

4. Steps must therefore be taken to ensure that the survey and reports produced by individual Member Countries after the original final dates are also taken into account,

HAS ADOPTED THIS DIRECTIVE:

Article 1

The following instruction is to be inserted in Council Directive No 71/286/EEC of 26 July 1971:

Article 9a

1. Member States which were unable to meet the final date for the carrying out of the survey provided for under Article 1, or for the submission of the results to the Commission, can:

(a) carry out this survey by Spring 1974 at latest;

(b) submit the results of this survey to the Commission by at latest 12 months after carrying out the survey, but not later than 31 December 1974.

2. If a Member State makes use of paragraph 1:

(a) then, for that State, the final dates given under Articles 5 and 6 are postponed by one year in each case, provided that the survey provided for in Article 1 is carried out;

(b) the proposal provided for under Article 9 (4) must be submitted by 31 December 1974 at latest.

Article 2

In Article 8, sentence 1 of Council Directive No 71/286/EEC the following changes of dates are to be made:

— '1 January 1975' to read '1 January 1976';

— '1 January 1976' to read '1 January 1977'.

Article 3

This Directive is addressed to the Member States.

⁽¹⁾ OJ No L 179, 9. 8. 1971, p. 21.

Proposal for a Council Regulation concerning the system of trade with third countries in the market in products processed from fruit and vegetables

(Submitted to the Council by the Commission on 14 January 1974)

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community, and in particular Article 43 thereof;

Having regard to Council Regulation (EEC) No 865/68⁽¹⁾ of 28 June 1968 on the common organization of the market in products processed from fruit and vegetables, as last amended by the Act⁽²⁾ annexed to the Treaty⁽³⁾ on the Accession of new Member States to the European Economic Community and the European Atomic Energy Community, signed at Brussels on 22 January 1972, and in particular Article 7 thereof;

Having regard to the proposal from the Commission;

Having regard to the Opinion of the European Parliament;

Whereas the common organization of the market in products processed from fruit and vegetables justifies the elimination of quantitative restrictions and measures of equivalent effect in trade with third countries;

Whereas it is nevertheless necessary to limit the risks attendant upon the abolition in trade with third countries of all quantitative restrictions or measures of equivalent effect; whereas provision should therefore be made for the possibility of fixing a floor price or a minimum price which importers must undertake to respect for certain particularly sensitive products; whereas for the proper working of this system it is necessary to provide for the issue of import certificates and the lodging of security guaranteeing the undertaking to import guaranteeing that the price will be respected by the importers;

Whereas the machinery thus established may prove inadequate in exceptional circumstances; whereas to ensure that in such cases the Community market is not left completely exposed to the disturbances which might result, the means should be provided for appropriate action to be taken as quickly as possible,

HAS ADOPTED THIS REGULATION:

Article 1

1. Save as otherwise provided for in Regulation (EEC) No 865/68 and in this Regulation, or as other-

⁽¹⁾ OJ No L 153, 1. 7. 1968, p. 8.

⁽²⁾ OJ No L 73, 27. 3. 1972, p. 14.

⁽³⁾ OJ No L 73, 27. 3. 1972, p. 5.

wise decided by the Council acting in accordance with the voting procedure provided for in Article 43 (2) of the Treaty on a proposal from the Commission, the application of any quantitative restrictions or measures of equivalent effect in trade with third countries in the products listed in Article 1 of the said Regulation is forbidden.

2. For the products shown in the Annex, and for tomato concentrates falling within subheading No 20.02 of the Common Customs Tariff, the provisions of paragraph 1 above shall apply only as from the respective dates adopted for the introduction of floor prices and minimum prices for the products in question.

For preserved pineapple, these provisions shall apply only as from the entry into force of a system of aid for the production of preserved pineapple.

3. Nevertheless, until the date of expiry of the system provided for in Article 115 of the Act on the Conditions of Accession and the Adjustments to the Treaties, the United Kingdom may maintain the quantitative restrictions which it was applying on 1 January 1972, for orange and grapefruit juices and for grapefruit segments.

Article 2

1. For each of the products listed in column I of the Annex, an import floor price shall be fixed each year as from 1974. Prices shall be operative from the dates given in column II of the Annex and shall apply throughout the subsequent marketing season.

2. The floor price, which may be varied for each product according to quality, presentation, and packing shall be established:

(a) on the basis of:

- the free-at-frontier import prices during the two years preceding the year in which it is fixed, disregarding any such prices, which, in comparison with normal fluctuations, were excessively high or low; those prices shall be increased, in the case of the Community as originally constituted, by whatever Common Customs Tariff duties are applicable or, in the case of the new Member States, by duties applied by them with respect to third countries in accordance with Article 59 of the Act of Accession; and

- the prices for the products in question on the main world markets ; and

(b) taking into account :

- the need to prevent the application of the floor price from having a more restrictive effect on trade than the measures previously applied by the Member States ; and
- the need to ensure that the application of the floor price contributes to the normal and harmonious development of competition with third countries.

3. The Council, acting on a proposal from the Commission in accordance with the voting procedure laid down in Article 43 (2) of the Treaty, shall fix the floor prices for given qualities, packings and, where appropriate, presentations and shall also fix the dates of introduction of those prices.

4. The Council, acting on a proposal from the Commission in accordance with the voting procedure laid down in Article 43 (2) of the Treaty, may decide that the list given in the Annex should be extended to include other products.

5. The coefficients to be applied to the floor price in order to take account of any variations from the quality, packing, and presentation for which the price has been fixed, shall be calculated in accordance with the procedure laid down in Article 15 of Regulation (EEC) No 865/68.

6. Detailed rules for the application of this Article shall be adopted, if required, in accordance with the procedure laid down in Article 15 of Regulation (EEC) No 865/68.

Article 3

1. A minimum import price for tomato concentrates falling within subheading No 20.02 C of the Common Customs Tariff shall be fixed each year as from 1974 before 1 April for the subsequent marketing season.

2. The minimum price, which may be varied according to quality, presentation, and packing, shall be established :

(a) on the basis of :

- the average production cost for the Community product during the two years preceding the year in which it is fixed ; and
- the free-at-frontier import prices during the two years preceding the year in which it is fixed, disregarding import prices which, in comparison with normal fluctuations, were excessively high or low ; those prices shall be increased, in the case of the Community as originally constituted, by whatever Common Customs Tariff duties are applicable or, in the case of the new Member States, by duties applied by them with respect to third countries

in accordance with Article 59 of the Act of Accession ; and

- the prices for the products in question on the main world markets ; and

(b) taking into account :

- the need to prevent the application of the minimum price from having a more restrictive effect on trade than the measures previously applied by the Member States ; and
- the need to ensure that the application of the floor price contributes to the normal and harmonious development of competition with third countries.

3. The Council, acting on a proposal from the Commission in accordance with the voting procedure laid down in Article 43 (2) of the Treaty, shall fix the minimum price for given qualities, packings, and where appropriate, presentations and shall also fix the dates of introduction of those prices.

4. The coefficients to be applied to the minimum price in order to take account of any variations from the quality, packing and presentation for which a price has been fixed, shall be calculated in accordance with the procedure laid down in Article 15 of Regulation (EEC) No 865/68.

5. Detailed rules for the application of this Article shall be adopted, if required in accordance with the procedure laid down in Article 15 of Regulation (EEC) No 865/68.

Article 4

1. All importation into the Community of the products specified in Article 1 (2) shall be subject to the production of an import certificate, which shall be issued by the Member States to any interested party who applies for such certificate irrespective of his place of establishment within the Community.

This certificate shall be valid for an operation carried out within the Community.

2. The issue of an import certificate shall be conditional upon the following :

- the lodging of a security to guarantee that the undertaking will effect certain imports within the validity of the certificate, which security, except in cases of *force majeure*, shall be forfeit in whole or in part if the imports are not effected within the period or are effected only in part ; and
- the lodging of an additional security to guarantee that the free-at-frontier price of the products to be imported under cover of the certificate plus the customs duty payable thereon shall together be not less than the floor price or minimum price, as the case may be. A proportionate part of the security shall be forfeit in respect of any quantities imported at a price lower than the floor price or minimum price, as the case may be ; the lodging of such security shall not however be required for

imports from third countries which are willing and in a position to guarantee that the price on importation into the Community of products originating in and exported from their territory shall be not less than the floor price or minimum price for the product in question, and that all deflection of trade will be avoided.

3. The period of validity of the certificates, the amount of the security and other rules for the application of this Article shall be determined in accordance with the procedure laid down in Article 15 of Regulation (EEC) No 865/68.

Article 5

Where the levy on various added sugars is fixed in advance for one of the products referred to in Article 4 (1) of this Regulation, such advance fixing shall be mentioned on the import certificate which is the basis thereof.

Where this is the case, the provisions of Article 6 of Regulation (EEC) No 865/68 shall not apply.

Article 6

1. If, by reason of imports or exports, the Community market in one or more of the products specified in Article 1 is or is likely to be exposed to serious disturbances which might endanger the objectives set out in Article 39 of the Treaty, appropriate measures may be applied in trade with third countries until such disturbances or the threat thereof has ceased.

The Council, acting in accordance with the voting procedure laid down in Article 43 (2) of the Treaty on a proposal from the Commission, shall adopt rules for the application of this paragraph and shall define the

cases in which and the limits within the Member States may take protective measures.

2. If the situation envisaged in paragraph 1 should arise, the Commission acting, either at the request of a Member State or on its own initiative, shall decide what measures are necessary and shall communicate them to the Member States; such measures shall be immediately applicable.

Requests received by the Commission from Member States shall be acted upon within 24 hours of receipt.

3. Any measure decided on by the Commission may be referred to the Council by any Member State within three working days following the day on which they were communicated. The Council shall meet without delay. It may, acting in accordance with the voting procedure laid down in Article 43 (2) of the Treaty, amend or annul the measure in question.

Article 7

Council Regulation (EEC) No 1427/71⁽¹⁾ of 2 July 1971 introducing protective measures for products processed from fruit and vegetables is hereby repealed.

Article 8

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

It shall be applicable from the date of entry into force of the Agreements concluded between the European Economic Community and certain Mediterranean countries.

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

⁽¹⁾ OJ No L 151, 7. 7. 1971, p. 5.

ANNEX

CCT heading No	I	II
	Description of products	Date
ex 20.02 C	Peeled tomatoes	1 April
ex 20.06 B	Peaches	1 April
ex 20.07 B	Tomato juice	1 April
ex 20.07 A III 20.07 B II a) 1	Concentrated orange juice	1 November
ex 20.07 A III 20.07 B II a) 3		
20.07 B II b) 1	Natural orange not concentrated	1 November

III

(Notices)

COMMISSION

Notice of invitation to tender from Voedselvoorzienings In- en Verkoopbureau (VIB), Hoensbroek, for the costs of delivery of 2 302 metric tons of skimmed-milk powder as food aid

Pursuant to Regulation (EEC) Nos 2721/72 ⁽¹⁾, 1885/73 ⁽²⁾ and 248/74 ⁽³⁾ and pursuant to the invitation to tender ⁽⁴⁾ for the costs of delivery by way of food aid of skimmed-milk powder held by the intervention agencies, the VIB hereby invites tenders for the cost of delivery fob of 2 302 metric tons of skimmed-milk powder, to be taken over from the warehouses appearing in the Annex, divided as follows:

- (a) 546 metric tons — Colombia,
- (b) 500 metric tons — Colombia,
- (c) 500 metric tons — Colombia,
- (d) 500 metric tons — Colombia,
- (e) 256 metric tons — Peru.

The delivery shall be effected fob Rotterdam.

Delivery fob shall be made on a date determined by the intervention agency as follows: after 1 but before 17 April 1974.

The closing date for submission of tenders is 26 February 1974, at 12 noon.

⁽¹⁾ OJ No L 291, 28. 12. 1972, p. 28.

⁽²⁾ OJ No L 192, 13. 7. 1973, p. 31.

⁽³⁾ OJ No L 27, 31. 1. 1974, p. 29.

⁽⁴⁾ OJ No C 66, 15. 8. 1973, p. 14.

ANNEXE — ANLAGE — ALLEGATO — BIJLAGE — ANNEX — BILAG

Ver. Veembedrijf B.V. James Wattstraat 5 Leeuwarden	pand : Langhuisterweg 24 St. Annaparochie	518 275 kg
Ver. Veembedrijf B.V. James Wattstraat 5 Leeuwarden	pand : De Vriesstroau 2 St. Jacobiparochie	27 725 kg
Veembedrijf A. Buisman N.V. Zwolle	pand : De Vriesstroau 2 St. Jacobiparochie	304 350 kg
J.J. Poland B.V. Vaartweg 44 Espel (N.O.P.)	pand : Westermeerweg 41 Espel	127 425 kg
Tielbeke Transport B.V. Parallelweg 4 Lemelerveld	pand : vm Linoleumfabr. Enkweg 30 Wijhe	288 000 kg
W.v. Bentum B.V. Mercuriusweg 17 Barneveld	pand : vm Linoleumfabr. Enkweg 30 Wijhe	40 000 kg
Covatra Ned. B.V. Hanzeweg 19 Hasselt (Ov.)	pand : vm N.V. Schokbeton v. Broekhovenweg 13 Elburg	260 225 kg
B.V. Handelsmij. Klomp en Zwetsloot Smalle pad 28 Amersfoort	pand : Hoogehof 2 Nijkerk	180 000 kg
fa J.v. Bentum Arnhemseweg 87 Leusden	pand : Hoogehof 2 Nijkerk	300 000 kg

Notice of invitation to tender from Einfuhr- und Vorratsstelle für Fette (EVSt-F), Frankfurt, for the costs of delivery of 2 000 metric tons of skimmed-milk powder to Mauritania as food aid

In accordance with the provisions of Regulation (EEC) Nos 2721/72⁽¹⁾, 1885/73⁽²⁾, 192/74⁽³⁾ and 299/74⁽⁴⁾, and pursuant to the notice of invitation to tender⁽⁵⁾ for the costs of delivery as food aid of skimmed-milk powder held by the intervention agencies, EVSt-F invites tenders for the delivery cif of 2 000 metric tons of skimmed-milk powder to Nouakchott, Mauritania.

The skimmed-milk powder shall be removed from the premises of the German intervention agency to such one or more of the warehouses mentioned in the Annex as are mentioned in the tender.

The embarkation shall take place on 29 March 1974 at the latest.

The tenderer shall as soon as possible notify the German intervention agency and the recipient country of the items referred to in Article 5 (1) (a) and (b) of Regulation (EEC) No 299/74.

The time limit for the submission of tenders is 26 February 1974, at 12 noon.

⁽¹⁾ OJ No L 291, 28. 12. 1972, p. 28.

⁽²⁾ OJ No L 192, 13. 7. 1973, p. 31.

⁽³⁾ OJ No L 22, 25. 1. 1974, p. 33.

⁽⁴⁾ OJ No L 33, 6. 2. 1974, p. 5.

⁽⁵⁾ OJ No C 66, 15. 8. 1973, p. 14.

ANNEXE — ANLAGE — ALLEGATO — BIJLAGE — ANNEX — BILAG

Wilhelm Rotermund GmbH

239 Flensburg

Postfach 281

Lager : Flensburg-Jarplund

150 t

Johann Hanssen

224 Heide

Meldorfer Straße 141

Lager : Heide

425 t

Roehlig u. Co

28 Bremen 1

Soegestraße 18/20

Lager : Neumünster

300 t

Herman Stoeften, Lager — Spedition

2241 Pahlen

Lager : Pahlen

250 t

Hansa Lagerhaus Max Kampffmeyer KG

237 Rendsburg

Lager : Rendsburg

150 t

Butter- und Eier-Zentralgenossenschaft EGmbH

29 Oldenburg

Postfach 148

Lager : Rodenkirchen

150 t

Roehlig u. Co

28 Bremen 1

Soegestraße 18/20

Lager : Stade

75 t

August und Walter Hemfort

404 Rheda/Wiedenbrück

Pixelerstraße 49

Lager : Rheda

150 t

Kurt Strauchmann

6442 Rotenburg a.d. Fulda

Weihergrund 1

Lager : Bebra

300 t

Viktor Seifert, int. Spedition — Lagerungen

87 Würzburg

Gattinger Straße 11

Lager : Würzburg-Kist

50 t

**Notice of invitation to tender for the delivery fob of common wheat pursuant to
Commission Regulation (EEC) No 345/74 of 8 February 1974**

The Office national interprofessionnel des céréales (ONIC), 21 Av. Bosquet, Paris 7ème (intervention agency), hereby issues an invitation to tender for the purchase on the Community's internal market of 5 000 tons of common wheat to be supplied fob, that is to say at the moment when the goods are loaded into the hold of the ship in the port of loading, by way of Community food aid action to the Democratic Republic of the Sudan.

I. Tendering

1. Tenders must reach the Office National Interprofessionnel des Céréales by registered post or by messenger⁽¹⁾ not later than 22 February 1974.
2. Tenders, whether sent by registered post or brought by messenger, shall be enclosed in a sealed envelope marked 'Soumission aide alimentaire communautaire Soudan', enclosed in turn within an envelope bearing the name and address of the intervention agency (ONIC).
3. No tender may be submitted for part of the lot.
4. Tenders must include the address of the tenderer and give:
 - (a) the number and weight of the lot to which they relate;
 - (b) the port of shipment (seaport);
 - (c) the costs proposed per metric ton of the product in French francs⁽²⁾

This invitation to tender relates to the carriage in bulk of a quantity of common wheat.

The cost of weighing, verification and insurance must be included in the charge quoted in the tender.

5. Each tender must be accompanied by:
 - (a) proof that the security required under Title II has been given;
 - (b) the statement required under Title III;
 - (c) a self-addressed envelope to the tenderer.
6. Tenders not submitted in conformity with these specifications cannot be accepted.

II. Security

1. Each tenderer must, before the expiry of the period set for the submission of tenders, provide security representing the equivalent in French francs of five units of account per metric ton.
2. The security required under paragraph 1 may be provided in the form of a cash deposit or of a guarantee issued by a credit institution conforming to the criteria laid down by the Member State responsible for the intervention agency.
3. If a tender is not taken into consideration or is not successful, the security shall be refunded to the tenderer. The successful tenderer's security shall continue to be held. It shall be forfeited if he does not fulfil his obligations within the prescribed time limit, save in case of *force majeure*.

III. Obligations

The tender shall be valid only if accompanied by a statement from the tenderer to the effect that:

- (a) he undertakes to load fob in the vessel the lot meeting the set requirements;
- (b) he undertakes to carry out the delivery operations within the time limit set.

IV. Award of contract

1. The contract shall be awarded to the tenderer who makes the most favourable offer. The tenderer may under no circumstances withdraw an offer for which a contract is awarded to him.
2. Each tenderer shall be informed by letter of the results of the tenders.
3. The date from which shipment shall begin shall be between 15 and 25 March 1974.

The period allowed for loading shall commence on the date on which shipment begins, taking into consideration the loading rate of the port.

V. Litigation

Any dispute arising between the ONIC and the successful tenderer shall be referred to the 'Tribunal de grande instance de la Seine'.

⁽¹⁾ Tenders delivered by hand should be delivered, against an acknowledgement of receipt, at the ONIC.

⁽²⁾ This currency is converted at the official parity with a view to payment, in his own currency, of the expenses proposed by the tenderer.

ANNEX

Number of lot	Port from which consigned	Minimum rate of loading per day	Tonnage fob
1	Atlantic or North Sea ports	Customs of the port	5 000 metric tons

Notice to readers

The text published in the German, French, Italian and Dutch editions of this Official Journal (pp. 19-31) concerns information on the execution of projects financed by the European Development Fund.

In the light of the technical difficulties in translation during the present internal organization of the Community, and the transitional measures of the Act of Accession which, on the one hand, exempt the new Member States from the financial contribution to EDF and, on the other hand, do not confer on their nationals the right to participate in the execution of EDF projects, the publication of this text in Danish and English is not being considered.

CORRIGENDA**TO DECISIONS OF THE ADMINISTRATIVE COMMISSION OF THE EUROPEAN COMMUNITIES ON SOCIAL SECURITY FOR MIGRANT WORKERS**

When Decision Nos 74 to 85 and Decision No 86 of the Administrative Commission on social security for migrant workers were adopted (see OJ No C 75 of 19 September 1973 and OJ No C96 of 13 November 1973), the English texts could, for technical reasons, not be revised in time for publication. As a result, the text of these Decisions as published in the abovementioned issues of the Official Journal contains a number of inaccuracies. The full text of the Decisions has now been revised in consultation with the United Kingdom and Irish delegations to the Administrative Commission. The corrected and revised texts of Decision Nos 74 to 86 appear in the following pages. They replace the earlier texts published in the abovementioned issues of the Official Journal.

DECISION No 74**of 22 February 1973**

concerning the provision of medical care in cases of temporary stay under Article 22 (1) (a) (i) of Regulation (EEC) No 1408/71 and Article 21 of Regulation (EEC) No 574/72

THE ADMINISTRATIVE COMMISSION OF THE EUROPEAN COMMUNITIES ON SOCIAL SECURITY FOR MIGRANT WORKERS,

Having regard to Article 81 (a) of Regulation (EEC) No 1408/71 under which it is made responsible for dealing with all administrative questions arising from Regulation (EEC) Nos 1408/71 and 574/72 ;

Whereas Decision No 21 published in the *Official Journal of the European Communities* No 45 of 26 July 1960 has been rendered invalid by the entry into force of Council Regulation (EEC) Nos 1408/71 and 574/72, but, taking into account the provisions of the said Regulations, there are grounds for adopting a new decision specifying the procedure for implementing Article 22 (1) (a) (i) of Regulation (EEC) No 1408/71, in the case referred to in Article 21 of Regulation (EEC) No 574/72,

HAS DECIDED AS FOLLOWS :

1. The institution of the place of stay shall apply Article 22 (1) (a) (i) of Regulation (EEC) No 1408/71, in the case referred to in Article 21 of Regulation (EEC) No 574/72, only if the person concerned has applied to it before the end of his temporary stay in order either to submit to it a certified statement (Form E 111) issued by the competent institution or to ask the institution of the place of stay to enquire of the competent institution, by means of Form E 107, about his entitlement to benefits.

In the latter case, the reply from the competent institution must confirm that the person concerned is entitled to benefits ; if the reply from the competent institution is received after the departure of the person concerned, this cannot be invoked as a ground for refusing payment of benefits.

2. This Decision shall be published in the *Official Journal of the European Communities*. It shall apply to the six original Member States as from 1 October 1972 and, in accordance with the Treaty of Accession, as from 1 April 1973 to the three new Member States.

*The Chairman of
the Administrative Commission*

J. DONIS

**DECISION No 75
of 22 February 1973**

**concerning the investigation of applications for review made under Article 94 (5)
of Regulation (EEC) No 1408/71 by invalidity pensioners**

THE ADMINISTRATIVE COMMISSION OF THE EUROPEAN COMMUNITIES ON SOCIAL SECURITY FOR MIGRANT WORKERS,

Having regard to Article 81 (a) of Regulation (EEC) No 1408/71 under which it is made responsible for dealing with all administrative questions arising from Regulation (EEC) Nos 1408/71 and 574/72;

Whereas Decision No 2 published in the *Official Journal of the European Communities* No 64 of 17 December 1959 has been rendered invalid by the entry into force of Council Regulation (EEC) Nos 1408/71 and 574/72, but, taking into account the provisions of the said Regulations, there are grounds for adopting a new decision specifying in which circumstances a new medical report drawn up on Form E 213 and, where appropriate, on Form E 214, can be required when an application is made for the review of an invalidity pension under Article 94 (5) of Regulation (EEC) No 1408/71,

HAS DECIDED AS FOLLOWS:

1. When a worker makes an application for the review of an invalidity pension under Article 94 (5) of Regulation (EEC) No 1408/71, it shall not be necessary to carry out a new medical examination and complete Form E 213 and, where appropriate, Form E 214, provided that the documents contained in the file can be regarded as adequate. Otherwise, the institutions concerned may request a new medical report using the aforementioned forms.
2. This Decision shall be published in the *Official Journal of the European Communities*. It shall apply to the six original Member States as from 1 October 1972 and, in accordance with the Treaty of Accession, as from 1 April 1973 to the three new Member States.

*The Chairman of
the Administrative Commission*

J. DONIS

DECISION No 76
of 22 February 1973
concerning the conditions for the use of Forms E 402, E 403 and E 404

THE ADMINISTRATIVE COMMISSION OF THE EUROPEAN COMMUNITIES ON SOCIAL SECURITY FOR MIGRANT WORKERS,

Having regard to Article 81 (a) of Regulation (EEC) No 1408/71 under which it is made responsible for dealing with all administrative questions arising from Regulation (EEC) Nos 1408/71 and 574/72;

Whereas Decision No 20 published in the *Official Journal of the European Communities* No 45 of 16 July 1960 has been rendered invalid by the entry into force of Council Regulation (EEC) Nos 1408/71 and 574/72, but, taking into account the provisions of the said Regulations, there are grounds for adopting a new decision;

Whereas it is essential to lay down rules concerning the periods for renewing certificates for the continuation of studies (Form E 402), apprenticeship certificates (Form E 403) and medical certificates (Form E 404) drawn up for the retention of the right to family allowances beyond the normal age limit in the circumstances laid down by national legislations, and also to appoint the doctor qualified to issue the said medical certificate,

HAS DECIDED AS FOLLOWS:

1. The certificate concerning school attendance (Form E 402) shall be required only once per quarter, but institutions shall have the option of requiring this certificate only once a year.
2. The apprenticeship certificate (Form E 403) shall be required only once per quarter, but institutions shall be free to require this certificate only once every six months or once a year.
3. The medical certificate to be produced for children incapable of work (Form E 404) shall be renewed not less than once a year.
4. For the issue of the medical certificate mentioned in paragraph 3, a doctor may be appointed by the liaison body should it have no doctor of its own available; the doctor may be the one treating the patient.
5. This Decision shall be published in the *Official Journal of the European Communities*. It shall apply to the six original Member States as from 1 October 1972 and, in accordance with the Treaty of Accession, as from 1 April 1973 to the three new Member States.

*The Chairman of
the Administrative Commission*

J. DONIS

DECISION No 77**of 22 February 1973****concerning the calculation of family allowances pursuant to Article 73 (2) and Article 74 (2) of Regulation (EEC) No 1408/71**

THE ADMINISTRATIVE COMMISSION OF THE EUROPEAN COMMUNITIES ON SOCIAL SECURITY FOR MIGRANT WORKERS,

Having regard to Article 81 (a) of Regulation (EEC) No 1408/71 under which it is made responsible for dealing with all administrative questions arising from Regulation (EEC) Nos 1408/71 and 574/72 ;

Whereas Decision No 25 published in the *Official Journal of the European Communities* No 13 of 17 February 1961 has been rendered invalid by the entry into force of Council Regulation (EEC) Nos 1408/71 and 574/72, but, taking into account the provisions of the said Regulations, there are grounds for adopting a new decision ;

Whereas it is necessary in particular to lay down specific procedures for the application of the principles laid down in Article 73 (2) and Article 74 (2) of Regulation (EEC) No 1408/71, wherever the legislation of the Member State or Member States other than France in which the members of the family of the worker reside provides for different rules and in particular different amounts for different categories of workers and also wherever the legislation of Member States other than France in whose territory the children of the worker are living separately, provides for amounts varying according to the position of the child in the family,

HAS DECIDED AS FOLLOWS :

1. Wherever the legislation of the Member State or Member States other than France in which the members of the family of the worker reside provides for different rules and in particular different amounts for different categories of workers, family allowances shall be awarded in accordance with the rules and the amounts that would apply if the worker pursued his professional or trade activity in the State in which the members of this family reside.
2. Wherever the legislation of the Member States other than France in whose territory the children of the worker are living separately provides for amounts varying according to the position of the child in the family, the institution of each of these States shall award the family allowances due in respect of the children residing in its territory as if all the children were living in that State.
3. This Decision shall be published in the *Official Journal of the European Communities*. It shall apply to the six original Member States as from 1 October 1972 and, in accordance with the Treaty of Accession, as from 1 April 1973 to the three new Member States.

*The Chairman of
the Administrative Commission*

J. DONIS

DECISION No 78**of 22 February 1973****concerning the interpretation of Article 7 (1) (a) of Regulation (EEC) No 574/72 relating to the procedure for implementing the provisions on reduction and suspension**

THE ADMINISTRATIVE COMMISSION OF THE EUROPEAN COMMUNITIES ON SOCIAL SECURITY FOR MIGRANT WORKERS,

Having regard to Article 81 (a) of Regulation (EEC) No 1408/71 under which it is made responsible for dealing with all questions of interpretation arising from Regulation (EEC) Nos 1408/71 and 574/72 ;

Whereas Decision No 31 published in the *Official Journal of the European Communities* No 13 of 17 February 1961 has been rendered invalid by the entry into force of Council Regulation (EEC) Nos 1408/71 and 574/72, but, taking into account the provisions of the said Regulations, there are grounds for adopting a new decision ;

Whereas it is essential to ascertain what interpretation is to be given to the expression 'sum which is subject to reduction or suspension' used in Article 7 (1) (a) of Regulation (EEC) No 574/72 ;

Whereas the expression 'sum which is subject to reduction or suspension' cannot be interpreted as referring to the sum which would be paid under a given legislation if no overlapping benefit rule was applicable ;

Acting in accordance with the provisions of Article 80 (3) of Regulation (EEC) No 1408/71,

HAS DECIDED AS FOLLOWS :

1. The expression 'sum which is subject to reduction or suspension' must be interpreted as referring to the sum which would not be paid if the provisions in Article 12 (2) and (3) of Regulation (EEC) No 1408/71 were strictly applied.
2. This Decision shall be published in the *Official Journal of the European Communities*. It shall apply to the six original Member States as from 1 October 1972 and, in accordance with the Treaty of Accession, as from 1 April 1973 to the three new Member States.

*The Chairman of
the Administrative Commission*

J. DONIS

DECISION No 79**of 22 February 1973**

concerning the interpretation of Article 48 (2) of Regulation (EEC) No 1408/71 relating to the aggregation of insurance periods and periods treated as such with regard to insurance for invalidity, old age and death

THE ADMINISTRATIVE COMMISSION OF THE EUROPEAN COMMUNITIES ON SOCIAL SECURITY FOR MIGRANT WORKERS,

Having regard to Article 81 (a) of Regulation (EEC) No 1408/71 under which it is made responsible for dealing with all questions of interpretation arising from Regulation (EEC) Nos 1408/71 and 574/72 ;

Whereas Decision No 34 published in the *Official Journal of the European Communities* No 13 of 17 February 1961 has been rendered invalid by the entry into force of Council Regulation (EEC) Nos 1408/71 and 574/72, but, taking into account the provisions of the said Regulations, there are grounds for adopting a new decision specifying to what extent insurance periods completed in a Member State shall be taken into consideration in accordance with Article 48 (2) of Regulation (EEC) No 1408/71 by the institutions of other Member States if such periods do not amount to twelve months, the minimum insurance period required under the legislation of the State where the said periods have been completed being nevertheless satisfied by the periods completed in the said State alone ;

Whereas under Article 48 (1) of Regulation (EEC) No 1408/71, derogations from the provisions of Article 46 (2) of that Regulation shall not apply if the right to benefits is acquired under the legislation under which the person concerned has been insured for less than twelve months, but by virtue only of the periods completed under the said legislation ;

Acting in accordance with the provisions of Article 80 (3) of Regulation (EEC) No 1408/71,

HAS DECIDED AS FOLLOWS :

1. Where the insurance periods completed in a Member State do not amount in total to twelve months ; whereas the minimum insurance period required under the legislation of the said State for the granting of benefits has been satisfied by the periods completed within the State in question alone, such periods shall be taken into consideration by the Member States where the person concerned has been insured, for the purpose, where appropriate, of the acquisition, retention or recovery of the right to benefits and for the calculation both of the amount of the theoretical pension and of the pro rata pension.
2. This Decision shall be published in the *Official Journal of the European Communities*. It shall apply as from 1 October 1972 to the six original Member States and, in accordance with the Treaty of Accession, as from 1 April 1973 to the three new Member States.

*The Chairman of
the Administrative Commission*

J. DONIS

DECISION No 80**of 22 February 1973**

concerning the interpretation of Article 45 (2) of Regulation (EEC) No 1408/71 relating to aggregation of insurance periods completed in an occupation subject to a special scheme in one or more Member States

THE ADMINISTRATIVE COMMISSION OF THE EUROPEAN COMMUNITIES ON SOCIAL SECURITY FOR MIGRANT WORKERS,

Having regard to Article 81 (a) of Regulation (EEC) No 1408/71 under which it is made responsible for dealing with all questions of interpretation arising from Regulation (EEC) No 1408/71 ;

Whereas Decision No 50 published in the *Official Journal of the European Communities* No 53 of 28 March 1964 has been rendered invalid by the entry into force of Council Regulation (EEC) Nos 1408/71 and 574/72, but, taking into account the provisions of the said Regulations, there are grounds for adopting a new decision ;

Whereas it is essential to ascertain whether the schemes for mineworkers existing in various Member States are covered by the words 'such a scheme' appearing in Article 45 (2) of Regulation (EEC) No 1408/71, in order to determine whether the insurance periods completed under these schemes must be aggregated without verifying whether the said periods were completed in the same occupation ;

Whereas Article 45 (2) of Regulation (EEC) No 1408/71 stipulates that where the legislation of a Member State makes the granting of certain benefits conditional upon the insurance periods having been completed in an occupation subject to a special scheme, the only insurance periods to be aggregated for entitlement to such benefits shall be periods completed under corresponding schemes of other Member States and periods completed in the same occupation under other schemes of the said Member States ;

Whereas the words 'such a scheme' appearing in Article 45 (2) of Regulation (EEC) No 1408/71 refer to the special schemes in the Member States for workers in a similar occupation ;

Whereas the special schemes for mineworkers existing in Germany, Belgium, France, Italy and Luxembourg meet these criteria ;

Acting in accordance with the provisions of Article 80 (3) of Regulation (EEC) No 1408/71,

HAS DECIDED AS FOLLOWS :

1. The special schemes for mineworkers existing in Germany, Belgium, France, Italy and Luxembourg shall be 'such a scheme' within the meaning of Article 45 (2) of Regulation (EEC) No 1408/71.
2. Consequently insurance periods completed under the said special schemes for mineworkers must be taken into consideration for the purpose of their aggregation in accordance with Article 45 (2), first sentence, of Regulation (EEC) No 1408/71, as defined by these schemes, irrespective of the scope of such schemes and without the need to verify whether the said periods were completed in the same occupation.
3. This Decision shall be published in the *Official Journal of the European Communities*. It shall apply to the six original Member States as from 1 October 1972 and, in accordance with the Treaty of Accession, as from 1 April 1973 to the three new Member States.

*The Chairman of
the Administrative Commission*

J. DONIS

DECISION No 81**of 22 February 1973****concerning aggregation of insurance periods completed in a specific employment pursuant to Article 45 (2) of Regulation (EEC) No 1408/71**

THE ADMINISTRATIVE COMMISSION OF THE EUROPEAN COMMUNITIES ON SOCIAL SECURITY FOR MIGRANT WORKERS,

Having regard to Article 81 (a) of Regulation (EEC) No 1408/71 concerning social security for migrant workers under which it is made responsible for dealing with all administrative questions arising from Regulation (EEC) Nos 1408/71 and 574/72 ;

Whereas Decision No 51 published in the *Official Journal of the European Communities* No 53 of 28 March 1964 has been rendered invalid by the entry into force of Council Regulation (EEC) Nos 1408/71 and 574/72, but, taking into account the provisions of the said Regulations, there are grounds for adopting a new decision specifying in which cases investigations must be carried out to ascertain whether the same employment is involved for the purpose of applying Article 45 (2), first sentence of Regulation (EEC) No 1408/71 ;

Whereas Article 45 (2) of Regulation (EEC) No 1408/71 stipulates that where the legislation of one of the Member States makes the granting of certain benefits conditional upon the insurance periods having been completed in a specific employment, the only insurance periods to be aggregated shall be those completed in the same employment under the legislations of other Member States ;

Whereas, whenever the same employment in which insurance periods have been completed under the legislation of another Member State receives special treatment under the legislation of that State and is in consequence defined by that legislation, it is advisable in the interest of both the insured person and the institution responsible for determining his entitlement, not to prolong the procedure by investigating the nature of that employment ;

Whereas, for instance, when underground work in a mine is defined by the legislation of one Member State, any insurance periods completed in such employment under that legislation must be regarded as insurance periods completed in underground work in a mine under the legislation of other Member States and must be aggregated for entitlement to benefits the granting of which is conditional upon the insurance periods having been completed in such work, without the need to carry out a further investigation,

HAS DECIDED AS FOLLOWS :

1. For the acquisition of the right to benefits the granting of which is conditional, under the legislation of one Member State, upon the insurance periods having been completed in a specific employment, insurance periods completed in the same employment under the legislation of another Member State shall be aggregated in the form in which they are determined by the legislation of that State. Investigations shall be carried out only when the said employment is not defined by that legislation.
2. This Decision shall be published in the *Official Journal of the European Communities*. It shall apply to the six original Member States as from 1 October 1972 and, in accordance with the Treaty of Accession, as from 1 April 1973 to the three new Member States.

*The Chairman of
the Administrative Commission*

J. DONIS

DECISION No 82**of 22 February 1973**

concerning the interpretation of Article 17 (7) of Regulation (EEC) No 574/72 relating to the granting of prostheses, major appliances and other substantial benefits in kind

THE ADMINISTRATIVE COMMISSION OF THE EUROPEAN COMMUNITIES ON SOCIAL SECURITY FOR MIGRANT WORKERS,

Having regard to Article 81 (a) of Regulation (EEC) No 1408/71 under which it is made responsible for dealing with all questions of interpretation arising from Regulation (EEC) Nos 1408/71 and 574/72 ;

Whereas Decision No 56 published in the *Official Journal of the European Communities* No 53 of 31 March 1965 has been rendered invalid by the entry into force of Council Regulation (EEC) Nos 1408/71 and 574/72, but, taking into account the provisions of the said Regulations, there are grounds for adopting a new decision on the interpretations of Article 17 (7) of Regulation (EEC) No 574/72 ;

Whereas it is essential to ascertain whether the provision of Article 17 (7) of Regulation (EEC) No 574/72, under which the competent institution may lodge a reasoned objection against the granting by the institution of the place of residence of prostheses, major appliances and other substantial benefits in kind, has the effect of making the extent of those benefits dependent upon the provisions of the legislation of the competent State when there is no extreme urgency and the cost of the benefits in kind is not repaid to the institution of the place of residence in the form of a lump sum ;

Whereas Article 19 (1) (a) of Regulation (EEC) No 1408/71 stipulates that the provision of benefits in kind in the territory of the country of residence is effected by the institution of the place of residence in accordance with the legislation administered by that institution, and thereby clearly restricts the scope of the legislation of the competent State with regard to the provision of benefits in kind ;

Whereas, in consequence, despite the fact that the competent institution may, under Article 17 (7) of Regulation (EEC) No 574/72 lodge a reasoned objection, that institution cannot object to the granting of a benefit deriving from application of the legislation of the country of residence because that benefit is not provided for the legislation which the said institution administers ;

Whereas the said Article 17 (7), however, is designed to enable the competent institution, when bearing the cost of actual expenditure on benefits in kind incurred by the institution of the place of residence, to exercise control over the granting of costly benefits in order to avoid abuses, and whereas it is necessary to specify the criteria on which that institution should base its objection ;

Acting in accordance with the provisions of Article 80 (3) of Regulation (EEC) No 1408/71,

HAS DECIDED AS FOLLOWS :

1. The extent of the benefits referred to in Article 17 (7) of Regulation (EEC) No 574/72 shall be determined only by the provisions of the legislation which the institution of the place of residence administers.
2. When there is no extreme urgency and when the cost of benefits in kind is not subject to a lump sum repayment to the institution of the place of residence, the competent institution, in view of the possibility of objection to the granting of a prosthesis, major appliance or any other substantial benefit in kind, shall in particular assess the advisa-

bility from the medical viewpoint of granting such a benefit, particularly when it has already provided a similar benefit itself.

3. This Decision shall apply by analogy for the interpretation of Article 60 (6) of Regulation (EEC) No 574/72.
4. This Decision shall be published in the *Official Journal of the European Communities*. It shall apply to the six original Member States as from 1 October 1972 and, in accordance with the Treaty of Accession, as from 1 April 1973 to the three new Member States.

*The Chairman of
the Administrative Commission*

J. DONIS

DECISION No 83

of 22 February 1973

concerning the interpretation of Article 68 (2) of Regulation (EEC) No 1408/71 and of Article 82 of Regulation (EEC) No 574/72 relating to increases in unemployment benefit for dependent members of the family

THE ADMINISTRATIVE COMMISSION OF THE EUROPEAN COMMUNITIES ON SOCIAL SECURITY FOR MIGRANT WORKERS,

Having regard to Article 81 (a) of Regulation (EEC) No 1408/71 under which it is made responsible for dealing with all questions of interpretation arising from that Regulation and Regulation (EEC) No 574/72 ;

Whereas Decision No 57 published in the *Official Journal of the European Communities* No 53 of 31 March 1965 has been rendered invalid by the entry into force of Regulation (EEC) Nos 1408/71 and 574/72, but, taking into account the provisions of the said Regulations, there are grounds for adopting a new decision ;

Whereas it is essential to ascertain whether arrears of increases in unemployment benefit in respect of dependent members of the family should be paid for the period prior to the date of issue of the certified statement relating to members of the family residing in the territory of a Member State other than that where the competent institution is situated, when such persons were already dependent on the worker at the beginning of the period of unemployment for which benefit is payable ;

Whereas under Article 68 (2) of Regulation (EEC) No 1408/71, if under the legislation of a Member State the amount of unemployment benefit varies with the number of members of the family, the competent institution shall also take into consideration when calculating the benefit the number of members of the family residing in the territory of a Member State other than that where the competent institution is situated ;

Whereas it follows from the provision of Article 82 of Regulation (EEC) No 574/72 that, in order to benefit from the aforementioned provisions of Article 68 (2) of Regulation (EEC) No 1408/71, the worker must submit to the competent institution a certified statement relating to the members of his family residing in the territory of a Member State other than that where the competent institution is situated and whereas this certified statement, which must be issued by the institution designated by the competent authority of the country where the members of the family reside, is valid for the twelve months following the date of its issue ;

Whereas in so far as the object of the provisions of Regulation (EEC) No 574/72 is to lay down procedures for implementing Regulation (EEC) No 1408/71, such provisions

cannot have the effect of restricting the entitlement which workers derive from the provisions of Regulation (EEC) No 1408/71 ;

Whereas the specified period of validity of the certified statement laid down in Article 82 (2) of Regulation (EEC) No 574/72, subject to any modifications relating to dependent members of the family which may have occurred after the issue of that certified statement which the worker must notify forthwith to the competent institution, means that these dependants are assumed to remain unchanged for a period of twelve months starting from the issue of the certified statement but does not imply that these dependants must not be taken into consideration from the beginning of the period of unemployment for which benefit is payable ;

Whereas the certified statements drawn up in accordance with the models laid down by the Administrative Commission are a means of proof of the rights of the worker but their issue is not a condition for the acquisition of such rights ;

Whereas the certified statements relating to members of the family residing in the territory of a Member State other than that where the competent institution is situated can be issued only after the beginning of the period of unemployment for which benefit is payable ;

Acting in accordance with the provisions of Article 80 (3) of Regulation (EEC) No 1408/71,

HAS DECIDED AS FOLLOWS :

1. The issue of the certified statement (certificate) E 302 drawn up after the beginning of the period of unemployment for which benefit is payable shall not have the effect of postponing the date for acquisition of entitlement to unemployment benefit at the increased rate for dependent members of the family, which shall be determined in accordance with the legislation of the competent country.
2. This Decision shall be published in the *Official Journal of the European Communities*. It shall apply to the six original Member States as from 1 October 1972 and, in accordance with the Treaty of Accession, as from 1 April 1973 to the three new Member States.

*The Chairman of
the Administrative Commission*

J. DONIS

DECISION No 84

of 22 February 1973

concerning the interpretation of Article 76 and Article 79 (3) of Regulation (EEC) No 1408/71 relating to the overlapping of family allowances

THE ADMINISTRATIVE COMMISSION OF THE EUROPEAN COMMUNITIES ON SOCIAL SECURITY FOR MIGRANT WORKERS,

Having regard to Article 81 (a) of Regulation (EEC) No 1408/71 under which it is made responsible for dealing with all questions of interpretation arising from Regulation (EEC) Nos 1408/71 and 574/72 ;

Whereas Decision No 61 published in the *Official Journal of the European Communities* No 120 of 21 June 1967 has been rendered invalid by the entry into force of Regula-

tion (EEC) Nos 1408/71 and 574/72, but, taking into account the provisions of the said Regulations, there are grounds for adopting a new decision ;

Whereas it is essential to ascertain the scope of the expression family allowances payable 'by reason of the pursuit of a professional or trade activity' found in Article 76 and 'by virtue of the pursuit of a professional or trade activity' in Article 79 (3) of Regulation (EEC) No 1408/71 ;

Whereas if family allowances are due to two different persons in the course of one and the same period for the same member of the family under the legislation of the competent State and under the legislation of the State in the territory of which the members of the family are residing, entitlement to family benefits or family allowances under the legislation of the competent State shall be suspended in accordance with Article 76 of Regulation (EEC) No 1408/71 if the family benefits or family allowances are payable 'by reason of the pursuit of a professional or trade activity' under the legislation of the other State, and whereas Article 79 (3) of Regulation (EEC) No 1408/71 contains a similar provision concerning benefits for pensioners and orphans ;

Whereas Article 76 and Article 79 (3) of Regulation (EEC) No 1408/71 do not distinguish between benefits or allowances payable by reason of a self-employed professional or trade activity and those payable by reason of a professional or trade activity of an employed person ;

Whereas, furthermore, the legislations of certain Member States provide that periods of suspension or interruption of actual professional or trade activity by reason of leave, unemployment, temporary incapacity for work, strikes or lock-outs, shall be treated either as periods of professional or trade activity for the acquisition of entitlement to family benefits or family allowances or as periods of inactivity giving rise, where appropriate, either *per se* or as the result of previous professional or trade activity, to the payment of family benefits or family allowances ;

Whereas, in order to avoid any uncertainty or differences in interpretation, it is essential to define the scope of the expression 'by reason of the pursuit of a professional or trade activity' in relation to the Community as a whole ;

Acting in accordance with the provisions of Article 80 (3) of Regulation (EEC) No 1408/71,

HAS DECIDED AS FOLLOWS :

1. For the purpose of Article 76 and Article 79 (3) of Regulation (EEC) No 1408/71 family benefits or family allowances shall be regarded as payable 'by reason of the pursuit of a professional or trade activity' if they are payable by reason of any employed or self-employed professional or trade activity and if they are payable over a period in which such professional or trade activity is suspended for up to six months during paid leave or as a result of sickness, maternity, accident at work, occupational disease, unemployment, strike or lock-out.
2. This Decision shall be published in the *Official Journal of the European Communities*. It shall apply to the six original Member States as from 1 October 1972 and, in accordance with the Treaty of Accession, as from 1 April 1973 to the three new Member States.

*The Chairman of
the Administrative Commission*

J. DONIS

DECISION No 85**of 22 February 1973**

concerning the interpretation of Article 57 (1) of Regulation (EEC) No 1408/71 and of Article 67 (3) of Regulation (EEC) No 574/72 relating to the determination of the applicable legislation and the institution competent for the granting of benefits in respect of occupational diseases

THE ADMINISTRATIVE COMMISSION OF THE EUROPEAN COMMUNITIES ON SOCIAL SECURITY FOR MIGRANT WORKERS,

Having regard to Article 81 (a) of Regulation (EEC) No 1408/71 under which it is made responsible for dealing with all questions of interpretation arising from Regulation (EEC) Nos 1408/71 and 574/72 ;

Whereas Decision No 62 published in the *Official Journal of the European Communities* No 296 of 6 December 1967 has been rendered invalid by the entry into force of Council Regulation (EEC) Nos 1408/71 and 574/72, but, taking into account the provisions of the said Regulations, there are grounds for adopting a new decision specifying the conditions under which the institution to which is forwarded a notification of an occupational disease under Article 67 (3) of Regulation (EEC) No 574/72 should grant benefit ;

Whereas, according to Article 57 (1) of Regulation (EEC) No 1408/71, a person who has contracted an occupational disease and who has successively or alternately pursued an activity likely to cause that disease in the territory of several Member States shall receive compensation exclusively under the legislation, not necessarily of the very last of these States, but of the last Member State the conditions of whose legislation the person concerned satisfies ;

Whereas, according to Article 67 (3) of Regulation (EEC) No 574/72, the competent institution of the Member State in whose territory the person who has contracted an occupational disease last pursued the activity likely to cause that occupational disease must refer the case to the competent institution of the Member State in whose territory he previously pursued such an activity when the former institution establishes that he does not satisfy the conditions laid down by the legislation which it administers ;

Whereas the minimum degree of incapacity upon which the legislation of certain Member States makes the granting of a pension in respect of an occupational disease conditional, constitutes one of the conditions referred to in Article 57 (1) of Regulation (EEC) No 1408/71 and Article 67 (3) of (EEC) Regulation No 574/72 ;

Whereas only the institution of a Member State whose legislation makes the granting of a pension in respect of an occupational disease conditional upon a minimum degree of incapacity is competent to determine whether the conditions laid down by that legislation have been satisfied, subject to any appeals made by the person concerned following the notification provided for in Article 67 (3) (b) of the said Regulation (EEC) No 574/72 ;

Acting in accordance with the provisions of Article 80 (3) of Regulation (EEC) No 1408/71,

HAS DECIDED AS FOLLOWS

1. The institution to which a notification of an occupational disease has been forwarded pursuant to Article 67 (3) of Regulation (EEC) No 574/72 must award benefits if the person who has contracted the occupational disease satisfies the conditions laid down by the legislation which it administers, taking into account, where appropriate, the provisions of Article 57 (2) and (3) of Regulation (EEC) No 1408/71, including cases where the decision to reject the claim taken by the institution which forwarded that notification is based on the fact that the degree of incapacity of the person who has

contracted the occupational disease is less than the minimum degree laid down by the legislation administered by the latter institution.

2. This Decision shall be published in the *Official Journal of the European Communities*. It shall apply to the six original Member States as from 1 October 1972 and, in accordance with the Treaty of Accession, as from 1 April 1973 to the three new Member States.

*The Chairman of
the Administrative Commission*

J. DONIS

**DECISION No 86
of 24 September 1973**

**concerning the methods of operation and the composition of the Audit Board
of the Administrative Commission of the European Communities on social security
for migrant workers**

THE ADMINISTRATIVE COMMISSION OF THE EUROPEAN COMMUNITIES ON
SOCIAL SECURITY FOR MIGRANT WORKERS,

Whereas Decision No 24 published in the *Official Journal of the European Communities* No 81 of 21 December 1960 has been rendered invalid by the entry into force of Regulation (EEC) Nos 1408/71 and 574/72, but, taking into account the provisions of the said Regulations, there are grounds for adopting a new decision ;

Whereas under Article 101 (3) of Regulation (EEC) No 574/72, the Administrative Commission shall lay down the methods of operation and the composition of the Audit Board,

HAS DECIDED AS FOLLOWS :

1. The Audit Board provided for in Article 101 (3) of Regulation (EEC) No 574/72 of the Council of the European Communities shall be called 'Audit Board attached to the Administrative Commission of the European Communities on social security for migrant workers'.
2. The Audit Board shall operate under the authority of the Administrative Commission of the European Communities on social security for migrant workers, from which it shall receive directives.
3. The Audit Board shall have the functions laid down in Article 102 (1) and Article 113 (3) of Regulation (EEC) No 574/72.
4. In principle, the Audit Board shall reach its decisions from documentary evidence. It can request from the competent authorities any information or enquiries it deems necessary for the investigation of the matters submitted for its examination. Where necessary, subject to the prior approval of the Chairman of Administrative Commission, the Audit Board may delegate the Secretary or another member of the Secretariat or certain members of the Audit Board to carry out, on the spot, any investigation required for the pursuit of its work. The Chairman of the Administrative Commission shall notify the representative on the Administrative Commission of the Member State concerned that this investigation is being made.
5. The Audit Board shall consist of two representatives appointed by the competent authorities of each of the Member States of the European Communities.

Any member of the Audit Board unable to attend may be replaced by a deputy appointed for that purpose by the competent authorities.

6. Decisions shall be taken by majority, each Member State having only one vote.

The opinions of the Board must indicate whether they were reached unanimously or by majority. They must, where appropriate, set out conclusions or reservations of the minority.

Whenever an opinion is not reached unanimously, the Audit Board shall submit it to the Administrative Commission together with a report containing in particular a statement of and the reasons for the opposing views. It shall also appoint a rapporteur responsible for supplying the Administrative Commission with all the information the latter deems appropriate in order to enable it to settle the dispute in question.

The rapporteur shall not be selected from the representatives of countries involved in the dispute.

7. The representative of the Commission of the European Communities or his deputy on the Administrative Commission shall act in a consultative capacity within the Audit Board.

Under the arrangements for assistance in technical matters to the Administrative Commission from the International Labour Office (ILO) in accordance with Article 80 (2) of Regulation (EEC) No 1408/71, the ILO representatives appointed for this purpose may take part in the meetings of the Audit Board.

8. The office of Chairman of the Audit Board shall be held each half-year by one of the members belonging to the State whose representative on the Council of the European Communities holds, for the same period, the office of President of the Council in accordance with Article 2 of the Treaty establishing a single Council and a single Commission of the European Communities.

The Secretariat of the Administrative Commission shall prepare and organize the meetings of the Audit Board and draw up the minutes thereof. It shall carry out all the work required for the functioning of the Board.

9. The Audit Board shall submit its work programme for prior approval by the Administrative Commission. The agenda, date and duration of its meetings shall be agreed with the Chairman of the Administrative Commission.

The agenda shall be forwarded by the Secretariat of the Administrative Commission to the members of the Audit Board, the members of the Administrative Commission and the ILO representatives, not less than ten days before the beginning of each meeting.

The Secretariat of the Administrative Commission shall forward to the same persons and within the same time limit the documents relating to the meeting.

10. In so far as is necessary, the provisions laid down in the Rules of the Administrative Commission and in the exchange of letters published in the *Official Journal of the European Communities* No C 68 of 21 August 1973 shall apply to the Audit Board.
11. This Decision shall be published in the *Official Journal of the European Communities*. It shall apply to the six original Member States as from 1 October 1972 and, in accordance with the Treaty of Accession, as from 1 April 1973 to the three new Member States.

*The Chairman of
the Administrative Commission*

A. TRIER