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II

(Acts whose publication is not obligatory)

COUNCIL**COUNCIL DIRECTIVE**

of 18 June 1974

on the approximation of the laws of the Member States relating to emulsifiers, stabilizers, thickeners and gelling agents for use in foodstuffs

(74/329/EEC)

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community, and in particular Articles 100 and 227 (2) thereof;

Having regard to the proposal from the Commission;

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

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

Whereas differences between national laws relating to emulsifiers, stabilizers, thickeners and gelling agents hinder the free movement of foodstuffs and may create conditions of unfair competition, thereby directly affecting the establishment or functioning of the common market;

Whereas the approximation of those laws is necessary for the free movement of foodstuffs;

Whereas all laws relating to the emulsifiers, stabilizers, thickeners and gelling agents which may be used in foodstuffs must give priority to the protection

of public health, but the protection of the consumer against falsification, and, so far as health protection allows, economic and technological needs must also be taken into consideration;

Whereas such approximation must, as a first stage, involve the establishment of a single list of emulsifiers, stabilizers, thickeners and gelling agents which may be authorized by the Member States for the treatment of foodstuffs and the laying down of the general criteria of purity which those agents must satisfy;

Whereas, particularly in the case of substances E 408, E 450 (c), E 460, E 475, E 480, E 481 and E 482, advances in research may provide new data; whereas it may therefore be necessary to re-examine the case of these substances within a certain period of time;

Whereas, during a second stage, the Council must decide on the conditions for the use of each of the said agents;

Whereas, to take the economic and technological needs of certain Member States into account, a period should be set during which such Member States may authorize the use of certain agents in foodstuffs;

⁽¹⁾ OJ No C 139, 28. 10. 1969, p. 45.

⁽²⁾ OJ No C 144, 8. 11. 1969, p. 8.

Whereas it is desirable that, for all cases where the Council empowers the Commission to implement rules relating to foodstuffs, provision should be made for a procedure establishing close cooperation between the Member States and the Commission within the Standing Committee on Foodstuffs set up by Council Decision No 69/414/EEC of 13 November 1969 ⁽¹⁾;

Whereas this Directive does not affect the possible use of the substances to which it refers for purposes other than those specified in Article 1 and in particular as bulking aids used at high levels in certain low-calorie foodstuffs,

HAS ADOPTED THIS DIRECTIVE:

Article 1

For the purposes of this Directive:

- emulsifiers and stabilizers mean those substances which, when added to a foodstuff, make it possible to form or maintain a uniform dispersion of two or more immiscible substances;
- thickeners mean those substances which, when added to a foodstuff, increase its viscosity;
- gelling agents mean those substances which, when added to a foodstuff, give it the consistency of a gel.

Article 2

1. Member States shall authorize the use as emulsifiers, stabilizers, thickeners and gelling agents in foodstuffs intended for human consumption, of only those substances listed in Annex I and where appropriate, only under the conditions specified therein.

2. However, within five years of the notification of this Directive and on the basis of a study by the Commission, the Council may, acting in accordance with the procedure laid down in Article 100 of the Treaty, delete or otherwise change the status of the substances listed in Annex I under E 408, E 450 (c), E 460, E 475, E 480, E 481 and E 482.

Article 3

1. Notwithstanding Article 2 (1) and for a period of five years from the notification of this Directive,

Member States may authorize the use in foodstuffs of the substances listed in Annex II.

2. Where a Member State exercises the option under paragraph 1 other than by merely retaining the legislation in force at the time of notification of this Directive, it shall forthwith inform the other Member States and the Commission of the measures taken and shall furnish evidence which in its view justifies such measures.

3. Before the end of the period provided for in paragraph 1, the Council may, in accordance with the procedure laid down in Article 100 of the Treaty, include in Annex I the substances to which paragraph 1 refers.

In the case referred to in paragraph 2, the Council may, in accordance with the procedure laid down in Article 100 of the Treaty, decide on any other appropriate measure.

Article 4

The Council, in accordance with the procedure laid down in Article 100 of the Treaty, shall determine as soon as possible the foodstuffs to which the substances listed in Annex I may be added and the conditions under which they may be added.

Article 5

1. Where the use in foodstuffs of any substance listed in Annex I or the level of one or more of the components referred to in Article 6 contained in such substances might endanger human health, a Member State may, for a maximum period of one year, suspend the authorization to use that substance or reduce the maximum authorized level of one or more of the components in question. It shall forthwith inform the Commission thereof, which shall consult the Member States.

2. The Council, acting unanimously on a proposal from the Commission, shall decide without delay whether the list in Annex I should be amended and, if appropriate, adopt the necessary amendments by means of a directive. The Council, acting by a qualified majority on a proposal from the Commission, may also if necessary extend for a maximum of one year the period referred to in paragraph 1.

Article 6

1. Member States shall take all necessary measures to ensure that the substances listed in Annex I and intended for use in foodstuffs satisfy:

⁽¹⁾ OJ No L 291, 19. 11. 1969, p. 9.

(a) the following general criteria of purity:

- they shall not contain a toxicologically dangerous amount of any element, in particular heavy metals;
- they shall not contain more than 3 mg/kg of arsenic or more than 10 mg/kg of lead;
- they shall not contain more than 50 mg/kg of copper and zinc taken together of which the zinc content must in no case exceed 25 mg/kg subject to any exception deriving from the specific criteria of purity referred to in (b); however, the limit fixed for copper shall not apply to pectins;

(b) the specific criteria of purity determined in accordance with Article 7 (1); these criteria shall also specify the maximum copper content of pectins.

2. Member States shall also ensure that the substances listed in Annex I under E 471, E 472 (b), E 473, E 474, E 475 and E 477 do not in addition contain more than 6 % of the substances listed in Annex I, under E 470, expressed as sodium oleate.

Article 7

1. The Council, acting unanimously on a proposal from the Commission, shall lay down by means of a Directive the specific criteria of purity for the substances listed in Annex I.

2. The following shall be determined in accordance with the procedure laid down in Article 10:

- the methods of analysis necessary for the control of the general and specific criteria of purity referred to in Article 6 (1) and the limit specified in Article 6 (2),
- the procedure for taking of samples and the methods for qualitative and quantitative analysis of emulsifiers, stabilizers, thickeners and gelling agents in and on foodstuffs.

Article 8

1. Member States shall take all necessary measures to ensure that the substances listed in Annex I and intended for use in foodstuffs for the purposes listed in Article 1 may be marketed only if their packagings or containers bear the following information:

(a) the name and address of the manufacturer or of a seller responsible within the meaning of the law

of the Member State where he is resident; a person importing a product from a third country shall be regarded as the manufacturer:

- (b) the number and name of the substance as given in Annex I;
- (c) the statement 'for foodstuffs (restricted use)';
- (d) in the case of substances listed in Annex I when mixed with each other or with other additives, and where relevant, with substances in which such other additives can be dissolved or diluted:
 - the name of each component or, where appropriate, its number as given in Annex I;
 - the percentage of each component where this requirement is laid down in provisions relating to other categories of additives.

2. In the case of mixtures described in paragraph 1 (d) Member States may also make obligatory an indication of the percentage of those substances enumerated in Annex I for which their national legislation provides a quantitative limitation in foodstuffs, except when the same limit applies singly or in combination to all of the components in the mixture.

The Member State shall inform the other Member States and the Commission of any measures taken in accordance with this paragraph.

3. In adopting the provisions provided for in Article 4, the Council shall also fix the rules which will apply at a later stage in the Community relating to the labelling of the composition of the mixtures described in paragraph 1 (d).

4. Member States may not prohibit the introduction into their territory and the marketing of the substances listed in Annex I for the sole reason that they consider the labelling inadequate if the information required by paragraph 1 is given on the packagings or containers and if the details listed in subparagraphs (b) and (c) of paragraph 1 are given in at least one of the official language of the Community. Each recipient State may however require the latter details to be given in its official language or languages.

Article 9

Article 2 shall not apply to:

- (a) foodstuffs which have emulsifying, stabilizing, thickening or gelling properties, such as, for example, eggs, flour and starches;

(b) emulsifiers used in release agents;

Article 11

(c) acids, bases and salts which, when added to a foodstuff during manufacture, change or stabilize the pH;

Article 10 shall apply for 18 months from the date on which a matter was first referred to the Committee under Article 10 (1).

(d) blood plasma, modified starches, edible gelatine and hydrolyzed food proteins and their salts.

Article 12

Article 10

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

1. This Directive shall apply equally to emulsifiers, stabilizers, thickeners and gelling agents intended for use in foodstuffs and to foodstuffs imported into the Community.

2. This Directive shall apply neither to emulsifiers, stabilizers, thickeners and gelling agents, nor to foodstuffs intended for export outside the Community.

2. The representative of the Commission shall submit to the Committee a draft of the measures to be adopted. The Committee shall deliver its Opinion on the draft within a time limit set by the Chairman according to the urgency of the matter. Opinions shall be delivered by a majority of forty-one votes, the votes of the Member States being weighted as provided in Article 148 (2) of the Treaty. The Chairman shall not vote.

Article 13

Member States shall, within one year from the notification of this Directive, amend their laws in accordance with the preceding provisions and shall forthwith inform the Commission thereof. The laws thus amended shall be implemented at the latest two years after notification of this Directive.

3. (a) The Commission shall adopt the measures envisaged where they are in accordance with the Opinion of the Committee.

Article 14

This Directive shall also apply to the French Overseas Departments.

(b) Where the measures envisaged are not in accordance with the Opinion of the Committee, or if no Opinion is delivered, the Commission shall without delay propose to the Council the measures to be adopted. The Council shall act by a qualified majority.

Article 15

This Directive is addressed to the Member States.

(c) If, within three months of the proposal being submitted to it, the Council has not acted, the proposed measures shall be adopted by the Commission.

Done at Luxembourg, 18 June 1974.

For the Council

The President

J. ERTL

ANNEX I

Emulsifiers, stabilizers, thickeners and gelling agents which may be used in foodstuffs

Draft EEC No	Designation	Conditions of use
E 322	Lecithins	
E 339	Sodium orthophosphates (synonym: sodium salts of orthophosphoric acid)	
E 340	Potassium orthophosphates (synonym: potassium salts of orthophosphoric acid)	
E 341	Calcium orthophosphates (synonym: calcium salts of orthophosphoric acid)	
E 400	Alginic acid	
E 401	Sodium alginate	
E 402	Potassium alginate	
E 403	Ammonium alginate	
E 404	Calcium alginate	
E 405	Propylene glycol alginate	
E 406	Agar	
E 407	Carrageenan (synonym: carrageen)	
E 408	Furcelleran, furcellaran	
E 410	Locust bean gum (synonym: carob gum)	
E 411	Tamarind seed flour	
E 412	Guar gum (synonym: guar flour)	
E 413	Tragacanth	
E 414	Acacia (synonym: gum arabic)	
E 420	Sorbitol	
E 421	Mannitol	
E 422	Glycerol	
E 440	Pectins	
E 450	Sodium and potassium polyphosphates: (a) diphosphates (b) triphosphates (c) linear polyphosphates (containing not more than 8% of cyclic compounds)	
E 460	Microcrystalline cellulose	
E 461	Methylcellulose	
E 462	Ethylcellulose	
E 463	Hydroxypropylcellulose	
E 464	Hydroxypropylmethylcellulose	
E 465	Methylethylcellulose	
E 466	Carboxymethylcellulose (synonym: sodium salt of: sodium carboxymethyl-cellulose)	

Draft EEC No	Designation	Conditions of use
E 470	Sodium, potassium and calcium salts of fatty acids	Exclusively in the manufacture of 'Dutch' type rusks up to a level of not more than 1.5% of flour used
E 471	Mono- and diglycerides of fatty acids	
E 472	Esters: (a) acetic acid (b) lactic acid (c) citric acid (d) tartaric acid (e) diacetyltartaric acids of mono- and diglycerides of fatty acids	
E 473	Sucrose-esters of fatty acids	These substances may not be used in bread unless permitted under national law
E 474	Sucroglycerides	
E 475	Polyglycol esters of fatty acids	These substances may not be used in bread unless permitted under national law
E 477	Propylene glycol esters of fatty acids	
E 480	Stearoyl-2-lactylic acid	
E 481	Sodium stearoyl-2-lactylate	
E 482	Calcium stearoyl-2-lactylate	
E 483	Stearyl tartrate	

ANNEX II

Designation

Karaya gum (synonym: sterculia gum)
Partial polyglycerol esters of polycondensed fatty acids of castor oil
Sorbitan monopalmitate
Sorbitan monostearate
Sorbitan tristearate
Polyoxyethylene (20) sorbitan monolaurate (synonym: polysorbate 20)
Polyoxyethylene (20) sorbitan monopalmitate (synonym: polysorbate 40)
Polyoxyethylene (20) sorbitan monostearate (synonym: polysorbate 60)
Polyoxyethylene (20) sorbitan tristearate (synonym: polysorbate 65)
Polyoxyethylene (20) sorbitan mono-oleate (synonym: polysorbate 80)
Polyoxyethylene (8) stearate
Polyoxyethylene (40) stearate
Glyceric esters of fatty acids obtained from soya oil oxydized under heat
Ghatti gum
Xanthan gum
Extract of quillaia
Lactylated fatty acid esters of glycerol and propylene glycol
Sorbitan monolaurate
Sorbitan mono-oleate
Dioctyl sodium sulphosuccinate
Ammonium phosphatides (synonym: emulsifier YN)

COMMISSION

COMMISSION DECISION

of 12 June 1974

concerning the supply of foot-and-mouth disease vaccine

(74/330/EEC)

THE COMMISSION OF THE EUROPEAN
COMMUNITIES,

Having regard to the Treaty establishing the European
Economic Community;

Having regard to the Council Decision of 26 March
1973 ⁽¹⁾ on action to protect Community livestock
against certain foot-and-mouth diseases, and in
particular Article 1 (2) thereof;

Having regard to the Commission Decision of
8 October 1973 ⁽²⁾ determining the types of vaccine
to be supplied to the Community in respect of control
measures against exotic foot-and-mouth disease;

Whereas the contract concluded on 8 October 1973
between the European Economic Community, repre-
sented by the Commission of the European Economic
Community, and the Institut Mérieux, Division IFFA,
254 rue Marcel Mérieux, Lyon 7e, acting as agent for
the Franco-Iranian department responsible for the
production of foot-and-mouth disease vaccine within
the RAZI (State Institute for Serums and Vaccines)
at Hassarak (Iran), has fixed only the dates for the
first supplies of vaccine;

Whereas, in order to ensure the protection of the
European Economic Community against foot-and-
mouth disease, provision should be made for the
supply of further consignments of foot-and-mouth
disease vaccine;

Whereas the measures provided for in this Decision
are in accordance with the Opinion of the Standing
Veterinary Committee,

HAS ADOPTED THIS DECISION:

Article 1

In addition to the consignments provided for in
Article 3.1 (a) and (b) of the contract concluded on
8 October 1973, the IM/IFFA shall supply:

- 250 000 doses of vaccine Asia 1, and
- 250 000 doses of vaccine A 22.

These vaccines shall, at the time when they actually
become available, have undergone bacteriological,
innocuity and activity tests in accordance with the
last subparagraph of Article 3.1 of the aforesaid
contract.

Article 2

This Decision is addressed to the Member States.

Done at Brussels, 12 June 1974.

For the Commission

The President

François-Xavier ORTOLI

⁽¹⁾ OJ No L 106, 20. 4. 1973, p. 26.

⁽²⁾ OJ No L 308, 8. 11. 1973, p. 21.

COMMISSION DIRECTIVE

of 12 June 1974

adapting to technical progress the Council Directive of 26 July 1971 on the approximation of the laws of the Member States relating to gas volume meters

(74/331/EEC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community;

Having regard to Council Directive No 71/316/EEC ⁽¹⁾ of 26 July 1971 on the approximation of the laws of the Member States relating to common provisions for measuring instruments and methods of metrological control, as amended by the Act annexed to the Treaty ⁽²⁾ concerning 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 Articles 17, 18 and 19 thereof;

Having regard to Council Directive No 71/318/EEC ⁽³⁾ of 26 July 1971 on the approximation of the laws of the Member States relating to gas volume meters;

Whereas, the test element of a gas volume meter should permit photo-electric reading of the number of revolutions effected by that element, in consideration of the technical evolution in this field.

Whereas, the method suggested by the United Kingdom for carrying out the EEC initial verifications of gas volume meters may be considered to be similar to that prescribed by Council Directive No 71/318/EEC, if that method is carried out to a flow margin of 0.3 Q_{min} in applying the maximum permissible error of 10%, while accordingly taking into consideration technical progress and if need be the amendment of the Directive;

Whereas, the remaining amendments are patterned upon the guidance inherent in the aforesaid Act;

Whereas the measures provided for in this Directive are in accordance with the Opinion of the Committee on the adaptation to technical progress of the Directives envisaging the elimination of technical barriers to trade in the measuring instruments sector,

HAS ADOPTED THIS DIRECTIVE:

Article 1

In the Annex to Council Directive No 71/318/EEC of 26 July 1971 the texts of items 5.2.4 of Chapter I.B; 4.3, 7.2.6 and 8.1 of Chapter II, as well as the table of item 2.1 and item 7.1 (b) of Chapter III are amended by those appearing in the Annex to this Directive.

Article 2

1. The Member States shall put into force the laws, regulations and administrative provisions needed in order to comply with the Directive within 12 months of its notification, and shall forthwith inform the Commission thereof.

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

Article 3

This Directive is addressed to the Member States.

Done at Brussels, 12 June 1974.

For the Commission

The President

François-Xavier ORTOLI

⁽¹⁾ OJ No L 202, 6. 9. 1971, p. 1.

⁽²⁾ OJ No L 73, 27. 3. 1972, p. 14.

⁽³⁾ OJ No L 202, 6. 9. 1971, p. 21.

ANNEX

1. The text of item 5.2.4 of Chapter I.B of the Annex is replaced by the following:
 'The pointer or the reference mark must be sufficiently thin to permit certain and easy reading.
 The test element may have a removable reference mark and be of a size sufficient to permit photo-electric scanning. The reference mark must not conceal the graduation; if necessary, it may replace the figure 0. It must not interfere with the accuracy of reading.'
2. The following is inserted after the table in paragraph 4.3 of Chapter II of the Annex:
 'The volume of air to be measured may be replaced by the volume which corresponds approximately with a whole number of revolutions of the test element.'
3. The text of paragraph 7.26 of Chapter II of the Annex is replaced by the following:
 '7.2.6. After the endurance test, the meters (with the exception, at most, of one of them if the tests are carried out on a minimum of three meters) must satisfy the following requirements:
 - (a) over the flow range the difference between the maximum and minimum errors as a function of the flow Q must not exceed a value of 4% for each meter;
 - (b) the error values must not differ by more than 1.5% of the initial corresponding values;
 For the Q_{min} rate this error applies only to variations in the negative sense;
 - (c) the mechanical pressure drop must not have increased by more than 20 N/m² (0.2 millibars).'
4. The text of item 8.1 of Chapter II of the Annex is replaced by the following:
 '8.1. Accuracy tests
 A meter is considered to satisfy the requirements concerning maximum permissible errors if these requirements are met at the following flow rates:
 - (a) at a flow rate of Q_{min} ;
 - (b) at a flow rate of the order of $\frac{1}{5} Q_{max}$;
 - (c) at a flow rate of Q_{max} .
 If the examination is conducted under different conditions, the guarantees must be at least equal to those obtained by the tests mentioned above.'
5. The table of item 2.1 of Chapter III, is replaced by the following table:

G	Q _{max} m ³ /h	Range of capacities		
		small	medium	large
		Q _{min} m ³ /h		
25	40	8	4	2
40	65	13	6	3
65	100	20	10	5
100	160	32	16	8
160	250	50	25	13
250	400	80	40	20
400	650	130	65	32
650	1 000	200	100	50
1 000	1 600	320	160	80

6. The text of item 7.1 (b) of Chapter III of the Annex is replaced by the following:
 '(b) for turbine meters:
 $Q_{min} - 1.5 Q_{min} - 2.5 Q_{min} - 0.25 Q_{max} - 0.5 Q_{max}$ and Q_{max} .'

COMMISSION DECISION

of 12 June 1974

fixing the minimum selling price for butter for the 45th individual invitation to tender under the standing invitation to tender provided for by Regulation (EEC) No 1259/72

(74/332/EEC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community;

Having regard to Council Regulation (EEC) No 804/68 ⁽¹⁾ of 27 June 1968 on the common organization of the market in milk and milk products, as last amended by Regulation (EEC) No 662/74 ⁽²⁾, and in particular Article 6 (7) thereof;

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

Whereas, pursuant to Commission Regulation (EEC) No 1259/72 ⁽⁵⁾ of 16 June 1972 on the disposal of butter at a reduced price to certain Community processing undertakings, as last amended by Regulation (EEC) No 324/74 ⁽⁶⁾, intervention agencies have put up for sale by standing invitation to tender certain quantities of butter held by them;

Whereas Article 9 of that Regulation provides that, in the light of the tenders received, a minimum selling price must be fixed which may vary with the fat content of the butter; whereas alternatively a decision may be taken not to proceed with the invitation to tender; whereas the amount of the processing security must be fixed in the light of the difference between the minimum selling price and the market price of the butter;

Whereas, the tenders received for the 45th individual invitation to tender did not reach the level at which, in the light of the current market situation for

competing fats, they could be accepted; whereas, it is still appropriate to indicate a minimum selling price and processing security;

Whereas the Management Committee for Milk and Milk Products has not delivered an opinion within the time limit set by its Chairman,

HAS ADOPTED THIS DECISION:

Article 1

For the 45th individual invitation to tender under Regulation (EEC) No 1259/72, in respect of which the time limit for the submission of tenders expires on 28 May 1974;

- (a) the minimum selling price to be considered when awarding contracts shall be 90 units of account per 100 kg butter with a fat content of 82% or more;
- (b) the processing security shall be 99 units of account per 100 kg butter without prejudice to the provisions of the second and third subparagraphs of Article 12 (1) of Regulation (EEC) No 1259/72.

Article 2

This Decision is addressed to the Member States.

Done at Brussels, 12 June 1974.

For the Commission

The President

François-Xavier ORTOLI

⁽¹⁾ OJ No L 148, 28. 6. 1968, p. 13.

⁽²⁾ OJ No L 85, 29. 3. 1974, p. 51.

⁽³⁾ OJ No L 169, 18. 7. 1968, p. 1.

⁽⁴⁾ OJ No L 291, 28. 12. 1972, p. 15.

⁽⁵⁾ OJ No L 139, 17. 6. 1972, p. 18.

⁽⁶⁾ OJ No L 35, 8. 2. 1974, p. 28.

COMMISSION DECISION

of 13 June 1974

fixing the minimum export levy for the invitation to tender for the export of milled long grained rice issued under Regulation (EEC) No 813/74

(74/333/EEC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community;

Having regard to Council Regulation No 359/67/EEC ⁽¹⁾ of 25 July 1967 on the common organization of the market in rice, as last amended by Regulation (EEC) No 1129/74 of 29 April 1974 ⁽²⁾;

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

Having regard to Commission Regulation (EEC) No 3197/73 ⁽⁴⁾ of 23 November 1973 establishing the conditions for the application of the system of tendering for export levies on rice, and in particular Article 5 (1) thereof;

Whereas an invitation to tender for the export levy on milled long grained rice was issued under Commission Regulation (EEC) No 813/74 ⁽⁵⁾ of 5 April 1974, as last amended by Regulation (EEC) No 1367/74 of 31 May 1974 ⁽⁶⁾; whereas the notice of invitation to tender ⁽⁷⁾, amended on 1 June 1974 ⁽⁸⁾, associated with this Regulation, specified that the total tonnage for which the export levy could be fixed was approximately 60 000 metric tons;

Whereas Article 5 (1) of Regulation (EEC) No 3197/73 allows the Commission, in accordance with the procedure laid down in Article 26 of Regulation No 359/67/EEC, to fix a minimum export levy; whereas, when this minimum levy is being fixed, account must be taken of the criteria set out in Article 3 (1) (b) and (d) of Regulation (EEC) No 2737/73, namely:

— the objectives of the common organization of the market in rice, namely to balance that market both as regards supplies and as regards trade;

— the economic aspect of the exports;

Whereas Article 5 (2) of Regulation (EEC) No 3197/73 stipulates that the award is made to the tenderer or tenderers whose tenders quote a levy equal to or higher than the minimum;

Whereas it follows from applying these rules to the present situation on the market for the rice in question that the minimum export levy should be fixed as shown in Article 1; whereas the tonnage of milled long grained rice to which this minimum applies is 1 800 metric tons;

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

HAS ADOPTED THIS DECISION:

Article 1

The minimum export levy for milled long grained rice fixed on the basis of tenders submitted for 13 June 1974 is hereby fixed at 40 units of account per metric ton.

Article 2

This Decision is addressed to the Member States.

Done at Brussels, 13 June 1974.

For the Commission

P. J. LARDINOIS

Member of the Commission

⁽¹⁾ OJ No 174, 31. 7. 1967, p. 1.

⁽²⁾ OJ No L 128, 10. 5. 1974, p. 20.

⁽³⁾ OJ No L 282, 9. 10. 1973, p. 13.

⁽⁴⁾ OJ No L 326, 27. 11. 1973, p. 10.

⁽⁵⁾ OJ No L 96, 6. 4. 1974, p. 11.

⁽⁶⁾ OJ No L 147, 1. 6. 1974, p. 52.

⁽⁷⁾ OJ No C 39, 6. 4. 1974, p. 35.

⁽⁸⁾ OJ No C 63, 1. 6. 1974, p. 11

COMMISSION DECISION

of 13 June 1974

fixing the minimum export levy for the invitation to tender for the export of husked long grained rice issued under Regulation (EEC) No 888/74

(74/334/EEC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community;

Having regard to Council Regulation No 359/67/EEC ⁽¹⁾ of 25 July 1967 on the common organization of the market in rice, as last amended by Regulation (EEC) No 1129/74 ⁽²⁾ of 29 April 1974;

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

Having regard to Commission Regulation (EEC) No 3197/73 ⁽⁴⁾ of 23 November 1973 establishing the conditions for the application of the system of tendering for export levies on rice, and in particular Article 5 (1) thereof;

Whereas an invitation to tender for the export levy on husked long grained rice was issued under Commission Regulation (EEC) No 888/74 ⁽⁵⁾ of 16 April 1974; whereas the notice of invitation to tender ⁽⁶⁾, amended 10 May 1974 ⁽⁷⁾, associated with this Regulation, specified that the total tonnage for which the export levy could be fixed was approximately 30 000 metric tons;

Whereas Article 5 (1) of Regulation (EEC) No 3197/73 allows the Commission, in accordance with the procedure laid down in Article 26 of Regulation No 359/67/EEC, to fix a minimum export levy; whereas, when this minimum levy is being fixed, account must be taken of the criteria set out in Article 3 (1) (b) and (d) of Regulation (EEC) No 2737/73, namely:

— the objectives of the common organization of the market in rice, namely to balance that market both as regards supplies and as regards trade;

— the economic aspect of the exports;

Whereas Article 5 (2) of Regulation (EEC) No 3197/73 stipulates that the award is made to the tenderer or tenderers whose tenders quote a levy equal to or higher than the minimum;

Whereas it follows from applying these rules to the present situation on the market for the rice in question that the minimum export levy should be fixed as shown in Article 1; whereas the tonnage of husked long grained rice to which this minimum applies is 100 metric tons;

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

HAS ADOPTED THIS DECISION:

Article 1

The minimum export levy for husked long grained rice fixed on the basis of tenders submitted for 13 June 1974 is hereby fixed at 45.6 units of account per metric ton.

Article 2

This Decision is addressed to the Member States.

Done at Brussels, 13 June 1974.

For the Commission

P. J. LARDINOIS

Member of the Commission

⁽¹⁾ OJ No 174, 31. 7. 1967, p. 1.

⁽²⁾ OJ No L 128, 10. 5. 1974, p. 20.

⁽³⁾ OJ No L 282, 9. 10. 1973, p. 13.

⁽⁴⁾ OJ No L 326, 27. 11. 1973, p. 10.

⁽⁵⁾ OJ No L 104, 17. 4. 1974, p. 13.

⁽⁶⁾ OJ No C 43, 17. 4. 1974, p. 4.

⁽⁷⁾ OJ No C 54, 10. 5. 1974, p. 3.

COMMISSION DECISION

of 13 June 1974

to take no action on tenders submitted for 13 June 1974 in response to the invitation to tender for the export levy on milled round grained rice issued under Regulation (EEC) No 1227/74

(74/335/EEC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community;

Having regard to Council Regulation No 359/67/EEC ⁽¹⁾ of 25 July 1967 on the common organization of the market in rice, as last amended by Regulation No (EEC) 1129/74 ⁽²⁾ of 29 April 1974;

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

Having regard to Commission Regulation (EEC) No 3197/73 ⁽⁴⁾ of 23 November 1973 establishing the conditions for the application of the system of tendering for export levies on rice, and in particular Article 5 (1) thereof;

Whereas an invitation to tender for the export levy on milled round grained rice was issued under Commission Regulation (EEC) No 1227/74 ⁽⁵⁾ of 17 May 1974;

Whereas Article 5 (1) of Regulation (EEC) No 3197/73 allows the Commission to decide, in accordance with the procedure laid down in Article 26 of Regulation No 359/67/EEC, and on the basis of tenders submitted, either to fix a minimum export levy, taking account in particular of the criteria laid down in

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

Whereas since the quantity to which the invitation to tender relates is exhausted, no action should be taken on the tenders;

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

HAS ADOPTED THIS DECISION:

Article 1

No action shall be taken on the tenders submitted for 13 June 1974 in response to the invitation to tender for the export levy on milled round grained rice referred to in Regulation (EEC) No 1227/74.

Article 2

This Decision is addressed to the Member States.

Done at Brussels, 13 June 1974.

For the Commission

P. J. LARDINOIS

Member of the Commission

⁽¹⁾ OJ No 174, 31. 7. 1967, p. 1.

⁽²⁾ OJ No L 128, 10. 5. 1974, p. 20.

⁽³⁾ OJ No L 282, 9. 10. 1973, p. 13.

⁽⁴⁾ OJ No L 326, 27. 11. 1973, p. 10.

⁽⁵⁾ OJ No L 135, 18. 5. 1974, p. 1.

COMMISSION DECISION

of 14 June 1974

providing for the autonomous increase of imports into the Community of jute products which are covered by the Agreement between the EEC and India on trade in jute products

(74/336/EEC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community;

Having regard to Council Regulation (EEC) No 1471/70 ⁽¹⁾ of 20 July 1970 establishing a common procedure for the autonomous increase of imports into the Community of products subject to autolimitation measures by exporting countries;

Having regard to Council Regulation (EEC) No 1023/70 ⁽²⁾ of 25 May 1970 providing for the establishment of a common procedure for the administration of quantitative quotas, and in particular Article 11 thereof;

Whereas the Community concluded an Agreement on trade in jute products with India on 17 December 1973 ⁽³⁾;

Whereas this Agreement provides for the autolimitation of Indian exports at a level agreed between the two parties;

Whereas the Irish Government has stated the need for imports of jute products to be set at a higher level than that provided for at the time of the signature of the Agreement mentioned above, because of changes which have taken place in the Irish industry;

Whereas it seems appropriate, in order to take into account the needs of the Irish industry, to increase imports autonomously beyond the autolimitation level set in the Agreement mentioned above for categories 4 and 5;

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

HAS ADOPTED THIS DECISION:

Article 1

The autolimitation level provided for products in categories 4 and 5 (jute cloth of a width greater than 150 cm) in the Agreement on trade in jute products, concluded on 17 December 1973 between the European Economic Community and India, is increased autonomously, until 31 December 1974, from 8 437 metric tons to 8 752 metric tons.

Article 2

This Decision is addressed to all Member States.

Done at Brussels, 14 June 1974.

For the Commission

The President

François-Xavier ORTOLI

⁽¹⁾ OJ No L 164, 27. 7. 1970, p. 41.

⁽²⁾ OJ No L 124, 8. 6. 1970, p. 1.

⁽³⁾ OJ No L 82, 27. 3. 1974, p. 11.

COMMISSION DECISION

of 14 June 1974

fixing, pursuant to the invitation to tender opened by Regulation (EEC) No 1366/74,
the maximum amounts for the delivery of butteroil

(Only the German text is authentic)

(74/337/EEC)

THE COMMISSION OF THE EUROPEAN
COMMUNITIES,

Having regard to the Treaty establishing the European
Economic Community;

Having regard to Council Regulation (EEC) No 804/
68 ⁽¹⁾ of 27 June 1968 on the common organization
of the market in milk and milk products, as last
amended by Regulation (EEC) No 662/74 ⁽²⁾, and in
particular Article 6 (7) thereof;

Whereas, pursuant to Commission Regulation (EEC)
No 1366/74 ⁽³⁾ of 31 May 1974 opening an invitation
to tender for the deliveries to Jordan of butteroil as
food aid, the German intervention agency invites
tenders for the manufacture and delivery fas to
Jordan of 1 000 metric tons of butteroil;

Whereas Article 7 of Commission Regulation (EEC)
No 1365/74 ⁽⁴⁾ of 31 May 1974 on the supply of
butteroil as food aid to certain developing countries,
provides that in the light of the tenders received the
maximum amounts are to be fixed or the tendering
procedure is to be cancelled;

Whereas, on the basis of the tenders received, the
maximum amounts should be those specified below;

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

HAS ADOPTED THIS DECISION:

Article 1

The maximum amounts to be set for the purposes
of awarding a contract pursuant to Regulation (EEC)
No 1366/74 shall be as follows:

Lot A: 1 132 798·5 units of account.

Lot B: 1 132 797·9 units of account.

Article 2

This Decision is addressed to the Federal Republic
of Germany.

Done at Brussels, 14 June 1974.

For the Commission

The President

François-Xavier ORTOLI

⁽¹⁾ OJ No L 148, 28. 6. 1968, p. 13.

⁽²⁾ OJ No L 85, 29. 3. 1974, p. 51.

⁽³⁾ OJ No L 147, 1. 6. 1974, p. 51.

⁽⁴⁾ OJ No L 147, 1. 6. 1974, p. 46.

COMMISSION DECISION

of 14 June 1974

fixing, pursuant to the invitation to tender opened by Regulation (EEC) No 1296/74,
the maximum amount for the delivery of butteroil

(Only the French text is authentic)

(74/338/EEC)

THE COMMISSION OF THE EUROPEAN
COMMUNITIES,

Having regard to the Treaty establishing the European
Economic Community;

Having regard to Council Regulation (EEC) No 804/
68 ⁽¹⁾ of 27 June 1968 on the common organization
of the market in milk and milk products, as last
amended by Regulation (EEC) No 662/74 ⁽²⁾, and in
particular Article 6 (7) thereof;

Whereas, pursuant to Commission Regulation (EEC)
No 1296/74 ⁽³⁾ of 21 May 1974 opening an invitation
to tender for the delivery of butteroil to Mali as food
aid, the French intervention agency has invited tenders
for the manufacture and delivery to Mali of 300
metric tons of butteroil;

Whereas Article 7 of Commission Regulation (EEC)
No 567/74 ⁽⁴⁾ of 8 March 1974 on the supply of
butteroil as food aid to the countries of the Sahel
and Ethiopia, provides that in the light of the tenders
received the maximum amounts are to be fixed or
the tendering procedure is to be cancelled;

Whereas, on the basis of the tenders received, the
maximum amount should be that specified below;

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

HAS ADOPTED THIS DECISION:

Article 1

The maximum amount to be set for the purposes of
awarding a contract pursuant to Regulation (EEC)
No 1296/74 is fixed at 705 774 units of account.

Article 2

This Decision is addressed to the French Republic.

Done at Brussels, 14 June 1974.

For the Commission

The President

François-Xavier ORTOLI

⁽¹⁾ OJ No L 148, 28. 6. 1968, p. 13.

⁽²⁾ OJ No L 85, 29. 3. 1974, p. 51.

⁽³⁾ OJ No L 140, 23. 5. 1974, p. 50.

⁽⁴⁾ OJ No L 69, 12. 3. 1974, p. 3.

COMMISSION DECISION

of 17 June 1974

placing foot-and-mouth disease vaccine at the disposal of the FAO

(74/339/EEC)

THE COMMISSION OF THE EUROPEAN
COMMUNITIES,

HAS ADOPTED THIS DECISION:

Having regard to the Treaty establishing the European
Economic Community;

Article 1

Having regard to the Council Decision of 26 March
1973 ⁽¹⁾ on action to protect Community livestock
against certain foot-and-mouth diseases, and in
particular Article 5 thereof;

With effect from 1 June 1974 250 000 doses of foot-
and-mouth disease vaccine Asia 1 shall be held at the
disposal of the FAO as a gift from the EEC to assist
in the campaign against foot-and-mouth disease in
south-east Europe.

Whereas, in view of the present health situation in
the Community provision should be made to place
at the disposal of the FAO part of the Community
stock of vaccine in order to assist that Organization
in its campaign against foot-and-mouth disease in
south-east Europe;

Article 2

This Decision is addressed to the Member States.

Done at Brussels, 17 June 1974.

Whereas the measures provided for in this Decision is
in accordance with the Opinion of the Standing
Veterinary Committee,

For the Commission

The President

François-Xavier ORTOLI

⁽¹⁾ OJ No L 106, 20. 4. 1973, p. 26.

COMMISSION DECISION

of 17 June 1974

fixing the minimum selling price for butter for the 46th individual invitation to tender under the standing invitation to tender provided for by Regulation (EEC) No 1259/72

(74/340/EEC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community;

Having regard to Council Regulation (EEC) No 804/68 ⁽¹⁾ of 27 June 1968 on the common organization of the market in milk and milk products, as last amended by Regulation (EEC) No 662/74 ⁽²⁾, and in particular Article 6 (7) thereof;

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

Whereas, pursuant to Commission Regulation (EEC) No 1259/72 ⁽⁵⁾ of 16 June 1972 on the disposal of butter at a reduced price to certain Community processing undertakings, as last amended by Regulation (EEC) No 324/74 ⁽⁶⁾, intervention agencies have put up for sale by standing invitation to tender certain quantities of butter held by them;

Whereas Article 9 of that Regulation provides that, in the light of the tenders received, a minimum selling price must be fixed which may vary with the fat content of the butter; whereas alternatively a decision may be taken not to proceed with the invitation to tender; whereas the amount of the processing security must be fixed in the light of the difference between the minimum selling price and the market price of the butter;

Whereas, in the light of the tenders received in response to the 46th individual invitation to tender, the minimum selling price should be fixed at the level specified below and the processing security determined accordingly;

Whereas the Management Committee for Milk and Milk Products has not delivered an opinion within the time limit set by its Chairman,

HAS ADOPTED THIS DECISION:

Article 1

For the 46th individual invitation to tender under Regulation (EEC) No 1259/72, in respect of which the time limit for the submission of tenders expires on 11 June 1974;

- (a) the minimum selling price to be considered when awarding contracts shall be 90 units of account per 100 kg butter with a fat content of 82% or more;
- (b) the processing security shall be 99 units of account per 100 kg butter without prejudice to the provisions of the second and third subparagraphs of Article 12 (1) of Regulation (EEC) No 1259/72.

Article 2

This Decision is addressed to the Member States.

Done at Brussels, 17 June 1974.

For the Commission

The President

François-Xavier ORTOLI

⁽¹⁾ OJ No L 148, 28. 6. 1968, p. 13.

⁽²⁾ OJ No L 85, 29. 3. 1974, p. 51.

⁽³⁾ OJ No L 169, 18. 7. 1968, p. 1.

⁽⁴⁾ OJ No L 291, 28. 12. 1972, p. 15.

⁽⁵⁾ OJ No L 139, 17. 6. 1972, p. 18.

⁽⁶⁾ OJ No L 35, 8. 2. 1974, p. 28.

COMMISSION DECISION

of 18 June 1974

amending the Commission Decisions of 8 December 1972 and 22 December 1972 authorizing certain Member States to sell butter at reduced prices as concentrated butter

(Only the French, German and Dutch texts are authentic)

(74/341/EEC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community;

Having regard to Council Regulation (EEC) No 804/68 ⁽¹⁾ of 27 June 1968 on the common organization of the market in milk and milk products, as last amended by Regulation (EEC) No 662/74 ⁽²⁾, and in particular Article 6 (7) thereof;Having regard to Council Regulation (EEC) No 985/68 ⁽³⁾ of 15 July 1968 laying down general rules for intervention on the market in butter and cream, as last amended by Regulation (EEC) No 2714/72 ⁽⁴⁾, and in particular Article 7a thereof;

Whereas only butter which has been taken into storage before 1 August 1973 may be used for the purposes of the following Decisions:

- the Commission Decision of 8 December 1972 ⁽⁵⁾ authorizing the Kingdom of Belgium, the Grand Duchy of Luxembourg and the Kingdom of the Netherlands to sell butter at reduced prices as concentrated butter, as last amended by the Decision of 5 November 1973 ⁽⁶⁾;
- the Commission Decision of 22 December 1972 ⁽⁷⁾ authorizing the Federal Republic of Germany to sell butter at reduced prices as concentrated butter, as last amended by the Decision of 5 November 1973;

Whereas since part of the butter covered by the abovementioned authorizations has not yet been taken over and there practically remains no further butter taken into storage before 1 August 1973, and therefore in view of the state of the public stock of butter in the Community, the date of entry into storage fixed for the butter in question should be amended;

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

HAS ADOPTED THIS DECISION:

Article 1

In Article 2 of the Commission Decision of 8 December 1972 and of 22 December 1972 the date '1 August 1973' is replaced in each case by '1 January 1974'.

Article 2

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

Done at Brussels, 18 June 1974.

*For the Commission**The President*

François-Xavier ORTOLI

⁽¹⁾ OJ No L 148, 28. 6. 1968, p. 13.

⁽²⁾ OJ No L 85, 29. 3. 1974, p. 51.

⁽³⁾ OJ No L 169, 18. 7. 1968, p. 1.

⁽⁴⁾ OJ No L 291, 28. 12. 1972, p. 15.

⁽⁵⁾ OJ No L 303, 31. 12. 1972, p. 4.

⁽⁶⁾ OJ No L 346, 17. 12. 1973, p. 7.

⁽⁷⁾ OJ No L 303, 31. 12. 1972, p. 41.

COMMISSION DECISION

of 19 June 1974

amending Commission Decision No 74/133/EEC of 14 February 1974 on the application by the United Kingdom of Great Britain and Northern Ireland of protective measures in respect of certain iron and steel products in Chapter 73 of the Common Customs Tariff under Article 135 of the Act concerning the conditions of accession and the adjustments to the Treaties

(74/342/EEC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community;

Having regard to the Act concerning the Conditions of Accession and the Amendments to the Treaties, and in particular Article 135 thereof;

Having regard to Commission Decision No 74/133/EEC ⁽¹⁾ of 14 February 1974, and in particular Article 4 thereof;

Having regard to the application of 18 June 1974 by the United Kingdom;

Whereas as a result of the events which took place in the United Kingdom at the end of 1973 and the beginning of 1974, which led the Commission to take Decision No 74/134/ECSC ⁽²⁾ of 18 February 1974 in respect of certain coal and steel products referred to in Article 81 of the Treaty establishing the European Coal and Steel Community, the British coal, iron and steel production remains markedly below normal levels; whereas it is not possible to find at short notice alternative sources of supply;

Whereas the Commission intends to amend the above-mentioned Commission Decision No 74/134/ECSC in so far as it concerns products covered by the ECSC Treaty;

Whereas these measures do not resolve the supply problems in the sectors which are major consumers of steel products not coming under the ECSC Treaty; whereas these sectors are in danger therefore of being exposed to serious supply difficulties which are likely to persist;

Whereas it now appears that it is possible to diminish the consequences of the situation by measures less

disturbing the operation of the common market than by the measures authorized by the Commission in its Decision of 14 February 1974, to deal with the difficulties caused by the suspension of coal production;

Whereas the Commission considers that, therefore, the Decision of 14 February 1974 should be amended; whereas nevertheless protective measures causing less disturbance to the functioning of the common market are called for to enable the United Kingdom iron and steel industry to regain a satisfactory level of production;

Whereas the period of time during which the measures covered by this Decision are in force must be limited to that strictly required to attain the objects of Article 135 of the Accession Treaty,

HAS ADOPTED THIS DECISION:

Article 1

Article 1 of Commission Decision No 74/133/EEC of 14 February 1974 is deleted and the following is substituted:

1. The United Kingdom is authorized to set up an "Open General Export Licence" system covering certain iron and steel products contained in Chapter 73 of the Common Customs Tariff, of which a list is set out in the Annex.

2. After the entry into operation of this Decision, the United Kingdom, may after consultation with the Commission introduce a licence system in order to:

— limit exports of such products to third countries;

⁽¹⁾ OJ No L 74, 19. 3. 1974, p. 14.

⁽²⁾ OJ No L 74, 19. 3. 1974, p. 20.

— control and, in so far as is necessary, limit deliveries of such products to other Member States — such regime however may in no circumstances be more restrictive, as far as each product is concerned, than that applied to exports to third countries.

3. The British Government shall ensure that the application of the measures authorized will entail no greater restriction on the free movement of goods than is strictly necessary to attain the object of these measures, and will in particular further a significant increase of exports to other Member States.'

Article 2

Article 5 of Decision No 74/133/EEC of 14 February 1974 is deleted and the following is substituted:

'Without prejudice to the application of Article 4, this Decision shall remain in operation until 1 October 1974.'

Article 3

This Decision shall enter into force on 1 July 1974.

Article 4

This Decision is addressed to the Member States.

Done at Brussels, 19 June 1974.

For the Commission

The President

François-Xavier ORTOLI

COMMISSION DECISION

of 20 June 1974

fixing the minimum export levy for the invitation to tender for the export of milled long grained rice issued under Regulation (EEC) No 813/74

(74/343/EEC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community;

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

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

Having regard to Commission Regulation (EEC) No 3197/73 ⁽⁴⁾ of 23 November 1973 establishing the conditions for the application of the system of tendering for export levies on rice, and in particular Article 5 (1) thereof;

Whereas an invitation to tender for the export levy on milled long grained rice was issued under Commission Regulation (EEC) No 813/74 ⁽⁵⁾ of 5 April 1974, as last amended by Regulation (EEC) No 1367/74 of 31 May 1974 ⁽⁶⁾; whereas the notice of invitation to tender ⁽⁷⁾, amended on 1 June 1974 ⁽⁸⁾, associated with this Regulation, specified that the total tonnage for which the export levy could be fixed was approximately 60 000 metric tons;

Whereas Article 5 (1) of Regulation (EEC) No 3197/73 allows the Commission in accordance with the procedure laid down in Article 26 of Regulation No 359/67/EEC, to fix a minimum export levy; whereas, when this minimum levy is being fixed, account must

be taken of the criteria set out in Article 3 (1) (b) and (d) of Regulation (EEC) No 2737/73, namely:

- the objectives of the common organization of the market in rice, namely to balance that market both as regards supplies and as regards trade;
- the economic aspect of the exports;

Whereas Article 5 (2) of Regulation (EEC) No 3197/73 stipulates that the award is made to the tenderer or tenderers whose tenders quote a levy equal to or higher than the minimum;

Whereas it follows from applying these rules to the present situation on the market for the rice in question that the minimum export levy should be fixed as shown in Article 1; whereas the tonnage of milled long grained rice to which this minimum applies is 7 500 metric tons;

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

HAS ADOPTED THIS DECISION:

Article 1

The minimum export levy for milled long grained rice fixed on the basis of tenders submitted for 20 June 1974 is hereby fixed at 40 units of account per metric ton.

Article 2

This Decision is addressed to the Member States.

Done at Brussels, 20 June 1974.

For the Commission

P. J. LARDINOIS

Member of the Commission

⁽¹⁾ OJ No L 174, 31. 7. 1967, p. 1.

⁽²⁾ OJ No L 73, 27. 3. 1972, p. 14.

⁽³⁾ OJ No L 282, 9. 10. 1973, p. 13.

⁽⁴⁾ OJ No L 326, 27. 11. 1973, p. 10.

⁽⁵⁾ OJ No L 96, 6. 4. 1974, p. 11.

⁽⁶⁾ OJ No L 147, 1. 6. 1974, p. 52.

⁽⁷⁾ OJ No C 39, 6. 4. 1974, p. 35.

⁽⁸⁾ OJ No C 63, 1. 6. 1974, p. 11.

COMMISSION DECISION

of 20 June 1974

fixing the minimum export levy for the invitation to tender for the export of husked long grained rice issued under Regulation (EEC) No 888/74

(74/344/EEC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community;

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

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

Having regard to Commission Regulation (EEC) No 3197/73 ⁽⁴⁾ of 23 November 1973 establishing the conditions for the application of the system of tendering for export levies on rice, and in particular Article 5 (1) thereof;

Whereas an invitation to tender for the export levy on husked long grained rice was issued under Commission Regulation (EEC) No 888/74 ⁽⁵⁾ of 16 April 1974; whereas the notice of invitation to tender ⁽⁶⁾, amended on 10 May 1974 ⁽⁷⁾, associated with this Regulation, specified that the total tonnage for which the export levy could be fixed was approximately 30 000 metric tons;

Whereas Article 5 (1) of Regulation (EEC) No 3197/73 allows the Commission, in accordance with the procedure laid down in Article 26 of Regulation No 359/67/EEC, to fix a minimum export levy; whereas when this minimum levy is being fixed, account must

be taken of the criteria set out in Article 3 (1) (b) and (d) of Regulation (EEC) No 2737/73, namely:

- the objectives of the common organization of the market in rice, namely to balance that market both as regards supplies and as regards trade;
- the economic aspect of the exports;

Whereas Article 5 ⁽²⁾ of Regulation No 3197/73 stipulates that the award is made to the tenderer or tenderers whose tenders quote a levy equal to or higher than the minimum;

Whereas it follows from applying these rules to the present situation on the market for the rice in question that the minimum export levy should be fixed as shown in Article 1; whereas the tonnage of husked long grained rice to which this minimum applies is 700 metric tons;

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

HAS ADOPTED THIS DECISION:

Article 1

The minimum export levy for husked long grained rice fixed on the basis of tenders submitted for 20 June 1974 is hereby fixed at 40 units of account per metric ton.

Article 2

This Decision is addressed to the Member States.

Done at Brussels, 20 June 1974.

For the Commission

P. J. LARDINOIS

Member of the Commission

⁽¹⁾ OJ No L 174, 31. 7. 1967, p. 1.

⁽²⁾ OJ No L 73, 27. 3. 1972, p. 14.

⁽³⁾ OJ No L 282, 9. 10. 1973, p. 13.

⁽⁴⁾ OJ No L 326, 27. 11. 1973, p. 10.

⁽⁵⁾ OJ No L 104, 17. 4. 1974, p. 13.

⁽⁶⁾ OJ No C 43, 17. 4. 1974, p. 4.

⁽⁷⁾ OJ No C 54, 10. 5. 1974, p. 3.

COMMISSION DECISION

of 25 June 1974

amending Commission Decision No 74/134/ECSC of 18 February 1974 on the application to the United Kingdom of Article 37 of the ECSC Treaty

(74/345/ECSC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Coal and Steel Community, and in particular Article 37 thereof;

Having regard to Commission Decision No 74/134/ECSC⁽¹⁾ of 18 February 1974, and in particular Article 5 thereof;

Having regard to the application of 18 June 1974 by the United Kingdom;

Having consulted the Council of the European Communities;

Whereas as a result of the events which took place in the United Kingdom at the end of 1973 and the beginning of 1974, which led the Commission to take Decision No 74/134/ECSC of 18 February 1974, British coal production remains considerably below normal levels;

Whereas 18 900 000 metric tons were produced during the nine weeks ending on 11 May 1974 (the most recent figures available) as compared with 23 100 000 metric tons for the same period in 1973; whereas the normal rate of production is not likely to be reached by the end of the summer of 1974, taking into consideration the holiday period;

Whereas the level of stocks remains considerably below the level recorded before these events; whereas, in particular, the stocks at the power stations were particularly low and during May 1974, at about 10 000 000 metric tons compared with 17 000 000 metric tons for May 1973; whereas the amount of these stocks was only 500 000 metric tons higher than at the end of the miners' strike;

Whereas it is not possible at short notice to find other sources of supply for the power stations;

Whereas, moreover, the present stocks at the power stations are unequally distributed between the various regions of the United Kingdom and between the various generating plants within these regions;

Whereas, whenever the total stock falls below 7 000 000 metric tons, the two 'Electricity Generating Boards' will no longer be able to satisfy all demands, because at such time certain generating plants would have no more usable coal;

Whereas the redistribution of existing stocks, with a view to avoiding such a situation, would be technically difficult and economically far too expensive;

Whereas the British Government has calculated that there will not be more than 13 000 000 metric tons available for the generating plants at the beginning of next winter, which will be considerably below the desirable minimum level of stocks of 16 000 000 and 17 000 000 metric tons; whereas the calculated stocks again represent no more than three weeks of winter time electricity production;

Whereas, as far as iron and steel products are concerned, according to the latest information given to the Commission, 1 890 000 metric tons of crude steel were produced in May 1974, representing 83 % of the monthly production reached before the crisis; whereas during the first five months of 1974 the production of crude steel is one month behind the normal production; whereas the damage to the refractory linings of those blast furnaces which were shut down during the coal miners' strike is the main obstacle to a total resumption of iron and steel production; whereas it is not possible at short notice to find other sources of supply of such products;

Whereas these difficulties are likely to persist during the summer months;

Whereas in such conditions the economic situation in the United Kingdom would be aggravated by deliveries of coal and steel products to other Member States in accordance with the system of free circulation of goods such as is provided for by the

⁽¹⁾ OJ No L 74, 19. 3. 1974, p. 20.

ECSC Treaty and the Act annexed to the Treaty of Accession;

Whereas, as far as coal as defined in heading No 27.01 of the Common Customs Tariff is concerned, the special and exceptional situation which led to the Decision of 18 February 1974 has not yet been overcome; whereas such a situation is likely to deteriorate again if the measures taken by the Commission to bring it to an end were not renewed; in particular with a view to furthering a significant increase of exports to other Member States;

Whereas, however, it now appears, as far as iron and steel products are concerned, that it is possible to diminish the consequences of the situation by measures less disturbing the operation of the common market than by the measures taken by the Commission in the Decision of 18 February 1974;

Whereas, the Commission therefore considers that the Decision of 18 February 1974 should be amended;

Whereas, on the other hand, such measures are needed to enable this sector of the Community to recover from the serious and exceptional difficulties mentioned;

Whereas in order to safeguard the vital interests of the Community and in particular the free movement of goods, measures taken under Article 37 must be strictly exceptional; whereas these measures must be temporary and therefore the present Decision must cease to be operational by 1 October 1974 at the latest,

HAS ADOPTED THIS DECISION:

Article 1

In its application to coal, as defined in heading No 27.01 of the Common Customs Tariff, Commission Decision No 74/134/ECSC of 18 February 1974 shall remain in operation until 1 October 1974.

The British Government shall ensure that the application of the measures authorized will entail no greater restriction on the free movement of goods than is strictly necessary to attain the object of these measures, and will in particular further a significant increase of exports to other Member States.

Article 2

In their application to iron and steel products, as defined by Article 81 of the ECSC Treaty (excluding

those covered by heading No 73.03 of the Common Customs Tariff):

1. Article 2 of Decision No 74/134/ECSC of the 18 February 1974 is deleted and the following inserted:

'1. The United Kingdom shall set up an "Open General Export Licence" system, covering iron and steel products, as defined in Article 81 of the ECSC Treaty (except those covered by heading No 73.03 of the Common Customs Tariff).

2. After the entry into operation of this Decision, the United Kingdom may after consultation with the Commission, apply a licencing system with a view to:

— limiting exports of these products to third countries;

— controlling and, in so far as it is necessary to do so, limiting deliveries of such products to other Member States; such system may however under no circumstances be more restricting as far as each product is concerned than that applied to exports to third countries.

3. The British Government shall ensure that the application of the measures authorized will entail no greater restriction on the free movement of goods than is strictly necessary to attain the object of the measures, and will in particular further a significant increase of exports to other Member States.'

2. Article 6 of Decision No 74/134/ECSC of 18 February 1974 is deleted and the following is substituted:

'Without prejudice to Article 5 this Decision shall remain in operation until 1 October 1974.'

Article 3

This Decision shall come into operation on 1 July 1974.

Article 4

This Decision is addressed to the Member States.

Done at Brussels, 25 June 1974.

For the Commission

The President

François-Xavier ORTOLI