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## II

*(Acts whose publication is not obligatory)*

## COUNCIL

## COUNCIL DIRECTIVE

of 20 January 1976

on the approximation of the laws of the Member States relating to the making-up by weight or by volume of certain prepackaged products

(76/211/EEC)

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community, and in particular Article 100 thereof,

Having regard to the proposal from the Commission,

Having regard to the opinion of the European Parliament <sup>(1)</sup>,

Having regard to the opinion of the Economic and Social Committee <sup>(2)</sup>,

Whereas in most of the Member States the conditions of presentation for sale of products in prepackages are the subject of mandatory regulations which differ from one Member State to another, thereby hindering trade in such prepackages; whereas such provisions must therefore be approximated;

Whereas, in order to enable consumers to be correctly informed, the method of marking on the prepackage the nominal weight or volume of the product contained in the prepackage, should be presented;

Whereas it is also necessary to specify the tolerable negative errors in the contents of prepackages and whereas a reference method for such control should be defined in order to provide a simple method of ensuring that prepackages conform to the provisions laid down;

Whereas Article 16 of Council Directive 71/316/EEC of 26 July 1971 on the approximation of the laws of the Member States relating to common provisions for both measuring instruments and methods of metrological control <sup>(3)</sup>, as last amended by the Act of Accession <sup>(4)</sup>, provides that the harmonization of the requirements for marketing certain products, in particular as regards the measurement and marking of prepacked quantities, may be covered by separate Directives;

Whereas since too quick a change in the means of determining quantity laid down by their national legislation and the organization of new systems of control as well as the adoption of a new measurement system would present difficulties for certain Member States, a transitional period should be provided for these Member States; whereas such provision should not, however, further inhibit intra-Community trade in the products concerned and should not prejudice implementation of the Directive in the other Member States,

<sup>(1)</sup> OJ No C 48, 25. 4. 1974, p. 21.

<sup>(2)</sup> OJ No C 109, 19. 9. 1974, p. 16.

<sup>(3)</sup> OJ No L 202, 6. 9. 1971, p. 1.

<sup>(4)</sup> OJ No L 73, 27. 3. 1972, p. 14.

HAS ADOPTED THIS DIRECTIVE:

*Article 1*

This Directive relates to prepackages containing products with the exception of those referred to in the Council Directive 75/106/EEC of 19 December 1974 on the approximation of the laws of the Member States relating to the making-up by volume of certain prepackaged liquids <sup>(1)</sup>, and intended for sale in constant unit nominal quantities which are:

- equal to values predetermined by the packer,
- expressed in units of weight or volume,
- not less than 5 g or 5 ml and not more than 10 kg or 10 l.

*Article 2*

1. A prepackage within the meaning of this Directive is the combination of a product and the individual package in which it is prepacked.

2. A product is prepacked when it is placed in a package of whatever nature without the purchaser being present and the quantity of product contained in the package has a predetermined value and cannot be altered without the package either being opened or undergoing a perceptible modification.

*Article 3*

1. The prepackages which may bear the EEC sign specified in section 3.3 of Annex I are those which comply with this Directive and with Annex I thereto.

2. They shall be subject to metrological control under the conditions defined in Annex I, section 5 and in Annex II.

*Article 4*

1. All prepackages referred to in Article 3 must, in accordance with Annex I, bear an indication of the weight or volume of the product, known as 'nominal weight' or 'nominal volume', which they are required to contain.

<sup>(1)</sup> OJ No L 42, 15. 2. 1975, p. 1.

2. Prepackages containing liquid products shall be marked with their nominal volume and prepackages containing other products shall be marked with their nominal weight, except in the case of trade practice or national regulations which provide otherwise and which are identical in all Member States, or in the case of contrary Community rules.

3. If trade practice or national regulations are not the same in all Member States for a category of products or for a type of prepackage, those prepackages must at least show the metrological information corresponding to the trade practice or national regulations prevailing in the country of destination.

4. Until the expiry of the transitional period during which the use of the imperial units of measurement appearing in Annex II to Council Directive 71/354/EEC of 18 October 1971 on the approximation of the laws of the Member States relating to units of measurement <sup>(2)</sup>, as amended by the Act of Accession, is authorized in the Community, the indication of the nominal weight and/or nominal volume of the contents expressed in SI units of measurement in accordance with section 3.1 of Annex I to this Directive shall, if the United Kingdom or Ireland so desires, be accompanied on their national territories by an indication of the equivalent value in imperial units of measurement (UK), calculated on the basis of the following conversion factors:

1 g = 0.0353 ounces (avoirdupois),

1 kg = 2.205 pounds

1 ml = 0.0352 fluid ounces,

1 l = 1.760 pints or 0.220 gallons.

*Article 5*

Member States may not refuse, prohibit or restrict the placing on the market of prepackages which satisfy the requirements and tests laid down in this Directive for reasons concerning the markings required to be borne by such prepackages pursuant to this Directive, the determination of their volume or weight, or the methods by which they have been measured or checked.

*Article 6*

The amendments necessary to adapt the requirements of Annexes I and II to this Directive to technical

<sup>(2)</sup> OJ No L 243, 29. 10. 1971, p. 29.

progress shall be adopted in accordance with the procedure laid down in Articles 18 and 19 of Directive 71/316/EEC.

#### *Article 7*

1. Member States shall bring into force the laws, regulations and administrative provisions needed in order to comply with this Directive within 18 months of its notification and shall forthwith inform the Commission thereof.

2. By way of derogation from paragraph 1, Belgium, Ireland, the Netherlands and the United Kingdom may defer implementation of this Directive and the Annexes thereto until 31 December 1979 at the latest.

3. During the period in which the Directive is not operative in a Member State, that Member State shall not introduce stricter control measures regarding the quantity contained in prepackages covered by this Directive and coming from other Member States than those in force when the Directive was adopted.

4. During the same period, the Member States which have implemented the Directive shall accept those prepackages coming from Member States benefiting from the derogation provided for in paragraph 2 of this Article which comply with section 1 of Annex I, even if they do not bear the

EEC sign referred to in section 3.3 of Annex I, on the same basis and under the same conditions as those prepackages which comply with all the requirements of the Directive.

5. The checks provided for by Annex I, section 5 shall be carried out by the competent authorities of the Member State of destination when prepackages manufactured outside the Community are imported into the territory of the Community in a Member State which has not yet implemented the Directive in accordance with this Article.

6. Member States shall ensure that the text of the main provisions of national law which they adopt in the field covered by this Directive is communicated to the Commission.

#### *Article 8*

This Directive is addressed to the Member States.

Done at Brussels, 20 January 1976.

*For the Council*

*The President*

G. THORN

## ANNEX I

## 1. OBJECTIVES

Prepackages covered by this Directive shall be made up in such a way that the completed packages satisfy the following requirements:

- 1.1. the actual contents shall not be less, on average, than the nominal quantity;
- 1.2. the proportion of prepackages having a negative error greater than the tolerable negative error laid down in 2.4 shall be sufficiently small for batches of prepackages to satisfy the requirements of the tests specified in Annex II;
- 1.3. no prepackage having a negative error greater than twice the tolerable negative error given in the table in 2.4 may bear the EEC sign provided for in 3.3.

## 2. DEFINITIONS AND BASIC PROVISIONS

- 2.1. The nominal quantity (nominal weight or nominal volume) of the contents of a prepackage is the weight or volume indicated on the prepackage, i.e. the quantity of product which the prepackage is deemed to contain.
- 2.2. The actual contents of the prepackage are the quantity (weight or volume) of product which it in fact contains. In all operations for checking quantities of products expressed in units of volume, the value employed for the actual contents shall be measured at or corrected to a temperature of 20°C, whatever the temperature at which packaging or checking is carried out. However, this rule shall not apply to deep frozen or frozen products, the quantity of which is expressed in units of volume.
- 2.3. The negative error of a prepackage is the quantity by which the actual contents of the prepackage are less than the nominal quantity.
- 2.4. The tolerable negative error in the contents of a prepackage is fixed in accordance with the table below, in which products are divided into two classes ('A' and 'B'), as set out in 2.5 and 2.6 below, according to their physical characteristics and/or the packaging processes which they undergo and the values of the nominal quantities.

Nominal quantity Q <sub>n</sub> , in grammes or millilitres	Tolerable negative errors			
	Class 'A'		Class 'B'	
	as a % of Q <sub>n</sub>	g or ml	as a % of Q <sub>n</sub>	g or ml
above 5 and less than 25	—	—	9	—
from 25 to 50	4.5	—	9	—
from 50 to 100	—	2.25	—	4.5
from 100 to 200	2.25	—	4.5	—
from 200 to 300	—	4.5	—	9
from 300 to 500	1.5	—	3	—
from 500 to 1 000	—	7.5	—	15
from 1 000 to 10 000	0.75	—	1.5	—

When using the table, the values of the tolerable negative errors shown as percentages in the table, calculated in units of weight or volume, shall be rounded up to the nearest one tenth of a gramme or millilitre.

2.5. The following products shall be considered as belonging to Class 'A':

- (a) products which are solid or difficult to pour at the selling stage but which can be made sufficiently fluid in the course of packaging, and which do not contain any apparent solid or gaseous elements, and can be packaged in a single operation,
- (b) products in powder form,
- (c) products composed of pieces, fragments or grains, the unit weight of which does not exceed one third of the tolerable negative error corresponding to the nominal weight of the contents of the prepackage in the Class 'A' column of the table in 2.4,
- (d) paste products which are easily spread,

in so far as these products, once they are weighed or packaged, are not subject to further processing or are only subject to processing which does not alter the actual quantity of the contents.

2.6. All products which do not fall within the class described in 2.5 shall belong to Class 'B'. The following shall also be considered as belonging to Class 'B':

- (a) liquid products,
- (b) prepackaged products of a nominal weight or volume less than 25 g or 25 ml,
- (c) products with rheological properties (e.g. fluidity or viscosity) or density when flowing which cannot be kept sufficiently constant by appropriate technical means.

### 3. INSCRIPTIONS AND MARKINGS

All prepackages made up in accordance with this Directive shall bear on the package the following markings affixed in such a manner as to be indelible, easily legible and visible on the prepackage in normal conditions of presentation:

3.1. the nominal quantity (nominal weight or nominal volume), expressed in kilogrammes, grammes, litres, centilitres or millilitres, and marked in figures at least 6 mm high if the nominal quantity exceeds 1 000 g or 100 cl; 4 mm high if it is from 1 000 g or 100 cl inclusive down to but not including 200 g or 20 cl, and 3 mm high if it is not more than 200 g or 20 cl, followed by the symbol for the unit of measurement used or where appropriate by the name of the unit in accordance with Directive 71/354/EEC;

markings in imperial units (UK) shall be in letters and figures of dimensions not larger than those of the corresponding markings in SI units;

3.2. a mark or inscription enabling the competent departments to identify the packer or the person arranging for the packing to be done or the importer established in the Community;

3.3. a small 'e', at least 3 mm high, placed in the same field of vision as the indication of the nominal weight or nominal volume, constituting a guarantee by the packer or the importer that the prepackage meets the requirements of this Directive.

This letter shall have the form shown in the drawing contained in section 3 of Annex II to Directive 71/316/EEC.

Article 12 of this latter Directive shall apply *mutatis mutandis*.

### 4. RESPONSIBILITY OF THE PACKER OR IMPORTER

The packer or importer shall be responsible for ensuring that prepackages meet the requirements of this Directive.

The quantity of product contained in a prepackage (or packing quantity), known as the 'actual contents', shall be measured or checked by weight or volume on the responsibility of the packer and/or importer. The measurement or check shall be carried out by means of a legal measuring instrument suitable for effecting the necessary operations.

The check may be carried out by sampling.

Where the actual contents are not measured, the check carried out by the packer shall be so organized that the quantity of the contents is effectively ensured.

This condition is fulfilled if the packer carries out production checks in accordance with procedures recognized by the competent departments in the Member State and if he holds at the disposal of those departments the documents containing the results of such checks, in order to certify that these checks, together with any corrections and adjustments which they have shown to be necessary, have been properly and accurately carried out.

In the case of imports from non-EEC countries, the importer may instead of measuring and checking provide evidence that he is in possession of all the necessary guarantees enabling him to assume responsibility.

In the case of products in quantities expressed in units of volume, one of several methods of meeting the measuring and checking requirements is to use, when making up the prepackage, a measuring container of the type defined in the Directive relating thereto, filled under the conditions prescribed in that Directive and herein.

#### 5. CHECKS TO BE CARRIED OUT BY THE COMPETENT DEPARTMENTS ON THE PREMISES OF THE PACKER OR IMPORTER

Checks to ensure that the prepackages comply with the requirements of this Directive shall be carried out by the competent departments of the Member States by sampling on the packers' premises or, if this is not practicable, on the premises of the importer or his agent established in the Community.

This statistical sampling check shall be carried out in accordance with the accepted methods of quality acceptance inspection. Its effectiveness shall be comparable to that of the reference method specified in Annex II.

#### 6. OTHER CHECKS CARRIED OUT BY THE COMPETENT DEPARTMENTS

This Directive shall not preclude any checks which may be carried out by the competent departments of the Member States at any stage in the marketing process, in particular for the purpose of verifying that prepackages meet the requirements of the Directive.

Article 15 (2) of Directive 71/316/EEC shall apply *mutatis mutandis*.



## ANNEX II

This Annex lays down the procedures of the reference method for statistical checking of batches of prepackages in order to meet the requirements of Article 3 of the Directive and of section 5, Annex I thereto.

This check is based upon ISO standard No 2859 relating to methods of testing by attributes, taking an acceptable quality level of 2.5 %. The sampling level corresponds to level II of that standard in respect of non-destructive tests and to level S 3 in respect of destructive tests.

## 1. REQUIREMENTS FOR MEASURING THE ACTUAL CONTENTS OF PREPACKAGES

The actual contents of prepackages may be measured directly by means of weighing instruments or volumetric instruments or, in the case of liquids, indirectly, by weighing the prepacked product and measuring its density.

Irrespective of the method used, the error made in measuring the actual contents of a prepackage shall not exceed one fifth of the tolerable negative error for the nominal quantity in the prepackage.

The procedure for measuring the actual contents of a prepackage may be the subject of domestic regulations in each Member State.

## 2. REQUIREMENTS FOR CHECKING BATCHES OF PREPACKAGES

The checking of prepackages shall be carried out by sampling and shall be in two parts:

- a check covering the actual contents of each prepackage in the sample,
- another check on the average of the actual contents of the prepackages in the sample.

A batch of prepackages shall be considered acceptable if the results of both these checks satisfy the acceptance criteria.

For each of these checks, there are two sampling plans:

- one for non-destructive testing, i.e., testing which does not involve opening the package,
- the other for destructive testing, i.e., testing which involves opening or destroying the package.

For economic and practical reasons, the latter test shall be limited to the absolutely essential minimum; it is less effective than the non-destructive test.

Destructive testing shall therefore be used only when non-destructive testing is impracticable. As a general rule it shall not be applied to batches of fewer than 100 units.

### 2.1. Prepackage batches

- 2.1.1. The batch shall be made up of all the prepackages of the same type and the same production run which are to be inspected.

- 2.1.2. When prepackages are checked at the end of the packing line, the number in each batch shall be equal to the maximum hourly output of the packing line, without any restriction as to batch size.

In other cases the batch size shall be limited to 10 000.

- 2.1.3. For batches of fewer than 100 prepackages, the non-destructive test, where carried out, shall be 100 %.

- 2.1.4. Before the tests in 2.2 and 2.3 are carried out, a sufficient number of prepackages shall be drawn at random from the batch so that the check requiring the larger sample can be carried out.

For the other check, the necessary sample shall be drawn at random from the first sample and marked.

This marking operation shall be completed before the start of measuring operations.

## 2.2. Checking of the minimum acceptable contents of a prepackage

- 2.2.1. The minimum acceptable contents shall be calculated by subtracting the tolerable negative error for the contents concerned from the nominal quantity of the prepackage.

- 2.2.2. Prepackages in the batch whose actual contents are less than the minimum acceptable contents shall be considered defective.

- 2.2.3. For checks by sampling, one of the following sampling plans (single or double) shall be used, to be chosen by each Member State.

### 2.2.3.1. Single sampling plan

The number of prepackages checked shall be equal to the number in the sample, as indicated in the plan:

- if the number of defective units found in the sample is less than or equal to the criterion for acceptance, the batch of prepackages shall be considered acceptable for the purpose of this check;
- if the number of defective units found in the sample is equal to or greater than the criterion for rejection, the batch of prepackages shall be rejected.

#### 2.2.3.1.1. Non-destructive testing plan

Number in batch	Number in sample	Number of defective units	
		Acceptance criterion	Rejection criterion
100 to 150	20	1	2
151 to 280	32	2	3
281 to 500	50	3	4
501 to 1 200	80	5	6
1 201 to 3 200	125	7	8
3 201 and over	200	10	11

#### 2.2.3.1.2. Destructive testing plan

Number in batch	Number in sample	Number of defective units	
		Acceptance criterion	Rejection criterion
Whatever the number ( $\geq 100$ )	20	1	2

2.2.3.2. *Double sampling plan*

The first number of prepackages checked shall be equal to the number of units in the first sample, as indicated in the plan:

- if the number of defective units found in the first sample is less than or equal to the first acceptance criterion, the batch shall be considered acceptable for the purpose of this check;
- if the number of defective units found in the first sample is equal to or greater than the first rejection criterion, the batch shall be rejected;
- if the number of defective units found in the first sample lies between the first acceptance criterion and the first rejection criterion, a second sample shall be checked, the number of units in which is indicated in the plan.

The defective units found in the first and second samples shall be added together and:

- if the aggregate number of defective units is less than or equal to the second acceptance criterion, the batch shall be considered acceptable for the purpose of the check;
- if the aggregate number of defective units is greater than or equal to the second rejection criterion, the batch shall be rejected.

2.2.3.2.1. *Non-destructive testing plan*

Number in batch	Samples			Number of defective units	
	Order	Number	Aggregate number	Acceptance criterion	Rejection criterion
100 to 150	1st	13	13	0	2
	2nd	13	26	1	2
151 to 280	1st	20	20	0	3
	2nd	20	40	3	4
281 to 500	1st	32	32	1	4
	2nd	32	64	4	5
501 to 1 200	1st	50	50	2	5
	2nd	50	100	6	7
1 201 to 3 200	1st	80	80	3	7
	2nd	80	160	8	9
3 201 and over	1st	125	125	5	9
	2nd	125	250	12	13

2.2.3.2.2. *Destructive testing plan*

Number in batch	Samples			Number of defective units	
	Order	Number	Aggregate number	Acceptance criterion	Rejection criterion
Whatever the number ( $\geq 100$ )	1st	13	13	0	2
	2nd	13	26	1	2

2.3. **Checking of the average actual contents of the individual prepackages making up a batch**

- 2.3.1. A batch of prepackages shall be considered acceptable for the purpose of this check if the mean value  $\bar{x} = \frac{\sum x_i}{n}$  of the actual contents  $x_i$  of  $n$  prepackages in a sample is greater than the value:

$$Q_n - \frac{s}{\sqrt{n}} \cdot t_{(1-a)}$$

In this formula:

- $Q_n$  = the nominal quantity of the prepackage,  
 $n$  = the number of prepackages in the sample for this check,  
 $s$  = the estimated standard deviation of the actual contents of the batch,  
 $t_{(1-a)}$  = 0.995 confidence level of a Student distribution with  $v = n - 1$  degree of freedom.

- 2.3.2. If  $x_i$  is the measured value for the actual contents of the  $i$ -th item in the sample containing  $n$  items then:

- 2.3.2.1. the mean of the measured values for the sample is obtained by the following calculation:

$$\bar{x} = \frac{\sum_{i=1}^{i=n} x_i}{n}$$

- 2.3.2.2. and the estimated value of the standard deviation  $s$  by the following calculation:

— the sum of the squares of the measured values:  $\sum_{i=1}^{i=n} (x_i)^2$

— the square of the sum of the measured values:  $\left(\sum_{i=1}^{i=n} x_i\right)^2$

then  $\frac{1}{n} \left(\sum_{i=1}^{i=n} x_i\right)^2$

— the corrected sum:  $SC = \sum_{i=1}^{i=n} (x_i)^2 - \frac{1}{n} \left(\sum_{i=1}^{i=n} x_i\right)^2$

— the estimated variance:  $v = \frac{SC}{n-1}$

the estimated value of the standard deviation is:  $s = \sqrt{v}$

- 2.3.3. Criteria for acceptance or rejection of the batch of prepackages for checking the mean:

- 2.3.3.1. Criteria for non-destructive testing

Number in batch	Number in sample	Criteria	
		Acceptance	Rejection
100 to 500 (inclusive)	30	$\bar{x} \geq Q_n - 0.503s$	$\bar{x} < Q_n - 0.503s$
> 500	50	$\bar{x} \geq Q_n - 0.379s$	$\bar{x} < Q_n - 0.379s$

## 2.3.3.2. Criteria for destructive testing

Number in batch	Number in sample	Criteria	
		Acceptance	Rejection
Whatever the number ( $\geq 100$ )	20	$\bar{x} \geq Q_n - 0.640s$	$\bar{x} < Q_n - 0.640s$

# COMMISSION

## COMMISSION DECISION

of 17 December 1975

approving aids to be granted by the Federal Republic of Germany for the benefit of undertakings in the coal industry in respect of 1975

(Only the German text is authentic)

76/212/ECSC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

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

Having regard to Commission Decision 3/71/ECSC of 22 December 1970 on Community rules for intervention by Member States for the benefit of the coal industry <sup>(1)</sup>,

Having regard to Decision 73/287/ECSC of 25 July 1973 on coking coal and coke <sup>(2)</sup>, and in particular Article 9 (1) thereof,

Having consulted the Council,

Whereas the Government of the Federal Republic of Germany has informed the Commission, pursuant to Article 2 of Decision 3/71/ECSC, of the financial measures which it proposes to implement directly or indirectly for the benefit of the coal industry for 1975; whereas, among these measures, the following aids should be authorized pursuant to the aforementioned Decision:

*million DM*

Aids as follows to be paid through the 'Aktionsgemeinschaft Deutsche Steinkohlenreviere GmbH' in respect of pit closures:

— aid in respect of equalization of burdens (Lastenausgleich) payments	15.0
— closure premiums	112.5
<b>Total</b>	<b>127.5</b>

Aid to water supply undertakings in respect of expenditure incurred in removing underground water from closed pits 60.0

Subsidies in respect of expenditure resulting from concentration in the coal-mining industry 72.0

Subsidies in respect of the residual debts of the coal-mining industry 157.5

Sum discharging the Ruhrkohle AG from the liability to pay part sums towards the special item for depreciation following closures 48.0

Investment aids to individual projects under an overall investment programme 422.5

Premiums to shift workers and piece workers in respect of each shift worked underground 123.0

Aid for development and testing newly-developed equipment in the coal-mining industry 28.0

Payment of the instalments owed by RAG in respect of State-guaranteed compensation to the former mine-owning companies 63.4

Measures for the benefit of the Preussag AG 30.0

Whereas the aforementioned aids are in accordance with the criteria laid down in Articles 6 to 9 of Decision 3/71/ECSC for the admissibility of such a State assistance;

Whereas the aid to be paid through the 'Aktionsgemeinschaft Deutsche Steinkohlenreviere' may be granted only on condition that it is used in connection with 'a total or partial closure of pits' (Article 6 (1) of Decision 3/71/ECSC);

<sup>(1)</sup> OJ No L 3, 5. 1. 1971, p. 7.

<sup>(2)</sup> OJ No L 259, 15. 9. 1973, p. 36.

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

Whereas as regards the aid in respect of 'equalization' payments the government has taken into account the fact that the closure of a pit leads to the destruction to a considerable degree of the original fixed assets; whereas the aid which consists in the remission of two-thirds of the levy on assets and 'credit gains' (Vermögens- und Kreditgewinnabgabe) to the Equalization Fund (Lastenausgleichsfonds) is in any case considerably lower than the amount of capital lost as a result of the closure of the pits and is therefore within the limits laid down in Article 6 of Decision 3/71/ECSC;

Whereas the closure premium paid to the undertakings in the coal industry by the 'Aktionsgemeinschaft Deutsche Steinkohlenreviere' in respect of the closures amount to a lump sum of DM 20 per metric ton produced; whereas this amount is far from sufficient to cover the actual costs of closures; whereas, after the closure, the continuing obligations of the undertakings in respect of mining damage and social charges can be estimated at DM 30 to DM 35 per metric ton produced for 1975;

Whereas the lump sum aid granted does not therefore exceed the expenditure on the closure of pits and is therefore compatible with Article 6 (2) of Decision 3/71/ECSC;

Whereas the payment of aid amounting to DM 60 million for the removal of underground water from closed pits is likewise compatible with Article 6 (1) of Decision 3/71/ECSC;

Whereas the German coal-mining undertakings — which, as part of their programme to adapt production to the market conditions, are undertaking pit closures leading to a lasting reduction of coal production after 1 January 1973 — receive aids towards the burdens resulting from the reduced production; whereas aid takes the form of a lump sum of DM 30 for each metric ton of reduction in annual capacity — spread over five years — without in any case exceeding the burdens actually incurred by the undertakings;

Whereas the purpose and amount of aid applied for show that this measure is compatible with Article 6 (1) (1) of Decision 3/71/ECSC;

Whereas the subsidies towards the residual burdens of the coal-mining industry complement the closure

premium; whereas the residual burdens comprise costs for mining damage, pension obligations and concessionary coal obligations resulting from pit closures previous to 1 January 1972; whereas aid is granted for these burdens actually incurred by the undertakings;

Whereas the purpose and amount of aid applied for show that this measure is compatible with Article 6 (1) (1) of Decision 3/71/ECSC;

Whereas discharging the Ruhrkohle AG from the liability to pay part sums towards the special item for covering depreciation following closures is a special measure of behalf of the RAG;

Whereas the RAG has had to make special depreciation for the fixed assets lost during pit closures in past years; whereas the RAG has the right under Article 8 (2) of the 1969 tax amendment law to place a special item for the special depreciation on the assets side of their balance which can be paid off by instalments in the following years;

Whereas it was assumed in 1969 that the undertaking's profit-and-loss position in the following years would be so favourable that the step-by-step depreciation could actually be included in the production costs or profits; whereas, in view of the unfavourable development which actually took place in the following years, the RAG is no longer able to bear in addition the costs of this depreciation from earlier years;

Whereas the RAG is to receive aid from the public authorities of DM 48 million a year over a period of 10 years to enable it to write off part of the special item;

Whereas special write-offs in the event of pit closures are part of closure costs; whereas the aid serves to reduce costs and its purpose and amount is therefore compatible with Article 6 (1) of Decision 3/71/ECSC;

Whereas the investment aid of DM 422.5 million consists of normal aid (DM 197.5 million) and special investment aid (DM 225.0 million) granted as part of the measures to revive the economy as a whole;

Whereas the purpose of the investment aids is to increase the economic viability of the German coal industry; whereas the undertakings may use the aid for investments in pits, auxiliary installations and processing plant;

Whereas it is not yet possible to indicate how the aid for 1975 will be apportioned among the individual projects; whereas this will not be possible before the end of 1975;

Whereas the purpose and amount of the aid applied for show that this measure is compatible with Article 7 (2) of Decision 3/71/ECSC; whereas the Federal Government is bound to notify the Commission at least once a year in the case of each project of the objectives pursued, the amounts invested and the amount of aid granted;

Whereas the aid towards the payment of the coal-winning premium helps the coal industry to achieve a stable situation as regards qualified workers, which is absolutely imperative if its productivity is to increase; whereas the undertakings are moreover involved in expenditure on the recruitment, training, retraining and retention of workers which greatly exceeds the amount of the contribution to this premium;

Whereas the purpose and amount of the premium to coal-miners show that this measure is compatible with Article 7 (3) of Decision 3/71/ECSC; whereas a rapid and lasting recovery by the coal-mining industry demands that research results should be used in the production process as soon as possible after development and initial trials; whereas the aid is granted for individual projects which promise to be of tangible economic benefit to the coal-mining industry in the medium term;

Whereas the total aid of DM 28 million for 1975 represents a subsidy towards the financial burdens actually arising;

Whereas the purpose and amount of the aid allow that this measure is compatible with Article 7 (1) of Decision 3/71/ECSC;

Whereas provision has been made for 1975 for the public authorities (in lieu of RAG) to pay an instalment of compensation of DM 63.4 million to the former pit owners, who have a State-guaranteed claim to compensation against RAG;

Whereas in 1974 RAG still suffered losses; whereas the payment of the instalments by the public authorities is to be regarded as a measure aimed at avoiding financial difficulties at RAG as well as temporary supply difficulties on the coal market;

Whereas payment by the Federal Government of the instalments in respect of State-guaranteed compensation is therefore compatible with the first paragraph of Article 9 (1) of Decision 3/71/ECSC;

Whereas as regards the calculation of the appropriations for aid from the difference between production costs and revenue it is found that the aid will not cover all the operating losses which can be expected during 1975;

Whereas such aid is therefore compatible with Article 9 (2) of Decision 3/71/ECSC;

Whereas the Federal Government grants aid to Preussag AG's Ibbenbüren mine, which has worked at a loss for years, in order to avoid temporary supply difficulties and because of the pit's importance for the Ibbenbüren area as regards regional and social policy; whereas the undertaking is itself unable to finance the necessary investments so that it has to be granted a partially repayable subsidy to cover part of the losses;

Whereas the purpose of the aid and the amount of DM 30 million paid show that this measure is compatible with Article 9 (1) and (2);

Whereas the examination of the compatibility of the German aid with the proper functioning of the common market must include all direct and indirect measures to be taken for the benefit of the coal industry in 1975 (Article 3 (2) of Decision 3/71/ECSC);

Whereas on that basis of calculation, the total cost of the proposed direct and indirect measures amounts to 360.8 million units of account, i.e. 3.52 units of account per metric ton produced; whereas this means an 11.3 % reduction in the total amount of aid compared to 1974; whereas the amount of aid per metric ton will drop from 4.02 units of account to 3.52 units of account, i.e. by 12.4 %;

Whereas the following remarks can be made on the compatibility of the total amount of the German aids with the proper functioning of the common market:

- no adverse effect on trade in coal between the Federal Republic of Germany and the other Member States is expected in 1975;
- no price alignment agreements are expected in 1975;



- the prices of German coking coal and boiler coal in 1975 do not amount to indirect aid to industrial consumers of coal;
- the closure of two or three unprofitable pits will lead to rationalization and the concentration of production in pits where productivity is highest;

Whereas it may therefore be concluded that the German aids for the benefit of the coal industry are compatible with the proper functioning of the common market;

Whereas this applies even when account is taken of those aids paid to the coal mines under Decision 73/287/EEC;

Whereas, pursuant to Article 11 (1) of Decision 3/71/ECSC, the Commission must ensure that the aids authorized are used for the purposes set out in Articles 6 to 9 of that Decision; whereas the Commission must be informed in particular of the amount of the aids and of the manner in which they are apportioned,

HAS ADOPTED THIS DECISION:

#### *Article 1*

The Government of the Federal Republic of Germany is hereby authorized to grant the following aids for 1975 for the benefit of the German coal industry:

1. remission of two-thirds of the obligations of pits due to be closed in respect of the levy on assets and 'credits gains' (Vermögens- und Kreditgewinnabgabe);
2. payment of a closure premium, at DM 20 per metric ton produced, through the 'Aktionsgemeinschaft Deutsche Steinkohlenreviere';
3. reimbursement of the cost of pumping out underground water from closed pits, up to a maximum of DM 60 million;
4. subsidies towards the cost of concentrating the coal industry, up to a maximum of DM 72 million;

5. subsidies towards the residual burdens of the coal industry, up to a maximum of DM 157.5 million;
6. discharging the Ruhrkohle AG from the liability to pay instalments towards the special item to cover depreciation as a result of closure, up to a maximum of DM 48 million;
7. grant of investment aid in an amount not exceeding DM 422.5 million to undertakings in the coal industry in order to encourage investment;
8. provision of premiums to shift workers and piece workers in respect of such shift worked underground, up to a maximum of DM 123 million;
9. backing for development and trials at a figure not exceeding DM 28 million;
10. payment of instalments owed by RAG in respect of the former mine-owning companies, up to a maximum of DM 63.4 million;
11. measures for the benefit of the Preussag AG's Ibbenbüren pit, up to a maximum of DM 30 million.

#### *Article 2*

The Federal Government shall notify the Commission by 30 April 1976 of details of the aids granted pursuant to this Decision, in particular as regards the amounts paid and the manner in which they are apportioned.

#### *Article 3*

This Decision is addressed to the Federal Republic of Germany.

Done at Brussels, 17 December 1975.

*For the Commission*

Henri SIMONET

*Vice-President*

## COMMISSION DECISION

of 17 December 1975

approving aids to be granted by the Kingdom of Belgium for the benefit of undertakings  
in the coal industry in respect of 1975

(Only the French and Dutch texts are authentic)

(76/213/ESCS)

THE COMMISSION OF THE EUROPEAN  
COMMUNITIES,

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

Having regard to Commission Decision 3/71/ECSC of  
22 December 1970 on Community rules for  
interventions by Member States for the benefit of the  
coal industry <sup>(1)</sup>,

Having regard to Decision 73/287/ECSC of 25 July  
1973 on coking coal and coke <sup>(2)</sup>, and in particular  
Article 9 (1) thereof,

Having consulted the Council,

Whereas the Belgian Government has informed the  
Commission, pursuant to Article 2 of Decision  
3/71/ECSC, of the financial measures which it  
proposes to implement directly or indirectly for the  
benefit of the coal industry for 1975; whereas among  
these measures, the aids listed below should be  
authorized pursuant to the aforementioned Decision;

Whereas the Belgian Government proposes to grant  
in 1975 aids amounting to Bfrs 260.8 million towards  
the financing of investments; whereas this amount  
should permit the financing of various schemes in the  
coal production and processing sector; whereas this  
measure is in accordance with Article 7 (2) of  
Decision 3/71/ECSC;

Whereas the information given to the Commission  
shows that the undertakings in receipt of an aid for  
these investment projects will not benefit from loans

at a reduced rate of interest under Article 54 of the  
ECSC Treaty;

Whereas the Belgian Government proposes to make  
payments of the order of Bfrs 4 054.4 million to  
cover operating losses, of which Bfrs 1 183.2 million  
is for the Campine coalfield and Bfrs 2 871.2 million  
is for the Sud coalfields, thereby reducing aids to  
cover operating losses of 9% over 1974; whereas  
1975 has been characterized by an improvement in  
efficiency over 1974 and thus by a reduction in aids  
— especially in the Campine field; whereas in this  
coalfield, the production of coking coal needs to be  
maintained in order to assure supplies to the iron and  
steel industry; whereas the proposed aid can  
therefore be considered to come within Article 9 (1)  
(2) of Decision 3/71/ECSC; whereas furthermore  
since there has only been a slight improvement in  
the economic and social conditions in the Sud  
coalfield between 1974 and 1975, and it is still  
necessary to ensure that pit closures proceed slowly  
so as ensure the re-employment of redundant miners,  
the aid can be considered to come within Article 9  
(1) (1) of Decision 3/71/ECSC;

Whereas furthermore it is important that aids to  
cover operating losses do not exceed those operating  
losses that are foreseeable; whereas they are therefore  
in accordance with Article 9 (2) of Decision  
3/71/ECSC;

Whereas the aids proposed by the Belgian Govern-  
ment for 1975 are not such as to impair the proper  
functioning of the common market;

Whereas these conclusions are based on the following  
findings:

- no adverse effect in trade in coal between Belgium  
and the other Member States is expected for  
1975;
- in the formation of prices for Belgian coal, no  
price adjustments are expected to have to be  
made in 1975 to equal those of cheaper coal  
produced in the Community;
- industrial consumers of coal will receive no  
indirect aid in 1975 as a result of the prices for  
Belgian coking coal and boiler coal;

<sup>(1)</sup> OJ No L 3, 5. 1. 1971, p. 7.

<sup>(2)</sup> OJ No L 259, 15. 9. 1973, p. 36.

— the closure of two unprofitable pits will lead to rationalization and the concentration of production on pits where productivity is highest;

Whereas it may therefore be concluded that the aids proposed by the Belgian Government for 1975 will not impair the proper functioning of the common market;

Whereas this also applies if account is taken of the aids granted to the coal mines pursuant to Decision 73/287/ECSC;

Whereas, pursuant to Article 11 (1) of Decision 3/71/ECSC, the Commission must satisfy itself that the approved aids are used for the purposes set out in Articles 7 and 9 of that Decision; whereas in order to do so the Commission must be informed in particular of the amount of these aids and of the manner in which they are apportioned,

HAS ADOPTED THIS DECISION:

*Article 1*

The Government of the Kingdom of Belgium is hereby authorized to grant to the Belgian coal industry aids for 1975 totalling Bfrs 4 315.2 million.

This amount shall include Bfrs 260.8 million to finance investment projects and Bfrs 4 054.4 million to cover operating losses.

*Article 2*

The Government of the Kingdom of Belgium shall notify the Commission by 30 April 1976 of details of the aids granted pursuant to this Decision, in particular as regards the amounts paid and the manner in which they are apportioned.

*Article 3*

This Decision is addressed to the Kingdom of Belgium.

Done at Brussels, 17 December 1975.

*For the Commission*

Henri SIMONET

*Vice-President*

## COMMISSION DECISION

of 17 December 1975

approving aids to be granted by the French Republic for the benefit of undertakings  
in the coal industry in respect of 1975

(Only the French text is authentic)

(76/214/ESCS)

THE COMMISSION OF THE EUROPEAN  
COMMUNITIES,

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

Having regard to Commission Decision 3/71/ECSC  
of 22 December 1970 on Community rules for  
interventions by Member States for the benefit of the  
coal industry <sup>(1)</sup>,

Having regard to Decision 73/287/ECSC of 25 July  
1973 on coking coal and coke <sup>(2)</sup>, and in particular  
Article 9 (1) thereof,

Having consulted the Council,

Whereas the French Government has informed the  
Commission, pursuant to Article 2 of Decision  
3/71/ECSC, of the financial measures which it  
proposes to implement directly or indirectly for  
the benefit of the coal industry in respect of 1975;  
whereas the following measures should be authorized  
pursuant to the aforementioned Decision;

Whereas the French Government proposes to grant  
to Charbonnages de France in respect of the year  
1975 aid amounting to FF 278 million to cover  
exceptional costs of reconversion; whereas the aid  
represents a reimbursement of the cost of social  
measures implemented by Charbonnages de France  
for the benefit of redundant or prematurely retired  
miners;

Whereas the French Government also proposes to  
grant to Charbonnages de France in respect of 1975  
aid amounting to FF 682 400 000 which should, in its  
opinion, permit the economic restructuring of the  
coalfields to be carried out at an appropriate rate;

Whereas the French Government also proposes to  
grant to Charbonnages de France additional aid in

respect of 1975 amounting to FF 123 million to cover  
outstanding or newly-arising financial losses; whereas  
this aid is paid not to the coalfields but only to the  
central administration of Charbonnages de France to  
cover outstanding losses incurred by the central  
administration and/or to prevent such losses  
increasing as a result of expenditure on interest on  
new loans; whereas the central administration of  
Charbonnages de France has been obliged to take out  
loans as its financial means were insufficient to meet  
its current obligations, even after the grant of aid;

Whereas the aforementioned aids are in accordance  
with the criteria laid down in Articles 6 and 9 of  
Decision 3/71/ECSC for the admissibility of such  
State assistance;

Whereas the aid to cover exceptional cost of  
conversion represents a reimbursement of  
non-operating expenditure borne by Charbonnages  
de France on behalf of the French Government to  
enable social measures for the benefit of reduction or  
prematurely retired miners to be implemented in  
a more rational way; whereas the following  
expenditure is proposed for 1970 in respect of  
miners made redundant because of pit closures: FF  
43 million; in respect of prematurely retired miners:  
FF 169 million; in respect of compensation to retired  
miners under the CAN scheme: FF 60 million; and in  
respect of the reimbursement of heating costs of  
prematurely retired miners: FF 6 million;

Whereas these social measures relate to persons no  
longer engaged in mining; whereas the aid is designed  
to cover expenditure not directly connected with the  
production and marketing of coal; whereas the aid is  
therefore in accordance with the provisions of Article  
6 (1) (1) of Decision 3/71/ECSC;

Whereas the aid, amounting to FF 805 400 000,  
proposed by the French Government for 1975 to  
cover losses (of which FF 682 400 000 is to cover the  
coalfields' operating losses and FF 123 million to  
cover the losses sustained by the central  
administration of Charbonnages de France) will be  
lower than the operating losses that are expected to  
be incurred by Charbonnages de France; whereas the

<sup>(1)</sup> OJ No L 3, 5. 1. 1971, p. 7.

<sup>(2)</sup> OJ No L 259, 15. 9. 1973, p. 36.

aid should be correspondingly reduced if the operating losses decrease in 1975 as a result of further price increases for French coal; whereas, according to these criteria, the aid complies with the provisions of Article 9 (2) of Decision 3/71/ECSC;

Whereas no basic improvements are expected to occur in the economic and social conditions of the French coalfields between 1974 and 1975; whereas a temporary maintenance of production will also help to avoid transitory supply bottlenecks in view of the general energy supply problems; whereas the aid to cover operating losses is therefore also in accordance with Article 9 (1) of Decision 3/71/ECSC;

Whereas the aid proposed by the French Government for 1975 is not such as to impair the proper functioning of the common market, although the total amount of aid to be calculated in accordance with Articles 6 and 9 of Decision 3/71/ECSC yields a figure of FF 46·69 (7·75 u.a.) per metric ton produced and is thus relatively high in comparison with the aids for the German and British coal industries;

Whereas these conclusions are based on the following findings:

- no adverse effect on trade in coal between France and the other Member States is expected;
- no price alignment agreements are expected for French coal in 1975;
- industrial consumers of coal will receive no indirect aid in 1975 as a result of the prices of French coking coal and boiler coal;
- the closure of two unprofitable pits will lead to rationalization and the concentration of production on pits where productivity is highest;

Whereas it may be concluded from the trends described above that the competitive position of the French coal industry will not change in 1975, either as regards the relative positions of the individual French coalfields or as regards their position *vis-à-vis* the other Community coalfields;

Whereas this applies even when account is taken of those aids paid to the coal mines under Decision 73/287/ECSC;

Whereas, pursuant to Article 11 (1) of Decision 3/71/ECSC, the Commission must satisfy itself that the approved aids are employed for the purposes set out in Articles 6 and 9 of that Decision; whereas in order to do so the Commission must be notified in particular of the amount of the aid and of the manner in which it is apportioned,

HAS ADOPTED THIS DECISION:

*Article 1*

The Government of the French Republic is hereby authorized to grant to the coal industry in respect of the calendar year 1975, the following aids:

- (a) FF 278 million to cover exceptional costs of reconversion;
- (b) FF 682 400 000 to cover operating losses;
- (c) FF 123 million to cover the losses sustained by the central administration of Charbonnages de France.

The aids mentioned under (b) and (c) should not be greater than the effective production losses.

*Article 2*

The French Republic shall notify the Commission by 30 April 1976 of details of the aids granted pursuant to this Decision, in particular as regards the amounts paid and the manner in which such amounts are apportioned.

*Article 3*

This Decision is addressed to the French Republic.

Done at Brussels, 17 December 1975.

*For the Commission*

Henri SIMONET

*Vice-President*

## COMMISSION DECISION

of 17 December 1975

approving aids to be granted by the United Kingdom for the benefit of undertakings  
in the coal industry in respect of the financial year 1975/76

(Only the English text is authentic)

(76/215/ECSC)

THE COMMISSION OF THE EUROPEAN  
COMMUNITIES,

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

Having regard to Commission Decision 3/71/ECSC  
of 22 December 1970 on Community rules for  
interventions by Member States for the benefit of the  
coal industry <sup>(1)</sup>,

Having regard to Decision 73/287/ECSC of 25 July  
1973 on coking coal and coke <sup>(2)</sup>, and in particular  
Article 9 (1) thereof,

Having consulted the Council,

Whereas the British Government has informed the  
Commission, pursuant to Article 2 of Decision  
3/71/ECSC, of the financial measures which it  
proposes to implement directly or indirectly for the  
benefit of the coal industry during the 1975/76 coal  
marketing year <sup>(3)</sup>; whereas of these measures the  
following aids should be authorized pursuant to the  
aforementioned Decision;

Whereas the British Government proposes to grant to  
the British coal industry the following aids for the  
1975/76 coal marketing year:

	<i>£ million</i>
To cover expenditure on pensions	13.7
For severance payments to miners about to be made redundant and/or for the vocational retraining of staff	6.5
To cover the NCB's expenditure resulting from the early retirement of staff	1.5

To cover expenditure on the supply of  
concessionary coal to redundant miners aged  
from 55 to 65 years 0.8

For the retraining and retention of staff 3.7

Whereas the aforementioned aids are in accordance  
with the criteria laid down in Articles 6 and 7 of  
Decision 3/71/ECSC for the admission of such State  
assistance;

Whereas aid towards the covering of expenditure on  
pensions is granted to retired miners; whereas the  
expenditure on pensions incurred by the NCB is no  
longer related to the production of coal and is  
covered in part by the aid;

Whereas the purpose and form of the aid show that  
the measure is in accordance with the criteria set out  
in Article 6 (1) (1);

Whereas aid towards severance payments for miners  
about to be made redundant and/or for the  
vocational retraining of staff was introduced by the  
Coal Industry Act 1965; whereas the Coal Industry  
Act 1973 continues the aid and makes provision for  
payment of a maximum of £ 60 million for the  
financial years 1973/74 to 1975/76; whereas for  
1975/76 provision has been made for a sum of £ 6.5  
million;

Whereas such aid is granted in respect of miners  
leaving mining as a result of the closure of pits, and  
also of those being retrained and/or re-employed in  
coal mining;

Whereas the purpose and form of the aid show that  
the measure is in accordance with the criteria set out  
in Articles 6 (1) (1) and 7 (3) of Decision 3/71/ECSC;

Whereas aid towards the covering of the NCB's  
expenditure resulting from the early retirement of  
staff was introduced by the Coal Industry Act 1967;  
whereas for 1975/76 provision has been made for a  
sum of £ 1.5 million;

<sup>(1)</sup> OJ No L 3, 5. 1. 1971, p. 7.

<sup>(2)</sup> OJ No L 259, 15. 9. 1973, p. 36.

<sup>(3)</sup> The 1975/76 coal marketing year runs from the  
beginning of April 1975 to the end of March 1976.

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

Whereas the purpose and form of the aid show that the measure is in accordance with the criteria set out in Article 6 (1) (1) of Decision 3/71/ECSC;

Whereas the aid towards the covering of the NCB's expenditure on the supply of concessionary coal is granted in respect of expenditure which is no longer related to the production of coal; whereas the NCB's expenditure on the supply of concessionary coal to redundant miners between the ages of 55 and 60 is fully reimbursed by the British Government; whereas for miners made redundant between the ages of 60 and 65, the aid is to cover 50 % of the expenditure on the supply of concessionary coal; whereas the amount of aid provided for 1975/76 is £ 800 000;

Whereas the purpose and form of the aid show that the measure is in accordance with the criteria set out in Article 6 (1) (1) of Decision 3/71/ECSC;

Whereas the aid towards the retraining and retention of staff is a supplement to be paid by the British Government to help to cover the expenditure which the NCB will have to spend in 1975/76 for the regrouping of staff which will be required as part of the rationalization programme; whereas, in order to ensure that qualified workers are retained, the costs falling on the miners affected by the regroupment schemes must be reimbursed to them by the NCB; whereas such costs include removal costs, resettlement costs, travel expenses and compensation for a temporary loss of income;

Whereas the British Government is to contribute £ 3.7 million towards such costs to be borne by the NCB in respect of 1975/76;

Whereas the purpose and form of the aid show that the measure is in accordance with the criteria set out in Article 7 (3) of Decision 3/71/ECSC;

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

- no adverse effect on trade in coal between the United Kingdom and the other Member States is expected in 1975 (Article 3 (1) (1) of Decision 3/71/ECSC);
- no alignment of prices with those of other Community producers is expected in respect of British coal in 1975;
- although the prices for British coal have been considerably increased, they have not yet reached the level of the equivalent prices for heating oil or coking coal imported from the United States. This state of affairs does not however lead to indirect aids to industrial consumers as the British coal industry is receiving no aids to cover operating losses in the coal marketing year 1975/76, in accordance with Article 9 of Decision 3/71/ECSC;
- the closure of two or three unprofitable pits will lead to rationalization and the concentration of production in pits where productivity is highest;

Whereas it can therefore be said that the British aids for the benefit of the coal industry in 1975/76 are compatible with the proper functioning of the common market;

Whereas this also applies if account is taken of aids granted to the coal industry under Decision 73/287/ECSC;

Whereas, pursuant to Article 11 (1) of Decision 3/71/ECSC, the Commission must ensure that the aids authorized are used for the purposes set out in Articles 6 and 7 of that Decision; whereas the Commission must be informed in particular of the amount of these aids and the manner in which they are apportioned,

HAS ADOPTED THIS DECISION:

#### *Article 1*

The Government of the United Kingdom is hereby authorized to grant aids totalling £ 26 200 000 for the benefit of the British coal industry in the coal marketing year 1975/76, divided as follows:

1. assumption of responsibility for expenditure on pensions for retired miners (£ 13.7 million);
2. severance payments to miners to be made redundant as a result of the closure of pits and/or for miners to be retrained or re-employed up to a maximum of £ 6.5 million;
3. reimbursement of the NCB's expenditure resulting from the early retirement of miners (£ 1.5 million);
4. assumption of responsibility for the costs of supplying concessionary coal to redundant miners aged between 55 and 60 years, up to a maximum of £ 800 000;
5. supplement to cover the NCB's expenditure on the regrouping of staff which will be required as part of the rationalization programme, up to a maximum of £ 3.7 million.

*Article 2*

The British Government shall notify the Commission by 30 April 1976 of the details of the aids granted pursuant to this Decision, and in particular as regards the amounts paid and the manner in which they are apportioned.

*Article 3*

The Decision is addressed to the United Kingdom.

Done at Brussels, 17 December 1975.

*For the Commission*

Henri SIMONET

*Vice-President*



## COMMISSION DECISION

of 30 December 1975

authorizing the Federal Republic of Germany to restrict the marketing of seed or propagating material of certain varieties of agricultural plant species

(Only the German text is authentic)

(76/216/EEC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Directive 70/457/EEC of 29 September 1970 on the common catalogue of varieties of agricultural plant species <sup>(1)</sup>, as last amended by Council Directive 73/438/EEC of 11 December 1973 <sup>(2)</sup>, and in particular Article 15 (2) and (3) thereof,

Having regard to the application lodged by the Federal Republic of Germany,

Whereas under Articles 15 (1) and 16 of the said Directive, seed and propagating material of varieties of agricultural plant species which have been officially accepted before 1 January 1974 in one or more of the Member States and which fulfil the conditions provided for in this Directive, are, after 31 December 1975, no longer subject to any marketing restrictions relating to variety within the Community;

Whereas, however, Article 15 (2) of the said Directive provides that a Member State may be authorized upon application to prohibit the marketing of seed and propagating material of certain varieties;

Whereas the Federal Republic of Germany has applied for such authorization in respect of varieties of cereals;

Whereas the varieties of oats concerned are of the winter type; whereas the varieties of maize concerned have an FAO maturity class index of 350 or over; whereas it is well known that the varieties of winter oats, varieties of durum wheat and varieties of maize which have an FAO maturity class index of 350 or over at present are not yet suitable for cultivation in the Federal Republic of Germany (Article 15 (3) (c), second case thereof);

Whereas therefore the application of the Federal Republic of Germany in respect of all these varieties should be granted in full;

Whereas the measures provided for in this Decision are in accordance with the opinion of the Standing Committee on Seed and Propagating Material for Agriculture, Horticulture and Forestry,

HAS ADOPTED THIS DECISION:

*Article 1*

The Federal Republic of Germany shall be authorized to prohibit the marketing in all of its territory of seed of the following varieties listed in the 1976 common catalogue of varieties of agricultural plant species:

## CEREALS

1. *Avena sativa* L.

Crin Noir

Maris Osprey

2. *Triticum durum* L.

Appulo

Belfuggito

Belvedere

Conte Morando

Eliodoro

Lambro

Valgiorgio

Valsacco

3. *Zea mais* L.

ASX 92

ATC 39

Bled

<sup>(1)</sup> OJ No L 225, 12. 10. 1970, p. 1.

<sup>(2)</sup> OJ No L 356, 27. 12. 1973, p. 79.

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Cargill Aire 504	NK 53 Sp
Cargill Sud 556	Odra
Cise X 5	Pag 64
Cise X 7	Provence 610
Coral	RX 70
Dekalb KR 637	RX 80
Dekalb KR 638	Star 304
Dekalb XL 14	Strength UC 8800

Dekalb XL 15 A  
Dekalb XL 44

*Article 2*

Dekalb XL 45 A  
Dekalb XL 61  
Dekalb XL 75

The authorization given in Article 1 shall be withdrawn once it is established that the conditions thereof are no longer being satisfied.

Dekalb XL 364

*Article 3*

Dekalb XL 640 A

The Federal Republic of Germany shall notify the Commission of the date from which it is making use of the authorization given under Article 1 and the detailed methods to be followed. The Commission shall inform the other Member States thereof.

Emerald

Föhn LG 15

Funk's G 44

Funk's G 350

*Article 4*

Funk's G 68227 Waxy

This Decision is addressed to the Federal Republic of Germany.

Funk's G 69930

Funk's G H.O. 605

Funk's G Pilot

INRA 361

Done at Brussels, 30 December 1975.

Lydia

Mercurio

*For the Commission*

Morava

G. M. THOMSON

Nike U 383

*Member of the Commission*

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## COMMISSION DECISION

of 30 December 1975

extending for the Federal Republic of Germany in respect of a certain number of varieties the period after which seeds and propagating material of varieties of agricultural plant species are no longer subject to any marketing restrictions relating to variety

(76/217/EEC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Directive 70/457/EEC of 29 September 1970 on the common catalogue of varieties of agricultural plant species<sup>(1)</sup>, as last amended by Council Directive 73/438/EEC of 11 December 1973<sup>(2)</sup>, and in particular Article 15 (7) thereof,

Whereas, in accordance with the provisions of Articles 15 (1) and 16 of the abovementioned Directive, seeds or propagating material of these varieties of agricultural species which have been officially approved before 1 January 1974 in at least one of the Member States and which also fulfill the conditions laid down in the said Directive, are, with effect from 31 December 1975, no longer subject to any marketing restrictions relating to variety within the Community;

Whereas, however, Article 15 (2) of the abovementioned Directive provides that a Member State may be authorized upon application to prohibit the marketing of seed and propagating material of certain varieties;

Whereas the Federal Republic of Germany has requested by letter of 23 December 1975 such authorization for a certain number of varieties;

Whereas this request is now being carefully examined by the Commission; whereas the Commission has, by its Decision of 30 December 1975, granted such authorization for some of these varieties; whereas it is not possible to complete examination of the other varieties which are the subject of the request before expiry of the period in question;

Whereas it consequently seems desirable to extend, for the Federal Republic of Germany, the period in question for an appropriate time to permit a full examination of the request for those other varieties;

Whereas the measures provided for in this Decision are in accordance with the opinion of the Standing Committee on Seeds and Propagating Material for Agriculture, Horticulture and Forestry,

HAS ADOPTED THIS DECISION:

*Article 1*

The period provided for in Article 15 (1) of Directive 70/457/EEC, after whose expiry seeds and propagating material of varieties of agricultural plant species are no longer subject to any marketing restrictions relating to variety within the Community, shall be extended for the Federal Republic of Germany beyond 31 December 1975 until 30 June 1976 in respect of the following varieties:

## I. BEETS

*Sugar beets*

Kawegigamono

## II. FODDER PLANTS

1. *Festuca pratensis* Huds.

Joma Dæhnfeldt

Lato Dæhnfeldt

Trifolium

2. *Festuca rubra* L. (*Ssp. commutata*)

Famosa

*Ssp. rubra*

Dasas

Taca Trifolium

3. *Lolium multiflorum* Lam. (*Ssp. non alternativum*)

Prima Roskilde

<sup>(1)</sup> OJ No L 225, 12. 10. 1970, p. 1.

<sup>(2)</sup> OJ No L 356, 27. 12. 1973, p. 79.

- |  |   |
|--|---|
| <p>4. <i>Lolium perenne</i> L.<br/> Aberystwyth S 23<br/> Aberystwyth S 101<br/> Aberystwyth S 321<br/> Kent Indigenous<br/> Pax Øtofte<br/> Talbot</p> <p>5. <i>Lolium X hybridum</i> Hausskn.<br/> Grasslands Ariki<br/> Grasslands Manawa</p> <p>6. <i>Phleum pratense</i> L.<br/> Astra<br/> Bounty<br/> Champ<br/> Drummond<br/> Kämpe II<br/> Omnia<br/> Taca Trifolium<br/> Vanadis</p> <p>7. <i>Poa pratensis</i> L.<br/> E.F.<br/> Fylking<br/> Nugget<br/> Soma Hunsballe</p> <p>8. <i>Medicago sativa</i> L.<br/> Alfa II<br/> Vertus</p> <p>9. <i>Trifolium pratense</i> L.<br/> Aberystwyth S 151<br/> Altaswede<br/> Cotswold Single Cut</p> | <p>Essex Single Cut<br/> Resident Øtofte<br/> Tenda Trifolium<br/> Vesta Dæhnfeldt</p> <p>10. <i>Trifolium repens</i> L.<br/> Kent Wild White<br/> Nora<br/> Tamar</p> <p>III. CEREALS</p> <p>1. <i>Avena sativa</i> L.<br/> Nina</p> <p>2. <i>Secale cereale</i> L.<br/> Rogo</p> <p>3. <i>Triticum aestivum</i> L.<br/> Bastion<br/> Brabant<br/> Holme<br/> Maris Beacon<br/> Maris Dove<br/> Maris Nimrod<br/> Mascot</p> |
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*Article 2*

This Decision is addressed to the Member States.

Done at Brussels, 30 December 1975.

*For the Commission*

G. M. THOMSON

*Member of the Commission*

## COMMISSION DECISION

of 30 December 1975

extending for the French Republic in respect of a certain number of varieties the period after which seeds and propagating material of varieties of agricultural plant species are no longer subject to any marketing restrictions relating to variety

(76/218/EEC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Directive 70/457/EEC of 29 September 1970 on the common catalogue of varieties of agricultural plant species<sup>(1)</sup>, as last amended by Council Directive 73/438/EEC of 11 December 1973<sup>(2)</sup>, and in particular Article 15 (7) thereof,

Whereas, in accordance with the provisions of Articles 15 (1) and 16 of the abovementioned Directive, seeds or propagating material of these varieties of agricultural plant species which have been officially accepted before 1 January 1974 in at least one of the Member States and which also fulfil the conditions laid down in the abovementioned Directive, are, with effect from 31 December 1975, no longer subject to any marketing restrictions relating to variety within the Community;

Whereas, however, Article 15 (2) of the abovementioned Directive provides that a Member State may be authorized upon application to prohibit the marketing of seed and propagating material of certain varieties;

Whereas the French Republic has requested by letter of 1 December 1975 such authorization for a certain number of these varieties;

Whereas this request is now being carefully examined by the Commission; whereas the Commission has, by its Decision of 30 December 1975 granted such authorization for some of these varieties; whereas it is not possible to complete examination of the other varieties which are the subject of the request before expiry of the period in question;

Whereas it consequently seems desirable to extend, for the French Republic, the period in question for an appropriate time to permit a full examination of the request;

Whereas the measures provided for in this Decision are in accordance with the opinion of the Standing Committee on Seeds and Propagating Material for Agriculture, Horticulture and Forestry,

HAS ADOPTED THIS DECISION:

*Article 1*

The period provided for in Article 15 (1) of Directive 70/457/EEC, after whose expiry seeds and propagating material of varieties of agricultural plant species are no longer subject to any marketing restrictions relating to variety within the Community as originally constituted, shall be extended for the French Republic beyond 31 December 1975 until 30 June 1976 in respect of the following varieties:

## I. FODDER PLANTS

1. *Dactylis glomerata* L.  
Asla Roskilde  
Bopa Pajbjerg  
Delamere  
Ferdia  
Flaxmere  
Hera Dæhnfeldt  
Norton  
Rano Trifolium
2. *Festuca arundinacea* Schreb.  
Rozelle
3. *Festuca pratensis* Huds.  
Mimer
4. *Festuca rubra* L. (*Ssp. rubra*)  
Dasas  
Rubina Roskilde  
Taca Trifolium

<sup>(1)</sup> OJ No L 225, 12. 10. 1970, p. 1.

<sup>(2)</sup> OJ No L 356, 27. 12. 1973, p. 79.

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|--|---|
| 5. <i>Lolium multiflorum</i> Lam. ( <i>Ssp. non alternativum</i> ) | Merkur  |
| Aberystwyth S 22   | Montgomery  |
| Celtic   | Nava Trifolium  |
|  | Rea 4 n   |
| 6. <i>Lolium perenne</i> L.  | Redisent Øtofte   |
| Kent Indigeneous   | Tenda Trifolium   |
| Tailteann  | Toma Øtofte   |
|  | Vesta Dæhnfeldt   |
| 7. <i>Lolium X hybridum</i> Hausskn.                               |   |
| Grasslands Arika   | 12. <i>Vicia faba</i> L. var. <i>minor</i> (Peterm. bull)         |
| Grasslands Manawa  | Maris Bead  |
| 8. <i>Phleum pratense</i> L.                                       | 13. <i>Brassica oleracea</i> L. convar. <i>acephala</i> (DC)      |
| Astra  | Canson  |
| Bounty   | Marrow Stem   |
| Champ  | Thousand Head   |
| Climax   | Midas   |
| Drummond   |   |
| Glasnevin Gem  | II. OIL AND FIBRE PLANTS  |
| Kämpe II   | <i>Brassica napus</i> L. <i>Ssp.</i> (DC) <i>oleifera</i> (Metzg) |
| Omnia  | <i>Sinsk.</i>   |
| Scots  | Bishop  |
| Vanadis  | Broad Leaf Essex  |
| 9. <i>Medicago sativa</i> L.                                       | English Giant   |
| Alfa II  | Fora  |
| 10. <i>Pisum arvense</i> L.  | Hungry Gab  |
| Marathon   | Matador   |
|  | Rape Kale   |
| 11. <i>Trifolium pratense</i> L.                                   | Silona  |
| Aberystwyth S 123  | Target  |
| Aberystwyth S 151  | Late Dwarf  |
| Altaswede  |   |
| Cornish Marl   | III. CEREALS  |
| Cotswold Single Cut  | 1. <i>Avena sativa</i> L.   |
| Essex Single Cut   | Maris Osprey  |
| Grasslands Turoa   |   |
| Krano Pajbjerg   |   |

2. *Hordeum distichum* L.*Article 2*

Canova

This Decision is addressed to the Member States.

Imber

Done at Brussels, 30 December 1975.

3. *Triticum aestivum* L.*For the Commission*

Iseo

G. M. THOMSON

Maris Halberd

*Member of the Commission*  

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## COMMISSION DECISION

of 30 December 1975

authorizing the French Republic to restrict the marketing of seed or propagating material of certain varieties of agricultural plant species

(Only the French text is authentic)

(76/219/EEC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Directive 70/457/EEC of 29 September 1970 on the common catalogue of varieties of agricultural plant species<sup>(1)</sup>, as last amended by Council Directive 73/438/EEC of 11 December 1973<sup>(2)</sup>, and in particular Article 15 (2) and (3) thereof,

Having regard to the application lodged by the French Republic,

Whereas under Articles 15 (1) and 16 of the said Directive, seed and propagating material of varieties of agricultural plant species which have been officially accepted before 1 January 1974 in one or more of the Member States and which fulfil the conditions provided for in this Directive, are, after 31 December 1975, no longer subject to any marketing restrictions relating to variety within the Community;

Whereas, however, Article 15 (2) of the said Directive provides that a Member State may be authorized upon application to prohibit the marketing of seed and propagating material of certain varieties;

Whereas the French Republic has applied for such authorization in respect of varieties of maize;

Whereas the varieties of maize concerned have an FAO maturity class index of 700 or over; whereas it is well known that the varieties of maize which have an FAO maturity class index of 700 or over at present are not yet suitable for cultivation in the French Republic (Article 15 (3) (c), second case thereof);

Whereas therefore the application of the French Republic in respect of all these varieties should be granted in full;

Whereas the measures provided for in this Decision are in accordance with the opinion of the Standing Committee on Seed and Propagating Material for Agriculture, Horticulture and Forestry,

HAS ADOPTED THIS DECISION:

*Article 1*

The French Republic shall be authorized to prohibit the marketing in all of its territory of seed or propagating material of the following varieties listed in the 1976 common catalogue of varieties of agricultural plant species:

CEREALS

*Zea mais* L.

ASX 92

Cise X 7

Coral

Dekalb KR 638

Dekalb XL 75

Dekalb XL 640 A

Emerald

Funk's G 44

Funk's G H.O. 605

Mercurio

Nike U 383

Strength UC 8800

*Article 2*

The authorization given in Article 1 shall be withdrawn once it is established that the conditions thereof are no longer being satisfied.

<sup>(1)</sup> OJ No L 225, 12. 10. 1970, p. 1.

<sup>(2)</sup> OJ No L 356, 27. 12. 1973, p. 79.



*Article 3*

Done at Brussels, 30 December 1975.

The French Republic shall notify the Commission of the date from which it is making use of the authorization given under Article 1 and the detailed methods to be followed. The Commission shall inform the other Member States thereof.

*Article 4*

This Decision is addressed to the French Republic.

*For the Commission*

G. M. THOMSON

*Member of the Commission*  

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## COMMISSION DECISION

of 30 December 1975

extending for the United Kingdom in respect of a certain number of varieties the period after which seeds and propagating material of varieties of agricultural plant species are no longer subject to any marketing restrictions relating to variety

(76/220/EEC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Directive 70/457/EEC of 29 September 1970 on the common catalogue of varieties of agricultural plant species<sup>(1)</sup>, as last amended by Council Directive 73/438/EEC of 11 December 1973<sup>(2)</sup>, and in particular Article 15 (7) thereof,

Whereas, in accordance with the provisions of Articles 15 (1) and 16 of the abovementioned Directive, seeds and propagating material of varieties of agricultural plant species which have been officially accepted before 1 January 1974 in at least one of the Member States and which also fulfil the conditions laid down in the abovementioned Directive, are, with effect from 31 December 1975, no longer subject to any marketing restrictions relating to variety within the Community;

Whereas, however, Article 15 (2) of the abovementioned Directive provides that a Member State may be authorized upon application to prohibit the marketing of seeds and propagating material of certain varieties;

Whereas the United Kingdom has requested by letter of 1 December 1975 such authorization for a certain number of varieties;

Whereas this request is now being carefully examined by the Commission; whereas it is not possible to complete examination of all the varieties which are the subject of the request before expiry of the period provided for in Article 15 (1) of the abovementioned Directive;

Whereas it consequently seems desirable to extend, for the United Kingdom, the period in question for an appropriate time to permit a full examination of the request;

Whereas the measures provided for in this Decision are in accordance with the opinion of the Standing Committee on Seeds and Propagating Material for Agriculture, Horticulture and Forestry,

HAS ADOPTED THIS DECISION:

*Article 1*

The period provided for in Article 15 (1) of Directive 70/457/EEC, after whose expiry seeds and propagating material of varieties of agricultural plant species are no longer subject to any marketing restrictions relating to variety within the Community, shall be extended for the United Kingdom beyond 31 December 1975 until 30 June 1976 in respect of the following varieties:

## I. FODDER PLANT

*Lolium multiflorum* Lam. (*Ssp. non alternativum*)

Broxy

Prego Dæhnfeldt

## II. CEREALS

1. *Hordeum distichum* L.

Pauline

2. *Hordeum polystichum* L.

Dura

*Article 2*

This Decision is addressed to the Member States.

Done at Brussels, 30 December 1975.

For the Commission

G. M. THOMSON

Member of the Commission

<sup>(1)</sup> OJ No L 225, 12. 10. 1970, p. 1.

<sup>(2)</sup> OJ No L 356, 27. 12. 1973, p. 79.

## COMMISSION DECISION

of 30 December 1975

authorizing the Grand Duchy of Luxembourg to restrict the marketing of seed or propagating material of certain varieties of agricultural plant species

(Only the French text is authentic)

(76/221/EEC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Directive 70/457/EEC of 29 September 1970 on the common catalogue of varieties of agricultural plant species<sup>(1)</sup>, as last amended by Council Directive 73/438/EEC of 11 December 1973<sup>(2)</sup>, and in particular Article 15 (2) and (3) thereof,

Having regard to the application lodged by the Grand Duchy of Luxembourg,

Whereas under Articles 15 (1) and 16 of the said Directive, seed and propagating material of varieties of agricultural plant species which have been officially accepted before 1 January 1974 in one or more of the Member States are, after 31 December 1975, no longer subject to any marketing restrictions relating to variety in the Community;

Whereas, however, Article 15 (2) of the said Directive provides that a Member State may be authorized upon application to prohibit the marketing of seed and propagating material of certain varieties;

Whereas the Grand Duchy of Luxembourg has applied for such authorization in respect of varieties of cereals;

Whereas the varieties of oats concerned are of the winter type; whereas the varieties of maize concerned have an FAO maturity class index of 300 or over; whereas it is well known that the varieties of winter oats, varieties of durum wheat and varieties of maize which have an FAO maturity class index of 300 or over at present are not yet suitable for cultivation in the Grand Duchy of Luxembourg (Article 15 (3) (c), second case thereof);

Whereas therefore the application of the Grand Duchy of Luxembourg in respect of all these varieties should be granted in full;

Whereas the measures provided for in this Decision are in accordance with the opinion of the Standing Committee on Seed and Propagating Material for Agriculture, Horticulture and Forestry,

HAS ADOPTED THIS DECISION:

*Article 1*

The Grand Duchy of Luxembourg shall be authorized to prohibit the marketing in all of its territory of seed or propagating material of the following varieties listed in the 1976 common catalogue of varieties of agricultural plant species:

## CEREALS

1. *Avena sativa* L.

Crin Noir

Maris Osprey

2. *Triticum durum* L.

Appulo

Belfuggito

Belvedere

Conte Morando

Eliodoro

Lambro

Valgiorgio

Valsacco

<sup>(1)</sup> OJ No L 225, 12. 10. 1970, p. 1.

<sup>(2)</sup> OJ No L 356, 27. 12. 1973, p. 79.

3. *Zea mais L.*

Asgrow ATC 35 A

ASX 92

ATC 39

Bled

Cargill Aire 504

Cargill Sud 556

Cise X 5

Cise X 7

Coral

Dekalb KR 637

Dekalb KR 638

Dekalb XL 14

Dekalb XL 15 A

Dekalb XL 44

Dekalb XL 45 A

Dekalb XL 61

Dekalb XL 75

Dekalb XL 364

Dekalb XL 640 A

Emerald

Föhn LG 15

Funk's G 44

Funk's G 350

Funk's G 68227 Waxy

Funk's G 69930

Funk's G H.O. 605

Funk's G Pilot

Golden UC 1900

INRA 361

Lydia

Mercurio

Mistral LG 13

Morava

Nike U 383

NK 53 SP

Odra

Pag 64

Petula

Provence 610

RX 70

RX 80

Star 304

Strength UC 8800

*Article 2*

The authorization given in Article 1 shall be withdrawn once it is established that the conditions thereof are no longer being satisfied.

*Article 3*

The Grand Duchy of Luxembourg shall notify the Commission of the date from which it is making use of the authorization given under Article 1 and the detailed methods to be followed. The Commission shall inform the other Member States thereof.

*Article 4*

This Decision is addressed to the Grand Duchy of Luxembourg.

Done at Brussels, 30 December 1975.

*For the Commission*

G. M. THOMSON

*Member of the Commission*

## COMMISSION DECISION

of 30 December 1975

extending for the Grand Duchy of Luxembourg in respect of a certain number of varieties the period after which seeds and propagating material of varieties of agricultural plant species are no longer subject to any marketing restrictions relating to variety

(76/222/EEC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Directive 70/457/EEC of 29 September 1970 on the common catalogue of varieties of agricultural plant species<sup>(1)</sup>, as last amended by Council Directive 73/438/EEC of 11 December 1973<sup>(2)</sup>, and in particular Article 15 (7) thereof,

Whereas, in accordance with the provisions of Articles 15 (1) and 16 of the abovementioned Directive, seeds or propagating material of these varieties of agricultural species which have been officially approved before 1 January 1974 in at least one of the Member States and which also fulfil the conditions laid down in the said Directive, are, with effect from 31 December 1975, no longer subject to any marketing restrictions relating to variety within the Community;

Whereas, however, Article 15 (2) of the abovementioned Directive provides that a Member State may be authorized on its request to prohibit the marketing of seeds and propagating material of certain varieties;

Whereas the Grand Duchy of Luxembourg has requested by letter of 2 December 1975 such authorization for a certain number of varieties;

Whereas this request is now being carefully examined by the Commission; whereas the Commission has, by its Decision of 30 December 1975 granted such authorization for some of these varieties; whereas it is not possible to complete examination of the other varieties which are the subject of the request before expiry of the period in question;

Whereas it consequently seems desirable to extend, for the Grand Duchy of Luxembourg, the period in question for an appropriate time to permit a full examination of the request;

Whereas the measures provided for in this Decision are in accordance with the opinion of the Standing Committee on Seeds and Propagating Material for Agriculture, Horticulture and Forestry,

HAS ADOPTED THIS DECISION:

*Article 1*

The period provided for in Article 15 (1) of Directive 70/457/EEC, after whose expiry seeds and propagating material of varieties of agricultural plant species are no longer subject to any marketing restrictions relating to variety within the Community, shall be extended for the Grand Duchy of Luxembourg beyond 31 December 1975 until 30 June 1976 in respect of the following varieties:

## FODDER PLANTS

*Trifolium pratense L.*

Aberystwyth S 123

Aberystwyth S 151

Altaswede

Cornish Marl

Cotswold Single Cut

Essex Single Cut

Grasslands Turoa

Krano Pajbjerg

Merkur

Montgomery

<sup>(1)</sup> OJ No L 225, 12. 10. 1970, p. 1.

<sup>(2)</sup> OJ No L 356, 27. 12. 1973, p. 79.

Nava Trifolium

*Article 2*

Rea 4 n

This Decision is addressed to the Member States.

Resident Øtofte

Done at Brussels, 30 December 1975.

Tenda Trifolium

*For the Commission*

Toma Øtofte

G. M. THOMSON

Vesta Dæhnfeldt

*Member of the Commission*

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