

COMMISSION OF THE EUROPEAN COMMUNITIES

COMMUNITY ENERGY POLICY

Texts of the relevant legislation

1976

Manuscript completed 1 August 1976 and updated to 31 December 1976

© Copyright ECSC/EEC/EAEC, Brussels and Luxembourg, 1976
Printed in Belgium

Reproduction authorized, in whole or in part, provided the source is acknowledged.

Secondary legislation of the Community concerning energy

This compilation of secondary legislation of the European Communities concerning energy, published by the Directorate-General for Energy, is indispensable for government departments, industry, students and others interested in the activities of the European Communities in the field of energy. It comprises the text of resolutions, regulations, directives and decisions in force now in four sections: general; coal; oil; gas; electricity; nuclear energy. The introduction gives a short survey of this legislation. A list of relevant agreements of the E.C. with third countries is included in the annex.

This publication (± 254 p.) will be kept up to date with periodical supplements.

FOREWORD

This publication comprises the European Communities' secondary legislation on energy(1). The introduction gives a short survey of the various areas in which the Community has taken measures.

Not included are the texts of energy research and development programmes(2) and of agreements of the Communities with third countries relevant to energy matters(3).

(1) In force as at 31 December 1976.

(2) For references to the O.J. see Introduction section 1.4.

(3) Listed in Annex I (EEC) and II (Euratom) p. 255 and p. 257.

CONTENTS

<u>INTRODUCTION</u>	<u>Page</u>
1. <u>General</u>	13
2. <u>Coal</u>	16
3. <u>Oil, gas, electricity</u>	17
4. <u>Nuclear energy</u>	18
<u>DECISIONS</u>	
1. <u>General</u>	
1.1 <u>Community energy policy: Council guidelines</u>	
Council Resolution of 17 September 1974 concerning a new energy policy strategy for the Community	OJ C153/1, 9.7.75 23
Council Resolution of 17 December 1974 concerning Community energy policy objectives for 1985	OJ C153/2, 9.7.75 25
Council Resolution of 13 February 1975 concerning measures to be implemented to achieve the Community energy policy objectives adopted by the Council on 17 December 1974	OJ C153/6, 9.7.75 28
1.2 <u>Demand and rational utilization</u>	
Council Resolution of 17 December 1974 on a Community action programme on the rational utilization of energy	OJ C153/5, 9.7.75 31
Council Resolution of 26 June 1975 on the setting of a short-term target for the reduction of oil consumption	OJ C153/9, 9.7.75 32
Council Resolution of 9 December 1975 setting a short-term target for energy saving 1976/77	OJ C289/1, 17.12.75 33
Council Recommendation 76/492/EEC of 4 May 1976 on the rational use of energy by promoting the thermal insulation of buildings	OJ L140/11, 28.5.76 34
Council Recommendation 76/493/EEC of 4 May 1976 on the rational use of energy in the heating systems of existing buildings	OJ L140/12, 28.5.76 35

	<u>Page</u>
Council Recommendation 76/494/EEC of 4 May 1976 on the rational use, through better driving habits, of energy consumed by road vehicles	OJ L140/14, 28.5.76 37
Council Recommendation 76/495/EEC of 4 May 1976 on the rational use of energy in urban passenger transport	OJ L140/16, 28.5.76 38
Council Recommendation 76/496/EEC of 4 May 1976 on the rational use of energy for electrical household appliances	OJ L140/18, 28.5.76 39
1.3 <u>Environment</u>	
Council Resolution of 3 March 1975 on energy and the environment	OJ C168/2, 25.7.75 40
1.4 <u>Research and Development</u> - not included, see Foreword	
1.5 <u>Information</u>	
Council Regulation (EEC) No. 1729/76 of 21 June 1976 concerning the communication of information on the state of the Community's energy supplies	OJ L198/1, 23.7.76 42
2. <u>Coal</u>	
2.1 <u>Aids</u>	
Commission Decision 528/76/ECSC of 25 February 1976 regarding the Community system of measures taken by the Member States to assist the coal-mining industry	OJ L63/1, 11.3.76 47
Commission Decision 73/287/ECSC of 25 July 1973 concerning coal and coke for the iron and steel industry in the Community	OJ L259/36, 15.9.73 56
Commission Decision 3544/73/ECSC of 20 December 1973 implementing Decision 73/287/ECSC on coking coal and coke	OJ L361/18, 29.12.73 62
2.2 <u>Prices</u>	
Communication of the Commission on the amended text at present valid of Decision No. 30-53 on practices prohibited by Article 60(1) of the Treaty in the common market for coal and steel	OJ C29/30, 12.5.73 74

	<u>Page</u>
Communication of the Commission on the amended text at present valid of Decision No. 4-53, on the publication of price-lists and conditions of sale applied by undertakings in the coal and iron ore industries	OJ C29/28, 12.5.73 76
Commission Decision 72/443/EGSC of 22 December 1972 on alignment of prices for sales of coal in the common market	OJ L297/45, 30.12.72 78
2.3 <u>Financial assistance</u>	
Communication of the Commission - the granting of industrial loans at reduced interest rates under Article 54 ECSC	OJ C73/20, 18.6.70 81
Communication of the Commission - the granting of industrial loans at reduced interest rates under Article 54 ECSC for safety and hygiene purposes and particularly for the prevention of nuisances	OJ C146/1, 25.11.74 83
Communication of the Commission concerning applications for and the grant of financial aids for technical and economic research (coal, iron ore, steel) pursuant to the provisions of Article 55 ECSC	OJ C139/1, 12.11.74 84
3. <u>Oil, gas, electricity</u>	
3.1 <u>External aspects</u>	
Regulation (EEC) 1055/72 of the Council of 18 May 1972 on notifying the Commission of imports of crude oil and natural gas	OJ L120/3, 25.5.72 92
Regulation (EEC) 1068/73 of the Commission of 16 March 1973 applying Council Regulation (EEC) 1055/72	OJ L113/1, 28.4.73 96
Regulation (EEC) 3254/74 of the Council of 17 December 1974 applying Regulation (EEC) 1055/72 to petroleum products falling within subheadings 27.10 A, B, CI and CII of the Common Customs Tariff	OJ L349/1, 28.12.74 109

	<u>Page</u>
Regulation (EEC) 2677/75 of the Commission of 6 October 1975 applying Regulation (EEC) 3254/74	OJ L275/1, 27.10.75 111
Regulation (EEC) 388/75 of the Council of 13 February 1975 on notifying the Commission of exports of crude oil and natural gas to third countries	OJ L45/1, 19.2.75 118
Regulation (EEC) 2678/75 of the Commission of 6 October 1975 applying Council Regulation (EEC) 388/75	OJ L275/8, 27.10.75 122
Regulation (EEC) 1439/74 of the Council of 4 June 1974 on common rules for imports	OJ L159/1, 15.6.74 141
Regulation (EEC) 2603/69 of the Council of 20 December 1969 establishing common rules for exports	OJ L324/25, 27.12.69 149

3.2 Internal market

Regulation (EEC) 1056/72 of the Council of 18 May 1972 on notifying the Commission of investment projects of interest to the Community in the petroleum, natural gas and electricity sectors	OJ L120/7, 25.5.72 156
Regulation (EEC) 1069/73 of the Commission of 16 March 1973 applying Council Regulation (EEC) 1056/72	OJ L113/14, 28.4.73 160
Regulation (EEC) 1215/76 of the Council of 4 May 1976 amending Regulation (EEC) 1056/72	OJ L140/1, 28.5.76 173
Council Directive 76/491/EEC of 4 May 1976 regarding a Community procedure for information and consultation on the prices of crude oil and petroleum products in the Community	OJ L140/4, 28.5.76 176
Regulation (EEC) 3056/73 of the Council of 9 November 1973 on the support of Community projects in the hydrocarbons sector	OJ L312/1, 13.11.73 182
Council Directive 75/404/EEC of 13 February 1975 on the restriction of the use of natural gas in power stations	OJ L178/24, 9.7.75 185

4.3 Supply

Regulation 17/66 Euratom of 29 November 1966 exempting the transfer of small quantities of ores, source materials and special fissile materials from the rules of the Chapter on supplies	OJ L241/4057, 28.12.66	207
Regulation (Euratom) 3137/74 of the Commission of 12 December 1974 amending Commission Regulation 17/66/Euratom	OJ L333/27, 13.12.74	209
Statutes of the Euratom Supply Agency	OJ L27/534, 6.12.58	210
Council Decision 73/45/Euratom of 8 March 1973 amending the statutes of the Euratom Supply Agency following the accession of new Member States to the Community	OJ L83/20, 30.3.73	215
Rules of the Supply Agency of the EAEC determining the manner in which demand is to be balanced against the supply of ores, source materials and special fissile materials	OJ L32/777, 11.5.60	216
Regulation of the Supply Agency of EAEC amending the rules of 5 May 1960 determining the manner in which demand is to be balanced against the supply of ores, source materials and special fissile materials	OJ L193/37, 25.7.75	218

Supplement

Commission Decision 2514/76/ECSC of 30 September 1976 implementing Decision 528/76/ECSC on the Community system of measures by Member States in aid of the coal industry	OJ L292/1, 23.10.76	220
------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	---------------------	-----

ANNEXES

<u>Annex I</u>	255
<u>Annex II</u>	257

I N T R O D U C T I O N

1. General

In the European Community the various sources of energy are covered by different Treaties. The ECSC Treaty lays down rules for coal in considerable detail. Nuclear energy is covered in the rules laid down in the Euratom Treaty. The secondary legislation of the ECSC and Euratom is mainly concerned with the implementation of these rules. All other forms of energy (oil, gas, electricity and "new" sources of energy such as solar and geothermal energy) are subject to the general regime of the EEC Treaty.

Secondary legislation of the EEC concerning energy is based mainly on the following Articles of the Treaty:

- Art. 113: Common commercial policy(1);
- Art. 5 and 213: Competence of the Commission to collect information and obligation of the Member States to cooperate with the Community institutions;
- Art. 103, in particular para. 4: Measures in case of difficulties in the supply of particular commodities;
- Art. 235: Action for which the Treaty has not provided the necessary powers.

1.1 Community energy policy

Council guidelines for the formulation of a Community energy policy have been provided in a number of resolutions.

The Resolution concerning a new energy policy strategy for the Community(2) lays down guidelines for the reduction of the growth of energy consumption and improvement of security of supply under the most satisfactory economic conditions possible.

The Resolution concerning Community energy policy objectives for 1985(3) sets a quantitative joint target for Community dependence on imported energy in 1985 (50%, if possible 40%); it gives the necessary supply pattern and specific targets both for energy demand and for the supply of the various forms of energy.

-
- (1) Energy products are included in the Common Customs Tariff under chapters 27.01 - 27.17: oil, gas, coal, electricity. 28.50 - 28.52: radioactive elements. The CCT is updated and published every year in the Official Journal (for 1976: OJ L304, 24.11.1975).
 - (2) OJ C153/1, 9.7.1975.
 - (3) OJ C153/2, 9.7.1975.

The Resolution concerning measures to be implemented to achieve the Community energy objectives(1) defines a series of measures to be taken at national and Community level.

1.2 Rational utilization of energy

In its Resolution on a Community Action Programme on the rational utilization of energy(2) the Council reaffirms its targets for the reduction of the growth of energy consumption of the Community as a whole.

The Council has subsequently adopted two resolutions setting targets for energy consumption in 1975(3) and in the period 1976/1977(4).

On 4 May 1976 the Council adopted five Recommendations(5) on the rational use of energy(6):

- by promoting the thermal insulation of buildings;
- in the heating systems of existing buildings;
- consumed by road vehicles by improving driving habits;
- consumed in urban passenger transport;
- required for the operation of household electrical appliances.

1.3 Environment

The Resolution on energy and the environment (7) points out the complementary nature of conservation of energy and the protection of the environment and stresses the importance of the development of policies on certain environmental aspects of energy use and production(8).

(1) OJ C153/6, 9.7.1975.

(2) OJ C153/5, 9.7.1975.

(3) OJ C153/9, 9.7.1975.

(4) OJ C289, 17.12.1975.

(5) OJ L140, 28.5.1976.

(6) See also p. 18 on the use of oil products and gas in power stations.

(7) OJ C168, 25.7.1975.

(8) See also R & D.

1.4 Research and Development

The Council has adopted a number of medium-term Research and Development programmes.

The Research and Development programme set out in Decision 75/510/EEC(1) aims at promoting R&D in five fields: energy conservation, production and utilization of hydrogen, solar energy, geothermal energy and systems analysis (development of models). The programme covers the period to 30 June 1979 and provides for expenditure up to 59 m.u.a.

In the medium-term coal research aid programme (1975-1980)(2) the Commission has selected nine fields of coal research on which financial assistance ex Art. 55. ECSC will be concentrated. A Communication of the Commission (3) defines the criteria on which financial assistance ex Art. 55 ECSC will be granted.

In the field of nuclear energy two research programmes have been adopted: a programme on management and storage of radioactive waste(4) and a research and training programme on plutonium recycling in light water reactors(5).

1.5 Information

Regulation of the Council (EEC) 1729/76 concerning information on the situation of the supply of energy (6) provides for the communication of information to the Commission (a) in a normal situation; (b) in case of supply difficulties.

1.6 In order to ensure the coordinated application of measures taken by the Community the Council has created an Energy Committee in which representatives of the Member States and the Commission can consult on conditions on the energy market and assist the Commission in the elaboration of proposals.

(1) OJ L231, 2.9.1975.

(2) OJ C60, 25.5.1974.

(3) OJ C160, 30.12.1974.

(4) Decision 75/406/Euratom, OJ L178, 9.7.1975 (valid until 1980).

(5) Decision 74/642/Euratom, OJ L349, 28.12.1974 (valid until 1979).

(6) OJ L198, 23.7.1976.

2. Coal

2.1 Aids

Decision 528/76/ECSC (1) establishes a Community procedure for the assessment and approval of measures taken by Member States to assist the coal-mining industry(2).

Decision 73/287/ECSC concerning coal and coke for the iron and steel industry in the Community(3) authorizes Member States to grant aids, lays down pricing rules for undertakings and sets up Community financing arrangements.

2.2 Prices

Art. 60 para. 1 ECSC prohibits certain practices concerning prices, especially unfair competition and discrimination. Decision 30-53(4) gives a more precise definition of these prohibited practices. Decision 4-53(5) implements Art. 60 para. 2a concerning the obligation of undertakings to publish price-lists and conditions of sale applied on the Common Market. The conditions for alignment of these price-lists, as provided for in Art. 60 para. 2b, are defined in decision 72/443/ECSC(6).

2.3 Financial assistance

The Commission has decided to make loans available at reduced interest rates (7) in order to facilitate the realization of certain investment programmes. A Communication sets up a procedure for applying for and the granting of financial aids for technical and economic research pursuant to Art. 55 ECSC(8).

(1) OJ L63, 11.3.1976 (valid until 31 December 1985).

(2) A decision to implement this decision will be taken in the near future.

(3) OJ L259, 15.9.1973 (valid until 31 December 1978).

(4) OJ C29/30, 12.5.1973.

(5) OJ C29/28, 12.5.1973.

(6) OJ L297, 30.12.1972.

(7) OJ C73, 18.6.1970; C146, 25.11.1974.

(8) OJ C139, 12.11.1974.

3. Oil, gas, electricity

3.1 External aspects

Under Regulations 1055/72(1), 3254/74(2) and 388/75(3) the Commission is provided regularly with information on realizations and forecasts relating to imports and exports of crude oil, oil products and natural gas from and to third countries.

No special rules have been established for imports and exports of energy. They are subject to the general regulations establishing the common import and export regime(4). These regulations provide for information and consultation and for safeguard measures(5).

Trade in energy products with third countries is subject to a number of international agreements binding on the Community. In the framework of GATT the Community has consolidated its tariffs on crude oil (0 tariff) and on oil products (3½-7%). As for "autonomous" commercial policy measures, oil products are included in the system of generalized preferences providing for increasing quotas to the benefit of LDC(6). Energy products are also subject to preferential and association agreements of the Community with third countries. A list of these agreements is included in Annex 1.

3.2 Internal market

To enable the Commission to monitor developments in the internal markets the Council has set up a system of information on investment projects in the oil, gas and electricity sectors(7) and information and consultation procedures on prices of crude oil and oil products in the Community(8).

(1) OJ L120, 25.5.1972.

(2) OJ L349, 28.12.1974.

(3) OJ L45, 19.2.1975.

(4) Reg (EEC) 1439/74, OJ L159, 15.6.1974.
Reg (EEC) 2603/69, OJ L324, 27.12.1969.

(5) Energy products are included in the liberalization list
(Art. 1 Reg (EEC) 1439/74).

(6) OJ L310, 29.11.1975.

(7) Reg (EEC) 1056/72, OJ L120, 25.5.1972.

(8) Directive 76/491/EEC, OJ L140, 28.5.1976. The Commission adopted on 26.1.1977 Decision 77/190/EEC implementing Directive 76/491/EEC regarding a Community procedure for information and consultation on the prices of crude oil and petroleum products in the Community (to be published in OJ L61, 5.3.1977).

Under Regulation 3056/73 (1) the Community gives financial support to projects concerned with technological development related to exploitation, production, storage and transport of hydrocarbons and of fundamental importance in ensuring the Community's supply of hydrocarbons. Up till now two decisions have been taken in which support has been given to a number of projects.

In order to promote rational utilization of energy the Council has placed restrictions on the conclusion of contracts for the supply of natural gas to power stations (2) and on the construction of power stations which will use fuel oil(3).

The Council has taken several measures to enable the Community to cope with difficulties in oil supplies, such as the maintenance of stocks of oil products (4) and stocks at thermal power stations (5) and the preparation of the administrative framework as well as a coordination procedure to deal with difficulties in oil supplies(6).

4. Nuclear energy

4.1 In view of the need to acquire a uranium enrichment capacity in the Community the Council Resolution concerning the supply of enriched uranium of the Community (7) recommends continuation of the exchange of views between producers and the coordinated building-up of security stocks and agrees to examine applications for the granting of Joint Undertaking status to the undertakings concerned. In its Resolution on the technological problems of nuclear safety (8) the Council calls for the progressive harmonization of safety requirements and criteria for nuclear reactors.

4.2 Two regulations have been adopted to implement Art. 41 Euratom, obliging undertakings to inform the Commission of investment projects. Regulation 4-58 (9) defines the investment projects to be communicated to the Commission. Regulation 1-58 (10) determines procedures for effecting these communications.

- (1) OJ L312, 13.11.1973.
- (2) Directive 75/404/EEC, OJ L178, 9.7.1975.
- (3) Directive 75/405/EEC, OJ L178, 9.7.1975.
- (4) Dir. 68/414/EEC, OJ L308, 23.12.1968.
- (5) Dir. 72/425/EEC, OJ L291, 28.12.1972.
- (6) Dir. 75/339/EEC, OJ L153, 13.6.1975.
- (7) Dir. 73/238/EEC, OJ L228, 16.8.1973.
- (8) OJ C69, 14.6.1974.
- (9) OJ C185, 14.8.1975.
- (10) OJ No. 17, 6.10.1958.

Moreover, under Regulation (EEC) 1056/72 (1), as amended by Regulation (EEC) 1215/76(2), the Commission has to be informed of projects for nuclear power stations on which work is scheduled to start within five years.

4.3 Supplies

Commission Regulation 17/66/Euratom (3) exempts the transfer of small quantities of ores, source materials and special fissile materials from the rules on supplies of Chapter VI Euratom.

The Euratom Supply Agency (4) has established rules determining the manner in which demand is to be balanced against the supply of ores, source materials and special fissile materials(5).

4.4 Cooperation agreements

Euratom has concluded cooperation agreements with Argentina, Brazil, Canada and the USA covering subjects such as exchange of information, supply of material and patent rights. A list of these agreements is included in Annex II.

(1) OJ L120/7, 25.5.1972, see also p. 17.

(2) OJ L140/1, 28.5.1976.

(3) OJ No. 241, 28.12.1966, modified by Regulation 3137/74/Euratom, OJ L333, 13.12.1974.

(4) Statutes in OJ No. L27/534, 6.12.1958, modified by Decision 73/45/Euratom, OJ L83, 30.3.1973.

(5) OJ No. 32, 11.5.1960, modified by Regulation of the Supply Agency, OJ L193, 25.7.1975.

DECISIONS

COUNCIL RESOLUTION

of 17 September 1974

concerning a new energy policy strategy for the Community

THE COUNCIL,

Having taken note of the communication from the Commission of 5 June 1974, 'Towards a new energy policy strategy for the Community' [R/1472/74 (ENER 28)];

1. Recognizes that this communication is part of the process of formulating a Community energy policy designed — as was emphasized by the Heads of State or of Government in October 1972 in Paris — to guarantee 'safe and lasting supplies under satisfactory economic conditions';
2. Emphasizes — as was acknowledged by the Heads of State or of Government in December 1973 in Copenhagen — that there is an urgent need for a Community energy policy due to the new factors obtaining on the world energy market;
3. Affirms its political will to draw up and implement a Community energy policy. This means preparing joint target figures constituting guidelines for national policies and, at the same time, major indicators for Community energy producers and consumers;
4. Emphasizes that this Community energy policy implies close coordination of the positions of the Member States of the Community which will enable it progressively to express a common viewpoint on energy problems *vis-à-vis* the outside world;
5. Confirms that the world-wide aspects of energy problems necessitate cooperation among the consumer countries and between them and producer countries, in which the Community as such and the Member States intend to participate;
6. Adopts the following guidelines:
 - (a) as regards energy demand: reduction of the rate of growth of internal consumption by measures for using energy rationally and economically without jeopardizing social and economic growth objectives;
 - (b) as regards energy supply: improving security, under the most satisfactory economic conditions possible, by means of the following:
 - development of nuclear power production ⁽¹⁾,
 - the hydrocarbon and solid fuel resources in the Community,
 - diversified and reliable external supplies,
 - a research and technological development effort ensuring the required development of the various energy sources;
 - (c) consideration should be given to problems of environmental protection, in particular by respecting the guidelines laid down in the relevant national or Community programmes, in the spheres of both production and consumption of energy;
7. Decides to hold a meeting on energy problems before the end of 1974 at which it will state its position on:
 - the target figures for Community energy production and consumption until 1985,
 - the guidelines and action necessary to develop each energy source and the conditions for orderly functioning of the common market for energy.

To this end, the Council requests the Permanent Representatives Committee, after due consideration of the opinions of the Energy Committee, to prepare for Council discussion of these two series of questions, *inter alia* by examining, in the light of the prospects for the Member States in this field, the consistency and feasibility of the target figures proposed by the Commission, and also their financial and budgetary implications;

⁽¹⁾ Reference to the reservation expressed by the Danish and Netherlands delegations with regard to this indent has been made in the Council minutes.

8. Agrees to examine, also before the end of 1974, the steps which the Community could take in order to ensure the development of new technologies in the field of energy;
9. Requests that the Member States take account of the Community target figures to be adopted by the Council when defining their national supply policy;
10. Instructs the Energy Committee to review regularly the Community target figures adopted and national prospects, in order to check their consistency and feasibility. The Commission will report every six months and the Council will periodically discuss the progress made in the realization of the Community objectives, and in particular the measures taken at Community and national level.

COUNCIL RESOLUTION

of 17 December 1974

concerning Community energy policy objectives for 1985

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

Having noted the Commission's Communication of 27 November 1974 'Community energy policy — Objectives for 1985' ⁽¹⁾;

Considering the resolution it adopted on 17 September 1974 ⁽²⁾;

Whereas, in accordance with point 10 of that resolution, the Commission will record every six months and the Council will periodically discuss the progress made in the realization of the Community objectives, and in particular the measures taken at Community and national level;

Whereas, at their meeting in Paris on 9 and 10 December 1974, the Heads of Government of the Member States of the Community called upon the Community Institutions to work out and implement a common energy policy as quickly as possible;

Whereas implementation of such a policy involves the drawing up of quantitative joint objectives representing guidelines for national policies and serving as a significant guide for energy producers and consumers in the Community;

Whereas the energy policy objectives of the Community show how much can be achieved by implementing a common policy;

Whereas each of the Member States should be able to contribute to the attainment of these objectives, according to its resources and to the constraints to which it is subject;

Whereas the continuation of a high degree of Community dependence on energy sources, especially oil, imported from third countries would, under the present and foreseeable conditions on the world market, be such as to jeopardize the economic balance of the Community and economic and social progress; and whereas it is therefore necessary to reduce this dependence as much as possible;

Considering the prospects held out by the various sources of energy for the attainment of this objective, taking account of the time required to put them into use, of their potential long-term contribution, of the economic conditions for making them available and of the need to develop secure and competitive resources and to ensure the protection of the environment;

Whereas it should be possible to apply coherent guidelines to the various energy resources of the Community while complying with the Treaties;

PART I — GENERAL OBJECTIVES

Paragraph 1

affirms that, on the basis of present prospects within the Member States, the Community's level of dependence on imported energy will reach 50 % by 1985,

Paragraph 2

approves the objective of reducing Community dependence on imported energy to 50 % and if possible to 40 % by 1985 (63 % in 1973),

Paragraph 3

— takes note of the Commission's opinion that the more ambitious objective of 40 % could be attained;

— requests Community institutions to keep the means of achieving this objective under constant review,

Paragraph 4

notes that, if these objectives are to be attained, the Community supply pattern should be as follows by 1985:

⁽¹⁾ See COM(74) 1960 final, annexed to R/3333/74 (ENER 37) (ATO 177) (CHAR 23).

⁽²⁾ See page 1 of this Official Journal.

Total primary energy requirements in % ⁽¹⁾

	For the record		1985 Objectives (figures rounded off)	
	1973 Estimates	1985 Initial forecasts ⁽²⁾	50 % dependence	40 % dependence
Solid fuels	22.6	10	17	17
Oil	61.4	64	49	41
Natural gas	11.6	15	18	23
Hydro-electric and geothermic power	3	2	3	3
Nuclear energy	1.4	9	13	16
Total requirements	100	100	100	100

⁽¹⁾ Internal consumption + exports + bunkers.

⁽²⁾ *Source:* 'Prospects of primary energy demand in the Community (1975-1980-1985)', supplemented by an additional estimate made in January 1973 for the new Member States.

PART II — SPECIFIC OBJECTIVES

Paragraph 5

decides to pursue the following specific objectives:

1. Energy demand

- A. To reduce the rate of growth of energy consumption for the Community as a whole in order to achieve by 1985 a level 15 % below the January 1973 estimates, bearing in mind that this percentage may be different for the various Member States and without ruling out the possibility of setting specific objectives, depending on circumstances, for saving energy in the shorter term.
- B. To alter the pattern of energy consumption by progressively increasing the use of reliable energy sources and relying more and more on electricity as nuclear energy in particular is developed. The Commission feels that in this way electricity would cover 35 % of energy consumption by 1985.

2. Energy supply

A. Solid fuels:

- To maintain the level of the Community's coal production (180 mtoe by 1985) under satisfactory economic conditions,
- To increase the possibilities of importing coal from third countries (40 mtoe by 1985),

- To raise brown coal and peat production to 30 mtoe.

B. Natural gas:

- To step up Community research and production (land and underwater deposits) to obtain at least 175, and if possible 225 mtoe by 1985,
- To secure imports of 95-115 mtoe from third countries.

C. Nuclear energy ⁽¹⁾:

- To provide stations with an installed capacity of at least 160 GWe and, if possible, of 200 GWe by 1985.

D. Hydro-electric and geothermic power:

- To establish and develop sites for the production of hydro-electric and geothermic power to raise their contributions to energy supply to 45 mtoe.

E. Oil:

- To restrict oil consumption where it can be economically replaced by other energy sources,
- To step up research and Community production (land and underwater deposits) at least 180 mtoe by 1985,

⁽¹⁾ The Netherlands delegation expressed a reservation on this paragraph.

- To cut back imports from third countries to 540 mtoe (640 in 1973) according to national prospects; the objective proposed by the Commission for other energy sources would enable this amount to be reduced to 420 mtoe. The percentage of imported oil in the total energy requirements would be respectively 38 and 28 % (61 % in 1973) or 75 to 70 % of oil consumption (98 % in 1973).

F. Other sources of energy:

- To ensure by a technological research and development policy that traditional forms of energy are better exploited and, in the long term, replaced by new sources of energy.

Paragraph 6

Requests Member States to take account of these Community objectives when framing their energy policies.

Paragraph 7

Requests the Commission to submit six-monthly reports to it, the first on 30 June 1975, on the progress made towards achieving the Community objectives, and in particular on the measures taken at Community and national level.

Paragraph 8

Requests the Commission to submit proposals for the implementation of this Resolution.

COUNCIL RESOLUTION

of 13 February 1975

concerning measures to be implemented to achieve the Community energy policy objectives adopted by the Council on 17 December 1974

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

Having taken note of the Commission communication on the Community production and consumption objectives for 1985 and the sectoral guidelines proposed for their attainment ⁽¹⁾;

Considering the resolutions it adopted on 17 September and 17 December 1974 ⁽²⁾;

Whereas pursuit of the objectives laid down in its resolution of 17 December 1974 on Community energy policy objectives for 1985 requires the implementation of appropriate measures at Community level as well as by each Member State;

Paragraph 1

A. Invites the Commission periodically to recommend long-term guidelines on energy for the pursuit of these objectives, covering in particular any type of investment which such activities may involve.

Such guidelines are to help Member States to take the appropriate decisions.

B. These guidelines should take particular account for all energy sectors of the need:

- to develop reliable energy resources as soon as possible under satisfactory economic conditions, which means:
 - applying Community support measures in certain cases,
 - facilitating access to financing for the necessary investments in certain cases,

- making it possible for prices to cover, gradually and to the fullest extent feasible, the costs of making energy available and the amortization of the necessary investments,

- to aim at achieving the optimum location of energy investments by economic operators and to ensure the best return on investments, particularly by means of the optimum location of electric power stations, while taking into account safety and environmental aspects and by encouraging cooperation with a view to the optimum development of production and transport systems.

Paragraph 2

Expresses its willingness to employ the following means to achieve the objectives laid down in its resolution of 17 December 1974:

I. ENERGY DEMAND:

- A. In addition to the programme on the rational use of energy which is the subject of the resolution of 17 December 1974, Community research and development projects and/or technological innovations should result in considerable energy savings.
- B. Consumption of electricity will be increased to the extent that nuclear energy in particular reduces the dependence of electric power stations on hydrocarbons. This increase will also take account of the need to ensure the financing of investments in the electricity sector under satisfactory economic conditions.

II. ENERGY SUPPLY:

The energy resources of each of the Member States shall be developed as quickly as possible under satisfactory economic, social, environmental and safety conditions, taking account of national and Community requirements and of the objective of reducing Community dependence on external energy supplies.

⁽¹⁾ See COM(74) 1960 final, 1950 final, 1970 final, 1961 final, 1963 final and 1860 final annexed to R/3333/74 (ENER 57) (ATO 177) (CHAR 23) and R/446/74 (ENER 12).

⁽²⁾ OJ No. C 153, 9.7.1975, pp. 1, 2 and 5.

Paragraph 3

Approves the following guidelines for the policy to be implemented at both national and Community level for the various sources of energy:

I. SOLID FUELS

A. Community production

The maintenance of coal production at its current level and the development of brown coal and peat production, as mentioned in paragraph 5 (2) (A) of the Council resolution on Community energy policy objectives, require the definition and implementation of a solid fuels policy which takes into account the principles set out in paragraph 1 B above, particularly in respect of carrying out the necessary financial investments and having available a suitable labour force.

The commitment of such investments and the recruitment of the requisite labour force presuppose a stable and regular outlet for Community solid fuels under satisfactory economic conditions which take account of consumer interests. Consequently, it might be necessary to take measures to ensure their rational use in satisfactory economic conditions which take account of consumer interests in the principal sectors of consumption, namely the iron and steel industry and thermal power stations, and to build up stocks to offset the effects of fluctuations in demand and to avoid the interruption of supplies.

B. Access to the world market

Free access to the world market should, in a manner consistent with the attainment of Community production targets and in satisfactory economic conditions, be progressively extended to all Community coal consumers who do not at present have free access.

II. NUCLEAR ENERGY⁽¹⁾

A. Community policy in the field of nuclear energy should be defined and implemented with due attention to the principles set out in paragraph 1 B above.

B. Each year and in cooperation with interested parties the Commission shall draw up an outline programme of nuclear energy production targets to serve governments as a guide in shaping their national policies and to provide the necessary frame of reference for Community industries.

C. Providing nuclear energy problems of safety and ecology are solved to the satisfaction of the Member States concerned, their electricity supply programmes shall be based chiefly on nuclear energy for high-capacity power stations, in addition to the contribution made by solid-fuel power stations and taking into account those Community provisions which restrict the use of natural gas and petroleum products in electric power stations.

D. The abovementioned outline nuclear programme shall stipulate the Community's future nuclear fuel requirements.

E. 1. The Community nuclear fuel supply policy to be defined and implemented should obtain the maximum benefit from the initiative and freedom of action of producers and users and should improve security of supplies in this field by developing:

— economical and secure resources in the Community,

— an industry with a capacity in appropriate proportion to Community requirements and capable of operating on the world market,

— cooperation with the countries producing natural uranium,

— research to encourage technological innovation.

2. In order to implement this policy, adequate measures to strengthen the industrial potential of the Community should be submitted for examination by the Council, due account being taken, at the appropriate time, of the work carried out in the various Council and Commission bodies.

⁽¹⁾ The Danish delegation entered a reservation on the whole of point II.

3. To this end, consideration should be given to whether and how the Community should act in the following fields:

- prospecting for minerals,
- the placing of orders for nuclear fuels sufficiently in advance,
- the means of ensuring reciprocal outlet and supply guarantees for producers and users,
- coordinated stockpiling of fuels.

4. The Supply Agency will be an essential instrument for implementing such a common policy.

5. For the sake of effectiveness the drawing up of such a joint nuclear fuel supply policy will require a revision of Chapter VI of the Euratom Treaty.

F. Member States and undertakings are requested to assist the Commission in drawing up practical proposals for submission to the Council under the joint supply policy and under the plan of action proposed by the Commission for promoting nuclear energy, of which the Council takes note.

III. HYDROCARBONS

1. Community hydrocarbons policy should be defined and implemented with due attention to the principles set out in paragraph I B above and be based on cooperation between hydrocarbon producer and consumer countries. It should, in particular, require exchanges of information and concerted action between public authorities and

consultations between public authorities and industry and, where necessary, the means to act.

Such a policy presupposes:

- the rational use of available resources,
- optimum development of hydrocarbon resources in the Community under satisfactory economic conditions taking into account the Community energy policy objectives defined in the Council Resolutions of 17 September and 17 December 1974,
- the diversification and securing of external supplies by greater effort to inform, concert action and consult as the case may be, and, where necessary, by joint industrial and commercial projects,
- consultation on investments planned and concerted action on the policies pursued by the Member States in this field,
- a consumer price policy, based on competition and the transparency of costs and prices. These principles could contribute to the alignment of price levels in the Member States, on the basis of actual changes in the conditions of supply.

2. The Council is willing to examine whether Community rules should be laid down for cases of supply difficulties in order to ensure balanced supply for the Community market and the maintenance of its unity in observance of the provisions of the Treaty.

Paragraph 4

Requests the Commission to submit proposals for the implementation of this resolution.

COUNCIL RESOLUTION

of 17 December 1974

on a Community action programme on the rational utilization of energy

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

Having noted that, in its communication to the Council entitled 'Rational Utilization of Energy', the Commission has drawn up a Community action programme in this field;

Whereas, in its resolution of 17 September 1974, the Council recorded its agreement to the objective of 'reducing the rate of growth of internal consumption by measures for using energy rationally and economically without jeopardizing social and economic growth objectives';

Having regard to the Council resolution of 17 December 1974 on the objectives of the Community energy policy;

Having regard to the new situation prevailing on the world energy market and, in particular, the rise in the prices of energy resources;

Whereas more rational utilization of energy is intended to improve energy performance by reducing losses and gradually eliminating non-essential consumption;

Whereas such action could contribute towards reducing the growth of the Community's energy demand without, however, jeopardizing economic and social growth objectives;

Whereas it is necessary for the Member States and the Commission to exchange information on the experience acquired and the measures planned at national and Community levels concerning the rational utilization of energy in order to ensure that they are coordinated and, as far as is necessary, harmonized;

Whereas the Commission forwarded to the Council on 5 August 1974 a communication entitled 'Energy for Europe: Research and Development';

1. Adopts the objective of reducing the medium-to-long-term growth rate of energy consumption for the Community as a whole in order to achieve, by 1985, a level of consumption which is 15 % lower than the figure anticipated for that date in the Commission's initial estimates drawn up in January 1973, while bearing in mind that this figure could differ according to the particular situation of each Member State;
2. Reserves the right to fix special objectives for shorter-term energy savings in the light of circumstances and acting on a proposal from the Commission;
3. Takes note of the measures defined in the aforementioned action programme for attaining the objective referred to in paragraph 1 above;
4. Takes note of the procedure proposed for implementing this programme;
5. Invites the Commission to report back to it, at regular intervals, on both the situation in the Member States and progress towards the Community objective;
6. Takes note of the Commission's intention of bringing together a 'Steering and Coordinating Committee for the Rational Utilization of Energy' composed of national experts of the Member States. The members of this Committee will exchange information and hold consultations on the experience acquired concerning the rational utilization of energy and on the broad outlines of the measures proposed in this field;
7. Notes that the Commission will submit appropriate proposals to the Council.

COUNCIL RESOLUTION

of 26 June 1975

on the setting of a short-term target for the reduction of oil consumption

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community;

Having regard to the draft from the Commission;

Having noted the Commission communication entitled 'Energy savings — short-term targets' which sets out, *inter alia*, measures for reducing oil consumption;

Considering the Council resolutions of 17 December 1974 on Community energy policy objectives for 1985 and on the Community action programme on the rational utilization of energy;

Whereas reduction of the rate of growth of internal energy consumption by measures for the rational and economical use of energy without jeopardizing social and economic growth objectives is one of the aims of the Community's energy policy;

Whereas energy resources must be used rationally in order to conserve them as much as possible;

Whereas by reducing oil imports the Community can alleviate the burden on balances of payments resulting from the present level of oil prices;

Whereas it therefore appears desirable to establish a target for the reduction of oil consumption in the Community;

Whereas the Community should reserve the right also to set a short-term target for subsequent years.

1. Approves, in the light of Member States' current forecasts, the target set, namely to reduce the consumption of oil within the Community in 1975 to 500 million metric tons, that is to say a reduction of the order of 9 % as compared with 1973;
2. Requests the Member States, with a view to attaining this target, to continue the efforts already under way in this field and to take whatever measures are suited to their individual situations.
3. Requests the Commission to submit a report to the Council on the attainment of this target and on measures taken by the Member States.
4. Requests the Commission to submit to the Council before 30 June 1975 a proposal for a short-term target for the reduction of internal consumption in 1976.
5. Agrees to discuss this proposal before 31 July 1975 and to take a definitive decision on it as soon as possible and not later than 30 November 1975.

COUNCIL RESOLUTION

of 9 December 1975

setting a short-term target for energy saving 1976/77

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community;

Having regard to the draft from the Commission;

Having noted the Commission communication entitled 'Energy savings — short-term targets 1976/77' which sets out, *inter alia*, measures for reducing oil consumption;

Considering the Council resolutions of 17 December 1974⁽¹⁾ concerning Community energy policy objectives for 1985 and on a Community action programme on the rational utilization of energy;

Considering the Council resolution of 26 June 1975⁽²⁾ on the setting of a short-term target for the reduction of oil consumption;

Whereas reduction of the rate of growth of internal energy consumption by measures for the rational and economical use of energy, without jeopardizing social and economic growth objectives, is one of the aims of the Community's energy policy;

Whereas energy resources must be used rationally so that they may be conserved as much as possible;

Whereas by reducing oil imports the Community can alleviate the burden on balances of payments resulting from the present level of oil prices;

Whereas the upswing in the Community's economy which is expected to take place in 1976 and 1977, particularly on the assumption of an average annual growth rate of approximately 4% in the gross domestic product, will result in increased demand for energy; whereas there must therefore be no relaxing of the efforts to conserve energy;

Whereas it therefore appears desirable to set a target for savings in energy and oil consumption in the Community;

1. Sets the following targets for the Community as a whole, in the light of current forecasts in the Member States and of the abovementioned assumption concerning economic growth:

— energy consumption: consumption to be stabilized in 1976 at a level slightly lower than that for 1973 (932 mtoe), and increased in 1977 by approximately 3.5% in relation to the 1973 level,

— oil consumption: consumption for 1976 and 1977 to be maintained at an average level approximately 10% below the 1973 level.

2. Requests the Member States, with a view to attaining these targets, to continue the efforts made so far, to adopt measures suited to their respective situations and to step up their activities, particularly in the following fields:

— giving priority to the implementation of measures for the rational utilization of energy in those sectors which come directly or indirectly within the competence of the national administrations and public institutions,

— informing the public so as to make it more aware of the energy-saving problem,

— advising and assisting consumers on practical ways of saving energy,

— giving encouragement in the form of loans and facilities *inter alia*,

— monitoring the application of the measures in force.

3. Calls upon the Commission, in accordance with the Council resolution of 17 December 1974 on the rational utilization of energy, to examine the advisability and possibility of extending to the Community as a whole some of the measures planned or already in force in the Member States and, where appropriate, to submit specific proposals to the Council as soon as possible;

4. Requests the Commission to report to the Council, pursuant to the abovementioned resolution, on the attainment of these targets and on the measures taken by the Member States or the Community.

⁽¹⁾ OJ No C 153, 9. 7. 1975, pp. 2 and 5.

⁽²⁾ OJ No C 153, 9. 7. 1975, p. 9.

COUNCIL RECOMMENDATION

of 4 May 1976

on the rational use of energy by promoting the thermal insulation of buildings

(76/492/EEC)

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to the draft from the Commission,

Whereas, in its resolution of 17 September 1974 concerning a new energy policy strategy for the Community ⁽¹⁾, the Council accepted as an objective the 'reduction of the rate of growth of internal consumption by measures for using energy rationally and economically without jeopardizing social and economic growth objectives';

Whereas, in its resolution of 17 December 1974 on a Community action programme on the rational utilization of energy ⁽²⁾, the Council noted that, in its communication to the Council entitled 'Rational utilization of energy', the Commission had drawn up a Community action programme in this field;

Whereas a suitable system should be introduced to inform the public of the best ways of improving the thermal insulation of buildings, thereby helping to promote the rational use of energy;

Whereas the measures recommended are likely to produce sufficiently large savings in energy to make the required investment economically worthwhile,

HEREBY RECOMMENDS TO THE MEMBER STATES:

1. that they organize or sponsor specific information campaigns designed to stimulate public interest in improving inadequate or poor-quality thermal insulation systems in residential accommodation, particularly by setting up, re-organizing or maintaining information and

advisory agencies or offices capable of providing practical information in each case;

2. that, in order to ensure the utmost effectiveness of the measures described in point 1:

- 2.1. they assess the average extent of thermal insulation in existing residential accommodation, in particular by sample surveys, and endeavour to find methods of improving it;

- 2.2. they organize competitions or draw up development programmes to obtain the best original ideas for improving insulation in existing residential accommodation, with particular reference to the investment required and to cost effectiveness in terms of energy savings;

3. that they adopt the harmonized Community reference standards for thermal insulation which are to be drawn up for use in the implementation of all laws, regulations and administrative measures, in particular to ensure that:

- 3.1. the criteria used as a basis for assessment are identical in all Community countries,

- 3.2. building materials and components may circulate freely on the Community's internal market.

The standards should be applied in stages to every type of building in turn, beginning in 1980 with office and public buildings.

Done at Brussels, 4 May 1976.

For the Council

The President

G. THORN

⁽¹⁾ OJ No C 153, 9. 7. 1975, p. 1.

⁽²⁾ OJ No C 153, 9. 7. 1975, p. 5.

COUNCIL RECOMMENDATION

of 4 May 1976

on the rational use of energy in the heating systems of existing buildings

(76/493/EEC)

THE COUNCIL OF THE EUROPEAN COMMUNITIES, HEREBY RECOMMENDS TO THE MEMBER STATES:

Having regard to the Treaty establishing the European Economic Community,

Having regard to the draft from the Commission,

Whereas, in its resolution of 17 September 1974 concerning a new energy policy strategy for the Community ⁽¹⁾, the Council accepted as an objective the 'reduction of the rate of growth of internal consumption by measures for using energy rationally and economically without jeopardizing social and economic growth objectives';

Whereas, in its resolution of 17 December 1974 on a Community action programme on the rational utilization of energy ⁽²⁾, the Council noted that, in its communication to the Council entitled 'Rational utilization of energy', the Commission had drawn up a Community action programme in this field;

Whereas tangible results should be obtained as soon as possible in the rational use of energy; whereas considerable short-term energy savings could be made in the heating systems of existing buildings;

Whereas this objective can be achieved in buildings with collective heating systems only if the occupants are able to regulate their own energy consumption and benefit from the resulting energy savings;

Whereas the measures recommended are likely to produce sufficiently large savings in energy to make the required investment economically worthwhile,

that they adopt any laws, regulations or administrative measures necessary to ensure that:

1. *in existing buildings which are not occupied all the time, e.g. offices and some public buildings*

1.1. where economically justifiable, heating systems are fitted with an automatic programming and regulating device which will produce the desired temperature curve.

It is recommended that the maximum temperature should not exceed 20 °C when the building is occupied and that heat output be kept to a minimum when the building is empty, while at the same time maintaining a sufficiently high temperature to prevent damage to interior structures and installations and to enable the recommended temperature to be reached once the building is occupied:

1.2. where economically justifiable, a separate automatic cut-in device is fitted to the collective heating system in every part of the building. For example, where radiators are used, at least one in each room should be fitted with a thermostatic valve which would automatically reduce the flow of water to prevent the maximum recommended temperature being exceeded;

2. *in existing residential accommodation*

2.1. where economically justifiable, individual heating systems are controlled by one or more devices which regulate the supply of heat to the dwellings according to the outside or inside temperature or both;

⁽¹⁾ OJ No C 153, 9. 7. 1975, p. 1.

⁽²⁾ OJ No C 153, 9. 7. 1975, p. 5.

- 2.2. where economically justifiable, the heat supply from collective heating systems is regulated according to the outside temperature and, where technically possible, a heat metering or distributing device is installed in each individual dwelling, to measure the quantity of heat consumed by each user, thus enabling the heating costs to be calculated on the basis of individual consumption;
3. *as regards the maintenance and inspection of heating systems (excluding electrical appliances)*
- 3.1. heating systems with a capacity ⁽¹⁾ ≥ 35 kW (approximately 30 000 kcal/hr) are inspected and serviced periodically, for example at least once every three years. If necessary, the Member State may choose a lower capacity threshold. To this end, the Member States should take steps without delay to implement such a programme;
- 3.2. the programme of inspection and servicing of heating systems is developed gradually as staff and funds become available and, in addition, maximum scales of charges for inspection and servicing are regulated;
4. *as regards improving the efficiency of hot-water systems in residential accommodation*
- 4.1. hot-water meters are installed, as far as technically possible and where economically justifiable, to measure the quantity of hot-water consumed by each user so that the heating costs may be calculated on the basis of individual consumption;
- 4.2. the temperature of the hot water distributed is kept at the lowest level compatible with the particular characteristics of the heater and the requirements of the users;
- a publicity campaign is organized to inform users of the practical value of keeping the temperature of the water as it leaves the boiler as low as possible and having the heater periodically serviced in order to improve the efficiency of instant hot-water systems in single-family houses.

Done at Brussels, 4 May 1976.

For the Council
The President
 G. THORN

⁽¹⁾ For the purposes of this recommendation the capacity of heating system is the product of the quantity of fuel consumed per hour, at maximum continuous performance, and the lower calorific value of this fuel.

COUNCIL RECOMMENDATION

of 4 May 1976

on the rational use, through better driving habits, of energy consumed by road vehicles

(76/494/EEC)

THE COUNCIL OF THE EUROPEAN COMMUNITIES, HEREBY RECOMMENDS TO THE MEMBER STATES:

Having regard to the Treaty establishing the European Economic Community,

Having regard to the draft from the Commission,

Whereas, in its resolution of 17 September 1974 concerning a new energy policy strategy for the Community⁽¹⁾, the Council accepted as an objective the 'reduction of the rate of growth of internal consumption by measures for using energy rationally and economically without jeopardizing social and economic growth objectives';

Whereas, in its resolution of 17 December 1974 on a Community action programme on the rational utilization of energy⁽²⁾, the Council noted that, in its communication to the Council entitled 'Rational utilization of energy', the Commission had drawn up a Community action programme in this field;

Whereas tangible results must be obtained as soon as possible in the rational use of energy consumed by road vehicles; whereas a keener awareness among drivers of economical driving, the choice of a more economical vehicle and proper maintenance will enable these objectives to be rapidly attained;

Whereas measures to reduce the amount of fuel consumed by road vehicles must be made attractive and financially acceptable to users;

Whereas the measures recommended are likely to produce sufficiently large savings in energy to make the required investment economically worthwhile,

1. that motor-vehicle manufacturers be asked to include more practical information on fuel-saving in drivers' handbooks and to present this information in a way that will catch the attention of vehicle owners and arouse their interest;
2. that encouragement be given to the fitting of private vehicles with equipment informing drivers of the most economical way to drive. Two methods are suggested:
 - indicating on the speedometer or revolution counter the most economical speed range for each gear,
 - fitting a monitoring device, such as a vacuum gauge on the intake, to inform the driver of his performance (good, average, poor);
3. that road vehicle users be requested to ensure that ignition timings and carburettor settings are correct;
4. that, with this aim in view, motor-vehicle manufacturers be requested to include in drivers' handbooks clear recommendations to owners to have their vehicles overhauled and adjusted regularly;
5. that every type of vehicle on the market undergo a standard fuel consumption test over a range of speeds, the procedure for which must be defined at Community level, and that the results of this test be included in the maintenance instruction manual and brought to the attention of prospective buyers;
6. that the fitting of radial-ply tyres on all vehicles, including heavy goods vehicles, be encouraged.

Done at Brussels, 4 May 1976.

For the Council
The President
G. THORN

⁽¹⁾ OJ No C 153, 9. 7. 1975, p. 1.

⁽²⁾ OJ No C 153, 9. 7. 1975, p. 5.

COUNCIL RECOMMENDATION

of 4 May 1976

on the rational use of energy in urban passenger transport

(76/495/EEC)

THE COUNCIL OF THE EUROPEAN COMMUNITIES, HEREBY RECOMMENDS TO THE MEMBER STATES:

Having regard to the Treaty establishing the European Economic Community,

Having regard to the draft from the Commission,

Whereas, in its resolution of 17 September 1974 concerning a new energy policy strategy for the Community ⁽¹⁾, the Council accepted as an objective the 'reduction of the rate of growth of internal consumption by measures for using energy rationally and economically without jeopardizing social and economic growth objectives';

Whereas, in its resolution of 17 December 1974 on a Community action programme on the rational utilization of energy ⁽²⁾, the Council noted that, in its communication to the Council entitled 'Rational utilization of energy', the Commission had drawn up a Community action programme in this field;

Whereas tangible results should be obtained as soon as possible in the rational use of energy; whereas measures in the field of urban passenger transport are likely to contribute to the attainment of this objective;

Whereas the measures recommended are likely to produce sufficiently large savings in energy to make the required investment economically worthwhile;

Whereas in its communication to the Council on the development of the common transport policy, the Commission proposes the development of comprehensive policies that will bring about improvements not only in the transport field but also in the energy situation,

1. that, with a view to ensuring rational use of both public transport and private vehicles, they encourage the authorities responsible to promote frequent, convenient, regular, fast, reliable, comfortable urban public passenger transport services. For instance, the construction of bus shelters and the separation of private and public

traffic, for example by introducing bus lanes and special priorities for buses at traffic lights, should be encouraged;

2. that they encourage research into the improvement of existing equipment and experimentation with public transport systems that will meet individual requirements more fully;
3. that, in order to reduce commuting distances by private car, they encourage the construction of convenient parking areas near public transport termini and important stations and bus stops in urban and suburban areas;
4. that they examine the advisability of changing fiscal and other regulations which encourage commuting by private car and long-distance commuting by public transport;
5. that, where public transport is insufficient, they encourage the highest possible load factor in private cars, particularly by removing the legislative and administrative barriers and regulations which prevent car-pooling on a cost-sharing basis and by adopting the necessary laws, regulations or administrative provisions to prevent insurance companies from introducing or maintaining contractual barriers to such a system;
6. that they encourage all measures making the flow of traffic smoother, especially the flow of public transport, for example by more extensive synchronization and programming of traffic lights.

The Council, in adopting this recommendation, is aware that when these measures are being studied and implemented, their implications for other economic sectors including transport and taxation will have to be taken into consideration.

Done at Brussels, 4 May 1976.

For the Council

The President

G. THORN

⁽¹⁾ OJ No C 153, 9. 7. 1975, p. 1.

⁽²⁾ OJ No C 153, 9. 7. 1975, p. 5.

COUNCIL RECOMMENDATION

of 4 May 1976

on the rational use of energy for electrical household appliances

(76/496/EEC)

THE COUNCIL OF THE EUROPEAN COMMUNITIES, HEREBY RECOMMENDS TO THE MEMBER STATES:

Having regard to the Treaty establishing the European Economic Community,

Having regard to the draft from the Commission,

Whereas, in its resolution of 17 September 1974 concerning a new energy policy strategy for the Community ⁽¹⁾, the Council accepted as an objective the 'reduction of the rate of growth of internal consumption by measures for using energy rationally and economically without jeopardizing social and economic growth objectives';

Whereas, in its resolution of 17 December 1974 on a Community action programme on the rational utilization of energy ⁽²⁾, the Council noted that, in its communication to the Council entitled 'Rational utilization of energy', the Commission had drawn up a Community action programme in this field;

Whereas information on the power consumption of electrical household appliances should be made available to buyers in the most comprehensible and standardized manner possible with a view to encouraging them to buy those which use energy most economically;

Whereas the measures recommended are likely to produce sufficiently large savings in energy to make the required investment economically worthwhile,

That they adopt any measures necessary to ensure that:

- (a) the unit energy consumption of each electrical household appliance listed in the Annex hereto is indicated on a label in conformity with harmonized European standards for the information of prospective buyers. The main purpose of these harmonized standards would be to define a common method of labelling and of informing consumers about the energy consumption of electrical household appliances, and to define a method of measuring the unit consumption. Compliance with these standards would be ensured in accordance with procedures which do not impede free movement of goods within the Community;
- (b) the same indications of unit energy consumption are used both in consumer information and in advertising, thus providing the consumer with comparable energy consumption figures on which to base his choice;
- (c) an information campaign is undertaken in each country to make consumers aware of the way in which each of the electrical household appliances listed in the Annex hereto should be used in order to achieve maximum energy-saving.

Done at Brussels, 4 May 1976.

For the Council
The President
G. THORN

ANNEX

List of electrical household appliances covered by this recommendation

Water heaters
Cookers
Refrigerators, freezers and deep-freeze units
Television sets
Dishwashers

Washing machines
Dryers
Spin dryers
Ironing machines

⁽¹⁾ OJ No C 153, 9. 7. 1975, p. 1.

⁽²⁾ OJ No C 153, 9. 7. 1975, p. 5.

COUNCIL RESOLUTION

of 3 March 1975

on energy and the environment

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

Having regard to the declaration of the Council of the European Communities and of the representatives of the Governments of the Member States, meeting in the Council of 22 November 1973, on the programme of action of the European Communities in the environment⁽¹⁾ and the undertaking to implement this programme within the prescribed period;

Whereas on 3 April 1974 the Commission forwarded the communication entitled 'Preliminary report on the problems of pollution and nuisances relating to energy production';

Whereas production and consumption of energy, both within the Member States of the European Communities and in the world as a whole, continue to increase;

Whereas the consumption of energy may, in the absence of adequate preventive measures, pose grave ecological problems such as those connected with the extraction, transportation, conversion and use of energy, with particular reference to air and water pollution and waste disposal;

Whereas in the near future, nuclear energy will join conventional sources as one of the main sources of energy supply; whereas by its special nature it requires constant supervision of its possible effects and reinforcement of environmental protection projects and research;

1. Affirms that the maintenance of a sufficient level of energy production and the need to protect the environment must be reconciled with the concern for bettering our society and the quality of life, and that a fair balance should be struck between these two requirements;

2. Notes in this connection that energy-conserving measures are, as a general rule, also measures to preserve the environment and that the principles of sound environmental management, e.g. techniques for recycling and re-using waste materials, may be very important for the conservation of energy and resources in the widest sense;

3. Stresses that, despite temporary or long-term supply problems, there should be no lowering of quality standards and no slackening of efforts to protect and improve the environment, nor should those efforts be pursued with any less diligence;

4. Considers that it is the duty of the Communities and the Member States to:

(a) take environmental protection requirements into account in all energy policy strategy by taking effective measures;

(b) take all relevant and appropriate measures to promote the conservation and the rational and economical use of energy resources, including:

— more efficient use, in the various areas of human activity, of energy resources not harmful to the environment;

— the development and introduction of techniques for recycling and re-using waste materials;

(c) take, if need be, the necessary measures for reducing even further, as compared with the present situation, the harmful environmental impact of energy production and use;

5. Takes note of the Commission's preliminary report on the problems of pollution and nuisances relating to energy production; invites the Commission to examine the report at expert level with the Permanent Representatives Committee, bearing in mind the most recent forecasts of future oil consumption patterns as well as cost levels, and to submit proposals on policies to be followed by the Communities and Member States on matters, the importance of which will be indicated by this further discussion of the preliminary report, notably⁽²⁾:

A. *Thermal discharges*

1. collation of existing data on the effects of thermal discharges on the environment and further study in this field;

⁽²⁾ The items listed under A, B and C are included as problems and options to be studied and do not necessarily imply commitments in advance of such studies.

⁽¹⁾ OJ No C 112, 20. 12. 1973, p. 1.

2. exchange of information at Community level on planning the siting of new power plants, taking into account pollution and nuisance hazards;
3. the need, wherever environmental protection so requires, to equip new power stations with cooling towers and to improve as rapidly as possible the design and technology of dry cooling towers, so as to diminish the disadvantages which the latter still present with regard to certain aspects of the environment;
4. utilization of waste heat.

B. Sulphur dioxide

1. reduction of the sulphur content of gas oils;
2. regulations on the sulphur content and use of heavy fuel oils;
3. greater rationalization of the supply of low-pollution fuels, such as crude oil with a low sulphur content, to users of heavily polluting fuels in particularly polluted areas;
4. promotion of the development of desulphurization and other processes for selectively reducing the discharge of sulphur dioxide into the atmosphere and encouragement, in particular, in setting up pilot plants as soon as they have become technically feasible;
5. promotion of efficient use of fuels.

C. Nitrogen oxides

1. intensification of research relating to the effects of nitrogen oxides on man and the environment;
 2. the development of methods for taking appropriate measures;
 3. implementation of preventive measures to reduce sources of pollution by oxides of nitrogen pending advances in our knowledge of this field.
6. Considers that the Communities and the Member States should study the special problems associated with the development of atomic energy, and particularly the dangers of radiation, and the problems of reactor safety, thermal discharge, radioactive waste, and the re-processing of atomic fuels;
 7. Notes that the Commission has already submitted proposals on point 5; stresses the urgency of examining them and takes note that the Commission will submit:
 - (a) further proposals concerning points 5 and 6;
 - (b) proposals for a harmonized policy for the solution of environment problems connected with the production and use of energy, taking account of the steps mentioned in the Community programme and in particular the fixing of environmental standards;
 8. Undertakes to examine these proposals in sufficient time to enable those adopted to enter into force at intervals from 1 January 1976 up to 31 December 1980.

COUNCIL REGULATION (EEC) No 1729/76

of 21 June 1976

concerning the communication of information on the state of the Community's energy supplies

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community, and in particular Article 213 thereof,

Having regard to the Treaty establishing the European Atomic Energy Community, and in particular Articles 187 and 192 thereof,

Having regard to the draft Regulation submitted by the Commission,

Whereas the pursuit and attainment of the energy policy objectives adopted by the Council, in particular in its resolutions of 17 December 1974 ⁽¹⁾, require the harnessing of the appropriate means defined *inter alia* in the Council resolution of 13 February 1975 ⁽²⁾;

Whereas these means require in particular that the energy supply situation in each Member State and in the Community as a whole be assessed; whereas such assessment must of necessity be uniform and cover all the sectors concerned;

Whereas, therefore, if the Commission is to accomplish the task incumbent upon it in pursuit of the objectives set out above, it must have at its disposal full and consistent information on the energy supply situation;

Whereas in order to meet energy supply requirements it has recently become necessary to make a continuous effort to adjust supply structures to changing market conditions; whereas the Commission must therefore receive a regular flow of information;

Whereas in the event of difficulties which could cause serious disturbances by reducing or threatening to reduce energy supplies, more detailed information on the most important aspects of such a situation must rapidly be made available to the Commission;

Whereas, as a result of difficulties which arose on the energy market the Council adopted, on 30 January 1974, Regulation (EEC) No 293/74 ⁽³⁾ which provides that Member States shall communicate certain information for the establishment of comprehensive energy balance sheets for the Community;

Whereas the aforementioned Regulation no longer meets present requirements, since it does not enable the Commission to obtain the information which is indispensable to it both under normal circumstances and in periods of difficulty;

Whereas it is in the general interest to standardize and rationalize the communication of all the information required at Community level;

Whereas it is desirable to ensure compliance with the obligations provided for in this Regulation and respect for the confidential nature of the data collected,

HAS ADOPTED THIS REGULATION:

Article 1

The Member States shall communicate to the Commission twice a year the information concerning their energy supply situations set out in Annex I, giving the figures for the preceding calendar half-year and forecasts for the current half-year.

Article 2

If, having consulted the Energy Committee, the Commission ascertains that developments in the conditions of supply in one or more Member States are giving cause for concern and therefore necessitate more immediate and detailed knowledge of the situation on the energy market, it shall inform the Member States accordingly by means of the *Official Journal of the European Communities*.

⁽¹⁾ OJ No C 153, 9. 7. 1975, pp. 2 and 5.

⁽²⁾ OJ No C 153, 9. 7. 1975, p. 6.

⁽³⁾ OJ No L 32, 5. 2. 1974, p. 1.

In the circumstances referred to in the first paragraph the Member States shall communicate to the Commission

- (a) the information set out in Annex I, and
- (b) the information on the energy consumed by each of their major sectors of consumption set out in Annex II,

taking into account the conventions referred to in Annex III.

The information referred to in (a) and (b) shall be communicated on 31 January, 30 April, 31 July and 31 October of each year, and shall comprise the figures for the preceding quarter and forecasts for the current quarter.

Article 3

- 1. The Member States may add comments to their communications.
- 2. The Commission shall transmit to the Member States an annotated summary of the information received pursuant to Articles 1 and 2 and shall hold any consultations which may be necessary.

Article 4

In order to fulfil the obligations laid down in Articles 1 and 2, all persons and undertakings concerned must, at the request of the national authorities, forward the necessary information to them.

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

Done at Luxembourg, 21 June 1976.

Article 5

- 1. Information forwarded pursuant to this Regulation shall be treated as confidential.
- 2. Persons who are participating or have participated in the collection and preparation of the information referred to in this Regulation shall be bound not to divulge the specific data or any other specific information which may have come to their knowledge in or during the exercise of their duties.
- 3. The confidential nature of the information forwarded pursuant to this Regulation shall not prevent the publication of general information or of summaries in a form such that information concerning individual persons and undertakings cannot be identified.

Article 6

The Member States shall take appropriate measures to ensure observance of the obligations arising under Articles 4 and 5.

Article 7

Regulation (EEC) No 293/74 is hereby repealed.

Article 8

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

For the Council
The President
J. HAMILIUS

ANNEX I

QUESTIONNAIRE

ENERGY SUPPLY

(Council Regulation (EEC) No 1729/76)

(in 10³ toe)

Country: Half-year:	Hard coal and peat fuel	Coke	Lignite and peat and briquettes thereof	Crude oil	Petroleum products	Natural gas	Derived gases	Nuclear energy	Hydroelectric and geothermal energy	Electrical energy	Total
1. Production of primary sources											
2. Production of derived products											
3. Supplies from the Community											
4. Imports from non-member countries											
6. Stocks: (a) Level (end period)											
(b) Changes (*)											
8. Deliveries to the Community											
9. Exports to non-member countries											
10. Gross consumption 1+2+3+4+6-8-9											
11. Bunkers											
Equivalence in primary energy 10 - 2 - 11											
12. Gross inland consumption of primary sources and their equivalents											

(*) (+) decrease; (-) increase.

ANNEX II

ADDITIONAL QUESTIONNAIRE

ENERGY CONSUMPTION

(Council Regulation (EEC) No 1729/76)

(in 10³ toe)

Country: Quarter:	Hard coal and patent fuel	Coke	Lignite and peat and briquettes thereof	Crude oil	Petroleum products	Natural gas	Derived gases	Electrical energy	Total
131. Power stations									
132. Patent fuel plants									
133. Gas works									
134. Coke ovens									
135. Blast furnaces									
136. Refineries									
13. <u>Transformation</u> 131+132+133+134+135+136									
14. Energy sector consumption									
15. Distribution losses									
18. Statistical difference									
171. Industry									
172. Transport									
173. Households, etc.									
16. Non-energy uses									
16. <u>Final consumption</u> *17. 171+172+173+16									

(in 10³ toe)

	LPG and refinery gas	Motor spirit	Aviation fuels	Gas/diesel oil	Residual fuel oil	Other petroleum products	Total
Net refinery production							
Inland deliveries							

ANNEX III

Conventions referred to in Article 2

When replying to the questionnaires in Annexes I and II the following conventions should be observed:

1. The nomenclature of energy products, the general framework, the definitions and field covered by each line of the balance-sheet are based on the conventions adopted by the Statistical Office of the European Communities and systematically listed in all its 'Energy Statistics' publications (quarterly bulletins and yearbooks).
2. For the application of this Regulation, specific conventions will be set out in a work-sheet annexed to the questionnaires.

COMMISSION DECISION 528/76/ECSC

of 25 February 1976

regarding the Community system of measures taken by the Member States to assist the coal-mining industry

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Coal and Steel Community, and in particular Articles 2 to 5, 46, 47, 67, 68 and the first and second paragraphs of Article 95 thereof,

Having consulted the Consultative Committee and with the unanimous assent of the Council,

Whereas :

I

The structural changes which occurred in the energy market at the end of the 1950's led the Member States on 21 April 1964 to sign the Protocol to the Agreement regarding energy policy⁽¹⁾. Pursuant to item 11 of this Protocol and on the basis of the first and second paragraphs of Article 95 of the Treaty, the High Authority on 17 February 1965 issued Decision 3/65 regarding the Community system of measures taken by Member States to assist the coal-mining industry⁽²⁾. This Decision, which was extended by Commission Decision 27/67⁽³⁾, ceased to have effect on 31 December 1970.

An investigation into the economic conditions governing the output and sale of Community coal in 1970 showed that, in spite of the efforts towards rationalization already made, the pits in many of the Community coalfields would not be viable without aid. After consultation with the Consultative Committee and with the unanimous assent of the Council, the Commission therefore issued on 22 December 1970 Decision 3/71⁽⁴⁾, which ceased to have effect on 31 December 1975.

The situation in the coal-mining industry in the Community has changed since 1973 because of events in the world market for energy in general and oil in particular; not only have serious difficulties arisen with regard to the security of Community energy supplies, but also the price of imported energy has increased by leaps and bounds, which has helped the coal-mining industry's competitive position considerably. However the economic recession has created new difficulties and problems.

The need to ensure the long-term security of the Community's energy supplies should encourage the member countries to reduce their dependence on imported energy to a minimum⁽⁵⁾; in the light of this new situation, the following guidelines are applicable to the Community's coal-mining industry⁽⁶⁾:

- (a) maintenance of overall Community coal production taking into account the natural and technical situation in the individual fields under satisfactory economic conditions;
- (b) efforts to maintain or regain the coal-mining industry's competitiveness by increasing productivity, by rationalizing production and by reducing costs;
- (c) an active manpower policy;
- (d) increased investments to expand existing capacity or to create new productive capacity in suitable coalfields.

There have been improvements in the coal-mining industry's economic returns; many coalfields or companies have been able to break even, if the inherited liabilities resulting from pit closures over the past few years are not taken into account. There are still unprofitable pits which will probably be closed down in the years to come; however closures must be so phased as to avoid creating economic and social problems in the regions concerned.

Because of the uncertainties which lie ahead, it is impossible to say whether or to what extent the present economic state of the coal-mining industry may change as a result of higher production costs and changes in the prices of rival sources of energy.

It is therefore not certain that the coal-mining industry will be able to comply with the abovementioned guidelines without assistance. If Member States were to abandon all subsidies to the coal-mining industry, the closure of uneconomic pits would become inevitable in the short term and it would be doubtful whether output could be maintained in the long term. Such a development would:

⁽¹⁾ OJ No 69, 30. 4. 1964, p. 1099/64.

⁽²⁾ OJ No 31, 25. 2. 1965, p. 480/65.

⁽³⁾ OJ No 261, 28. 10. 1967, p. 1.

⁽⁴⁾ OJ No L 3, 5. 1. 1971, p. 7.

⁽⁵⁾ 'Community energy policy. Objectives for 1985' (COM (74) 1960 fin.).

⁽⁶⁾ 'Medium-term guidelines for coal 1975 to 1985' (OJ No C 22, 30. 1. 1975).

- (i) make it impossible to implement the basic objectives of the second paragraph of Article 2 of the ECSC Treaty, and would in particular have a damaging effect on the efforts to rationalize the coal-mining being made in the common interest in furtherance of the aims of Article 3(c), (d) and (g) of the Treaty;
- (ii) affect the supply of energy for the Community in ways which would be incompatible with Article 3(a) of the Treaty; and
- (iii) involve the risk of causing serious economic and social disturbances in certain mining regions in the Community.

The ECSC Treaty permits Member States to retain their right to introduce changes in the financing of social benefits, while empowering the Commission to intervene, if it becomes clear that the changes made by the Member States are such as might be liable to distort competitive conditions in the common market. Contributions by the State to the financing of the social security system in order to compensate for the abnormal burdens falling on the coal-mining industry as a result of its decline can be considered compatible with the common market, especially where the measures taken by the State help to bring the ratio of the burden per miner in employment and the benefits per person in receipt of benefit into line with that of other sectors of industry. In the present circumstances it is sufficient if the measures taken for this purpose are coordinated. The Treaty does not provide the means of achieving such coordination and it is therefore permissible to rely on the first paragraph of Article 95 of the Treaty.

The Treaty provides for the establishment, maintenance and observance of normal conditions of competition. As a result of the decline of coal output over recent decades, the undertakings are faced with abnormal and unequal burdens which might distort normal competition. State subsidies to cover all or part of these burdens can be considered compatible with the common market, provided that they are examined beforehand by the Commission and that the relevant categories of the 'inherited' liabilities are defined. The appropriate conditions for the financing of social benefits apply here by analogy.

It is therefore necessary to create a new Community system of aids for the coal-mining industry to guarantee at all times attainment of the abovementioned objectives. The Treaty does not provide the Commission with any specific means of establishing such a system and, in the circumstances, it must rely on the first paragraph of Article 95 in order to guarantee the achievement of the objectives set out in the opening Articles of the Treaty.

Such recourse to the first paragraph of Article 95 of the Treaty must fit into the general programme of the Community defining a common energy policy. In the light of the new situation on the world energy market, at its meeting of 17 December 1974⁽¹⁾ the Council noted that:

- the economic equilibrium of the Community would be upset and continued economic and social progress would be impaired, given the present unforeseeable situation of the world market, if the Community continued to be highly dependent on energy, especially oil, imported from non-member countries; this dependence should therefore be reduced to a minimum;
- overall Community coal production should be maintained at its present level under satisfactory economic conditions.

At its meeting on 13 February 1975⁽²⁾ the Council approved the following guidelines to enable the abovementioned objectives for the Community's coal-mining industry to be attained:

- measures should be taken to finance the necessary investments and to make available a suitable labour force;
- stabilized and regular sales should be ensured under satisfactory economic conditions and with due regard to the interests of the consumers.

Sales of coal to the steel and electricity industries would require particular attention in this connection as would steps to build up coal stocks for the purpose of compensating for the effects of fluctuations in demand and preventing interruptions in supplies.

It is moreover important that the measures taken should not go beyond that which is absolutely necessary, and should not depart from the normal rules of the Treaty except to the extent that is strictly unavoidable in order to solve the problems which have arisen in the Community; in particular, indirect subsidies to industrial consumers of coal should be avoided.

The coal policy guidelines set out in the preceding paragraphs have led to the conclusion that the Commission must examine the financial measures envisaged by the Member States to assist the coal-mining industry prior to their introduction, to ascertain whether they contribute to the achievement of the following aims:

- maintenance of the level of the Community's total coal production under satisfactory economic conditions;

⁽¹⁾ Council resolution R/3649/74.

⁽²⁾ Council resolution R/505/75.

- concentration of production in those collieries or coalfields which have the best potential for increasing their productivity or which are best suited to contribute to the supply of particular coal markets in the Community;
- closure of uneconomic collieries without causing serious economic and social disturbances in regions where re-employment possibilities are still inadequate.

III

The approval of the Commission for the measures envisaged by Governments must be based on precise and full knowledge of these measures, and must take due account of the interaction of all the economic and social factors which they involve. For this reason there must be provisions requiring the Member States, within the framework of Article 47 of the Treaty, to provide the Commission regularly with full information on the direct or indirect measures envisaged in support of the coal-mining industry, and also on the reasons for and the scope of these measures, particularly with regard to their effects on long-term trends in output, imports and the sale of coal, with due regard to the long-term prospects for security of coal and energy supplies.

Furthermore, criteria should be established to ensure that the aids granted correspond to the purpose intended; for this reason, there must be no possibility of granting aids, the relative size or particular details of which would be such as to impair the proper functioning of the common market, particularly by altering the conditions governing production, sales, and trade within the Community in a way contrary to the common interest. Steps must therefore be taken to ensure that so far as possible all action taken by the Member States in the financial field:

- is broadly in accordance with the quantitative forecasts for each coalfield or undertaking;
- takes account of the guidelines of this Decision in respect of both long-term maintenance of production under satisfactory economic conditions and of the formation of Community coal prices in view of the need to avoid indirect aid to industrial consumers;
- contributes to the requisite progress of rationalization;
- forestalls serious economic and social disturbances in regions where the re-employment possibilities are still inadequate.

In assessing aids, the Commission should consider not only those aids granted on the basis of the present Decision, but also all other financial measures of support for the coal-mining industry in the Community.

Furthermore, when the financial position of undertakings in the coal-mining industry so requires, provision must be made for advance payment even before the approval procedure has been completed.

IV

Finally it is necessary to define the various forms of aid which can be given advance approval by the Commission:

- (a) overall Community production can be stabilized under satisfactory economic conditions only if additional production capacities are created in new or existing pits in those coalfields which are economically sound; therefore large-scale investments must be made for this purpose and these could be facilitated by the grant of aids; to make the system of aids more transparent the coal undertakings should be required to enter investment aids in a special account;
- (b) the stabilization of overall production also calls for expenditure on the training and stabilization of the labour force; consequently, it must be possible to approve the grant of aids to finance such expenditure;
- (c) mining undertakings should be allowed to establish and maintain as necessary seasonal stocks of coal and coke, in order to ensure continuous utilization of production capacity and to increase the flexibility of the Community's coal supply; since this could place very large financial burdens on the coal-mining industry, it must be possible to grant aids for this purpose;
- (d) it must be possible to grant aids to undertakings to reduce or compensate for the burdens occasioned by the maintenance of security stocks of coal and coke, set up on government initiative in order to secure energy supplies;
- (e) in order to guarantee security of sales of Community steam coal to power stations, Member States may have to adopt special measures; however, it should be ensured that such measures do not go beyond that which is necessary to maintain the competitiveness of power station steam coal, and do not take a form that would prejudice the applicability of this Decision;
- (f) it may be that, in the case of unprofitable coalfields or undertakings, the aids envisaged above will not suffice to prevent the occurrence of serious economic and social disturbances in those regions which do not yet offer adequate possibilities of re-employment; they may furthermore fail to ensure that production in the other coalfields

which are important from the point of view of long-term supply does not drop below the level considered necessary to guarantee security of the Community's energy supplies; in such case additional aids could be required, up to the maximum necessary to cover the difference between the probable average costs of coal production and the average returns achievable in the year covered by the forecast.

The Commission may, after consultation with the Governments of the Member States, limit aids to those coalfields which are important from the point of view of long-term supply if it considers that the difference between costs and receipts results from behaviour by undertakings in the coal-mining industry which is in keeping neither with satisfactory economic conditions nor with the requirements of the long-term security of the energy supply.

The financial imbalance of an undertaking may render it essential to cover, in addition, the actual losses incurred in the two preceding years, subject to proof that failure to cover these losses would have consequences contrary to the aims of this Decision.

V

In view of the unpredictable future of the coal-mining industry, the application of different forms of aid depending on the situation constitutes an effective means of achieving both the economic and social aims which derive from the principles set out in the opening Articles of the Treaty.

The proper implementation of this Decision must be ensured through provisions which enable the Commission to exercise its power of approval effectively, to make that approval subject to any appropriate conditions, to carry out all necessary checks subsequently and to revoke its approval when it is no longer justified. The Commission must also be in a position to object to aids granted to undertakings which, either in the application of their list prices or by recourse to alignment, apply artificially low prices which would interfere with the proper functioning of the common market. For this reason, provision must also be made to ensure that this Decision may be suspended in the event of serious disturbances of supply in the market or of a change in the basic economic conditions which led to its adoption. The Commission will inform the Council during 1980 of how this Decision is being applied.

In view of the need to secure the Community's energy supplies and to allow the necessary measures to be taken by the coal-mining industry, it seems advisable to fix the validity of this Decision for a period of 10 years. In order to take into account any new circumstances, provision should be made so that, five years after the date of its entry into force, this Decision may be amended or revoked on the initiative of a Member State or the Commission in accordance with the procedure laid down in the first paragraph of Article 95 of the ECSC Treaty,

HAS DECIDED AS FOLLOWS:

SECTION I

General aims

Article 1

The Commission is empowered, subject to the conditions set out below, to approve financial support by each Member State for the coal-mining industry of the Community, if, having regard to the objectives laid down by the Council in its resolution of 17 December 1974 on Community coal production, this support facilitates the achievement of the following objectives:

- (1) maintenance, extension or rationalization of the production capacity of pits or coalfields which, having regard to their location in relation to markets, to their reserves of qualities in demand or their potential for improved production, appear best able to supply the Community's long-term energy coal and coking coal requirement under satisfactory economic conditions;
- (2) further adaptation of the production of pits or coalfields having a low economic return to market conditions in such a way as to avoid causing serious economic and social disturbances in those regions where re-employment possibilities are still inadequate.

SECTION II

Obligations of Member States

Article 2

1. If a Member State intends to take measures in accordance with Article 1, it must provide the Commission, not later than 1 November each year, and separately for each coalfield or undertaking, with the following information:

- (1) all financial measures which the State in question proposes to take in the ensuing year in order to give direct or indirect support to the coal-mining industry;
- (2) when the financial measures are in support of social security benefits in the coal-mining industry:
 - (a) the legal and administrative provisions applicable in each case or changes in existing provisions that have already been notified,
 - (b) the total amount of social security benefits, broken down by category, paid during the preceding year to workers and former workers in the coal-mining industry and to their dependants, the number of recipients of these benefits and the corresponding information for the general system,
 - (c) the various resources drawn upon and the corresponding amounts allocated for the financing of the benefits referred to in (2) (b);
- (3) where the financial measures are designed to cover the inherited liabilities of undertakings in the coal-mining industry:
 - (a) the type of inherited liability to be covered,
 - (b) the probable amount of the inherited liability for the year in which aid is granted,
 - (c) information on the extent to which undertakings have integrated inherited liabilities into the cost of current production or have built-up special financial reserves to cover such liabilities themselves;
- (4) the reasons for and the scope of the various intervention measures, all further information for their assessment in accordance with this Decision, and proof that the measures are not more extensive than is absolutely necessary to achieve the aims desired;
- (5) forecasts of trends in production, imports and sales of coal and coke, presented in the form of balance sheets, showing:
 - (a) for the fifth year ahead:
 - an overall forecast of the availability and sales of coal,
 - (b) for the year ahead:
 - a forecast of the availability and sales of coal for each of the following sectors: coking plants, power stations, other industrial consumers and domestic use,
 - a forecast of production and sales of coke for each sector;

- (6) information over a five-year period on the probable development of existing production capacity in the coalfields or undertakings and on plans and measures to create new pits;
- (7) information for the following year on proposed closures of pits or parts thereof, and forecasts of the restructuring of the regions concerned and re-employment of redundant workers in connection with regional development programmes.

2. For 1976, the information specified in paragraph 1 is to be provided not later than 30 June 1976.

3. If a Member State intends to take supplementary financial measures in addition to the measures already notified under paragraph 1 or to modify existing measures during the calendar year, it must inform the Commission thereof in time for it to assess the proposed measures and to pronounce upon them in accordance with the procedure laid down below.

SECTION III

Procedure for assessment and approval

Article 3

1. The Commission shall examine how far the measures proposed by the Member States to assist the coal industry are compatible with the proper functioning of the common market, on the basis of the following criteria:

- (1) consistency of the quantitative forecasts established for each coalfield or undertaking within the figure for the overall supply of the Community with coal and coke;
- (2) considerations of intra-Community trade and the state of competition between the Community's coal producers;
- (3) advisability of the financial measures envisaged by the Governments, in the light of the objectives of this Decision, the pricing of Community coal, in so far as prices are affected by the level of aid, with due respect for the principle that the aid must be no higher than absolutely necessary and must not constitute indirect subsidization of industrial consumers;
- (4) progress in the adaptation and development of production capacities and in the rationalization of those pits with the highest productivity, having regard to their situation in relation to the markets and to their reserves of qualities of coal in demand;
- (5) need to avoid serious economic and social disturbances caused by the closure of unprofitable pits in regions where re-employment possibilities are still inadequate.

2. When carrying out its examination in accordance with the criteria in paragraph 1, the Commission shall take into consideration not only those aids which can be granted under this Decision, but all other financial measures taken to assist the coal-mining industry of the Community. It shall ensure that these aids and financial measures do not contravene the principle of non-discrimination laid down in the Treaty.

Article 4

1. Contribution by Member States to the financing of social security benefits shall be considered compatible with the common market, provided that, for undertakings in the coal-mining industry, they bring the ratio between the burden per miner in employment and the benefits per person in receipt of benefit into line with the corresponding ratio in other sectors.

2. The Governments of the Member States shall submit to the Commission the necessary basic data and details of how they calculated the ratios between the burdens and benefits referred to in the foregoing paragraph.

Article 5

1. Measures taken by Member States to assist undertakings to cover the costs arising from pit closures which are not related to current production and sale of coal shall be considered compatible with the common market provided that the amounts of such measures do not exceed the amount of such costs, i.e. of the inherited liabilities. Such aid may be used to cover:

- (1) the costs incurred by single undertakings which are making or have made closures, limited to the following:
 - (a) costs of social security payments incurred through pensioning off workers before they reach the legal retiring age,
 - (b) other exceptional expenditure for workers made redundant because of closures,
 - (c) the payment of pensions and allowances outside the statutory insurance scheme to workers made redundant because of closures, and to those who were entitled to such payments before the closure,
 - (d) the free delivery of coal to workers made redundant because of closures and to those who were entitled to such coal before the closure,
 - (e) residual charges arising out of tax provisions,
 - (f) additional safety work that has to be carried out underground as a result of closures,
 - (g) subsidence or similar damage attributable to pits which were worked earlier,

- (h) residual charges in respect of payments to bodies dealing with water supply and disposal of waste water,
- (i) other residual charges in respect of water supply and disposal of waste water,
- (j) residual costs in respect of sickness insurance scheme contributions on behalf of former mineworkers,
- (k) exceptional material loss caused by the closure of pits where compensation for these losses is vital to the continuing existence of the undertaking;

(2) the costs incurred by several undertakings:

- (a) increases in the contributions needed to cover social security obligations outside the statutory insurance scheme where such increases result from a reduction, due to closures, in the number of those liable to pay contributions,
- (b) expenditure caused by closures, in respect of water supply and disposal of waste water,
- (c) increases in payments to bodies dealing with water supply and disposal of waste water where these increases are attributable to a reduction, following closure, in the production of coal on which the levy must be paid.

2. The measure may consist of a lump sum, which shall not exceed the actual amount of the inherited liabilities.

3. The Governments of the Member States shall submit to the Commission the necessary basic data and details of their methods of calculation of the ratio between the actual overall inherited liabilities of undertakings and the proposed measure.

Article 6

1. The Commission may, after consultation with the Council, approve the aids provided for in Articles 7 to 12 below, provided that it is satisfied that the aids meet the requirements of Article 3.

2. The Commission shall give its opinion, in accordance with the procedures and rules of the Treaties, on all other aids and financial measures, in particular those referred to in Articles 4 and 5, as far as they are covered by the Treaties.

3. The Member States shall not grant the aids referred to in paragraph 1 above without the prior approval of the Commission.

4. Where the financial position of an undertaking requires the payment of advances on the financial measures proposed before the procedure for approving them has been completed, such advances shall be designated as such and shall only be paid on the express understanding that they may have to be repaid.

Aid from Member States*Article 7*

1. Approval may be given to aids from Member States which are intended to maintain or extend production capacities in mining areas where economic conditions are favourable.

2. Approval may be given to aids from Member States which are intended, within the framework of further rationalization or adaptation of undertakings to the conditions obtaining on the coal market, to improve the economic returns from, or the safety of, existing mines.

3. The aid referred to in paragraphs 1 and 2 may be granted for individual investment projects, for investment programmes or for the testing of equipment involving new techniques subject to the following conditions :

- (1) the investment projects or programmes must help to improve the economic returns from, or safety in, the mines ; Governments must supply proof of this ;
- (2) investment projects or programmes designed to improve economic returns must primarily contribute to :
 - (a) concentration of pits,
 - (b) increased mechanization and automation of coal winning or of underground operations,
 - (c) upgrading the coal produced ;
- (3) investments intended for the testing of equipment involving new techniques must help to speed up and facilitate the practical application of new technology in the coal-mining industry.

4. Undertakings in the coal-mining industry shall be required to enter the investment aids received in a special account.

5. In the case of investment programmes, the Commission must be informed at least once a year, in respect of each individual project in the programme which it is decided to carry out, of the aim of the project and of the amounts of the investment expenditure assigned to it and the amount of the aids involved.

6. Where the aids applied for concern investments which have already benefited from measures taken under Articles 54 and 55 of the ECSC Treaty, the amount of such benefits must be shown separately for each project.

Approval may be given to aids from Member States which are intended to help finance expenditure borne by undertakings in connection with such recruiting, training, adaptation and stabilization of the labour force as is absolutely necessary.

Article 9

1. Approval may be given to aids for the building-up and holding of exceptional stocks intended to make the supply of Community coal more flexible and more readily adaptable to periodic fluctuations in demand.

2. Exceptional stocks shall qualify for aid only if they are stocks of marketable coal and coke belonging to the producers or financed or built up directly or indirectly by them and if in aggregate they exceed one-twelfth of the annual production of the coalfield or undertaking concerned. Where security stocks are held by virtue of Article 10, they shall not be taken into account when fixing these exceptional stocks.

3. The aid may not exceed the cost of storing the quantities referred to in paragraph 2, inclusive of depreciation but exclusive of any decrease in value.

4. The aid is to be calculated one year in advance, on the basis of a fixed amount per metric ton, separately for coking coal, other kinds of coal and coke ; the method of calculation thereof must be indicated.

Article 10

Approval may be given to aids for the building-up and holding of long-term security stocks of coal and coke belonging to the producers or financed or built up directly or indirectly by them and stored at the pit head or stored by the consumers. Such stocks must be intended to increase the security of coal supplies against interruptions in the supply of energy and must be built up on the initiative of the Government of the Member State concerned. The aid granted may cover storage costs properly so-called, depreciation and decrease in value. Additionally the undertaking concerned may receive reimbursement from public funds of the capital tied up in the security stocks, provided that an undertaking is given that the sum will be repaid to public funds if the stocks are disposed of.

Article 11

1. Approval may be given to special aids from Member States which are intended to stabilize in the long-term the sale of Community steam coal for power stations.

2. The aids referred to in paragraph 1 must be such as to fit into the general pattern of other aids and must not adversely affect the way in which this Decision is applied.

Article 12

1. In addition to the aids provided for in Articles 7 to 11, approval may be given to aids where it can be shown that:

- (1) in unprofitable coalfields the adjustment of the level of production to the level called for by market conditions would give rise to major social and economic disturbances in a region where the possibilities of re-employment are still inadequate; or
- (2) in profitable coalfields or in coalfields whose production is necessary for the supply of specific markets, the production capacity necessary in the long term to ensure the Community's energy supply cannot be maintained without such aid.

2. Aid under paragraph 1 (1) shall be granted only:

- (1) if pit closures and redundancies are likely;
- (2) to the extent that it does not exceed, for each individual coalfield or undertaking, the difference between the foreseeable average costs of coal production and the average returns achievable in the next calendar year (coal production year);
- (3) if, for each coalfield or undertaking, it is expressed as a uniform figure per metric ton produced;
- (4) if its amount is justified by the communication of details of the average production costs and receipts for the most recent period of time elapsed.

3. Aid under paragraph 1 (2) must be calculated in accordance with the requirements laid down in paragraph 2 (2) to (4) provided that the Commission may fix a maximum amount if it finds that the difference between the foreseeable average costs of coal production and the average returns achievable in the next calendar year (coal production year) is due to changes in the situation of undertakings in the coal-mining industry which are in keeping neither with satisfactory economic conditions nor with the requirements of the long-term security of the energy supply.

4. The reductions in costs resulting from the grant of aids in accordance with Articles 4, 5 and 7 to 11 of this Decision must be allowed for in calculating the production costs or operating losses of pits.

Production costs may include normal depreciation and a normal rate of interest on the capital required for the operation.

5. In determining the level of aid payable, aids granted under Decision 73/287/ECSC on coking coal and coke must be taken into consideration and shown in the accounts.

6. In exceptional cases where the maintenance of a pit is indispensable due to the existence of the circumstances listed in paragraph 1, but is threatened by the financial imbalance of the undertaking, an aid may be granted which goes beyond that permitted under paragraphs 2 and 3, provided such aid is limited to covering a previously uncovered difference between the production cost of and the returns on the coal produced during a period not exceeding the two preceding years. In this case, documentary evidence covering the points referred to in the preceding paragraphs must be submitted for the period during which the losses were incurred. Information must also be supplied regarding the extent to which such losses have meanwhile been reduced as a result of other measures taken by Member States.

SECTION V

General and final provisions

Article 13

In deciding whether the financial measures proposed by Member States are compatible with the proper functioning of the common market, the Commission shall also give due consideration to any aids which may be granted under Decision 73/287/ECSC of 25 July 1973.

Article 14

1. In order to ensure that any aid it approves is used exclusively for the purposes set out in Articles 7 to 12 of this Decision, the Commission may:

- (1) make its approval subject to any appropriate conditions;

(2) limit the use which undertakings in receipt of aid may make of their right to align their quotations in accordance with Article 60 of the ECSC Treaty and require them to maintain minimum prices. Any infringements shall be dealt with under Article 64 of the ECSC Treaty.

2. The Commission may carry out any appropriate checks on undertakings.

3. The Commission shall revoke its approval of aids or shall amend the terms of approval if it finds that the aids no longer fulfil the conditions imposed by Articles 7 to 12 of this Decision, or that the actual consequences of such aids or the use to which they are put are contrary to the conditions required for approving the grant thereof. The Member State concerned shall comply with the Decision to revoke approval or to modify its terms within the time limits laid down by the Commission.

Article 15

If, at the request of a Member State or on its own initiative, the Commission finds that :

- (1) the application of this Decision threatens to cause a major disturbance in the common market for coal, or difficulties which could bring about a deterioration in general energy supplies or in the economic situation of a region, or
- (2) appreciable changes occur in the conditions or the scale of intra-Community trade on the coal market, thereby changing the economic circumstances which formed the basis for taking this Decision,

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

Done at Brussels, 25 February 1976.

the Commission may wholly or in part suspend the application of this Decision after consulting those concerned. The Commission shall immediately inform the Council.

Independently of the provisions contained in the preceding subparagraphs, the Commission shall submit a report to the Council in 1980 on the experiences and the problems encountered in applying this Decision.

Article 16

The Commission shall report at regular intervals to the Council on the application of this Decision.

Article 17

The Commission shall take, after consultation with the Council, all requisite measures for the application of this Decision.

Article 18

1. This Decision shall enter into force on 1 January 1976. It shall cease to have effect on 31 December 1985.

2. Five years after its entry into force, this Decision may in accordance with the procedure laid down in the first paragraph of Article 95 of the ECSC Treaty, be revoked or amended on the initiative of a Member State or the Commission, should any new developments render this necessary.

For the Commission

Christopher SOAMES

Vice-President

COMMISSION DECISION

of 25 July 1973

concerning coal and coke for the iron and steel industry in the Community

(73/287/ECSC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Coal and Steel Community, and in particular Articles 2 to 5 and 95 (1 and 2) thereof; following consultation with the Consultative Committee and with the unanimous endorsement of the Council;

I

Whereas changes in the structure of the energy market resulted in the adoption by the Member States, on 21 April 1964, of a Protocol of Agreement on energy problems; whereas, pursuant to Paragraph 11 of this Protocol and on the basis of Article 95 (1 and 2) of the Treaty, the Commission adopted, on 22 December 1970, Decision No 3/71/ECSC relating to a Community system of Member State contributions in support of the coalmining industry, subsequent to Decision No 3/65 of the High Authority dated 17 February 1965;

Whereas the special nature of the market in coking coal and cokes intended for the iron and steel industry resulted in the adoption by the High Authority (following the unanimous endorsement of the Council), on 21 February 1967, of Decision No 1/67 (1) relating to coking coal and cokes intended for the iron and steel industry;

Whereas this Decision, having been extended for a year (2), expired on 31 December 1969;

Whereas for the same reasons and following the same procedures the Commission adopted, on 19 December 1969, Decision No 70/1/ECSC (3) relating to coking coals and cokes and whereas the latter ceased to have effect as from 31 December 1972;

Whereas it transpired that upon expiry of Decision No 70/1 the great majority of coking coal producers and consumers had failed to take the necessary steps to ensure that the financing expenses incurred through supplying coke to the iron and steel industry would be offset in full by the latter;

Whereas the years to come will continue to witness economic difficulties in connection with the production and sale of coking coal and cokes intended for the iron and steel industry, on account of the fact that a large part of Community production is in deficit over both the medium and the long term; whereas heavy cutbacks in production capacity could yet prove

necessary; whereas, at the same time, uncertainty exists as to what would be the situation with regard to the supply of coking coal to third countries, as a result of an excessively rapid or excessively heavy run-down of Community production capacity; whereas restrictions still exist in the sphere of commercial policy;

Whereas, moreover, the sudden abolition of a special system of aids for coking coal and cokes intended for the iron and steel industry would be to run the risk of revitalizing the very disruptive forces which Decisions Nos 1/67 and 70/1 had set out to neutralize;

Whereas, in particular, the danger would be created that a situation running counter to Community solidarity could develop both in terms of the quantities available for intra-Community trade and also in the field of price adjustments in respect of coking coal from third countries;

Whereas any development of this nature would jeopardize the achievement of certain basic objectives for which the Community has assumed responsibility, and in particular the objectives set out in subparagraphs (a) and (d) of Article 3 of the Treaty;

Whereas, in these circumstances, it appears necessary for the achievement of these Community objectives to set up a new special system of aids for the coal industries with a view to facilitating the necessary production of coking coal and cokes and also, through the expansion of the adjustment regulations, reducing the prices of coking coal and cokes intended for the iron and steel industry, while at the same time providing a Community financing system for intra-Community trade and other financial responsibilities arising out of the enlargement of the Community;

Whereas the Treaty has not provided for the necessary powers to this end; whereas, in the light of these unforeseen circumstances the provisions of Article 95 (1) have had to be invoked in order to ensure the realization of the aims in question;

II

Whereas a new special system of aids for coking coal and cokes intended for the iron and steel industry should, during the period of its applicability, enable both the coal producers and the coal consumers gradually to introduce the necessary measures whereby this system would give way to a situation in which the iron and steel industry itself could bear in full the financial burden of supplying it with coke;

(1) OJ No 36, 28. 2. 1967, p. 562/67.

(2) Commission Decision No 2177/68/ECSC, 27. 12. 1968 (OJ No L 315, 31. 12. 1968, p. 1).

(3) OJ No L 2, 6. 1. 1970, p. 2.

- either by buying Community coal⁽¹⁾ at a price which would cover its production costs, allowances being made for a guarantee premium where appropriate,
- or by having recourse to the world market, which in the period covered by the system of aids could imply a basic change of policy as regards supplies to the undertakings;

Whereas, accordingly, the new system should be subject to a definite time limit and should, moreover, be phased out gradually;

Whereas, in the light of present circumstances, the best way of achieving the abovementioned aims would appear to be by facilitating the necessary production of coking coal through the granting of production aid at a variable rate in respect of each coalfield for a period of six years and, further, by facilitating marketing procedures in respect of areas located far away from the production field and by facilitating deliveries undertaken in the framework of intra-Community trade through the granting of marketing aid at a rate which would vary according to the plant supply potential and which would be reduced for the last two years of the period of applicability of the Decision;

Whereas, in order that the different economic conditions prevailing in the various coalfields may be taken more effectively into account, the Member States should be empowered, where appropriate, to fix production aid rates which reflect, above all, the difference between the average coalfield production costs and the prices obtainable through the main sales outlets and which also reflect the long-term marketing situation, even where this difference exceeds what would be strictly justified for reasons of security of supply; whereas the fixing of these rates must be authorized by the Commission on the basis of the criteria stipulated above;

Whereas, in order to ensure that the new system of aids is fully effective, contractual relations between the producers and consumers of coking coal and coke must be placed on a firm basis, whereby each side is on an equal footing; whereas, accordingly, the granting of aid must be conditional on the existence of long-term contracts;

Whereas, in respect of marketing aid, guarantees must be provided to the effect that such aid is passed on to the purchaser in the form of price reductions and that, in the event of production aid benefits also being passed on, this must be effected in such a way as to avoid any element of discrimination *vis-à-vis* the various long-term contracts;

(¹) Apart from any support from public funds which might be justified by considerations specifically linked with the future of the coal industry.

III

Whereas under Article 60 (2) (b), last subparagraph, alignment on the delivered prices of third country products is permitted only if the purchaser is in a position to accept such products; whereas, for coking coal and coke, products of third countries do not effectively compete in all the regions of the common market;

Whereas the objective of the Decision may only be reached if undertakings are able to grant, for deliveries made within the framework of long-term contracts, rebates on their index prices, even where there is no effective competition in the place of utilization;

Whereas it is necessary to set up guarantees preventing increased alignment possibilities arising from this Decision from leading to underbidding in relation to prices for coking coal from third countries; whereas it suffices for this purpose to provide the Commission with the power to set guide prices;

Whereas it is necessary to prevent, in the event of delivery of blast furnace coke, the net coking cost from not being entirely covered; whereas for this purpose the Commission should be given the power to set standard values enabling a price for coke to be calculated on the basis of a price for coking coal;

Whereas correct application of the present Decision requires, furthermore, that the Commission be able to fix criteria for the evaluation of quality differences between coking coal and coke which are the subject of the deliveries referred to by the present Decision;

Whereas infringement of this Decision should result in the application of Article 64 of the Treaty;

IV

Whereas in paragraph 1 above the reasons why the granting of aids to coal industries to facilitate the production of coking coal and coke and the marketing of such products is likely to meet a number of the objectives defined in Article 3 of the Treaty; whereas, in this field, the size of intra-Community trade and the provisions of Article 59 of the Treaty in the event of a shortage justify Community financing of marketing aids relating to intra-Community trade;

Whereas the rules for financing aid should be adopted taking account of the interests of the Member States and of the blast furnace coke consumer industry;

Whereas about two-thirds of Community coal and coke production intended for blast furnaces are consumed in the coal-producing countries and it is therefore fair that aid to production should be borne by these countries;

Whereas the market situation justifies a marked increase in the rate of aid to marketing in relation to the previous Decision, which results in greater costs; whereas because of the impossibility of covering these costs entirely by national fiscal means, it is necessary to make provision for a Community contribution to the payment of aids to marketing relating to intra-Community deliveries;

Whereas because such a contribution is not included in the costs listed in Article 50, first subparagraph of the Treaty, the provisions of Article 95, first subparagraph should be referred to in such a case of non-provision;

Whereas the benefit conferred on blast furnace coke consumers by the established system is such that they should also contribute to Community financing of aids to marketing for intra-Community deliveries; whereas in respect of such financing, Article 53 of the Treaty provides for the making of any financial arrangements which are recognized to be necessary for the performance of the tasks set out in Article 3; but whereas such arrangements, which usually take the form of an equalization fund, generally imply the distribution of expenditure in favour of a limited number of undertakings or of transactions among all the undertakings in question; whereas in the case in question the consumption of Community coal definitely exceeds the consumption of imported coal, so much so that recourse to an equalization fund would prove inadequate; whereas reference should be made to the provisions of Article 95, first subparagraph, when there is no provision for such a case in the Treaty;

Whereas the contribution from the blast furnace coke consumers must be on the most neutral basis possible and at a level not likely to damage the conditions of competition;

Whereas the amount of the contributions provided by the iron and steel industries not taking part in intra-Community trade and covering a large part of their coking coal requirements of national origin can serve to reduce the burden, to the producer countries concerned;

Whereas Community financing should be both simple and effective; whereas, to this end, it suffices to provide for the setting-up of a special fund operated by the Commission;

Whereas correct application of Decision No 3/71/ECSC of 22 December 1970 would not be guaranteed if the Commission did not take account of the aids provided for by the present Decision when considering whether the aids referred to in Articles 6 to 9 of Decision No 3/71 are likely to jeopardize the smooth running of the common market; whereas, furthermore, the Commission must ensure that the aids provided for by this Decision do not alter the conditions of competition between coal or coke producing undertakings or between iron and steel undertakings;

Whereas provision should be made, in respect of Community institutions, for the possibility of amending the financial arrangements, particularly with a view to adapting them to long-term supply trends and patterns in the enlarged Community, and the possibility of suspending this Decision if its application raises serious difficulties causing changes in a regional economic situation, and in cases of marked changes occurring in the conditions, volume or distribution of intra-Community trade patterns, thus altering the economic conditions which led to the adoption of this Decision; whereas the Commission must be able to limit the benefit of the granting of aids in cases where the performance of long-term contracts jeopardizes the objectives of this Decision;

Whereas it could become necessary to define, by general decisions, the conditions for the application of the rules established by this Decision and whereas appropriate procedures should be laid down to this end;

Whereas this Decision is intended to bring a temporary contribution to the solution of the problems raised by such non-substitutable products as coking coal and coke intended for the iron and steel industry; whereas its period of validity should therefore be limited to six years; whereas, in order to avoid a permanent solution, it appears advisable that the provisions of this Decision relating to aid, price rules and Community financing should enter into force on 1 January 1973;

HAS ADOPTED THIS DECISION:

SECTION I

Aids by Member States

Article 1

The Member States are authorized to grant to coal undertakings under their jurisdiction which supply coking coal and blast-furnace coke to the Community iron and steel industry aids to facilitate production,

marketing in regions far away from the production areas and intra-Community trade, and the conclusion and implementation of long-term contracts for supply and collection. To this end the following aids may be granted :

- (a) a production aid, for which the governments shall each year determine a rate per coalfield, while taking particular account of the average costs of production in that coalfield, the price of coking coal in its principal sales area and the long-term supply conditions ;
- (b) a sales aid applying to deliveries to areas remote from the coalfield or effected by way of intra-Community trade. The rate of any such aid may not exceed 3 u.a. per metric ton of coking coal in the case of deliveries to installations which can be supplied direct via maritime transport and 1.60 u.a. per metric ton in all other cases. These rates shall be reduced to 2.60 and 1.40 u.a. respectively for the fifth year and 2 and 1 u.a. respectively for the sixth year of the term of the Decision. These levels are determined on the basis of the rates applicable for the first year of application, without prejudice to the provisions of Article 10. No scale adopted by a government shall introduce any element of discrimination into the aids relating to the deliveries made by the coal undertakings.

Article 2

1. Where a Member State makes use of its option under Article 1, the following rules shall apply :

- (a) the aids shall be paid to the coking-coal producer undertakings in respect of their disposals of their own coal ;
- (b) the aids may be paid only where the coal is used for coking and the coke in question is actually consumed in the blast furnaces of the Community iron and steel industry ;
- (c) the aids may be paid only where deliveries of coking coal and blast-furnace coke are made under a long-term contract.

2. The production aids referred to in Article 1 (a) of this Decision may be paid only after the rates thereof have been authorized by the Commission. The authorization shall be given by the Commission with due regard to the criteria referred to in Article 1 (a). For this purpose Member States shall, by 30 September of each year, submit their applications for the following calendar year, together with supporting documents. The Commission shall give its ruling within two months after receipt of the application.

3. The sales aid referred to in Article 1 (b) may be granted only if it is passed on in the form of price rebate to the purchaser of coking coal or blast-furnace coke. When a coal undertaking passes the production aid on to his buyers, this shall not give rise to discrimination between the various long-term contracts to be performed by that undertaking.

SECTION II

Pricing rules

Article 3

1. Coal undertakings are authorized, where necessary, to grant rebates on their list prices, for disposals of coking coal and blast-furnace coke for the Community iron and steel industry under long-term contract, even where there is no actual competition from coal or coke from non-member countries at the point of consumption.

2. The rebates allowed under (1) above shall not cause the delivered prices of Community coal and coke to work out lower than those which would be charged for coking coal from non-member countries and coke made from non-member country coking coal.

3. All other provisions concerning the alignment provided for by Article 60 2 (b) last subparagraph of the Treaty, and decisions in implementation thereof, shall apply to the transactions referred to in (1) above, in particular those which allow the Commission, in the event of abuse, to abrogate or restrict the right of the undertakings concerned to grant such rebates.

Article 4

Should an undertaking infringe the rules laid down in Article 3, the provisions of Article 64 of the Treaty shall apply.

Article 5

1. The delivered prices of coking coal from non-member countries referred to in Article 3 (2) shall be calculated from the prices cif Community ports for comparable transactions. The Commission may fix guide cif prices.

2. The delivered prices of blast-furnace coke from non-member countries referred to in Article 3 (2) shall be calculated from the cif prices for coking coal referred to in (1) above in such a way as to cover in full the net coking costs of the supplying coking plants. Standard values therefor may be laid down by the Commission.

3. The Commission may lay down criteria for the assessment of differences in grade in coking coal and coke.

SECTION III

Community financing arrangements

Article 6

Community financing arrangements shall be set up for:

- sales aids paid in pursuance of Section I of this Decision in respect of intra-Community trade;
- the amount of the contributions by the iron and steel industries of member countries not engaged in intra-Community trade, insofar as their production of coking coal covers at least 75 % of the requirements of their blast-furnaces.

A special fund administered by the Commission shall be instituted for this purpose.

Article 7

1. The Community financing arrangements shall cover a quantity of coking coal amounting to no more than 15 million metric tons per annum, and the amount of the contributions referred to in Article 6 above.

2. The special fund shall be financed as follows:

(a) The contribution of the European Coal and Steel Community shall be:

- for the first year, 0.266 u.a. per metric ton of coal, ie, not more than 4 million u.a.;
- for the second year, 0.333 u.a. per metric ton of coal, ie, not more than 5 million u.a.;
- for subsequent years, 0.400 u.a. per metric ton of coal, ie, not more than 6 million u.a. per annum.

(b) The Member States shall provide the following overall contributions, on the scale shown in paragraph 3 below:

- for the first year, 0.627 u.a. per metric ton of coal, ie, not more than 9.4 million u.a.;
- for the second year, 0.560 u.a. per metric ton of coal, ie, not more than 8.4 million u.a.;
- for the third and fourth years, 0.493 u.a. per metric ton of coal, ie, not more than 7.4 million u.a. per annum;
- for the fifth year, 0.273 u.a. per metric ton of coal, ie, not more than 4.1 million u.a.;
- for the sixth year, 0.207 u.a. per metric ton of coal, ie, not more than 3.1 million u.a.;

(c) The overall contribution of the iron and steel industry not referred to in Article 6, second indent, shall be:

- for the first four years, 1.107 u.a. per metric ton of coal, ie, not more than 16.6 million u.a. per annum;
- for the fifth year, 1.027 u.a. per metric ton of coal, ie, not more than 15.5 million u.a.;
- for the sixth year, 0.593 u.a. per metric ton of coal, ie, not more than 8.8 million u.a.

The overall amount of the contribution shall be apportioned among the iron and steel undertakings on the basis of their consumption of blast-furnace coke.

The contribution of the iron and steel industries referred to in Article 6, second indent, is calculated on the basis of the rate per metric ton of consumption applicable to the other undertakings.

3. The contribution to be provided by the Member States shall be on the following scale:

Germany	31 %
Belgium	13 %
France	28 %
Italy	12 %
Luxembourg	10 %
Netherlands	6 %

Article 8

1. The supplier States may apply for reimbursement from the special fund of aids actually paid.

2. The Commission shall check the applications and determine the amounts to be reimbursed from the special fund to the Member States concerned. If the tonnages concerned exceed the limit fixed in Article 7 (1), the reimbursements shall be correspondingly reduced. The percentage of the reduction is the same for each of the supplier States.

3. The Commission shall fix the contributions to be paid into the special fund on the basis of these amounts and the contributions by the iron and steel industries referred to in Article 7 (1) above.

4. To speed up Community financing, the supplier countries shall notify the Commission of the deliveries of coking coal qualifying for aid made during the preceding quarter under Article 6. On the basis of these notifications, the Commission shall request the Member States to pay the corresponding amounts. The Commission shall forthwith apportion these amounts between the supplier States, at the same time as the corresponding contribution of the European Coal and Steel Community. The Commission shall call for contributions from the steelmaking undertakings and immediately apportion the payments among the States concerned.

5. The final accounts shall be settled at the beginning of each calendar year in respect of the preceding year.

SECTION IV

General and final provisions

Article 9

1. The Commission shall take into account the aids provided for in this Decision in assessing whether the aids referred to in Articles 6 to 9 of Decision No 3/71/ECSC of 22 December 1970 are liable to interfere with the proper functioning of the Common Market.

2. The Commission shall also ensure that the aids provided for in this Decision do not have the effect of distorting conditions of competition between coal, coke and iron or steel undertakings.

Article 10

1. In an emergency, and otherwise at the end of the first year of application of this Decision and then every two years, the Commission may, by decisions taken after consultation with the Consultative Committee and after the unanimous assent of the Council has been given, amend:

- the rate of the sales aids,
- the ceiling to intra-Community trade,
- the rules governing the financing of the special fund,
- the scale referred to in Article 7, paragraph 3.

These amendments shall take account of the long-term trend of supply conditions and the supply pattern within the enlarged Community.

2. If at the request of a Member State or on its own initiative the Commission finds that:

- (a) the implementation of this Decision is liable to give rise to serious disturbances in the common market for coal and steel, or to difficulties which may result in a deterioration in the regional economy, or that

(b) appreciable changes are taking place in the conditions, volume or pattern of intra-Community trade, thus altering the economic conditions prompting the adoption of this Decision, it may suspend application of this Decision. It shall refer the matter to the Council forthwith.

3. If at the request of a Member State or acting on its own initiative the Commission finds that performance of the long-term contracts is jeopardizing the attainment of the objectives of this Decision, it may, in respect of the undertakings in question, limit the benefits deriving from the application of Article 1.

4. In an emergency, the Commission shall, on the request of a Member State, lay down without delay the necessary safeguarding measures, notify the other Member States accordingly and refer the matter to the Council forthwith.

Article 11

The Commission shall periodically report to the Council on the application of this Decision and on developments in the supply situation, in particular in connection with intra-Community trade.

Article 12

After consulting the Council and the Consultative Committee, the Commission shall take all measures necessary for the application of this Decision.

Article 13

This Decision shall enter into force on 1 August 1973. Sections I, II and III apply retrospectively from 1 January 1973 to deliveries of coking coal and coke effected since that date. The applications provided for in Article 2 (2) in respect of 1973 shall be submitted by 31 October 1973. For the year 1973 the provisions concerning the payment of aids (Article 2 (1) (c)), possible rebates in the absence of actual competition (Article 3 (1)), and Community financing (Article 7) shall apply notwithstanding the absence of a long-term contract.

This Decision ceases to be operative after 31 December 1978.

Done at Brussels, 25 July 1973.

For the Commission

The President

François-Xavier ORTOLI

DECISION No 3544/73/ECSC OF THE COMMISSION
of 20 December 1973
implementing Decision No 73/287/ECSC on coking coal and coke

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Coal and Steel Community, and in particular Articles 47, 60 and 86 thereof;

Having regard to Decision No 73/287/ECSC (1) of 25 July 1973 on coking coal and coke, and in particular Article 12 thereof;

After consulting the Council and the Consultative Committee;

I

Whereas the Member States were authorized by Decision No 73/287/ECSC to grant aids to promote the production and sale of coking coal and coke intended for the Community's iron and steel industry; whereas in accordance with the last indent of Article 60 (2) (b) of the Treaty, Community undertakings may grant rebates on their list prices to allow them to align their offers with conditions offered by undertakings outside the Community; whereas according to Article 3 of Decision No 73/287/ECSC coal undertakings may, even where there is no actual competition at the point of consumption, grant rebates on their list prices on condition that this does not cause the delivered prices to work out lower than those which would be charged for coking coal from non-member countries and coke made from non-member country coking coal;

Whereas the Commission has the task of ensuring that the undertakings adhere to the rules laid down in the aforementioned documents and whereas it may have to act under the powers vested in it by Article 5 of Decision No 73/287/ECSC to fix guide cif prices for non-member country coking coal or standard values for coking costs;

Whereas, for this reason it is essential that the undertakings should give the Commission basic information concerning their purchases of coking coal or coke from non-member countries which are intended for the iron and steel industry's blast furnaces;

Whereas in each case such information should include the country of origin, the country of the consignee undertaking and the price and particulars of the products;

Whereas under Decision No 73/287/ECSC production and sales aids may be paid from 1 January 1973; whereas according to Article 2 of that Decision production and sales aids may be paid only where deliveries of coking coal and coke are made under a long-term contract; whereas such a contract should be made for a period of at least three years and for a fixed tonnage, or for a period of at least six years and for at least 75 % of the purchaser's requirements; whereas an exception is provided for, however, in Article 13 of Decision No 73/287/ECSC, for deliveries effected during 1973 only; whereas sufficient periods of time should be provided for after 31 December 1973 to facilitate commercial negotiations which are necessary on account of the new provisions; whereas payment of a sales aid is subject, for each transaction, to the condition that it is used in full by the undertaking which receives it to allow price rebates in favour of the purchaser of coking coal or blast-furnace coke intended for the iron and steel industry; whereas the transfer by a coal undertaking of the production aid must not introduce discrimination of any kind; whereas coal undertakings must therefore give the Commission the basic information concerning their transactions involving deliveries of coking coal or coke to the Community's iron and steel industry since 1 January 1973, regardless of the actual date of the transaction;

II

Whereas Decision No 73/287/ECSC restricts the aid for which it makes provision to deliveries of Community coking coal for the production of blast furnace coke which is actually intended for charging the blast furnaces of the Community's iron and steel undertakings;

Whereas this aim can only be achieved by eliminating from the basis of the aids any quantities which, on account of their origin or final destination, do not comply with the criteria laid down in Decision No 73/287/ECSC and also deliveries which, in view of the need to streamline administrative procedure as much as possible, and in accordance with long-term contracts, increase coking plant or blast furnace stocks beyond what is required for 120 days;

Whereas with this aim in view, deliveries by the Community's collieries must be multiplied by appropriate coefficients;

(1) OJ No L 259, 15. 9. 1973, p. 36.

Whereas the correct determination of the basis of the aid further requires that the necessary calculations should be made separately for each plant or production unit where coal, coke or pig iron is produced;

Whereas, moreover, the existence of special links, either organic, industrial or commercial, between undertakings producing coal, coke and pig iron may warrant simplification of the method of calculating aids; whereas, however, such simplifications must not prejudice the requirements of Decision No 73/287/ECSC nor from those contained in this implementing Decision; whereas within these limits the Commission should be empowered to authorize such simplifications at the request of the Member States concerned;

III

Whereas Community financing arrangements include contributions from the ECSC, the Member States and iron and steel undertakings; whereas, as regards the latter, the contribution is based on the consumption of blast furnace coke and must be paid regularly by the said undertakings;

IV

Whereas Member States must calculate the basis of the aids as uniformly as possible and from comparable data; whereas Member States must, therefore, collect the information required to calculate the aid in accordance with the questionnaires drawn up in agreement with the Commission and worded in such a way as to ensure the comparability of the information requested;

Whereas each Member State is in a position to obtain information relating to the undertakings within its jurisdiction; whereas in so far as coefficients are required for calculating the basis of aid intended for an undertaking situated in another Member State the Commission must provide that State with the coefficients or information concerned;

Whereas payments made by the Member States and the undertakings must be regarded as being provisional until verified by the Community authorities so that errors may be rectified;

Whereas in view of Community financing arrangements the Commission must have at its disposal correlated accounts providing an analysis of aids and particularly of the countries to which the fuels are consigned;

V

Whereas it is the Commission's duty to verify that the aids and actions of the undertakings comply with the principles and criteria set forth in Decision No 73/287/ECSC and in this Decision; whereas for this

reason documents, in particular, received or drawn up by national administrations by virtue of this Decision must be available at all times to the Commission;

Whereas the results of the Commission's verifications concerning coking plants or blast furnaces which use products which have been the object of aid in another country must be capable of being communicated to the State which paid the sales aid in question;

Whereas the Commission must be in a position to discharge as quickly as possible the duties devolving on it by virtue of Decision No 73/287/ECSC; whereas it is therefore necessary that the Member States should forward both the information relating to undertakings within their jurisdiction and details of aid payments made by them not later than six weeks after the end of each quarter;

Whereas this Decision shall apply to all aids covered by Decision No 73/287/ECSC,

HAS ADOPTED THIS DECISION:

SECTION I

Notification of transactions

Article 1

1. Coal undertakings within the Community shall notify the Commission of transactions or additional clauses to transactions relating to the delivery of coking coal or coke to the Community's iron and steel industry dating from 1 January 1973.
2. The information referred to above shall be forwarded (as shown in Annexes 1 and 2 to this Decision) to the Commission not later than thirty days after the date on which the contract or codicil was concluded and shall be protected by professional secrecy.

Article 2

1. To enable the Commission to follow the development of the world market in coking coal and to empower it to fix indicative cif prices referred to in Article 5 of Decision No 73/287/ECSC, the Community undertakings shall notify the Commission of their purchases of coking coal or coke from third countries intended for the iron and steel industry's blast furnaces.

2. The information referred to above shall be forwarded to the Commission every quarter as shown in Annex 3 attached to this Decision and shall be protected by professional secrecy.

SECTION II

Determination of the aid basis

Article 3

1. Any mutual agreement on the supply or removal of coking coal and/or coke shall be regarded as being a long-term contract within the meaning of Decision No 73/287/ECSC if it meets with the following requirements :

(a) either, it covers a period of at least three years and applies to a fixed tonnage ;

(b) or, it covers a period of at least six years and applies to at least 75 % of the purchaser's requirements.

2. (a) The agreement relating to a fixed tonnage may provide for variations above or below this tonnage provided that they do not exceed the following :

— for contracts for a term of three to four years either 4 % of the total tonnage or 8 % of each year's tonnage ;

— for contracts for four years or more, either 6 % of the total tonnage or 10 % of each year's tonnage.

(b) The agreement on fixed tonnage may also benefit the purchaser by providing for an option on a tonnage of not less than 10 % of the fixed tonnage agreed upon each year. This option must be exercised not later than six months before the commencement of the delivery period.

3. If a seller's available supplies are insufficient to meet all deliveries for which he is contractually bound he must treat each contract equally by ensuring that each fixed tonnage contract for the period concerned receives the same delivery percentage in proportion to its contractual tonnage as is allowable for contracts covering all requirements compared with the same deliveries for the previous two years.

4. (a) Without prejudice to the conditions on duration defined in subparagraph 1 and 2 (a) above, current contracts may be amended to comply with the above criteria until the following dates :

amendments or extensions for 1974 and 1975 :
31 March 1974,

amendments or extensions for 1976 : 30 June 1974.

(b) Likewise, new contracts for 1974 to 1976 (three year contracts) and later (contracts for four or more years) may be concluded until 30 June 1974.

Article 4

1. The amount of coking coal capable of benefiting from a production aid shall be calculated for each transaction by multiplying the coking coal tonnage consigned by a coal undertaking, to a coking plant under a long-term contract as defined in Article 3 by a coefficient peculiar to that coking plant and equal to the proportion between all consignments of coke from the coking plants to the blast furnaces of the Community's iron and steel industry, covered by long-term contracts during the quarter concerned and the total production of coke in the coking plant in the same quarter less the amount of coke dust reprocessed to achieve this tonnage.

2. The quantity of coking coal capable of benefiting from a sales aid shall be calculated, as shown in subparagraph 1 above, from deliveries referred to in Article 1 (b) of Decision No 73/287/ECSC and notified in accordance with Article 1 of this Decision.

3. When coal stocks in a coking plant or coke stocks in a blast furnace exceed 120 days' supply at the date of expiry of a contract or of Decision No 73/287/ECSC the surplus in question shall be deducted from the figure representing consignments as referred to in subparagraph 1 above.

Article 5

In this Decision a mine, coking plant or blast furnace shall be understood to mean any coal, coke or pig iron production unit which belongs to a single undertaking and is a party to the same transaction.

Article 6

The Commission may, at the request of one or more Member States, authorize the simplification of the method of calculating the basis of aids provided that such action is justified by the structure of the coal and steel industries.

SECTION III

Fixing and collecting the contributions of the iron and steel industry

Article 7

1. Each quarter the iron and steel undertakings shall calculate the amount of their contributions on the basis of their consumption of blast furnace coke

and at the rate per metric ton that is notified to them by the Commission. They shall pay this amount to the Commission, as shown in Annex 7, to this Decision, within fifteen days from the date of the call for funds as provided for in Article 8 (4) of Decision No 73/287/ECSC.

2. The payments made shall be provisional until the inspection referred to in Section V below has been concluded.

SECTION IV

Organization of administrative proceedings

Article 8

1. The information required to determine the basis of aid and contributions defined in Sections II and III above shall be obtained by the Member States from undertakings producing coal and coke or using blast furnace coke (within their jurisdiction).

2. The questionnaires to be used for this purpose shall be prepared in conjunction with the Commission, which will ensure comparability of the information requested.

3. The Member States will, on the basis of information provided by the undertakings, establish coefficients as defined in Article 4 above and will notify the Commission of them.

4. Where the coking plant and/or blast furnace are situated in a country other than that where the coal undertaking is situated, the Commission shall notify the government of the coal undertaking country of the coefficients and/or of the information necessary to calculate the basis and the aid.

5. The basis and the aid, used when arriving at the provisional payment referred to in Article 8 (4) of Decision No 73/287/ECSC, shall be calculated from the latest coefficients notified to supplying countries for the current payments in question.

Article 9

1. Each quarter the Member States shall calculate the amounts owing to coal undertakings within their jurisdiction. They shall draw up an annual summary account, taking into consideration necessary changes, particularly of Article 4 of this Decision and of Article 8 of Decision No 73/287/ECSC.

2. The payments shall be provisional until the inspection referred to in Section V below has been concluded.

Article 10

1. The Member States shall notify the Commission of the quarterly and annual returns for production and sales aids, broken down by undertaking and delivery base as well as by country of destination.

2. The returns shall be drawn up in accordance with Annex 4 to this Decision and accompanied by summaries of information used to determine the basis of aid as shown in Annexes 5 and 6 to this Decision.

3. These documents shall be sent to the Commission as quickly as possible and not later than six weeks after the end of each quarter.

SECTION V

Inspection

Article 11

1. The Commission shall inspect the declarations of undertakings and detailed accounts of contributions, the application of pricing rules and the calculation of the basis and the amount of aids.

2. The outcome of inspections of coking plants or of blast furnaces, situated in a Member State and which have used up coal that has benefited from aid paid by another Member State, may be notified to the latter Member State.

Article 12

1. Documents obtained or drawn up by national administrations on account of this Decision shall be retained by one or more national bodies and shall be available to the Commission at all times.

SECTION VI

Final provision

Article 13

1. This Decision shall apply to deliveries of coking coal and blast furnace coke effected since 1 January 1973.

2. The transactions referred to in Articles 1 and 2 and concluded before the publication of this Decision shall be notified by 15 January 1974 at the latest.

3. For the year 1973 the provisions concerning the determination of bases of aids (Section II) shall apply notwithstanding the absence of a long-term contract.

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

Done at Brussels, 20 December 1973.

For the Commission

The President

François-Xavier ORTOLI

ANNEX 1

to Decision No 3544/73/ECSC (Article 1)

Undertaking making declaration
(Name of firm — address)

Declaration of supply contract for coal produced in the Community and intended for
blast furnace coke manufacture for the Community steel industry (*)

FORM M
Serial No (**):
Date (‡):

A. PRODUCER (Community undertaking)

Country :
Undertaking :
Mine (‡) :
Station/port of departure :
Date of contract :
Delivery period (duration) :
Total tonnage covered by contract :
Variations from contract :
Tonnages for 197 , 197 , 197
Succeeding years :

C. FACTORS IN CALCULATING PRODUCER'S PRICE (†)
(per metric ton, tax excluded)

(a) Category and grades :
List price
Transport costs (‡)
Delivered price according
to price list
Price rebate
Net invoiced price
Actual delivered price

--	--	--

(b) Characteristics and adjustments
for quality :
Moisture
Ash (dry)
Volatile matter (clean)
Sulphur (dry)
Coking properties (‡)
Other characteristics (‡)

Content or reference index	Point value

(c) Other variations from agreed
price (specify)

(d) Adjustments on standard quality

B. CONSIGNEE (Community undertaking)

Country :
Undertaking :
Coking plants (‡) :
Station/port of arrival :

D. PRICE FACTORS USED AS A PREFERENCE TO CALCULATE REBATE

(Shown under C. (a) per metric ton, tax excluded in the Community) (†)

(a) Country of origin of coking coal
Category and size
fob price (port :
cif price (port :
Handling & other costs
Transport costs (‡)
Price delivered at coking plant

--	--	--

(b) Basic characteristics and
adjustments for quality :
Moisture
Ash (dry)
Volatile matter (clean)
Sulphur (dry)
Coking properties (‡)
Other characteristics (‡)

Content or base index	Point value

(c) Adjustments on standard quality

(†) Riders to declared contracts must also be declared to the Commission.
(‡) Running number (from 1) and date to be given by coal-producing undertaking.
(§) Name and locality.
(*) State the currency for prices and costs.
(†) Specify the link and means of transport.
(*) List the criteria.

ANNEX 2

to Decision No 3544/73/ECSC (Article 1)

Undertaking making declaration
(Name of firm — address)

Declaration of supply contract for coke produced in the Community and intended for blast furnaces of the Community steel industry (*)

FORM C
Serial No (*):
Date (*):

E. PRODUCER

Country :
Undertaking :
Coking plant (*):
Station/port of departure :
Date of contract :
Total tonnage covered by contract :
Variations from contract :
Delivery period (duration) :
Tonnages for 197 , 197 , 197
Succeeding years :

F. CONSIGNEE

Country :
Undertaking :
Blast furnace (*):
Station/port of arrival :

H. PRICE FACTORS USED AS A REFERENCE TO CALCULATE REBATE (per metric ton, tax excluded in the Community) (*)

G. FACTORS IN CALCULATING PRODUCER'S PRICE (*) (per metric ton, tax excluded)

- (a) Size :
List price
Transport costs
Delivered price according to price list
Price rebate
Net invoiced price
Actual delivered price
- (b) Basic characteristics and adjustments for quality :
Moisture
Ash (dry)
Sulphur (dry)
Indices (M40, M10)
Other characteristics (to be specified)
- (c) Adjustment on standard quality

--	--	--

Content or base index	Point value

- (a) Country of origin of coal from third countries :
Place coking
Price of coal delivered at place of coking
Average cost of coke produced (*)
Price ex coking plant of blast furnace coke
Transport costs (*)
Price delivered at blast furnace

--	--	--

- (b) Characteristics of blast furnace coke and adjustments for quality :
Size
Moisture
Ash (dry)
Sulphur (dry)
Indices (M40, M10)
Other characteristics (to be specified)
- (c) Adjustments on standard quality

Content or base index	Point value

(*) Riders to declared contracts must also be declared to the Commission.

(*) Running number (from 501) and date of declaration to be given by coke-producing undertaking.

(*) Name and locality.

(*) State the currency for prices and costs.

(*) State calculation factors according to following equations: $P(k) = P(c) \times Q + K$, where $P(k)$ = coke production costs, $P(c)$ = delivered coal price, Q = amount of coal to be charged to produce 1 metric ton of coke, K = net cost of coking.

(*) Specify the link and method of transport.

ANNEX 3

to Decision No 3544/73/ECSC (Article 2)

Undertaking making declaration
(Name of firm — address)

Details of purchasing contract for coal (or coke) from third countries to supply blast
furnaces of the Community steel industry ⁽¹⁾

FORM PT
Serial No :
Date :

A. GENERAL INFORMATION

- Producing country :
- Port or station of departure :
- Date of contract (or rider) :
- Delivery period (duration) :
- Total tonnage covered by contract :
- Tonnages to be delivered in 197....., 197....., 197.....
- Succeeding years :
- Variations from contract :

B. COUNTRY OF DESTINATION :

Port or station of arrival :

C. FACTORS OF DELIVERED PRICE

(per metric ton, tax excluded in the Community, at the date of declaration)

- (a) Category and size
fob price ⁽²⁾
cif price (port): ⁽²⁾
Freight ⁽³⁾

--	--	--

- (b) Characteristics and price adjustments for quality ⁽⁴⁾
Moisture
Ash (dry)
Volatile matter (clean)
Sulphur (dry)
Coking properties ⁽⁵⁾
Other characteristics ⁽⁶⁾

Content or index	Point value

- (c) Other variations from agreed price ⁽⁶⁾ :

⁽¹⁾ Declaration to be sent for all contracts or riders to the Director-General for Energy.
⁽²⁾ State the currency used in the contract.
⁽³⁾ If necessary, deal with this point separately.
⁽⁴⁾ State price (mine, fob or cif) to which adjustments apply.
⁽⁵⁾ State the criteria.
⁽⁶⁾ Index adjustment, for example. State main arrangements and formulae.

ANNEX 4

to Decision No 3544/73/ECSC (Article 10)

Statement of production and sales aids

Country :

Period : quarter 19.....

or year 19

Coal undertakings (by coalfield)	Consignee coke producers (by country and sales area)	No of contract	Coal tonnage invoiced and despatched	Production aid				Sales aid								Total aid
				Coking co-efficient K1**	Basis of assessment	Rate	Total	Internal deliveries				Intra-Community transactions				
								Coking co-efficient K2**	Basis of assessment	Rate	Total	Coking co-efficient K3**	Basis of assessment	Rate	Total	
—	—	—	metric tons	—	metric tons	u.a./metric tons	u.a.	—	metric tons	u.a./metric tons	u.a.	—	metric tons	u.a./metric tons	u.a.	u.a.
(1)	(2)	(3)	(4)	(5)	(6) = (4) × (5)	(7)	(8) = (6) × (7)	(9)	(10) = (4) × (9)	(11)	(12) = (10) × (11)	(13)	(14) = (4) × (13)	(15)	(16) = (14) × (15)	(17) = (8) + (12) + (16)
	(a) in country and main sales area for (1) (b) in the country and in an area distant from (1) (c) in another Member State															
Totals	—	—	....	—	....	—	....	—	....	—	....	—	....	—	....	....

* Running number shown on the notification of transaction (see Annex 1), if necessary (see Art. 1 of this Decision).

** State here coefficients shown in Annex 5, column (7).

ANNEX 5

to Decision No 3544/73/ECSC (Article 10)

Country :

Period : quarter 19.....

or year 19.....

Statement of information concerning coking plants

COKING PLANT A*

Total receipts :

Total coal consumption : metric tons

Total coke production less recycled breeze : = metric tons

Coal stocks at 1 January 1973 : metric tons

1 April 19..... = metric tons

1 July 19..... = metric tons

1 October 19..... = metric tons

31 December 19..... = metric tons

Coking coal receipts by the Community			Blast furnace coke deliveries			Calculation of coking coefficients K***		Coking coal receipts from third countries****
Contract**	Supplying undertakings (by country and coalfield)	Coal tonnage invoiced & despatched by (2)	Contract No**	Consignee blast furnaces (by country & sales area)	Coke tonnage invoiced & despatched***	— for production aid : K1 — for sales aid : internal deliveries : K2 intra-Community transactions : K3		
—	—	metric tons	—	—	metric tons	—		metric tons
(1)	(2)	(3)	(4)	(5)	(6)	(7)		(8)
....	(a) in a coalfield having (A) in its main sales area	....	....	(a) in the country and main sales area for (A)	(a)	K 2 and K 3 = 0		
				(b) in the country and in an area distant from (A)	(b)	K 2 = $\frac{(6)(b)}{P}$		
				(c) in a Member State other than that of (A)	(c)	K 3 = $\frac{(6)(c)}{P}$		
	(b) in a coalfield distant from (A)	....	....	(d) in the country of (A)	(d)	K 2 = $\frac{(6)(d)}{P}$		
				(e) in a Member State other than that of (A)	(e)	K 3 = $\frac{(6)(e)}{P}$		
	(c) in a coalfield in a Member State other than (A)	....	....	(f) in the country of (2)	(f)	K 2 = $\frac{(6)(f)}{P}$		
				(g) in a Member State other than that of (2)	(g)	K 3 = $\frac{(6)(g)}{P}$		
	Total (2)	....		Total (6)	....	K 1 = $\frac{\text{total (6)}}{P}$		Total (8)

* Coke production unit.

** Running number shown on notification of transaction (see Annexes 1 to 3) if necessary (see Article 1 of this Decision).

*** If Article 4.3 of this Decision is applicable, the annual statement will show the required correction.

**** Breakdown by country.

ANNEX 6

to Decision No 3544/73/ECSC (Article 10)

Statement of information concerning blast furnaces

Country :

Period : quarter..... 19.....

or year 19

Blast furnace *	Supplying undertakings (by country)	Contract No **	Coke tonnage invoiced and despatched by (2)	Coke tonnage charged by (1) (total)	Stock of blast furnace coke held at (1)		
					at 1 January 1973	at the end of the period	
—	—	—	metric tons	metric tons	metric tons	metric tons	index
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)
.....	(a) .....	.....	.....		= .....	S 2 =	=
	(b) .....	.....	.....		
		Totals	.....	.....	

* Fig iron production unit.

** Give here the running number shown on the notification of transaction (see Annex 2).

ANNEX 7

to Decision No 3544/73/ECSC (Article 7)

Determination and collection of the steel industry's contribution

Undertaking making the return
(name and address)

Period : quarter 197.....
or year

List of blast furnaces

.....
.....
.....

Tonnage of coke consumed (metric tons)

.....
.....
.....

Total tonnage

Rate per ton

total contribution (1)

The above amount has been/will be remitted on 197..... to the account 'Aide au charbon à coke'
No of the Commission of the European Communities at the (Bank)

I certify that the above information is correct

The Head of the undertaking or his agent

.....
(Place and date).

Signature

COMMUNICATION OF THE COMMISSION

on the amended text at present valid of Decision No 30-53 on practices prohibited by Article 60 (1) of the Treaty in the common market for coal and steel

By its Decision No 30-53 of 2 May 1953 (*ECSC Official Journal*, 4 May 1953, p. 109) the High Authority laid down detailed rules concerning practices forbidden by Article 60 (1) of the Treaty.

That Decision was amended and supplemented by Decisions

- No 1-54 of 7 January 1954 (*ECSC Official Journal*, 13 January 1954, p. 217)
- No 19-63 of 11 December 1963 (*Official Journal*, 24 December 1963, p. 2969/63)
- No 440/72 of 22 December 1972 (*Official Journal*, 30 December 1972, No L 297, p. 39)

In order to make it easier for those concerned to apply those provisions, the amended version of Decision No 30-53 valid from 1 January 1973 is set out below.

Article 1

1. This Decision shall apply to Community undertakings in respect of their transactions within the common market in the products specified in Annex I to the Treaty, with the exception of scrap.

2. Where Community undertakings sell such goods within the common market through selling agencies, the obligations created by this Decision shall apply to transactions by such selling agencies.

For the purposes of this Decision, 'selling agencies' means:

- joint selling agencies (Article 65 (2) of the Treaty) operating on behalf of several producer undertakings;
- distributor undertakings which are administered by a producer undertaking and regularly employed by it to sell all or some of its products, and whose sales operations consist primarily in the distribution of that undertakings's products.

Article 2

1. It shall be a prohibited practice within the meaning of Article 60 (1) of the Treaty for a seller to apply in the common market dissimilar conditions (Article 4) to comparable transactions (Article 3).

2. The preceding paragraph shall be without prejudice to the application of Article 60 (2) (b) of the Treaty and of decisions adopted in connection therewith.

Article 3

1. Transactions shall be considered comparable within the meaning of Article 60 (1) if

(a) they are concluded with purchasers,

— who compete with another, or

— who produce the same or similar goods, or

— who carry out similar functions in distribution,

(b) they involve the same or similar products,

(c) in addition, their other relevant commercial features do not essentially differ.

2. Transactions shall not be considered comparable within the meaning of Article 60 (1) if between the dates of their being agreed upon a lasting change occurred in the seller's prices and conditions of sale.

Article 4

1. Conditions shall not be considered dissimilar within the meaning of Article 60 (1) of the Treaty if different conditions, which make appropriate allowance for differences in the services rendered, or in the carrying out of transactions, are applied by a seller to comparable transactions.

2. Conditions shall be considered dissimilar if, without a corresponding increase in price, a seller allows periods for payment more favourable than those generally applied to comparable transactions.

Article 5

Undertakings which allege that transactions are not comparable (Article 3) or that conditions are not to be considered dissimilar (Article 4) shall, at the request of the Commission, set out the facts and circumstances which may justify this.

Article 6

1. Where, under Article 60 (2) (b) of the Treaty, a seller aligns his quotation on a competitor's price list or, in so far as there exists no obligation or there

exists only a limited obligation to publish prices, on the prices and conditions actually applied by a competitor, it shall be a prohibited practice within the meaning of Article 60 (1) of the Treaty for him to apply conditions affording the purchaser a delivered price lower than that at which the purchaser could obtain the goods from the competitor.

2. In calculating delivered prices account shall be taken of transport costs, surcharges or taxes borne by the purchaser, less rebates or drawbacks allowed him, in addition to the prices and conditions.

3. Where, under the last subparagraph Article 60 (2) (b) of the Treaty, the seller aligns his quotation on the conditions quoted by undertakings outside the Community, the provisions of paragraphs 1 and 2 shall apply correspondingly.

4. Undertakings which allege that pursuant to Article 60 (2) (b) they have aligned their quotation on a lower delivered price of a competitor in the common market or an undertaking outside the common market, shall, at the request of the Commission, show that the conditions for alignment had been obtained and that they had complied with the provisions of paragraphs 1 to 3 of this Article in calculating the price.

The condition for alignment under the last subparagraph of Article 60 (2) (b) is that alignment has been imposed by the effective competition of the undertaking outside the Community.

Article 7

It shall be a prohibited practice within the meaning of Article 60 (1) of the Treaty to include in the price charged to the purchaser the amount of any taxes or charges in respect of which the seller is entitled to exemption or drawback.

Article 8

It shall be a prohibited practice within the meaning of Article 60 (1) of the Treaty for an undertaking

to sell the products specified in Annex 1, with the exception of scrap, through its selling agencies (Article 1 (2)) at prices and on conditions which do not correspond to its own prices and conditions of sale.

Article 9

1. Undertakings and their selling agencies shall require middlemen selling the products specified in Annex 1, with the exception of scrap:

— either in the name and on behalf of the undertakings or their selling agencies (eg employees, agents, representatives); or

— in their own name but on behalf of the undertakings or their selling agencies (eg commission agents, agents for goods on consignment),

to apply in their transactions the price lists or the prices and conditions of sale of the undertakings or of their selling agencies and to observe the provisions of Articles 2 to 7 of this Decision.

2. Undertakings shall be held responsible for infringements of the above obligations by such middlemen.

3. Undertakings and their selling agencies shall furnish the Commission, at its request, with all particulars of the commercial operations of the middlemen referred to in paragraph (1) and enable it to consult any of their records which could help it to assess the nature of such transactions.

Article 10

Undertakings and their selling agencies shall frame their conditions of sale in such a way that their customers (dealers), in reselling their products in the unaltered state other than by sale from stock in the case of steel and by retail in the case of coal, are under an obligation to comply with the rules set out in Articles 2 to 7 of this Decision.

COMMUNICATION OF THE COMMISSION

on the amended text at present valid of Decision No 4-53 on the publication of price lists and conditions of sale applied by undertakings in the coal and iron ore industries

By its Decision No 4-53 of 12 February 1953 (*ECSC Official Journal*, 12 February 1953, p. 3) the High Authority laid down detailed rules for undertakings in the coal and iron ore industries concerning the publication, required under Article 60 (2) (a) of the Treaty, of prices and conditions of sale. This Decision was amended by Decision No 22-63 of 11 December 1963 (*Official Journal*, 24 December 1963, p. 2975) and by Decision No 442/72 of 22 December 1972 (*Official Journal*, 30 December 1972 No L 297, page 44).

In order to make it easier for those concerned to apply the provision, the amended version of Decision No 4-53 valid from 1 January 1973 is set out below.

Article 1

1. Undertakings in the coal industry shall publish their price lists and conditions of sale in accordance with the provisions of this Decision.

2. Undertakings which use selling agencies (Article 1 (2) of Decision No 30-53) for the marketing of their products shall ensure that those selling agencies publish price lists and conditions of sale in accordance with the provisions of this Decision.

3. Undertakings in the coal industry may, under the conditions laid down in Article 4, specify that their products are sold on the basis of the price lists and conditions of sale of their selling agency.

The selling agency may likewise specify that products are sold on the basis of the price lists and conditions of sale of the undertaking.

Article 2

1. All price lists and conditions of sale published shall contain the following minimum information:

- (a) price per metric ton;
- (b) place of delivery;
- (c) method of quotation;
- (d) costs in connection with method of shipment;
- (e) trade discount;
- (f) terms of payment.

2. Furthermore, price lists and conditions of sale published shall indicate the following special conditions, where applied:

- (a) nature and amount of taxes and other charges additional to the list prices chargeable to customers under the conditions of sale;
- (b) quality surcharge;
- (c) seasonal increase;
- (d) seasonal discount;
- (e) increase for guarantee of origin.
- (f) price increases and reductions for specific consumer groups;
- (g) quantity and loyalty bonuses.

Article 3

In addition to this general information: price lists and conditions of sale shall include details peculiar to certain products:

1. Coal:
 - (a) category and, for guidance, volatile matter content for each category;
 - (b) grade and, for guidance, ash content;
 - (c) in the case of screened or washed coals, screen size;
 - (d) in the case of washed coals, for guidance, moisture content.
2. Coke:
 - screen size.
3. Manufactured fuels derived from coal:
 - category and weight of product.
4. Manufactured fuels derived from lignite:
 - weight of product.

Article 4

1. (a) Price lists and conditions of sale shall apply not earlier than five clear days after they have been addressed in printed form to the Commission.

(b) Sellers shall, upon request, communicate them to anyone interested;

(c) The Commission may decide to publish those price lists and conditions of sale by means of a special publication.

2. Paragraph 1 shall apply equally to any amendment of price lists and conditions of sale.

Article 5

1. Undertakings and their selling agencies shall require middlemen who sell in their own name but on behalf of the said undertakings and selling agencies (commission agents, agents for goods on

consignment) to comply, as regards price lists and conditions of sale published by them, with the rules laid down in this Decision.

2. Where such middlemen do not publish price lists and conditions of sale, they may discharge their obligation by specifying under the conditions laid down in Article 4 that the price lists and conditions of sale applied by undertakings or their selling agencies in accordance with this Decision also apply to sales made by them.

3. Undertakings shall be held liable for any infringement of the foregoing obligations by such middlemen.

COMMISSION DECISION
of 22 December 1972
on alignment of prices for sales of coal in the common market
(72/443/ECSC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Coal and Steel Community, and in particular Articles 60 (2) (b) and 47 thereof;

Having regard to Decision No 30-53¹ of 2 May 1953 concerning practices prohibited in the common market for coal and steel under Article 60 (1) of the Treaty;

Having regard to Decision No 3-58² of 18 March 1958 on alignment of prices for sales of coal in the common market;

Having regard to the Decision of the Council of the European Communities of 22 January 1972 concerning the accession of new Member States to the European Coal and Steel Community, and in particular Article 153 of the Act annexed thereto;

After consulting the Consultative Committee;

Whereas, to avoid disturbances of the common market, Decision No 3-58 restricted the right of undertakings to align prices on a price list established on another basing point and securing for the buyer the most advantageous conditions at the place of delivery;

Whereas since 1958 changes have occurred in the common market for coal; whereas the restrictions on the right of alignment must be adapted to changed circumstances; whereas the accession of the United Kingdom, Denmark and Ireland and its consequences for the coal market must be borne in mind;

Whereas the rules laid down by Decision No 3-58 must consequently be replaced by new provisions; whereas, under Article 30 of the

Act, this must be done in conformity with the guidelines set out in Annex II thereto;

Whereas the right to align must to this end be confined to the price lists of undertakings and selling agencies which, because of the volume and nature of production, are influential in the formation of prices in the common market; whereas experience since 1958 has shown that this means undertakings which sell on the

common market more than one million tons annually of hard coal or products obtained from hard or brown coal of their own production; whereas, moreover, undertakings who are soon to cease production should be taken into consideration;

Whereas, furthermore, the tonnages which undertakings may supply under alignment should be limited; whereas to avoid perceptible alterations to traditional supply channels such limitations should be defined in geographical terms and for the principal groups of products; Whereas the exercise of the right to align presupposes that the fuels to be supplied are comparable to those in the price list on which alignment is effected;

Whereas in order to prevent illicit underquotation, undertakings are required under Article 3 of Decision No 30-53 to have regard to all the terms of the competitor's price list when calculating the delivered price;

Whereas, in order that delivered prices may be calculated accurately, undertakings must be required to know the exact amount of the transport costs;

Whereas, to facilitate the verification of authorised alignments where shipping costs are involved, undertakings must supply the Commission with information on the costs taken into account; whereas the Commission may publish the shipping costs used in an appropriate manner for the information of all concerned;

Whereas so that the scale of the transactions carried out by undertakings as a result of alignment may be assessed and so that a check may be kept as to whether this Decision is applied correctly, undertakings must be required to notify the Commission at regular intervals of the character and amount of the transactions that they carry out under alignment;

HAS ADOPTED THIS DECISION:

Article 1

1. Undertakings in the coal industry may use their right to align their prices on a price list established on another basing point and securing for the buyer more advantageous conditions

⁽¹⁾ OJ No 6, 4.5.1953, p. 109.

⁽²⁾ OJ No 11, 29.3.1958, p. 157/58.

at the place of delivery only in accordance with the provisions of the following Articles of this Decision.

2. This Decision shall also apply to the selling agencies of undertakings in the coal industry within the meaning of Article 1 (2) of Decision No 30-53.

Article 2

Undertakings in the coal industry shall align their prices on the price lists of none other than the undertakings and selling agencies listed below:

- Aachener Kohlenverkauf GmbH, Aachen,
- Comptoir belge des charbons, Bruxelles,
- Gewerkschaft Auguste-Viktoria, Marl i.W.,
- Houillères du Bassin du Centre et du Midi, Saint-Etienne,
- Houillères du Bassin de Lorraine, Metz,
- Houillères du Bassin du Nord et du Pas-de-Calais, Douai,
- Maatschappij Laura & Vereeniging, Eygelshoven,
- Maatschappij Oranje-Nassau, Heerlen,
- National Coal Board, London,
- Niedersächsischer Kohlen-Verkauf GmbH, Hannover,
- Rheinischer Braunkohlenbrikett-Verkauf GmbH, Köln,
- Ruhrkohle AG, Essen,
- Saarbergwerke AG, Saarbrücken,
- Sophia-Jacoba Handelsgesellschaft m.b.H., Hückelhoven,
- Verkoopkantoor der Staatsmijnen, Den Haag.

Article 3

1. In each of the sales areas listed below the undertakings listed in Article 2 may align only up to the tonnage marketed by them in that area during the preceding calendar year.

The sales areas for the purposes of this provision shall be the following:

- (a) Great Britain and Northern Ireland;
- (b) In the Federal Republic of Germany:
 - Lower Saxony, Schleswig-Holstein, Hamburg and Bremen,
 - North-Rhineland-Westphalia, Rhineland-Pfalz and Saarland,
 - Hessen, Baden-Württemberg and Bayern;

(c) Belgium and Luxemburg;

(d) In France:

- the region to the east of and including the departments of Aisne, Seine-et-Marne, Loiret, Loir-et-Cher, Indre, Haute-Vienne, Dordogne, Lot-et-Garonne, Gers, Hautes-Pyrénées,
- all other French departments;

(e) Italy;

(f) The Netherlands;

(g) Denmark;

(h) Ireland.

2. The tonnages referred to in paragraph 1 shall apply separately to each of the following products:

- (a) Hard coal for coke production;
- (b) Hard coal for domestic and small-scale consumption;
- (c) Other hard coals;
- (d) Furnace coke;
- (e) Foundry coke;
- (f) Other coke;
- (g) Hard coal briquettes;
- (h) Brown coal briquettes.

3. Upon receipt of an application setting out the reasons therefor the Commission may, in favour of certain undertakings or selling agencies, increase the maximum tonnages indicated in paragraphs 1 and 2.

Article 4

1. Alignment shall be permitted only if the undertaking is able to ascertain exactly the amount of the transport costs to the place of destination.

2. Where transport costs are not published, the undertaking which is aligning shall, where necessary, ascertain by examining the actual vouchers that the details supplied by the purchaser or carrier concerning the amount of transport costs are accurate.

Article 5

In calculating the delivery price at the point of destination, undertakings effecting alignment shall take account of all costs to be borne by the consumer such as trade surcharges, price correctives for ash or water content, quality surcharges, and other significant factors (e.g. graining, volatile matter content, heating power, sulphur content, coke-producing capacity).

Article 6

1. Coal industry undertakings shall notify alignments within the common market in which shipping costs are involved. The notification shall specify the level of costs serving as a basis for the reduction caused by alignment.

2. The notification shall be made when the contract is concluded. It shall contain details of the calculation of the aligned price, distinguishing between loading and freight costs (included port fees, insurance and all other costs charged by the loader).

3. The Commission shall communicate on demand to all undertakings concerned the shipping costs notified to it; it may publish them in an appropriate manner.

Article 7

Undertakings exercising the right to align prices must, on 15 August and 15 February of each year, inform the Commission of the following:

(a) The tonnages of fuel and the agreed delivery terms for which supply contracts have been concluded under alignment;

(b) The tonnages of fuel supplied under alignment and on the basis of their own price list in each of the sales areas listed in Article 3 (1).

Such information shall be communicated in printed form in a manner to be determined by the Commission.

Article 8

This Decision shall not prevent undertakings from aligning their prices in accordance with the last subparagraph of Article 60 (2) on conditions offered by undertakings outside the Community.

Article 9

This Decision shall enter into force on 1 January 1973. Decision No 3-58 is hereby repealed with effect from the same date.

Done at Brussels, 22 December 1972.

For the Commission
The President
S. L. MANSHOLT

Reduced rate of industrial loans which may be granted by the Commission of the European Communities under Article 54 of the Treaty establishing the European Coal and Steel Community

Under the first paragraph of Article 54 of the Treaty establishing the European Coal and Steel Community, the Commission may grant loans to the undertakings referred to in Article 80 to finance their investments which are in conformity with the general objectives laid down in Article 46. Furthermore, the Commission may, with the unanimous assent of the Council, grant loans for the financing of investments which satisfy the criteria laid down in the second paragraph of Article 54 (works or installations which contribute directly and primarily to increasing the production of those products referred to in Annex 1 to the ECSC Treaty, to reducing their production costs or facilitating marketing). Normally all these loans are granted by the Commission at its borrowing rate.

Without altering the system of special interest rate loans which still applies to the financing of workers' housing, the Commission is proposing in future to grant as an exception and in specific cases, industrial loans which carry reduced interest rates on the total sum or a part thereof, the current level being 5.5% per annum for the first five years. The borrowing rate still applies, of course, to subsequent years and, where appropriate, to that portion of the loans not subject to reduced interest rates.

In present circumstances and within the limits of the funds available for this purpose, applications for loans which the Commission will be able to consider under this new facility must cover the following types of investment, it being understood that fulfilment of these conditions does not confer any right:

- investments arising from safety and health measures adopted by the public authorities (for example prevention of nuisances), particularly when the resultant costs constitute an excessively uneven burden on the existing installations of similar undertakings situated in different regions;
- multi-national investments which, while complying with the structural criteria laid down by the Commission, would help to promote the Community integration of ECSC undertakings, in so far as such projects are still facing fiscal, legal or administrative disadvantages;
- investments intended to resolve a bottleneck situation affecting an entire ECSC industry, and which are in line with the general objectives and Community policies laid down for the sectors in question;
- investments aimed at the establishment of research or professional training centres in the ECSC sphere.

The interest rate reductions granted by the Commission are by their very nature Community aids. Consequently, the Commission is applying to them the same criteria as those it has laid down for assessing systems of national aids. In particular, it will ensure that the aggregate of its own aid and any national aid does not lead to a distortion of competition to an extent which is prejudicial to the common interest.

Applications for industrial loans (Article 54 of the Treaty establishing the ECSC) should be sent in triplicate to the Commission

of the European Communities, Directorate-General for Credit and Investments, Centre européen, Luxembourg, Grand Duchy (Tel. 48.00.71). Apart from a detailed description of the project to be financed, applications should include the following information:

- name and address of applicant,
- amount of loan requested,
- desired period of repayment,

- total cost of project,
- general financing plan,
- information concerning the economic situation of the applicant (in addition, the annual reports for the three previous years should be included showing balance sheets, profit and loss accounts and any pertinent remarks),
- security offered.

The granting of industrial loans at reduced interest rates under Article 54 of the ECSC Treaty for safety and hygiene purposes and particularly for the prevention of nuisances

On 7 March 1974, the Commission sent to the Council a draft recommendation for the Council to make to the Member States concerning the allocation of costs and the intervention of public authorities in environmental matters⁽¹⁾. The recommendation adopts the polluter must pay principle, in accordance with the Council Decision of 22 November 1973⁽²⁾, and contains rules of application and also exceptions.

These guidelines, on which the Commission's environmental policy will be based, and the Commission's experience of applications for reduced interest loans for investments of this kind, have led the Commission to state more exactly the conditions on which such loans will be granted⁽³⁾.

1. In granting reduced interest rate loans, the Commission will base itself on the principles and criteria which it has adopted elsewhere in respect of national aids for the same purpose. In addition, in assessing the maximum amount of Community aid granted at reduced interest rate loans, account will be taken of national aids for the environment which may have been given for the same investments.
2. The Commission reaffirms that it proposes to extend such loans only in certain clearly defined cases, within the limit of the means available for this purpose, and without any entitlement being created by the conditions mentioned above.
3. The reduced interest rate loans are only to be granted up to a maximum amount of 50% of the cost of the investments.
4. The reduced interest rate loans are only to be granted if all the following conditions are satisfied:
 - (a) the financing of the investments to be carried out by the undertakings shall be specifically for the purposes of environmental protection and in response to obligations imposed by the public authorities;
 - (b) the investment to be financed shall be one to be carried out at plants in existence on 1 January 1975, the fraction of the cost corresponding to extensions of capacity not however being eligible for reduced interest loans;
 - (c) the investment to be financed shall be restricted to one meeting accepted standards of efficiency and for which the costs are substantially more than those which would be considered normal for the construction of similar installations;
 - (d) the reduced interest rate loans may only be granted in so far as, before 31 December 1980, the investment decisions concerned have given rise to firm orders and the corresponding loan applications have been made.
5. The restrictions provided by paragraphs 3 and 4 are not applicable to the financing of investments relating to the industrial utilization of technical processes having an innovating character if the results of their putting into operation are made available within the Community to all those interested.

⁽¹⁾ OJ No C 68, 12. 6. 1974, p. 1.

⁽²⁾ OJ No C 112, 20. 12. 1973.

⁽³⁾ See generally the communication of the Commission published in OJ No C 73, 18. 6. 1970, p. 20.

COMMUNICATION

concerning applications for and the grant of financial aids for technical and economic research (coal, iron ore, steel) pursuant to the provisions of Article 55 of the Treaty establishing the European Coal and Steel Community

1. In accordance with the provisions of Article 55 of the Treaty of 18 April 1951 establishing the European Coal and Steel Community, as amended by the Treaty of 8 April 1965 establishing a single Council and a single Commission of the European Communities, the Commission is required to promote technical and economic research relating to the production and increased use of coal and steel and to occupational safety in the coal and steel industries.

On 24 April 1963, the High Authority adopted a new text setting out the principles of its research policy (OJ No 70, 9 May 1963). Those principles were particularly concerned with the objectives pursued by the High Authority in promoting technical re-

search and with the means of ensuring suitable co-operation among the various research bodies.

On 16 October 1974, the Commission of the European Communities, finding that the text of the communication published in OJ No 70 of 9 May 1963 should be brought up-to-date, adopted a slightly amended new text.

The purpose of this communication is to circulate the new text among all interested parties within the Community; this text defines the procedure for the lodging and consideration of applications for financial aid, the terms of and arrangements for these aids and the obligations which the beneficiaries of aid must undertake to comply with in order to ensure that the research findings are disseminated.

I. GENERAL

2. The Commission of the European Communities may promote research by granting financial aids, after consulting the Consultative Committee and with the agreement of the Council; the funds for these aids are to be drawn from the revenue from the levies provided for in Article 49 of the EEC Treaty. The aid may be granted to undertakings, research institutes or even natural persons who wish to carry out research within the meaning of Article 55 of the

ECSC Treaty. The applicant need not necessarily be directly connected with coal-mining or the iron and steel industry. However, the research project for which financial aid is requested must be of interest to a large number of undertakings in the Community or — in the case of research on occupational safety — a relatively large number of workers in these undertakings.

II. PROCEDURE APPLICABLE TO THE LODGING AND CONSIDERATION OF APPLICATIONS

3. Requests for the grant of financial aids for research are to be addressed to the President of the Commission of the European Communities, 200 rue de la Loi, 1040 Brussels. They must be explained in full and include all details relevant for the examination of the application. The following information in particular must be given :

- *The title of the research project*
- *The purpose of the research project*

The information supplied must include the following :

- (a) detailed plan of work and methods to be used to obtain the expected results ;
- (b) those aspects of the research which are new and original as compared with techniques which are already known or which are already the subject of research ;

(c) to what extent the research project follows up previous research ;

(d) what patent licences already applied for or taken out would be necessary, if the research is successful, to apply it for industrial purposes ;

(e) technical conditions governing the research ; the place where the research is to be carried out ; if it is to be carried out in cooperation with other firms or bodies, the respective responsibilities of the participants.

- *Technical and economic value of the research for the Community*

(a) to which categories of undertakings (or workers) are the findings of the research likely to be of interest ;

(b) importance for these undertakings (or workers) of the research findings.

— *Duration of the research project*

— *Legal status of the applicant*

The legal status of the applicant is to be stated, and to the application for aid must be appended a copy of the official statutes of the applicant together with a copy of the documents attesting delegation of authority to the persons legally entitled to represent it. If the applicant will not be carrying out the research itself, the legal relationship between the research body and the applicant must be stated.

— *Estimated total expenditure for the research*

The estimate of expenditure for the research project must be drawn up in the relevant national currency and must be broken down into the following categories of expenditure :

(a) *Equipment and apparatus*

- itemized list of the equipment and/or facilities required for the research programme which will need to be purchased specifically for the project ;
- itemized list of the existing equipment and/or facilities required for the research, with a statement of their value at the date when the work is to be started ;
- statement as to the extent these facilities can be used later, either for industrial purposes or for subsequent research, in the event of the success or the failure of the research.

(b) *Staff*

Cost (gross wages plus social charges) of staff required for the research programme ; number of staff, qualifications required, and :

- whether full time or part-time staff ;
- whether or not recruited specifically for the research work.

(c) *Direct operating expenditure*

Operating expenditure, itemized by nature and amount, relating specifically to the re-

search work directly chargeable under the applicants accounting procedures to that research.

(d) *Indirect expenditure in respect of the research*

Lump sum representing a percentage of staff costs, to take account of incidental expenditure attributable to the research and which by its nature cannot be directly charged to the research project, such as use of common services, workshops, laboratories, accounting services, secretarial services, documentation, administrative costs, travel and miscellaneous expenditure.

— *Sum applied for as aid*

— *Funding*

Where it is intended that the research should not be financed solely by the applicant and by the Commission of the European Communities but also with contributions from other sources, details must be given as to such other contribution: as are already confirmed, showing in what form and on what terms they are provided.

4. After receiving the application, the Commission of the European Communities will consult experts bound to secrecy, in order to be fully informed as to whether the research project merits support.

5. If, after considering the opinions of the experts, the Commission of the European Communities considers that the application merits support, it will initiate the procedure for consultation of the Consultative Committee and the procedure for obtaining the approval of the Council of Ministers (1).

6. Having consulted the Consultative Committee and obtained the approval of the Council of Ministers (1), the Commission of the European Communities will take a decision on the application for financial aid. If its decision is favourable it will conclude with the beneficiary agreement specifying the amount of the aid together with the terms and other details relating to the award.

III. TERMS AND CONDITIONS OF AID

A. Terms

7. The scientific, technical and financial responsibility for the research falls solely on the beneficiary of the aid ; financial support by the Commission of

the European Communities and the opinions delivered by the experts which it instructs to monitor the progress of the research in no way involve the responsibility of the Commission. The beneficiary may take out insurance against the specific risks incurred ;

the cost of this insurance is included in the research expenditure and is therefore borne by the Commission of the European Communities in proportion with its contribution to the total expenditure on the project.

8. The beneficiary must apply the aid granted by the Commission of the European Communities solely to the research programme agreed upon between itself and the Commission, as defined in the research agreement. However, the beneficiary may transfer funds from one section to another of the estimate, if such transfers turn out to be necessary during the course of the research, provided that they do not change the nature of the project. Any major transfers must be notified to the Commission of the European Communities, either directly or through the committee of experts instructed by it to monitor the progress of the research work.

9. The beneficiary of the aid must make every effort to complete the research without delay, in order to make the findings obtained available to the Commission as soon as possible.

10. The beneficiary must allow the experts appointed by the Commission of the European Communities every facility to supervise the progress of the research and to make known their opinions thereon. For their part, and in the interest of the research, these experts will place their technical experience at the disposal of the beneficiary.

11. In the course of the research, the beneficiary of the aid must send to the Commission of the European Communities financial and scientific reports in the forms and at the intervals prescribed in the research agreement. The Commission of the European Communities reserves the right to verify, both from supporting documents and on the spot, the reasons for expenditure incurred; all documents attesting the expenditure charged under the research project must be preserved by the beneficiary for a period of five years after completion of the research work.

12. As regards the dissemination of the research findings, the beneficiary must comply with the requirements set out in Title IV of this communication and in the Annex hereto.

(¹) These procedures do not apply to research falling within a general programme which has itself received the approval of the Council after consultation of the Consultative Committee.

13. The agreement will normally stipulate that the law governing legal relations between the beneficiary and the Commission of the European Communities is to be of the country in which the research is carried out. However, where joint research is covered by a single agreement, the law applicable will be that of the country where the Commission has its seat.

B. Financing arrangements

14. Financial aid granted by the Commission of the European Communities will take the form of a contribution to the total net expenditure incurred by the beneficiary specifically in respect of the research work in question. Such expenditure comprises the operational costs or expenditure on plant (equipment, facilities etc.).

Where, alongside the research facilities proper, use is also to be made for purposes of the research of existing or new facilities which are intended for use in any event, the costs of such facilities and expenditure in respect of their assembly, start-up period and normal operation are not regarded as research costs. Allowance may be made, however, in the research expenditure for such depreciation of these installations as is attributable to the research work financed by the Commission of the European Communities.

The proportionate contribution of the Commission to the financing of research will vary from one project to another, and will depend in particular on the value of the research to the Community, on its importance in the context of the general objectives and on whether the research is initiated by the applicant body or by the Commission.

15. The terms and procedures for financial assistance by the Commission may vary widely from one instance to another, as the Commission always seeks to suit them to the particular features of each project financed.

The following general principles apply :

(a) The amount of the financial aid stipulated in the agreement between the Commission of the European Communities and the beneficiary represents the maximum amount of the contribution granted by the Commission to cover its share of the research expenditure actually incurred by the beneficiary in carrying out the research.

By 'research expenditure the Commission of the European Communities means the net expenditure actually disbursed by the beneficiary being expenditure falling entirely within the categories of expenditure defined in the agreement. The net expenditure is the total expenditure, less any sums which may be recovered (such as discounts, price reductions, recovery of materials or of finished products, sales of equipment or facilities), to the financing of which the Commission of the European Communities has contributed.

- (b) The payments made by the Commission to the beneficiary over the period of the research work are to be treated until the accounts for the research have been closed as payments on account. Such payments nonetheless represent, subject to the maximum fixed by the research agreement, the Commission's contribution to the research expenditure incurred by the beneficiary of the aid. In practice, in addition to paying over its share in respect of expenditure already disbursed, the Commission is prepared where the beneficiary so requests to pay six months of its share of estimated expenditure in advance.

- (c) Save in exceptional cases as specified in the research agreement, the Commission of the European Communities does not pay out *in toto* more than 90 % of the total aid payable until the accounts for the research have been closed.
- (d) The agreement lays down the terms which, when the accounts for the research are closed, apply to the subsequent use of equipment purchased specifically for the research project.

For applied research projects, the beneficiary of the aid often makes the necessary facilities available for the research, either because it already owns them or because it acquires them for subsequent industrial use or other subsequent research. The Commission grant may then cover a share in the depreciation of these facilities during the period when they are used for the research, to the extent that such depreciation is attributable to the research. If the facilities lose their entire value as a result of the research work, the Commission may agree to bear part of the costs of acquiring these facilities in proportion to its contribution to the research expenditure and within the fixed maximum.

IV. DISSEMINATION OF THE RESEARCH FINDINGS TO ALL INTERESTED BODIES IN THE COMMUNITY

16. Under the last subparagraph of Article 55 (2) of the ECSC Treaty, the Commission of the European Communities is required to ensure that the results of the research which it finances are made available to all concerned in the Community. The latter (hereinafter referred to as 'persons concerned' include all undertakings engaged in production in the coal or the steel industry in the Community (see Article 80 of the ECSC Treaty). In order to comply with the principle set out in the last subparagraph of Article 55 (2) of the ECSC Treaty, the Commission is compelled to impose certain obligations in the aid agreement concluded with beneficiaries.

These obligations, which are set out in the Annex to this communication are explained in the following paragraphs.

17. It may happen that under the general law or by special agreement the persons employed by an undertaking for research work can claim rights over the findings of technical research. The beneficiary of aid must therefore ensure that it is entitled to dispose freely of the research findings in the countries of the Community (Article 1).

18. Steps must be taken to prevent persons or undertakings not contributing to the research work from claiming possession of the findings of that research, filing a claim for industrial property rights (patents or utility marks) and thus making it more difficult for persons concerned to gain access to these findings. For this purpose, the research findings must be:

- protected by industrial property rights in all countries of the Community (Articles 2 and 3); or
- published (Article 2); or
- covered by a combination of these two procedures (Article 4) (1).

19. Steps must be taken to make the research findings available to all persons concerned. To this end the main results of the research must in any case be circulated generally to all those potentially

(1) It will no longer be necessary to combine these two procedures as soon as a uniform patent valid in all countries of the Community can be taken out from a European patent office.

concerned (Article 5). As regards making the findings known to persons actually concerned there are various further possibilities :

- the beneficiary of the aid is required to grant a non-exclusive licence to any persons concerned who so requests (Article 7 (1)) ;
- if there are no industrial property rights, the beneficiary of the aid must make the necessary findings available to any person concerned who so requests (Article 7 (2)) ;
- if the beneficiary itself manufactures machines or appliances, both those concerned and third parties interested in the research results will be entitled to acquire them for their own use (Article 9) ;
- if other undertakings manufacture machines or appliances under licence issued by the beneficiary, both those concerned and third parties interested in the results will be entitled to acquire them for their own industrial use (Article 10).

20. Steps must be taken to ensure that nothing is done to affect right of those concerned to obtain licences in accordance with the principles set out in point 19. For this reason the Commission of the European Communities will in any event be entitled to a royalty-free non-exclusive licence authorizing it to grant sub-licences as provided in Article 11.

21. Where the beneficiary, in accordance with the principles set out in point 19, grants licences in respect of industrial property rights or makes findings available, it is entitled to do so either in consideration of royalty payments or free of charge. In either case any discrimination as between persons concerned within the Community is prohibited (Article 8).

Under the terms of Article 12 the Commission of the European Communities will be entitled to a share of any royalty or other payment received by the beneficiary in respect of the grant of a licence, the communication of research findings or the supply of a machine or appliance.

22. Subject to the provisions set out in Articles 8 and 12 regarding royalties the beneficiary will be entitled to dispose freely of the invention in countries which do not belong to the Community (Article 13). Since the production resulting from patents for processes also includes articles directly produced by means of these processes, the acquisition of such patents in a non-member country might make it impossible to export coal and steel products from the Community to that country. The beneficiary of the aid is required to grant the requisite licences (Article 13 (2)) in order to prevent this occurring.

23. The Court of Justice of the European Communities has jurisdiction in respect of all disputes arising from the contractual relationship between the Commission of the European Communities and the beneficiary of the aid (Article 14).

ANNEX

OBLIGATIONS OF THE BENEFICIARY AS REGARDS PROTECTION AND DISSEMINATION OF RESEARCH RESULTS

Article 1

Position towards staff and other collaborators

1. The beneficiary shall so arrange its legal position towards its collaborators (both members of its staff and others) as to be able to publish forthwith in the Community countries inventions made, experience and knowledge acquired by them (hereinafter called 'research results') in connection with the research financed by the ECSC, and to dispose thereof freely.

2. The ECSC may release the beneficiary from the obligations arising under paragraph 1 where it is not possible in law or in fact for the beneficiary to arrange as aforesaid.

Article 2

Filing of claim to industrial property rights ; publication destructive of novelty

1. If the research results are capable of being protected as industrial property, the beneficiary shall forthwith, unless there are special reasons which justify delay :

(a) apply for a patent in accordance with Article 3 hereunder ; or

(b) publish them in such manner that they become an integral part of the state of technology in all the countries of the Community (publication destructive of novelty).

2. Where application or publication is delayed without just cause, the ECSC itself shall be entitled to effect publication destructive of the novelty of the research results. Before doing so it shall hear the beneficiary and independent experts.

Article 3

Filing of claim in all Community countries

1. If the beneficiary wishes to obtain industrial property rights to protect the research results, it must so far as is legally possible acquire such rights in all the Community countries. After a European patent office has been established, the beneficiary must file a claim, or a fresh claim, with that office during the priority period.

2. The ECSC shall contribute to the costs of applying for, preserving and defending the patents, and to the payment of appropriate royalties to the inventors, in the same proportion as it contributed to the financing of the research.

Article 4

Filing of claim in some Community countries

If, in derogation of the principles of Article 3, the beneficiary does not wish or is unable to claim rights of industrial property in all the Community countries, it must immediately after filing its claim, effect publication destructive of the novelty of the research results as provided in Article 2.

Article 5

Dissemination of research results

1. Within a suitable time of filing the first claim for industrial property rights or effecting the publication destructive of novelty, the main aspects of the research results, even if incomplete or negative, and the procedure that should be followed to arrive at them, shall be made known by extensive publication in the Community, either by the beneficiary or by the ECSC.

2. If carried out by the beneficiary, the following minimum requirements must be observed:

- (a) publication must be effected in specialized journals of recognized value and wide circulation;
- (b) the publication must be marked 'Research carried out with a financial grant from the European Coal and Steel Community' and accompanied by a summary of the results;
- (d) the publisher must undertake to provide the ECSC on request, against payment, with as many copies of the publication as the ECSC shall consider necessary; the publisher and the author shall authorize the ECSC to circulate such reprints, together, where appropriate, with summaries and translations into other languages.

3. Research results which are not capable of giving rise to industrial property rights shall likewise be published in the Community by the beneficiary or by the ECSC as soon as they have reached a stage suitable for announcement.

Article 6

Transfer of rights

The beneficiary may transfer rights in the research results or grant exclusive licences in respect of industrial property rights within the Community only with the consent of the ECSC. The ECSC shall give its consent where it has full assurance that the beneficiary's obligations regarding dissemination of the research results will be met.

Article 7

Direct exploitation of the research results; granting of licences and dissemination of information to persons concerned

1. Where the beneficiary has obtained final or provisional industrial property rights in respect of the research results, it shall grant to any person concerned who shall so request

non-exclusive licences for such person's own use, and shall place at such person's disposal for his own use the experience obtained and improvements to be obtained thereafter in the field to which the licence pertains, including experience and improvements obtained as provided in paragraph 4 hereunder.

2. Where the beneficiary has not applied for or obtained rights of industrial property in respect of the research results, it shall place the research results at the disposal of any person concerned who shall so request for such person's own use, and shall likewise place the experience obtained and the improvements to be obtained thereafter in the field in question.

3. Where exploitation of the research results as provided in paragraphs 1 and 2 can be effected only simultaneously with the exploitation of other rights of industrial property previously acquired by the beneficiary (prior patents), the beneficiary shall also grant licences in respect of such rights to the persons concerned.

4. The beneficiary shall arrange with the persons concerned when granting licences and information as provided in paragraphs 1 to 3 that information relating to experience obtained and improvements to be obtained thereafter in the field in question are to be exchanged between the parties.

Article 8

Royalties

1. In performing its obligations under Article 7 the beneficiary shall be at liberty to grant licences and information to persons concerned in the Community royalty-free or for valuable consideration. If it elects to grant royalty-free licences and information it may stipulate for payment of its expenses:

- (a) if it elects to charge no royalty, it shall be entitled to receive all royalties accruing outside the Community;
- (b) if it elects to charge royalties, it shall share with the ECSC as provided in Article 12 the aggregate proceeds accruing inside and outside the Community.

2. In fixing the amount of the royalty there shall be no discrimination among the persons concerned. In this connection the licences and information referred to in Article 7 (1) and the information referred to in Article 7 (2) shall, in so far as they relate to the same techniques, be treated as considerations of equal value.

3. Save where special circumstances justify the making of an exception, the royalty shall not exceed the amount which persons not concerned are required to pay for like licences and information.

Article 9

Indirect exploitation of the research results; manufacture and sale of machines or appliances by the beneficiary

1. If the beneficiary itself manufactures for sale machines or appliances on the basis of the research results whether protected or unprotected, it shall be obliged to supply them without discrimination, by way of sale, lease or hire, to any person concerned for his own use. The royalty shall not be disproportionate and shall not, save where special circumstances justify the making of an exception, exceed the amount which persons not concerned are required to pay for the same.

2. If the beneficiary is unable or unwilling to execute orders to a delivery date of nine months, it shall grant licences to one or more other competent manufacturers selected by it within the territory of the Community and shall communicate to them the experience needed to execute the said orders.

Article 10

Indirect exploitation of the research results ; manufacture and sale of machines and appliances by other undertakings

If the research results consist of inventions or experience for the making of machines or appliances which the beneficiary itself is unable or unwilling to manufacture for sale, it shall grant licences to one or more competent manufacturers selected by it within the territory of the Community to ensure manufacture thereof and shall communicate to them the experience needed. Such manufacturer or manufacturers shall then undertake to supply the machines or appliances without discrimination, by way of sale, lease or hire to persons concerned for their own use. The royalty shall not be disproportionate and shall not, save where special circumstances justify the making of an exception, exceed the amount which persons not concerned are required to pay for the same.

Article 11

Licences in favour of the ECSC

1. To ensure due performance of its obligations under Articles 7, 9 and 10, the beneficiary shall grant to the ECSC royalty-free non-exclusive licences in respect of all industrial property rights for which the beneficiary has obtained protection in the Community countries, and such licences shall confer the right to grant the sub-licences referred to below.

2. On the basis of the licences aforesaid the ECSC may grant sub-licences to persons concerned where the beneficiary agrees with it that the applicant for a licence qualifies as a 'person concerned' but nevertheless refuses to grant a licence in accordance with Article 7. The ECSC shall notify the beneficiary not less than four weeks before granting the sub-licence.

3. In granting sub-licences, the ECSC shall adhere to the terms normally adopted by the beneficiary when granting licences in respect of the industrial property rights in question. For this purpose the ECSC shall request the beneficiary to inform it of these terms within four weeks. If the beneficiary does not comply within that period, the ECSC shall settle the terms as it thinks fit. Any royalty agreed upon in connection with the sub-licence shall be paid direct to the beneficiary after deduction of the ECSC's expenses.

4. If the ECSC and the beneficiary do not agree as to whether the applicant for a licence qualifies as a 'person concerned', this matter, in accordance with Article 14, must first be decided by the Court of Justice of the European Communities. If the Court of Justice finds that the applicant qualifies as a 'person concerned', the ECSC may then grant sub-licences as provided in paragraphs 2 and 3.

5. If the beneficiary does not fulfil its undertaking to grant licences to other manufacturers as provided in Article 9 (2) or Article 10, the ECSC may then grant sub-licences to those concerned and communicate to them the experience necessary to enable them to make, or to cause to be made by others, machines or appliances for their own use. Paragraphs 2, 3 and 4 shall apply by analogy.

Article 12

The ECSC share of royalties

1. Where royalties accrue to the beneficiary from the grant of licences in respect of rights of industrial property or the communication of experience (Article 7 and Article 11 (3)), the ECSC shall be entitled to the following share of the amount payable :

(a) there shall first be repaid to the parties to this Agreement the costs of applying for, preserving and defending the rights of industrial property, and where appropriate a suitable amount by way of inventor's remuneration ;

(b) from the balance, which shall be calculated for each calendar year, the ECSC shall receive a share proportionate to the amount of its contribution to the invention in question as against the contribution of the beneficiary (personnel and equipment costs, technical experience made available for the research).

2. Paragraph 1 shall apply by analogy where the beneficiary grants to other manufacturers, as provided in Article 9 (2) or Article 10, licences for the manufacture and sale of machines or appliances.

3. Where the beneficiary itself manufactures machines or appliances and supplies them to those concerned in the Community (Article 9), the ECSC shall be entitled to a share in the profits. In determining that share due account shall be taken of the amount of its contribution to the development of the machines or appliances in question.

4. The share of the ECSC in royalties or profits (paragraphs 1 to 3) shall be fixed by agreement between the parties to this Agreement within six months after completion of the research. Failing agreement within that period the Court of Justice of the European Communities shall determine the matter as provided in Article 14.

Article 13

Filing in non-Community countries of claim to industrial property rights

1. The beneficiary shall be at liberty to file, or not to file, claims to rights of industrial property in countries outside the Community, and to determine to what extent and for how long they shall be effected.

2. Where such industrial property rights constitute an impediment to the export of products from the Community's coal and steel industries, the beneficiary shall obviate such impediment by granting the requisite licences. If the beneficiary transfers an industrial property right acquired outside the Community, or grants an exclusive licence in respect of any such right, it must impose like obligations upon the transferee or licensee. Article 8 (1) and (3) shall apply.

3. The costs of applying for, preserving and defending rights of industrial property in countries outside the Community shall be borne solely by the beneficiary. Nevertheless, where proceeds accruing from the grant of licences or information in such countries are shared between the beneficiary and the ECSC as provided in Article 8 (1) (b), the provisions of Article 12 (1) (in particular with respect to repayment of such costs) shall apply.

Article 14

Jurisdiction of the Court of Justice

1. It shall be provided in contracts for the grant of financial aid that the ECSC and the beneficiary accept that the Court of Justice of the European Communities is to have jurisdiction, pursuant to Article 42 of the ECSC Treaty, in respect of all disputes arising out of any such contract.
2. The like provision shall be inserted by the ECSC in such contracts as it shall conclude under Article 11 (2) to (5) of this Annex. The same shall also be agreed with persons or

undertakings subrogated to the obligations of the beneficiary upon acquiring rights arising out of inventions or rights of industrial property (Articles 6 and 13).

Article 15

Area of territorial application

For the purpose of determining which countries are Community countries and, accordingly, which persons are 'persons concerned in the Community' account shall be taken of any changes which take place in this respect after conclusion of the contract for the grant of aid.

REGULATION (EEC) No 1055/72 OF THE COUNCIL

of 18 May 1972

on notifying the Commission of imports of crude oil and natural gas

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community, and in particular Articles 5 and 213 thereof;

Having regard to the proposal from the Commission;

Having regard to the Opinion of the European Parliament;

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

Whereas the introduction of a common energy policy is one of the objectives of the Communities; whereas it is the task of the Commission to propose the measures to be taken for this purpose;

Whereas, after studying the communication made to it by the Commission on 18 December 1968 on initial guidelines for a Community energy policy, the Council during its 88th session held on 13 November 1969:

- approved the basic principles of that communication in the light of the report from the Committee of Permanent Representatives;
- requested the Commission to put before it as soon as possible the most urgent concrete proposals in this field;
- agreed to study these proposals as soon as possible in order to establish a Community energy policy;

Whereas obtaining an overall picture of Community supplies is one feature of such a policy; whereas this will, in particular, enable the Community to make the necessary comparisons;

Whereas the accomplishment of that task requires the most accurate information possible on crude oil and natural gas, in respect of both past and future developments in supply and demand; whereas precise information concerning the origin and quality of these products is similarly indispensable;

Whereas Member States should for this purpose communicate to the Commission, with any comments they may have, the statistical information relating to imports effected over the preceding half calendar year, and a general survey on imports planned for the following year with relevant data; whereas to this end the persons and undertakings

concerned must be under an obligation to communicate to the Member States the information enabling the latter to fulfil the obligation in question;

Whereas the Commission should be able to curtail the limits for communicating the information, to alter the periods to which notifications should relate and, if need be as a temporary measure, to have available the forecasts for each undertaking separately;

Whereas it is desirable to enable the Commission to specify, if need be, certain rules of application, such as the form and content of the notifications to be made;

Whereas observance of the obligations provided for in this Regulation and the confidential nature of the information collected should be ensured;

HAS ADOPTED THIS REGULATION:

Article 1

1. Member States shall, under the following conditions and in accordance with the procedures laid down in Annex I, communicate to the Commission the information they have obtained on the basis of the provisions of Article 2 on imports of crude oil falling within heading No 27.09 of the Common Customs Tariff, and of natural gas falling within subheading No 27.11 B of the Common Customs Tariff:

- (a) by 30 September and 31 March of each year at the latest, in respect of the imports effected during the preceding half calendar year by each individual undertaking;
- (b) by 31 December of each year at the latest, in respect of all imports planned for the following year by all the undertakings of the Member State concerned.

Member States shall add to their notifications any comments they may have.

2. Imports shall for the purposes of this Regulation be taken to be all the crude oils and natural gas which enter the customs territory of the Community for purposes other than transit or inward processing for supply to third countries.

Member States shall be obliged to notify only imports of crude oils and natural gas intended for their own countries, and not those in transit to other Member States.

Article 2

In order to fulfil the obligation laid down in Article 1, any person or undertaking having imported or intending to import into the Community a quantity of 100 000 metric tons or more per annum of crude oil or natural gas shall, in accordance with the procedure set out in Annex II, notify the Member State in which those imports have been effected or are planned:

- (a) before 15 September and 15 March of each year, of the imports effected during the preceding half calendar year;
- (b) before 15 December of each year, of the imports planned for the following year.

Article 3

In order to enable the Commission to assess the supply situation, Member States shall, in accordance with the procedure which the Commission lays down:

- make notification as required by Articles 1 and 2 within a shorter time limit or for other periods;
- make notification as required by Article 1 (1) (b), if need be as a temporary measure, in respect of individual undertakings.

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

Done at Brussels, 18 May 1972.

Article 4

The Commission shall, within the limits laid down by this Regulation and the Annexes thereto, be authorized to adopt implementing provisions concerning the form, content and other details of the notifications under Articles 1, 2 and 3.

Article 5

The Commission shall place before the Council a summary of the information obtained pursuant to this Regulation.

Article 6

Information forwarded pursuant to this Regulation shall be treated as confidential. This provision shall not prevent the publication of general information or of summaries not containing particulars concerning individual undertakings.

Article 7

Member States shall take appropriate measures to ensure observance of the obligations arising under Articles 2 and 6.

Article 8

This Regulation shall enter into force one month after its publication in the *Official Journal of the European Communities*.

For the Council
The President
M. MART

ANNEX I

NOTIFICATION FROM THE MEMBER STATES TO THE COMMISSION

Notifications shall include the following information:

A. In respect of imports effected during the half calendar year preceding the declaration:

In respect of imports of crude oil falling within heading No 27.09 and natural gas within subheading No 27.11 B of the Common Customs Tariff:

Full transmission of information obtained by the governments from persons or undertakings, including the names and the addresses or seats, of those persons or undertakings.

B. In respect of imports planned for the year following the declaration:

- (i) *In respect of crude oil falling within heading No 27.09 of the Common Customs Tariff:*
1. Estimated quantity in thousands of metric tons
 2. Port of loading and, where appropriate, country of origin where the crude oil to be imported is to be produced
 3. Percentage of supplies effected on the basis of contracts expiring within five years
- (ii) *In respect of natural gas falling within subheading No 27.11 B of the Common Customs Tariff:*
1. Quantity (in millions of m³ at 0° and 760 mm Hg)
 2. Country of origin where the natural gas to be imported is to be produced
 3. Importing port, or receiving station when routed by gas pipeline
 4. Gross calorific value of natural gas to be imported (in Kcal/m³, at 0° and 760 mm Hg).

ANNEX II

NOTIFICATION FROM PERSONS AND UNDERTAKINGS TO MEMBER STATES

Notifications shall include the following information:

I. In respect of imports effected during the half calendar year preceding the declaration:

- A. *In respect of crude oil falling within heading No 27.09 of the Common Customs Tariff:*
1. Name, and address or seat, of the importing person or undertaking
 2. Quantity in thousands of metric tons
 3. Port of loading and, where appropriate, country of origin where the imported crude oil was produced
 4. Port of discharge or, in the case of overland transport, customs clearance office and, where appropriate, pipelines through which importation was effected
 5. Trade description of crude oil imported
 6. (a) In respect of all imports effected on the basis of supply contracts:
Names, and addresses or seats, of contracting parties
 - (b) In respect of imports effected on the basis of supply contracts expiring within five years:
 - (i) duration of the contract
 - (ii) date of termination
- B. *In respect of natural gas falling within subheading No 27.11 B of the Common Customs Tariff:*
1. Name, and address or seat, of the importing person or undertaking
 2. Quantity (in millions of m³, at 0° and 760 mm Hg)
 3. Country of origin where the imported natural gas was produced
 4. Importing port, or receiving station when routed by gas pipeline
 5. Gross calorific value (in Kcal/m³, at 0° and 760 mm Hg).

II. In respect of imports planned for the year following the declaration:

- A. *In respect of crude oil falling within heading No 27.09 of the Common Customs Tariff:*
1. Name, and address or seat, of the importing person or undertaking
 2. Estimated quantity in thousands of metric tons
 3. Port of loading and, where appropriate, country of origin where the crude oil to be imported is to be produced

4. Port of discharge or, in the case of overland transport, customs clearance office and, where appropriate, pipelines through which importation will be effected
 5. Trade description of the crude petroleum to be imported
 6. (a) In respect of all imports to be effected on the basis of supply contracts:
Names, and addresses or seats, of contracting parties
 - (b) In respect of imports to be effected on the basis of supply contracts expiring within five years:
 - (i) duration of the contract
 - (ii) date of termination
- B. *In respect of natural gas falling within subheading No 27.11 B of the Common Customs Tariff:*
1. Name, and address or seat, of the importing person or undertaking
 2. Quantity (in millions of m³, at 0° and 760 mm Hg)
 3. Country of origin where the natural gas to be imported is to be produced
 4. Importing port, or receiving station when routed by gas pipeline
 5. Gross calorific value of natural gas to be imported (in Kcal/m³, at 0° and 760 mm Hg).

REGULATION (EEC) No 1068/73 OF THE COMMISSION

of 16 March 1973

applying Council Regulation (EEC) No 1055/72 of 18 May 1972 on notifying the Commission of imports of crude oil and natural gas

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community;

Having regard to Council Regulation (EEC) No 1055/72⁽¹⁾ of 18 May 1972 on notifying the Commission of imports of crude oil and natural gas, and in particular Article 4 thereof;

Whereas Article 4 of Regulation (EEC) No 1055/72 provides that the Commission may, within the limits laid down by that Regulation and the Annexes thereto, adopt implementing provisions concerning the form, content and other details of the notifications provided for in Articles 1, 2 and 3 of that Regulation;

Whereas, to simplify the transmission of information and to ensure that statistics are comparable, noti-

cations to be made by Member States and undertakings should be standardized by the use of questionnaires which would serve as a guide for the presentation and content of such notifications;

HAS ADOPTED THIS REGULATION:

Article 1

The notifications provided for in Article 1 of Regulation (EEC) No 1055/72 shall be drawn up as shown in the Annex to this Regulation.

Article 2

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

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

Done at Brussels, 16 March 1973.

For the Commission

The President

François-Xavier ORTOLI

⁽¹⁾ OJ No L 120, 25. 5. 1972, p. 3.

Remarks for P 1 — IMPORTS

QUESTIONNAIRE

to be submitted

- (a) by companies to the Governments of the Member States
- (b) by Member States to the Commission of the European Communities

Laying down the implementing provisions pursuant to Article 4 of Council Regulation (EEC) No 1055/72 of 18 May 1972 on notifying the Commission of imports of crude oil and natural gas

Only for companies or persons importing at least 100 000 tons of crude oil per annum.

Within the meaning of this Regulation the term 'import' means all crude oil and natural gas entering the customs territory of the Community for purposes other than transit and inward processing traffic destined for third countries.

Member States are obliged to notify only imports of crude oil intended for themselves, excluding those in transit to other Member States.

(a) 'Crude oil falling within heading No 27.09 of the Common Customs Tariff' means the product referred to in the corresponding notes of the Brussels Customs Nomenclature.

(b) 'Trade description of the crude oil imported' means the description generally used for this product, for example:

Arabian-heavy	31° API	Murban	39° API
Arabian-light special	39° API	Umn Shaif	37° API
Iranian-heavy	31° API	Zakum	40° API
Iranian-light	34° API	Qatar	40° API
Neutral Zone-Khafji		Qatar	41.2° API
Basrah	35° API	Kuwait	31° API
Basrah	34° API		

(c) 'Country of origin' means the country in which the oil was extracted, whether this was on the mainland or on the sea-bed inside or outside territorial waters, in so far as, for the purposes of exploitation, the country in question exerts exclusive rights over this area of the sea-bed.

(d) 'Port of loading' means the port in which the crude oil was loaded for the *last* time on board an oil tanker, before transport to the territory of the Community countries.

(e) 'Port of discharge' means the point in the territory of the Community countries where the crude oil was discharged for the *first* time on the territory of one of these countries.

TIME LIMITS:

1. For the submission of the notifications of undertakings or persons to the Member States, no later than 15 September (for the period from 1 January to 30 June) and 15 March (for the period from 1 July to 31 December) of each year.
2. For the submission of the notifications of the Member States to the Commission: no later than 30 September (for the period from 1 January to 30 June) and 31 March (for the period from 1 July to 31 December).

(If there is insufficient room on the forms, additional information may be included on separate sheets.)

IMPORTS

Name and address of the persons and companies

CRUDE OIL (a)

Imports made during the half calendar year *preceding* this statement

Member State	P I
Period to which this data refers	

1	2	3	4	5	6	7		8	9	10
Country of origin (c)	Commercial description of the crude oil imported (b)	Quantity (1000 t)	Port of loading (d)	Port of discharge (e)	Customs clearance office or receiving station when routed by pipeline	For imports made on the basis of supply contracts (1)			Remarks	
						Duration of contract	Schedule	Name and address of the contracting parties		

(1) Only in respect of imports effected on the basis of supply contracts valid for 5 years.
(a) (b) (c) (d) (e) See Remarks P I.

QUESTIONNAIRE

Questionnaire to be sent by companies to the Governments of the Member States or, where Article 3 of Council Regulation (EEC) No 1055/72 of 18 May 1972 is applied, to be submitted by the Member States to the Commission of the European Communities

Laying down the implementing provisions pursuant to Article 4 of Council Regulation (EEC) No 1055/72 of 18 May 1972 on notifying the Commission of imports of crude oil and natural gas

Only for companies or persons importing at least 100 000 tons of crude oil per annum.

Within the meaning of this Regulation the term 'import' means all crude oil and natural gas entering the customs territory of the Community for purposes other than transit and inward processing traffic destined for third countries.

Member States are obliged to notify only imports of crude oil intended for themselves, excluding those in transit to other Member States.

(a) 'Crude oil falling within heading No 27.09 of the Common Customs Tariff' means the product referred to in the corresponding notes of the Brussels Customs Nomenclature.

(b) 'Trade description of the crude oil imported' means the description generally used for this product, for example:

Arabian-heavy	31° API	Murban	39° API
Arabian-light special	39° API	Umn Shaif	37° API
Iranian-heavy	31° API	Zakum	40° API
Iranian-light	34° API	Qatar	40° API
Neutral Zone-Khafji		Qatar	41.2° API
Basrah	35° API	Kuwait	31° API
Basrah	34° API		

(c) 'Country of origin' means the country in which the oil was extracted, whether this was on the mainland or on the sea-bed inside or outside territorial waters, in so far as, for the purposes of exploitation, the country in question exerts exclusive rights over this area of the sea-bed.

(d) 'Port of loading' means the port in which the crude oil was loaded for the *last* time on board an oil tanker, before transport to the territory of the Community countries.

(e) 'Port of discharge' means the point in the territory of the Community countries where the crude oil was discharged for the *first* time on the territory of one of these countries.

TIME LIMIT:

The imports planned for the following year to be notified before 15 December of each year.

(If there is insufficient room on the forms, additional information may be included on separate sheets.)

IMPORTS

Name and address of the persons and companies

CRUDE OIL (a)

Imports planned for the year *following* this statement

Member State

P
2a

Period to which this data refers

1	2	3	4	5	6	7	8	9	10
Country of origin (c)	Commercial description of the crude oil imported (b)	Quantity (1000 t)	Port of loading (d)	Port of discharge (e)	Customs clearance office or receiving station when routed by pipeline	For imports made on the basis of supply contracts (1)			Remarks
						Duration of contract	Schedule	Name and address of the contracting parties	

(1) Only in respect of imports effected on the basis of supply contracts valid for 5 years.
 (a) (b) (c) (d) (e) See Remarks P 2a.

Remarks for P 2b — IMPORTS

QUESTIONNAIRE

Questionnaire to be submitted by the Member States to the Commission of the European Communities

Laying down the implementing provisions pursuant to Article 4 of Council Regulation (EEC) No 1055/72 of 18 May 1972 on notifying the Commission of imports of crude oil and natural gas

Only for companies or persons importing at least 100 000 tons of crude oil per annum.

Within the meaning of this Regulation the term 'import' means all crude oil and natural gas entering the customs territory of the Community for purposes other than transit and inward processing traffic destined for third countries.

Member States are obliged to notify only imports of crude oil intended for themselves, excluding those in transit to other Member States.

(a) 'Crude oil falling within heading No 27.09 of the Common Customs Tariff' means the product referred to in the corresponding notes of the Brussels Customs Nomenclature.

(b) 'Trade description of the crude oil imported' means the description generally used for this product, for example:

Arabian-heavy	31° API	Murban	39° API
Arabian-light special	39° API	Umn Shaif	37° API
Iranian-heavy	31° API	Zakum	40° API
Iranian-light	34° API	Qatar	40° API
Neutral Zone-Khafji		Qatar	41.2° API
Basrah	35° API	Kuwait	31° API
Basrah	34° API		

(c) 'Country of origin' means the country in which the oil was extracted, whether this was on the mainland or on the sea-bed inside or outside territorial waters, in so far as, for the purposes of exploitation, the country in question exerts exclusive rights over this area of the sea-bed.

(d) 'Port of loading' means the port in which the crude oil was loaded for the *last* time on board an oil tanker, before transport to the territory of the Community countries.

TIME LIMIT:

No later than 31 December of each year.

(If there is insufficient room on the forms, additional information may be included on separate sheets.)

IMPORTS

CRUDE OIL (a)
Imports planned for the year <i>following</i> this statement

Member State	P 2b
--------------	-----------------------

Period to which this data refers

1	2	3	4	5	6
Country of origin (c)	Commercial description of the crude oil imported (b)	Quantity (1000 t)	Port of loading (d)	Percentage of supplies effected on the basis of contracts expiring within 5 years (in % of the quantities shown in column 3)	Remarks

(a) (b) (c) (d) See Remarks P 2b.

Remarks for G 1 — IMPORTS

QUESTIONNAIRE

to be submitted

- (a) by companies to the Governments of the Member States
- (b) by the Member States to the Commission of the European Communities

Laying down the implementing provisions pursuant to Article 4 of Council Regulation (EEC) No 1055/72 of 18 May 1972 on notifying the Commission of imports of crude oil and natural gas

Only for companies or persons importing at least 100 000 tons of natural gas per annum.

Within the meaning of this Regulation, the term 'import' means all the natural gas which enters the customs territory of the Community for purposes other than transit and inward processing traffic destined for third countries.

Member States are obliged to notify only imports of natural gas intended for themselves excluding those in transit to other Member States.

- (a) 'Natural gas falling within heading No 27.11 B II of the Common Customs Tariff' means the product referred to in the corresponding notes of the Brussels Customs Nomenclature.
- (b) 'Country of origin' means the country in which the natural gas was extracted, whether this was on the mainland or on the sea-bed inside or outside territorial waters, in so far as, for the purposes of exploitation, the country in question exerts exclusive rights over this area of the sea-bed.

TIME LIMITS:

1. For the submission of the notifications by companies or persons to the Member States, no later than 15 September (for the period from 1 January to 30 June) and 15 March (for the period from 1 July to 31 December) of each year.
2. For the submission of the notifications of the Member States to the Commission: no later than 30 September (for the period from 1 January to 30 June) and 31 March (for the period from 1 July to 31 December).

(If there is insufficient room on the forms, additional information may be included on separate sheets.)

IMPORTS

Name and address of the persons and companies

NATURAL GAS (a)

Imports effected during the half calendar year *preceding* this statement

Member State

G
1

Period to which this data refers

1	2	3	4	5	6
Country of origin (b)	Description of the natural gas (gaseous, liquefied)	Quantity 10 ⁶ m ³ at 0° C and 760 mm Hg	Upper calorific value Kcal/ m ³	Importing port or receiving station when routed by gas pipeline	Remarks

(a) (b) See Remarks G 1.

QUESTIONNAIRE

Questionnaire to be sent by companies to the Governments of the Member States or, where Article 3 of Council Regulation (EEC) No 1055/72 of 18 May 1972 is applied, to be submitted by the Member States to the Commission of the European Communities

Laying down the implementing provisions pursuant to Article 4 of Council Regulation (EEC) No 1055/72 of 18 May 1972 on notifying the Commission of imports of crude oil and natural gas

Only for companies or persons importing at least 100 000 tons of natural gas per annum.

Within the meaning of this Regulation, the term 'import' means all the natural gas which enters the customs territory of the Community for purposes other than transit and inward processing traffic destined for third countries.

Member States are obliged to notify only imports of natural gas intended for themselves, excluding those in transit to other Member States.

- (a) 'Natural gas falling within heading No 27.11 B II of the Common Customs Tariff means the product referred to in the corresponding notes of the Brussels Customs Nomenclature.
- (b) 'Country of origin' means the country in which the natural gas was extracted, whether this was on the mainland or on the sea-bed inside or outside territorial waters, in so far as, for the purposes of exploitation, the country in question exerts exclusive rights over this area of the sea-bed.

TIME LIMIT:

The imports planned for the following year to be notified before 15 December of each year.

(If there is insufficient room on the forms, additional information may be included on separate sheets.)

IMPORTS

Name and address of the persons and companies

NATURAL GAS (a)

Imports planned for the year *following* this statement

Member State

G
2a

Period to which this data refers

1	2	3	4	5	6
Country of origin (b)	Description of the natural gas (gaseous, liquefied)	Quantity 10 ⁴ m ³ at 0° C and 760 mm Hg	Upper calorific value Kcal/ m ³	Importing port or receiving station when routed by gas pipeline	Remarks

(a) (b) See Remarks G 2a.

Remarks for G 2b — IMPORTS

QUESTIONNAIRE

Questionnaire to be submitted by the Member States to the Commission of the European Communities

Laying down the implementing provisions pursuant to Article 4 of Council Regulation (EEC) No 1055/72 of 18 May 1972 on notifying the Commission of imports of crude oil and natural gas

Only for undertakings or persons importing at least 100 000 tons of natural gas per annum.

Within the meaning of this Regulation, the term 'import' means all the natural gas which enters the customs territory of the Community for purposes other than transit and inward processing traffic destined for third countries.

Member States are obliged to notify only imports of natural gas intended for themselves, excluding those in transit to other Member States.

- (a) 'Natural gas falling within heading No 27.11 B II of the Common Customs Tariff' means the product referred to in the corresponding notes of the Brussels Customs Nomenclature.
- (b) 'Country of origin' means the country in which the natural gas was extracted, whether this was on the mainland or on the sea-bed inside or outside territorial waters, in so far as, for the purposes of exploitation, the country in question exerts exclusive rights over this area of the sea-bed.

TIME LIMIT:

No later than 31 December of each year.

(If there is insufficient room on the forms, additional information may be included on separate sheets.)

IMPORTS

NATURAL GAS (a)
Imports planned for the year <i>following</i> this statement

Country:	G 2b
Period to which this data refers	

1	2	3	4	5	6
Country of origin (b)	Description of the natural gas (gaseous, liquefied)	Quantity 10 ³ m ³ at 0° C and 760 mm Hg	Upper calorific value Kcal/ m ³	Importing port or receiving station when routed by gas pipeline	Remarks

(a) (b) See Remarks G 2b.

REGULATION (EEC) No 3254/74 OF THE COUNCIL

of 17 December 1974

applying Regulation (EEC) No 1055/72 on notifying the Commission of imports of crude oil and natural gas to petroleum products falling within subheadings 27.10 A, B, C I and C II of the Common Customs Tariff

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community, and in particular Articles 5 and 213 thereof;

Having regard to the proposal from the Commission;

Having regard to the Opinion of the European Parliament;

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

Whereas obtaining an overall picture of the Community supplies of crude oil and natural gas is an essential feature of a Community energy policy;

Whereas Regulation (EEC) No 1055/72 (1) applies only to the notification to the Commission of imports of crude oil and natural gas;

Whereas it is important to supplement the information which the Community has at its disposal; whereas, to this end, the notification provided for in Regulation (EEC) No 1055/72 should be extended to petroleum products falling within subheading 27.10 A, B, C I and C II of the Common Customs Tariff,

HAS ADOPTED THIS REGULATION:

Article 1

The obligation laid down in Article 1 of Regulation (EEC) No 1055/72 for Member States to notify the Commission of imports of crude oil and natural gas shall be extended to petroleum products falling within subheadings 27.10 A, B, C I and C II of the Common Customs Tariff and shall be fulfilled under the conditions set out in the abovementioned Regulation and in accordance with the procedure laid down in Annex A to this Regulation.

Article 2

As regards the products referred to in Article 1 of this Regulation and in accordance with the procedure laid down in Annex B to this Regulation, the obligation laid down in Article 2 of Regulation (EEC) No 1055/72 shall apply to persons or undertakings having imported or intending to import into the Community a quantity of 100 000 metric tons or more per annum of the products referred to in the subheading of the Common Customs Tariff set out in Article 1 above.

Article 3

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

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

Done at Brussels, 17 December 1974.

For the Council

The President

M. d'ORNANO

(1) O.J. No L 120, 25. 5. 1972, p. 3.

ANNEX A

Notification from the Member States to the Commission

Notifications shall include the following information :

A. In respect of imports effected during the half calendar year preceding the declaration :

Full transmission of information obtained by the Governments from persons or undertakings, including the names, and addresses or seats, of those persons or undertakings.

B. In respect of imports planned for the year following the declaration :

1. Gradings and descriptions of the imported petroleum products as given in the Common Customs Tariff, including the sulphur content (% by weight), if available.
2. Estimated quantity of each product in thousands of metric tons.
3. Country where the petroleum products to be imported are to be refined.
4. Percentage of supplies effected on the basis of contracts with a duration of more than one year.

ANNEX B

Notification from persons and undertakings to Member States

I. In respect of imports effected during the half calendar year preceding the declaration :

1. Name and address or seat, of the importing person or undertaking.
2. Gradings and descriptions of the imported petroleum products as given in the Common Customs Tariff, including the sulphur content (% by weight), if available.
3. Quantity of each product in thousands of metric tons.
4. Country where the imported petroleum products were refined.
5. Names, and addresses or seats, of contracting parties.
6. In respect of all imports effected on the basis of supply contracts with a duration of more than one year :
 - (i) duration of the contract ;
 - (ii) date of termination ;
 - (iii) quantity per country where the petroleum products were refined.

II. In respect of imports planned for the year following the declaration :

1. Name, and address or seat, of the importing person or undertaking.
2. Gradings and descriptions of the imported products as given in the Common Customs Tariff, including the sulphur content (% by weight), if available.
3. Estimated quantity of each product in thousands of metric tons.
4. Country where the petroleum products to be imported were or will be refined.
5. Names, and addresses or seats, of contracting parties.
6. In respect of all imports effected on the basis of supply contracts with a duration of more than one year :
 - (i) duration of the contract ;
 - (ii) date of termination ;
 - (iii) quantity per country where the petroleum products were or will be refined.

REGULATION (EEC) No 2677/75 OF THE COMMISSION

of 6 October 1975

applying Council Regulation (EEC) No 3254/74 of 17 December 1974, applying Regulation (EEC) No 1055/72 on notifying the Commission of imports of crude oil and natural gas, to petroleum products falling within subheadings 27.10 A, B, C I and C II of the Common Customs Tariff

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community;

Having regard to Council Regulation (EEC) No 1055/72 ⁽¹⁾ of 18 May 1972 on notifying the Commission of imports of crude oil and natural gas and in particular Article 4 thereof;

Whereas Council Regulation (EEC) No 3254/74 ⁽²⁾ of 17 December 1974 extended the obligation of Member States to notify the Commission under Regulation (EEC) No 1055/72 to imports of petroleum products falling within subheadings 27.10 A, B, C I and C II of the Common Customs Tariff, in accordance with procedure laid down in its Annex and under the conditions set out in Regulation (EEC) No 1055/72;

Whereas Commission Regulation (EEC) No 1068/73 ⁽³⁾ of 16 March 1973 applies Regulation (EEC) No 1055/72 by establishing guidelines whereby the notifications provided for in Article 1 thereof should be drawn up;

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

Done at Brussels, 6 October 1975.

Whereas, to simplify the transmission of information and to ensure that statistics are comparable, notifications to be made by Member States and undertakings should be standardized by the use of questionnaires which would serve as a guide for the presentation and content of such notifications,

HAS ADOPTED THIS REGULATION:

Article 1

The notifications provided for in Article 1 of Regulation (EEC) No 1055/72, as applied by Regulation (EEC) No 3254/74 to petroleum products falling within subheadings 27.10 A, B, C I and C II of the Common Customs Tariff, shall be drawn up as shown in the Annex to this Regulation.

Article 2

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

For the Commission

H. SIMONET

Vice-President

⁽¹⁾ OJ No L 120, 25. 5. 1972, p. 3.

⁽²⁾ OJ No L 349, 28. 12. 1974, p. 1.

⁽³⁾ OJ No L 113, 28. 4. 1973, p. 1.

ANNEX

IMPORTS

Name and address of person or company

PETROLEUM PRODUCTS (a)
Imports made during the half calendar year preceding this statement
Grading and description of the petroleum product as given in the Common Customs Tariff (b)

Member State	PP 1
Period to which this data refers	

1	2	3	4	5	6	7	8
Country where the imported petroleum product was refined	Sulphur content (% by weight)	Quantity (1 000 metric tons)	For all imports effected on the basis of supply contracts with a duration of more than one year				Remarks
			Name and address of the contracting parties	Duration of contract	Expiry date	Quantity per country where the petroleum product was refined	

QUESTIONNAIRE

to be submitted

- (a) by companies to the Governments of the Member States
- (b) by Member States to the Commission of the European Communities

Laying down the implementing provisions pursuant to Article 1 of Council Regulation (EEC) No 3254/74 of 17 December 1974 applying Regulation (EEC) No 1055/72 on notifying the Commission of imports of crude oil and natural gas to petroleum products falling within subheadings 27.10 A, B, C I and C II of the Common Customs Tariff

Only for companies or persons importing at least 100 000 metric tons of petroleum products per annum.

Within the meaning of this Regulation the term 'import' means all petroleum products in question entering the customs territory of the Community for purposes other than transit and inward processing traffic destined for third countries.

Member States are obliged to notify only imports of petroleum products intended for themselves, excluding those in transit to other Member States.

- (a) 'Petroleum products falling within subheadings 27.10 A, B, C I and C II of the Common Customs Tariff' means the product referred to in the corresponding notes of the Common Customs Tariff.
- (b) 'Gradings and descriptions of the imported petroleum products as given in the Common Customs Tariff' means the description of the petroleum product according to the following headings:
 - 27.10 Light oils
 - 27.10 B Medium oils
 - 27.10 C I Heavy oils: gasoil
 - 27.10 C II Heavy oils: fuel-oil

The notification shall be made using one form for each petroleum product falling within a different one of the above headings.

TIME LIMITS:

1. For the submission of the notifications of undertakings or persons to the Member States, no later than 15 September (for the period from 1 January to 30 June) and 15 March (for the period from 1 July to 31 December) of each year.
2. For the submission of the notifications of the Member States to the Commission no later than 30 September (for the period from 1 January to 30 June) and 31 March (for the period from 1 July to 31 December).

(If there is insufficient room on the forms, additional information may be included on separate sheets).

IMPORTS

Name and address of person or company

PETROLEUM PRODUCTS (a)
Imports planned for the year following this declaration
Grading and description of the petroleum product as given in the Common Customs Tariff (b)

Member State	PP 2a
Period to which this data refers	

1	2	3	4	5	6	7	8
Country where the petroleum product to be imported will be refined	Sulphur content (% by weight)	Quantity (1 000 metric tons)	For all imports to be effected on the basis of supply contracts with a duration of more than one year				Remarks
			Name and address of the contracting parties	Duration of the contract	Expiry date	Quantity per country where the petroleum product was refined	

QUESTIONNAIRE

Questionnaire to be sent by companies to the Governments of the Member States or, where Article 3 of Council Regulation (EEC) No 1055/72 of 18 May 1972 is applied, to be submitted by the Member States to the Commission of the European Communities

Laying down the implementing provisions pursuant to Article 1 of Council Regulation (EEC) No 3254/74 of 17 December 1974 applying Regulation (EEC) No 1055/72 on notifying the Commission of imports of crude oil and natural gas to petroleum products falling within subheadings 27.10 A, B, C I and C II of the Common Customs Tariff

Only for companies or persons importing at least 100 000 metric tons of petroleum products per annum.

Within the meaning of this Regulation the term 'import' means all petroleum products in question entering the customs territory of the Community for purposes other than transit and inward processing traffic destined for third countries.

Member States are obliged to notify only imports of petroleum products intended for themselves, excluding those in transit to other Member States.

- (a) 'Petroleum products falling within subheadings 27.10 A, B, C I and C II of the Common Customs Tariff' means the product referred to in the corresponding notes of the Common Customs Tariff.
- (b) 'Gradings and descriptions of the imported petroleum products as given in the Common Customs Tariff' means the description of the petroleum product according to the following headings:
- 27.10 Light oils
 - 27.10 B Medium oils
 - 27.10 C I Heavy oils: gasoil
 - 27.10 C II Heavy oils: fuel-oil

The notification shall be made using one form for each petroleum product falling within a different one of the above headings.

TIME LIMIT:

The imports planned for the following year to be notified before 15 December of each year.

(If there is insufficient room on the forms, additional information may be included on separate sheets).

IMPORTS

PETROLEUM PRODUCT (a)
Imports planned for the year following the declaration
Grading and description of the petroleum product as given in the Common Customs Tariff (b)

Member State	PP 2b
Period to which this data refers	

1	2	3	4	5
Country where the petroleum product to be imported will be refined	Sulphur content (% by weight)	Quantity (1 000 metric tons)	Percentage of supplies effected on the basis of contracts with a duration of more than one year	Remarks

Remarks for PP 2b — IMPORTS

QUESTIONNAIRE

Questionnaire to be submitted by the Member States to the Commission of the European Communities

Laying down the implementing provisions pursuant to Article 1 of Council Regulation (EEC) No 3254/74 of 17 December 1974 applying Regulation (EEC) No 1055/72 on notifying the Commission of imports of crude oil and natural gas to petroleum products falling within subheadings 27.10 A, B, C I and C II of the Common Customs Tariff

Only for companies or persons importing at least 100 000 metric tons of petroleum products per annum.

Within the meaning of this Regulation the term 'import' means all petroleum products in question entering the customs territory of the Community for purposes other than transit and inward processing traffic destined for third countries.

Member States are obliged to notify only imports of petroleum products intended for themselves, excluding those in transit to other Member States.

(a) 'Petroleum products falling within subheadings 27.10 A, B, C I and C II of the Common Customs Tariff' means the product referred to in the corresponding notes of the Common Customs Tariff.

(b) 'Gradings and descriptions of the imported petroleum products as given in the Common Customs Tariff' means the description of the petroleum product according to the following headings:

- 27.10 Light oils
- 27.10 B Medium oils
- 27.10 C I Heavy oils: gasoil
- 27.10 C II Heavy oils: fuel-oil

The notification shall be made using one form for each petroleum product falling within a different one of the above headings.

TIME LIMIT:

No later than 31 December of each year.

(If there is insufficient room on the forms, additional information may be included on separate sheets).

REGULATION (EEC) No 388/75 OF THE COUNCIL

of 13 February 1975

on notifying the Commission of exports of crude oil and natural gas to third countries

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community, and in particular Articles 5 and 213 thereof;

Having regard to the proposal from the Commission;

Having regard to the Opinion of the European Parliament;

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

Whereas the introduction of a common energy policy is one of the objectives of the Communities; whereas it is the task of the Commission to propose the measures to be taken for this purpose;

Whereas obtaining an overall picture of Community supplies is one feature of such a policy; whereas this should, in particular, enable the Community to make the necessary comparisons;

Whereas the accomplishment of that task requires the most accurate information possible on exports of crude oil, petroleum products and natural gas, in respect of both past and future developments; whereas precise information concerning the origin, destination and quality of these products is similarly indispensable;

Whereas Member States should for this purpose communicate to the Commission, with any comments they may have, statistical information relating to exports effected over the preceding half year, and a general survey on exports planned for the following year with relevant particulars; whereas to this end the persons and undertakings concerned must be under an obligation to communicate to the Member States the information enabling the latter to fulfil the obligation in question;

Whereas the Commission should be able to curtail the limits for communicating the information, to alter the periods to which notifications should relate and, if need be, as a temporary measure, to request estimates for each individual undertaking;

Whereas it is desirable to enable the Commission if need be, to specify certain implementing rules, such as the form and content of the notifications to be made;

Whereas observance of the obligations laid down in this Regulation and the confidential nature of the information collected should be ensured,

HAS ADOPTED THIS REGULATION:

Article 1

1. Member States shall, under the following conditions and in accordance with the procedures laid down in Annex I, communicate to the Commission the information they have obtained on the basis of Article 2 on exports of crude oil and petroleum products falling within heading No 27.09 and subheadings 27.10 A, B, C I and C II of the Common Customs Tariff, and of natural gas falling within subheading 27.11 B II of the Common Customs Tariff:

- (a) by 30 September and 31 March of each year at the latest, in respect of the exports effected during the preceding half calendar year by each individual undertaking;
- (b) by 31 December of each year at the latest, in respect of all exports planned for the following year by all the undertakings of the Member State concerned.

Member States shall add to their notifications any comments they may have.

2. For the purposes of this Regulation export means carriage out of Community customs territory of all crude oils, petroleum products and natural gas, except of those products which are in Community customs territory under a system involving suspension or drawback of customs duties or other import charges, for example under systems of customs warehouses, free zones, temporary entry, transit or inward processing for supply to third countries.

Article 2

In order to fulfil the obligation laid down in Article 1, any person or undertaking having exported or intending to export from the Community a quantity of 100 000 metric tons or more per annum of crude oil and petroleum products, or an equivalent quantity of natural gas shall, in accordance with the procedures laid down in Annex II, notify the Member State from which those exports have been effected or are planned:

- (a) before 15 September and 15 March of each year, of the exports effected during the preceding half calendar year;
- (b) before 15 December of each year, of the exports planned for the following year.

Article 3

In order to enable the Commission to assess the supply situation, Member States shall, in accordance with a procedure laid down by the Commission :

- make notification as required by Articles 1 and 2 within a shorter time limit or for other periods ;
- make notification as required by Article 1 (1) (b), if need be as a temporary measure, in respect of individual undertakings.

Article 4

Within the limits laid down by this Regulation and the Annexes thereto, the Commission shall be authorized to adopt implementing provisions concerning the form, content and other details of the notifications under Articles 1, 2 and 3.

Article 5

The Commission shall submit to the Council a summary of the information obtained pursuant to this Regulation.

Article 6

Information forwarded pursuant to this Regulation shall be treated as confidential. This provision shall not prevent the publication of general information or of summaries not containing particulars concerning individual undertakings.

Article 7

Member States shall take appropriate measures to ensure observance of the obligations arising under Articles 2, 3 and 6.

Article 8

This Regulation shall enter into force one month after its publication in the *Official Journal of the European Communities*.

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

Done at Brussels, 13 February 1974.

For the Council

The President

P. BARRY

ANNEX I

Notification from the Member States to the Commission

Notifications shall include the following information :

A. In respect of exports effected during the half calendar year preceding the declaration :

In respect of exports of crude oil falling within heading No 27.09, petroleum products falling within subheadings 27.10 A, B, C I and C II, and natural gas falling within subheading 27.11 B II of the Common Customs Tariff :

Full transmission of information obtained by the governments from persons or undertakings, including the names, and the addresses or seats, of those persons or undertakings.

B. In respect of exports planned for the year following the declaration :

(i) In respect of crude oil falling within heading No 27.09 of the Common Customs Tariff :

1. estimated quantity in thousands of metric tons,
2. country where the crude oil to be exported is to be produced,
3. percentage of deliveries effected on the basis of contracts with a duration of more than one year,
4. country to which exports are destined.

- (ii) In respect of petroleum products falling within subheadings 27.10 A, B, C I and C II of the Common Customs Tariff :
1. estimated quantity in thousands of metric tons,
 2. country where the petroleum products to be exported are to be refined,
 3. percentage of deliveries effected on the basis of contracts with a duration of more than one year,
 4. country to which exports are destined.
- (iii) In respect of natural gas falling within subheading 27.11 B II of the Common Customs Tariff :
1. quantity (in millions of m³ at 0° and 760 mm Hg),
 2. country where the natural gas to be exported is to be produced,
 3. exporting port, or terminal when routed by gas pipeline,
 4. gross calorific value of natural gas to be imported (in Kcal/m³, at 0° and 760 mm Hg),
 5. country to which exports are destined.

ANNEX II

Notification from persons and undertakings to the Member States

Notifications shall include the following information :

- I. In respect of exports effected during the half calendar year preceding the declaration :
 - A. In respect of crude oil falling within heading No 27.09 of the Common Customs Tariff :
 1. name, and address or seat, of the exporting person or undertaking,
 2. quantity in thousands of metric tons,
 3. country where the exported crude oil was produced,
 4. trade description of the crude oil exported,
 5. names, and addresses or seats, of contracting parties,
 6. in respect of all exports effected on the basis of supply contracts with a duration of more than one year :
 - (i) duration of the contract,
 - (ii) date of termination,
 7. Country to which exports are destined.
 - B. In respect of petroleum products falling under subheadings 27.10 A, B, C I and C II of the Common Customs Tariff :
 1. name, and address or seat, of the exporting person or undertaking,
 2. description of the exported petroleum product, as given in the Common Customs Tariff, including the sulphur content (% by weight), if available,
 3. quantity in thousands of metric tons per product,
 4. country where the exported petroleum products were refined,
 5. names, and addresses or seats, of contracting parties,
 6. In respect of all exports effected on the basis of supply contracts with a duration of more than one year :
 - (i) duration of the contract,
 - (ii) date of termination,
 7. country to which exports are destined.

C. In respect of natural gas falling within subheading 27.11 B II of the Common Customs Tariff :

1. name, and address or seat, of the exporting person or undertaking,
2. quantity (in millions of m³, at 0° and 760 mm Hg),
3. country where the exported natural gas was produced,
4. exporting port, or terminal when routed by pipeline,
5. gross calorific value (Kcal/m³, at 0° and 760 mm Hg).

II. In respect of exports planned for the year following the declaration :

A. In respect of crude oil falling within heading No 27.09 of the Common Customs Tariff :

1. name, and address or seat, of the exporting person or undertaking,
2. estimated quantity in thousands of metric tons,
3. country where the crude oil to be exported is to be produced,
4. trade description of the crude oil to be exported,
5. names, and addresses or seats, of contracting parties,
6. in respect of all exports to be effected on the basis of supply contracts with a duration of more than one year :
 - (i) duration of contract,
 - (ii) date of termination,
7. country to which exports are destined.

B. In respect of petroleum products falling within subheadings 27.10 A, B, C I and C II of the Common Customs Tariff :

1. name, and address or seat, of the exporting person or undertaking,
2. description of the exported petroleum products, as given in the Common Customs Tariff, including the sulphur content (% by weight), if available,
3. estimated quantity in thousands of metric tons per product,
4. country where the petroleum products to be exported are to be refined,
5. names, and addresses or seats, of contracting parties,
6. in respect of all exports to be effected on the basis of supply contracts with a duration of more than one year :
 - (i) duration of the contract,
 - (ii) date of termination,
7. country to which exports are destined.

C. In respect of natural gas falling within subheading 27.11 B II of the Common Customs Tariff :

1. name, and address or seat, of the exporting person or undertaking,
2. quantity (in millions of m³, at 0° and 760 mm Hg),
3. country where the natural gas to be exported is to be produced,
4. exporting port, or terminal when routed by pipeline,
5. gross calorific value of the natural gas to be exported (Kcal/m³, at 0° and 760 mm Hg),
6. country to which exports are destined.

REGULATION (EEC) No 2678/75 OF THE COMMISSION

of 6 October 1975

applying Council Regulation (EEC) No 388/75, notifying the Commission of exports of oil and natural gas to third countries

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

use of questionnaires which would serve as a guide for the presentation and content of such notifications,

Having regard to the Treaty establishing the European Economic Community;

HAS ADOPTED THIS REGULATION:

Having regard to Regulation (EEC) No 388/75 ⁽¹⁾ of the Council of 13 February 1975 on notifying the Commission of exports of oil and natural gas to third countries and in particular Article 4 thereof;

Article 1

The notifications provided for in Article 1 of Regulation (EEC) No 388/75 shall be drawn up as shown in the Annex to this Regulation.

Whereas, to simplify the transmission of information on the technical level and to ensure that statistics are comparable, notifications to be made by Member States undertakings should be standardized by the

Article 2

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

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

Done at Brussels, 6 October 1975.

For the Commission:

H. SIMONET

Vice-President

⁽¹⁾ OJ No L 45, 19. 2. 1975, p. 1.

ANNEX

EXPORTS

Name and address of the person or company

CRUDE OIL (a)
Exports made during the half calendar year preceding this statement

Member State	P 3
Period to which this data refers	

1	2	3	4	5	6	7	8
Country of origin of the crude oil exported (c)	Commercial description of the crude oil exported (b)	Quantity (1 000 metric tons)	Country of destination of the exports	For all the exports effected on the basis of supply contracts with a duration of more than one year			Remarks
				Name and address of the contracting parties	Duration of the contract	Expiry date	

QUESTIONNAIRE

to be submitted

- (a) by companies to the Governments of the Member States
- (b) by Member States to the Commission of the European Communities

Laying down the implementing provisions pursuant to Article 4 of Council Regulation (EEC) No 388/75 of 13 February 1975 on notifying the Commission of exports of crude oil and natural gas to third countries

Only for companies exporting at least 100 000 metric tons of crude oil and petroleum products per annum.

For the purposes of this Regulation export means carriage out of the customs territory of the Community of all crude oils, petroleum products and natural gas, *except* of those products which are in the Community customs territory under a system involving suspension or drawback of customs duties or other import charges, in particular under systems of customs warehouses, free zones, temporary entry, transit or inward processing for supply to third countries.

- (a) 'Crude oil falling within heading No 27.09 of the Common Customs Tariff' means the product referred to in the corresponding notes of the Brussels Customs Nomenclature.
- (b) 'Trade description of the crude oil exported' means the description generally used for this product, for example:

Arabian-heavy	31° API	Murban	39° API
Arabian-light special	39° API	Umn Shaif	37° API
Iranian-heavy	31° API	Zakum	40° API
Iranian-light	34° API	Qatar	40° API
Neutral Zone Khafji		Qatar	41.2° API
Basra	35° API	Kuwait	31° API
Basra	34° API		

- (c) 'Country where the exported crude oil was produced' means the country in which the oil was extracted, whether this was on the mainland or on the sea-bed inside or outside territorial waters in so far as, for the purposes of exploitation, the country in question exerts exclusive rights over this area of the sea-bed.

TIME LIMITS:

1. For the submission of the notifications of undertakings or persons to the Member States, no later than 15 September (for the period from 1 January to 30 June) and 15 March (for the period from 1 July to 31 December) of each year.
2. For the submission of the notifications of the Member States to the Commission, no later than 30 September (for the period from 1 January to 30 June) and 31 March (for the period from 1 July to 31 December) of each year.

(If there is insufficient room on the forms, additional information may be included on separate sheets).

EXPORTS

Name and address of the person or company

CRUDE OIL (a)

Exports planned for the year following the declaration

Member State

P
4a

Period to which this data refers

1	2	3	4	5		6	7	8
Country of origin of the crude oil to be exported (c)	Commercial description of the crude oil which will be exported (b)	Quantity (1 000 metric tons)	Country of destination of the exports	For all exports to be effected on the basis of supply contracts with a duration of more than one year			Remarks	
				Name and address of the contracting parties	Duration of the contract	Expiry date		

QUESTIONNAIRE

Questionnaire to be submitted by companies to the Governments of the Member States or, where Article 3 of Council Regulation (EEC) No 1055/72 of 18 May 1972 is applied, to be submitted by the Member States to the Commission of the European Communities

Laying down the implementing provisions pursuant to Article 4 of Council Regulation (EEC) No 388/75 of 13 February 1975 on notifying the Commission of exports of crude oil and natural gas to third countries

Only for companies or persons exporting at least 100 000 metric tons of crude oil and petroleum per annum.

For the purposes of this Regulation export means carriage out of the customs territory of the Community of all crude oils, petroleum products and natural gas, *except* of those products which are in Community customs territory under a system involving suspension or drawback of customs duties or other import charges, in particular under systems of customs warehouses, free zones, temporary entry, transit or inward processing for supply to third countries.

- (a) 'Crude oil falling within heading No 27.09 of the Common Customs Tariff' means the product referred to in the corresponding notes of the Brussels Customs Nomenclature.
- (b) 'Trade description of the crude oil exported' means the description generally used for this product, for example:

Arabian-heavy	31° API	Murban	39° API
Arabian-light special	39° API	Umn Shaif	37° API
Iranian-heavy	31° API	Zakum	40° API
Iranian-light	34° API	Qatar	40° API
Neutral Zone Khafji		Qatar	41.2° API
Basra	35° API	Kuwait	31° API
Basra	34° API		

- (c) 'Country where the exported crude oil was produced' means the country in which the oil was extracted, whether this was on the mainland or on the sea-bed inside or outside territorial waters in so far as, for the purposes of exploitation, the country in question exerts exclusive rights over this area of the sea-bed.

TIME LIMITS:

The exports planned for the following year to be notified before 15 December of each year.

(If there is insufficient room on the forms, additional information may be included on separate sheets).

EXPORTS

CRUDE OIL (a)
Exports planned for the year following the declaration

Member State	P 4b
Period to which this data refers	

1	2	3	4	5
Country of origin of the crude oil to be exported (c)	Quantity (1 000 metric tons)	Country of destination of the exports	Percentage of supplies effected on the basis of contracts with a duration of more than one year	Remarks

Remarks for P 4b — EXPORTS

QUESTIONNAIRE

Questionnaire to be submitted by the Member States to the Commission of the European Communities

Laying down the implementing provisions pursuant to Article 4 of Council Regulation (EEC) No 388/75 of 13 February 1975 on notifying the Commission of exports of crude oil and natural gas to third countries

Only for companies or persons exporting at least 100 000 metric tons of crude oil and petroleum products per annum.

For the purposes of this Regulation export means carriage out of the territory of the Community of all crude oils, petroleum products and natural gas, *except* of those products which are in Community customs territory under a system involving suspension or drawback of customs duties or other import charges, in particular under systems of customs warehouses, free zones, temporary entry, transit or inward processing for supply to third countries.

(a) 'Crude oil falling within heading No 27.09 of the Common Customs Tariff' means the product referred to in the corresponding notes of the Brussels Customs Nomenclature.

(b) 'Trade description of the crude oil exported' means the description generally used for this product, for example:

Arabian-heavy	31° API	Murban	39° API
Arabian-light special	39° API	Umn Shaif	37° API
Iranian-heavy	31° API	Zakum	40° API
Iranian-light	34° API	Qatar	40° API
Neutral Zone Khafji		Qatar	41.2° API
Basra	35° API	Kuwait	31° API
Basra	34° API		

(c) 'Country where the exported crude oil was produced' means the country in which the oil was extracted, whether this was on the mainland or on the sea-bed inside or outside territorial waters in so far as, for the purposes of exploitation, the country in question exerts exclusive rights over this area of the sea-bed.

TIME LIMITS:

No later than 31 December of each year.

(If there is insufficient room on the forms, additional information may be included on separate sheets).

EXPORTS

1
Name and address of the person or company

NATURAL GAS (a)
Exports effected during the half calendar year preceding this statement

Member State	G 3
Period to which this data refers	

2	3	4	5	6	7
Quantity (10 ⁹ m ³ at 0° C and 760 mm Hg)	Country of origin of the natural gas to be exported	Port of export or despatching station when routed by gas pipeline	Gross calorific value of exported gas (kcal/m ³ at 0° C and 760 mm Hg)	Country of destination of the exports	Remarks

Remarks for G 3 — EXPORTS

QUESTIONNAIRE

to be submitted:

- by companies to the Governments of the Member States
- by Member States to the Commission of the European Communities.

Laying down the implementing provisions pursuant to Article 4 of Council Regulation (EEC) No 388/75 of 13 February 1975 on notifying the Commission of exports of crude oil and natural gas to third countries

Only for companies or persons exporting at least 100 000 toe of natural gas per annum.

For the purposes of this Regulation export means carriage out of the customs territory of the Community of all crude oils, petroleum products and natural gas, *except* of those products which are in Community customs territory under a system involving suspension or drawback of customs duties or other import charges, in particular under systems of customs warehouses, free zones, temporary entry, transit or inward processing for supply to third countries.

- (a) 'Natural gas falling within heading No 27.11 B II of the Common Customs Tariff' means the product referred to in the corresponding notes of the Brussels Customs Nomenclature.
- (b) 'Country of origin of the natural gas to be exported' means the country in which the gas was extracted. Whether this was on the mainland or on the sea-bed inside or outside territorial waters in so far as for the purpose of exploitation, the country in question exerts exclusive rights over this area of the sea-bed.

TIME LIMITS:

1. For the submission of the notifications by companies or persons to the Member States: not later than 15 September (for the period from 1 January to 30 June) and 15 March (for the period from 1 July to 31 December) of each year.
2. For the submission of the notifications of the Member States to the Commission: not later than 30 September (for the period from 1 January to 30 June) and 30 March (for the period from 1 July to 31 December) of each year.

(If there is insufficient room on the forms, additional information may be submitted on separate sheets).

EXPORTS

1
Name and address of person or company

NATURAL GAS (a)
Exports planned for the year following the declaration

Member State	G 4a
Period to which this data refers	

2	3	4	5	6	7
Quantity (10 ⁶ m ³ , 0° C 760 mm Hg)	Country of origin of the natural gas (b) to be exported	Port of export or despatching station when routed by gas pipeline	Gross calorific value of exported gas (kcal/m ³ , 0° C and 760 mm Hg)	Country of destination of the exports	Remarks

Remarks for G 4a — EXPORTS

QUESTIONNAIRE

Questionnaire to be submitted by companies to the Governments of the Member States or, where Article 3 of Council Regulation (EEC) No 388/75 of 13 February 1975 is applied, to be submitted by the Member States to the Commission of the European Communities

Laying down the implementing provisions pursuant to Article 4 of Council Regulation (EEC) No 388/75 of 13 February 1975 on notifying the Commission of exports of crude oil and natural gas to third countries

Applicable only for companies or persons exporting at least 100 000 toe of natural gas per annum.

For the purposes of this Regulation export means carriage out of the customs territory of the Community of all crude oils, petroleum products and natural gas, *except* of those products which are in Community customs territory under a system involving suspension or drawback of customs duties or other import charges, in particular under systems of customs warehouses, free zones, temporary entry, transit or inward processing for supply to third countries.

- (a) 'Natural gas falling within heading No 27.11 B II of the Common Customs Tariff' means the product referred to in the corresponding notes of the Brussels Customs Nomenclature.
- (b) 'Country of origin of the natural gas to be exported' means the country in which the gas was extracted. Whether this was on the mainland or on the sea-bed inside or outside territorial waters in so far as for the purpose of exploitation, the country in question exerts exclusive rights over this area of the sea-bed.

TIME LIMIT:

The exports planned for the following year to be notified before 15 December of each year.

(If there is insufficient room on the forms, additional information may be submitted on separate sheets).

EXPORTS

NATURAL GAS (a)
Exports planned for the year following the declaration

Member State	G 4b
Period to which this data refers	

2	3	4	5	6	7
Quantity (10 ⁶ m ³ at 0° C and 760 mm Hg)	Country of origin of the natural gas to be exported (b)	Port of export or despatching station when routed by pipeline	Gross calorific value of exported gas (kcal/m ³ , 0° C and 760 mm Hg)	Country of destination of the exports	Remarks

QUESTIONNAIRE

Questionnaire to be submitted by the Member States of the Commission of the European Communities

Laying down the implementing provisions pursuant to Article 4 of Council Regulation (EEC) No 388/75 of 13 February 1975 on notifying the Commission of exports of crude oil and natural gas to third countries

Only for companies or persons exporting at least 100 000 toe of natural gas per annum.

For the purposes of this Regulation export means carriage out of the customs territory of the Community of all crude oils, petroleum products and natural gas, *except* of those products which are in the Community customs territory under a system involving suspension or drawback of customs duties or other import charges, in particular under systems of customs warehouses, free zones, temporary entry, transit or inward processing for supply to third countries.

- (a) 'Natural gas falling within heading No 27.11 B II of the Common Customs Tariff' means the product referred to in the corresponding notes of the Brussels Customs Nomenclature.
- (b) 'Country of origin of the natural gas to be exported' means the country in which the gas was extracted, whether this was on the mainland or on the sea-bed inside or outside territorial waters in so far as, for the purposes of exploitation, the country in question exerts exclusive rights over this area of the sea-bed.

TIME LIMITS:

No later than 31 December each year.

(If there is insufficient room on the forms, additional information may be submitted on separate sheets).

EXPORTS

Name and address of person or company

PETROLEUM PRODUCTS (a)

Exports made during the half calendar year preceding this statement

Grading and description of the petroleum product as given in the Common Customs Tariff (b)

Member State

PP
3

Period to which this data refers

1	2	3	4	5			6	7	8
Country where the petroleum product was refined	Sulphur content (% by weight)	Quantity (1000 metric tons)	Country of destination of the exports	For all exports effected on the basis of supply contracts with a duration of more than one year			Remarks		
				Name and address of the contracting parties	Duration of the contract	Expiry date			

QUESTIONNAIRE

to be submitted

- (a) by companies to the Governments of the Member States
- (b) by Member States to the Commission of the European Communities

Laying down the implementing provisions pursuant to Article 4 of Council Regulation (EEC) No 388/75 of 13 February 1975 on notifying the Commission of exports of crude oil and natural gas to third countries

Only for companies or persons exporting at least 100 000 metric tons of crude oil and petroleum products per annum.

For the purposes of this Regulation export means carriage out of the customs territory of the Community of all crude oils, petroleum products and natural gas, *except* of those products which are in Community customs territory under a system involving suspension or drawback of customs duties or other import charges, in particular under systems of customs warehouses, free zones, temporary entry, transit or inward processing for supply to third countries.

- (a) 'Petroleum products falling within subheadings No 27.10 A, B, C I and C II of the Common Customs Tariff' means the product referred to in the corresponding notes of the Common Customs Tariff.
- (b) 'Description in the Common Customs Tariff of the exported petroleum products' means the description of the petroleum product according to the following headings:
 - 27.10 A Light oils
 - 27.10 B Medium oils
 - 27.10 C I Heavy oils: gasoil
 - 27.10 C II Heavy oils: fuel-oil

The notification shall be drawn up on one form for each petroleum product, described according to the preceding headings.

TIME LIMITS:

1. For the submission of the notifications of undertakings or persons to the Member States, no later than 15 September (for the period 1 January to 30 June) and 15 March (for the period 1 July to 31 December) of each year.
2. For the submission of the notifications of the Member States to the Commission: no later than 30 September (for the period 1 January to 30 June) and 31 March (for the period 1 July to 31 December) of each year.

(If there is insufficient room on the forms, additional information may be included on separate sheets).

EXPORTS

Name and address of person or company

PETROLEUM PRODUCTS (a)

Exports planned for the year following the declaration

Description of the petroleum product as given in the Common Customs Tariff (b)

Member State

PP
4a

Period to which this data refers

1	2	3	4	5	6	7	8
Country where the petroleum product will be refined	Sulphur content (% by weight)	Quantity (1 000 metric tons)	Country of destination of the exports	For all exports to be effected on the basis of supply contracts with a duration of more than one year			Remarks
				Name and address of the contracting parties	Duration of the contract	Expiry date	

QUESTIONNAIRE

Questionnaire to be submitted by companies to the Governments of the Member States or, where Article 3 of Council Regulation (EEC) No 1055/72 of 18 May 1972 is applied, to be submitted by the Member States to the Commission of the European Communities

Laying down the implementing provisions pursuant to Article 4 of Council Regulation (EEC) No 388/75 of 13 February 1975 on notifying the Commission of exports of crude oil and natural gas to third countries

Only for companies or persons exporting at least 100 000 metric tons of crude oil and petroleum products per annum.

For the purposes of this Regulation export means carriage out of the customs territory of the Community of all crude oils, petroleum products and natural gas, except those products which are in Community customs territory under a system involving suspension or drawback of customs duties or other import charges, in particular under systems of customs warehouses, free zones, temporary entry, transit or inward processing for supply to third countries.

(a) 'Petroleum products falling within subheadings 27.10 A, B, C I and C II of the Common Customs Tariff' means the product referred to in the corresponding notes of the Common Customs Tariff.

(b) 'Description in the Common Customs Tariff of the exported petroleum products' means the description of the petroleum product according to the following headings:

- 27.10 A Light oils
- 27.10 B Medium oils
- 27.10 C I Heavy oils: gasoil
- 27.10 C II Heavy oils: fuel-oil

The notification shall be drawn up on one form for each petroleum product, described according to the preceding headings.

TIME LIMITS:

The exports planned for the following year to be notified before 15 December of each year.

(If there is insufficient room on the forms, additional information may be included on separate sheets).

EXPORTS

PETROLEUM PRODUCTS (a)
Exports planned for the year following the declaration
Description of the petroleum product as given in the Common Customs Tariff (b)

Member State	PP 4b
Period to which this data refers	

1	2	3	4	5
Country where the petroleum products to be exported will be refined	Quantity (1 000 metric tons)	Country of destination of the exports	Percentage of supplies effected on the basis of contracts with a duration of more than one year	Remarks

Remarks for PP 4b — EXPORTS

QUESTIONNAIRE

Questionnaire to be submitted by the Member States to the Commission of the European Communities

Laying down the implementing provisions pursuant to Article 4 of Council Regulation (EEC) No 388/75 of 13 February 1975 on notifying the Commission of exports of crude oil and natural gas to third countries

Only for companies or persons exporting at least 100 000 metric tons of crude oil and petroleum products per annum.

For the purposes of this Regulation export means carriage out of the customs territory of the Community of all crude oils, petroleum products and natural gas, *except* of those products which are in Community customs territory under a system involving suspension or drawback of customs duties or other import charges, in particular under systems of customs warehouses, free zones, temporary entry, transit or inward processing for supply to third countries.

- (a) 'Petroleum products falling within subheadings 27.10 A, B, C 1 and C II of the Common Customs Tariff' means the product referred to in the corresponding notes of the Common Customs Tariff.
- (b) 'Description in the Common Customs Tariff of the petroleum products to be exported' means the description of the petroleum product according to the following headings:
- 27.10 A Light oils
 - 27.10 B Medium oils
 - 27.10 C I Heavy oils: gasoil
 - 27.10 C II Heavy oils: fuel-oil

The notification shall be drawn up on one form for each petroleum product, described according to the preceding headings.

TIME LIMITS:

No later than 31 December of each year.

(If there is insufficient room on the forms, additional information may be included on separate sheets).

REGULATION (EEC) No 1439/74 OF THE COUNCIL

of 4 June 1974

on common rules for imports

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community, and in particular Article 113 thereof;

Having regard to the instruments establishing common organization of agricultural markets and to the instruments concerning processed agricultural products adopted in pursuance of Article 235 of the Treaty, in particular the provisions of those instruments which allow for derogation from the general principle that all quantitative restrictions or measures having equivalent effect may be replaced solely by the measures provided for in those same instruments;

Having regard to the proposal from the Commission;

Whereas the common commercial policy must be based on uniform principles; whereas the rules for imports are an important aspect of that policy;

Whereas the common list of liberalized products drawn up under Regulation (EEC) Nos 2041/68 ⁽¹⁾, 1228/69 ⁽²⁾, 1827/69 ⁽³⁾, 1025/70 ⁽⁴⁾, 1984/70 ⁽⁵⁾, 724/71 ⁽⁶⁾, 1080/71 ⁽⁷⁾, 2384/71 ⁽⁸⁾, 1415/72 ⁽⁹⁾, 1416/72 ⁽¹⁰⁾ and 281/74 ⁽¹¹⁾ must be the starting point for common rules in this field; whereas this list may be extended by decision of the Council to include other products and other third countries;

Whereas the products contained in the common liberalization list must not be subject to any quantitative restriction;

Whereas the Commission must, however, be informed by the Member States of any danger created by trends in imports which might call for protective measures;

Whereas it is essential that examination should take place at Community level, and within an advisory committee, of import terms and conditions, of import trends, of the various aspects of the economic and commercial situation, and of the measures, if any, to be taken;

Whereas it may become apparent from this examination that there should be either Community surveillance or surveillance at national level over certain of these imports;

Whereas in such case the putting into free circulation of the products concerned should be made subject to production of an import document satisfying uniform criteria; whereas that document must, on declaration or on simple application by the importer, be issued or endorsed by the authorities of the Member States within a certain period but without the importer thereby acquiring any right to import; whereas the document must therefore be valid only during such period as the import rules remain unchanged;

Whereas it is in the interest of the Community that the Member States and the Commission should make as full an exchange as possible of information resulting from either Community surveillance or surveillance at national level;

Whereas it is for the Council to adopt the protective measures called for by the interests of the Community; whereas, to this end, the Commission should submit proposals to the Council which have regard for existing international obligations; whereas, therefore, protective measures against a country which is a contracting party to the GATT may be considered only if the product in question is imported into the Community in such greatly increased quantities and on such terms or conditions as to cause, or threaten to cause, substantial injury to Community producers of like or directly competing products, unless international obligations permit derogation from this rule;

Whereas experience has shown that trade practices may in certain cases call for a more expeditious protective procedure; whereas the Community must therefore be able to provide appropriate protection until such time as a decision taken by the Council enters into force;

Whereas a speedier procedure than normal should therefore be provided for as a safeguard against unforeseen practices; whereas the need for rapid and effective action makes it justifiable for the

⁽¹⁾ OJ No L 303, 18. 12. 1968, p. 1.

⁽²⁾ OJ No L 159, 1. 7. 1969, p. 4.

⁽³⁾ OJ No L 235, 18. 9. 1969, p. 6.

⁽⁴⁾ OJ No L 124, 8. 6. 1970, p. 6.

⁽⁵⁾ OJ No L 218, 3. 10. 1970, p. 1.

⁽⁶⁾ OJ No L 80, 5. 4. 1971, p. 3.

⁽⁷⁾ OJ No L 116, 28. 5. 1971, p. 8.

⁽⁸⁾ OJ No L 249, 10. 11. 1971, p. 1.

⁽⁹⁾ OJ No L 151, 5. 7. 1972, p. 4.

⁽¹⁰⁾ OJ No L 151, 5. 7. 1972, p. 6.

⁽¹¹⁾ OJ No L 29, 2. 2. 1974, p. 1.

Commission to be empowered, without prejudice to the subsequent position of the Council, to adopt emergency measures;

Whereas Member States should be empowered, in certain circumstances and provided that their actions are on an interim basis only, to take protective measures individually,

HAS ADOPTED THIS REGULATION:

TITLE I

General principles

Article 1

Importation into the Community of the products included in the common liberalization list contained in Annex I and originating in any third country included in the list of countries contained in Annex II, shall be free, that is to say, not subject to any quantitative restriction.

Article 2

The Council may, acting by a qualified majority on a proposal from the Commission, resolve that Annex I be extended to include further products or that Annex II be extended to include other third countries, if it considers that such action is not liable to create a situation where the application of protective measures would be justified.

TITLE II

Community information and consultation procedure

Article 3

1. Member States shall notify the Commission of any danger resulting from trends in imports which appear to call for measures of surveillance or protective measures.

2. The Commission shall inform the other Member States forthwith.

Article 4

Consultations may be held, either at the request of a Member State or on the initiative of the Commission. They shall take place within eight working days following receipt by the Commission of the notification provided for in Article 3 and, in any event, before the introduction of any measure of surveillance or protective measure by the Community.

Article 5

1. Consultation shall take place within an advisory committee (hereinafter called the 'Committee') which shall consist of representatives of each Member State with a representative of the Commission as Chairman.

2. The Committee shall meet when convened by its Chairman. He shall provide the Member States, as promptly as possible, with all relevant information.

3. Consultation shall in particular cover:

(a) terms and conditions of importation, import trends, and the various aspects of the economic and commercial situation as regards the product in question;

(b) the measures, if any, to be adopted.

Article 6

1. In order to enable the Commission to assess the economic and commercial situation as regards a particular product, Member States shall, on request and in such form and manner as the Commission shall determine, supply the latter with information concerning developments on the market in that product.

2. The Commission shall inform the other Member States.

TITLE III

Surveillance

Article 7

1. Where developments on the market in respect of a product originating in a third country listed in Annex II threaten to cause injury to Community producers of like or directly competing products and the interests of the Community so require,

importation of that product may be made subject to surveillance by the Community. In that event the product shall be entered in column 3 of Annex I.

2. Where the decision to impose surveillance is taken simultaneously with the inclusion of the product in Annex I, that decision shall be taken by the Council, acting by a qualified majority on a proposal from the Commission. In all other cases, it shall be taken by the Commission and Article 12 (5) shall apply.

Article 8

1. Products under Community surveillance may be put into free circulation only on production of an import document. Such document shall be issued or endorsed by Member States, free of charge, for any quantity requested and within a maximum of five working days following submission of a declaration or an application by any Community importer, regardless of his place of business in the Community, without prejudice to the observance of the other conditions required by the regulations in force.

2. Subject to any provision to the contrary made when surveillance was imposed and under the procedure there followed, the declaration or application by the importer must give:

- (a) the name and address of the importer;
- (b) a description of the product with the following particulars:
 - commercial description,
 - tariff heading, or reference number, of the product in the goods nomenclature used for foreign trade purposes by the country concerned,
 - country of origin,
 - country of consignment;
- (c) the cif price free-at-frontier and the quantity of the product in units customarily used in the trade in question;
- (d) the proposed date or dates as well as the place or places of importation.

Member States may request further particulars.

3. Paragraph 2 shall not preclude the putting into free circulation of the product in question if the unit price at which the transaction is effected exceeds that indicated in the import document, or if the total value or quantity of the products to be imported exceeds the value or quantity given in the import

document by less than 5 %. The Commission, having heard the opinions expressed in the Committee and taking account of the nature of the products and other special features of the transactions concerned, may fix a different percentage, which, however, should not normally exceed 10 %.

4. Import documents may be used only for such time as arrangements for the liberalization of imports remain in force in respect of the transactions concerned and in any event not beyond the expiry of a period laid down, with regard for the nature of the products and other special features of the transactions, at the same time, and by means of the same procedure, as the imposition of surveillance.

5. Where the decision taken under Article 7 so requires, the origin of products under Community surveillance must be proved by a certificate of origin. This paragraph shall not prejudice other provisions concerning the production of any such certificate.

Article 9

1. Where importation of a product has not been made subject to Community surveillance within a period of eight working days following the end of consultations, the Member State, having notified the Commission under Article 3 (1), may effect surveillance over such importation at national level.

2. Where, for reasons of urgency, such a procedure is not possible, the Member State may effect surveillance at national level after notifying the Commission in accordance with Article 3; the latter shall advise the other Member States.

3. The Commission shall be informed, upon the entry into force of the surveillance, of the detailed rules for its application and shall amend Annex I by means of a notice published in the *Official Journal of the European Communities*, by entering the name of the Member State opposite the product in question in column 4 of that Annex.

Article 10

Products under national surveillance may be put into free circulation only on production of an import document. Such document shall be issued or endorsed by the Member State, free of charge, for any quantity requested and within a maximum of five working days following submission of a declaration or an application by any Community importer, regardless of his place of business in the Community, without prejudice to the observance of the other conditions required by the regulations in force. Import documents may be used only for such time as arrangements for the liberalization of imports remain in force in respect of the transactions concerned.

Article 11

1. Member States shall communicate to the Commission within the first ten days of each month in the case of Community surveillance and within the first twenty days of each quarter in the case of national surveillance:

- (a) details of the sums of money (calculated on the basis of cif prices) and quantities of goods in respect of which import documents were issued or endorsed during the preceding period;
- (b) details of imports during the period preceding the period referred to in subparagraph (a).

The information supplied by Member States shall be broken down by product and by countries.

2. Where the nature of the products or special circumstances so require, the Commission may, at the

request of a Member State or on its own initiative, amend the timetables for submitting this information.

3. The Commission shall inform the Member States.

TITLE IV

Protective measures

Article 12

1. Where a product is imported into the Community in such greatly increased quantities and/or on such terms or conditions as to cause, or threaten to cause, substantial injury to Community producers of like or directly competing products, and where a critical situation, in which any delay would cause injury which it would be difficult to remedy, calls for immediate intervention in order to safeguard the interests of the Community, the Commission may, acting at the request of a Member State or on its own initiative:

- (a) limit the period of validity of import documents within the meaning of Article 8 subsequently issued or endorsed;
- (b) alter the import rules for that product by providing that it may be put into free circulation only on production of an import authorization, the granting of which shall be governed by such provisions and subject to such limits as the Commission shall lay down pending action by the Council under Article 13.

2. Such measures shall take effect immediately.

3. The measures may be limited to imports intended for certain regions of the Community. They shall not affect products already on their way to the Community, provided that the destination of such products cannot be changed and that those products which under Articles 7 and 8 may be put into free circulation only on production of an import document are accompanied by such a document.

4. Where intervention by the Commission has been requested by a Member State, the Commission shall take a decision within a maximum of five working days of receipt of such request.

5. Any decision taken by the Commission under this Article shall be communicated to the Council and to the Member States. Any Member State may, within ten working days following the day of communication, refer such decision to the Council. The Council may, acting by a qualified majority, decide differently.

6. Within ten working days of the entry into force of any measure taken under paragraph 1 (b), the Commission shall make a proposal to the Council on appropriate measures as provided for in Article 13. If, after the expiry of six weeks following the entry into force of any measure taken by the Commission, the Council has not taken a decision on that proposal, the measure in question shall be deemed revoked.

Article 13

1. Where the interests of the Community so require, the Council may, acting by a qualified majority on a proposal from the Commission, adopt appropriate measures:

- (a) to prevent a product being imported into the Community in such greatly increased quantities and/or such terms or conditions as to cause, or threaten to cause, substantial injury to Community producers of like or directly competing products;
- (b) to allow the rights and obligations of the Community or of all its Member States to be exercised and fulfilled at international level, in particular those relating to trade in primary products.

2. Such measures may be limited to imports intended for certain regions of the Community. They shall not affect products already on their way to the Community, provided that the destination of such products cannot be changed and that those products which under Articles 7 and 8 may be put into free circulation only on production of an import document are accompanied by such document.

3. Where the establishment of a quota constitutes a retreat from liberalization, regard shall be had in particular to:

- the desirability of maintaining, as far as possible, traditional trade flows;
- the volume of goods exported under contracts concluded on normal terms and conditions before the entry into force of a protective measure within the meaning of this Title, where such contracts have been notified to the Commission by the Member State concerned;
- the need to avoid jeopardizing achievement of the aim pursued in establishing the quota.

Article 14

1. In the following cases a Member State may, as an interim protective measure, alter the import rules for a particular product by providing that it may be put into free circulation only on production of an import authorization, the granting of which shall be governed by such provisions and subject to such limits as that Member State shall lay down:

- (a) where there exists in its territory a situation such as that defined as regards the Community in Article 12 (1);
- (b) where such measure is justified by a protective clause contained in a bilateral agreement between the Member State and a third country.

2. The Member State shall take the measure after hearing the opinions expressed in the Committee or, where urgency precludes such a procedure, after notifying the Commission. The latter shall advise the other Member States.

3. The Commission shall be notified by telex of the measure immediately following its adoption.

4. Where the measure has been taken for the reason set out in paragraph 1 (a), notification of that measure shall be equivalent to a request within the meaning of Article 12 (4). The measure shall operate only until the coming into operation of the decision taken by the Commission. However, where the Commission decides not to introduce any measure under Article 12, its decision shall apply as from the sixth day following its entry into force, unless the Member State which has taken the measure refers the decision to the Council; in that case, the national measure shall continue to operate until the entry into force of the decision taken by the Council, but in no case beyond the expiry of a period of one month

following referral of the matter to the latter. The Council shall take a decision before the expiry of that period.

5. Where the measure has been taken for the reason referred to in paragraph 1 (b), the Commission may propose to the Council the measures which should be taken. The national measure shall continue to operate until the entry into force of the decision taken by the Council, but in no case beyond the expiry of a period of two months following referral of the matter to the latter, unless the Council, acting on a proposal from the Commission, resolves otherwise in order, in particular, to take account of interests at stake in Community negotiations. The Council shall take a decision within two months following referral of the matter to it.

6. The provisions of paragraphs 1 to 4 shall apply until 31 December 1975. Before that date, the Council shall, acting by a qualified majority on a proposal from the Commission, decide on the adjustments to be made thereto.

Article 15

1. While any measure of surveillance or protective measure applied in accordance with Titles III and IV is in operation, consultations within the Committee shall be held, either at the request of a Member State or on the initiative of the Commission. The purpose of such consultations shall be:

- (a) to examine the effects of the measure,
- (b) to ascertain whether its application is still necessary.

2. Where, as a result of the consultations referred to in paragraph 1, the Commission considers that any measure referred to in Articles 7, 9, 12 or 13 should be revoked or amended it shall proceed as follows:

- (a) where the Council has acted on a measure, the Commission shall propose that it be revoked or amended; the Council shall act by a qualified majority;
- (b) in all other cases, the Commission shall amend or revoke Community protective measures and measures of surveillance. Where this decision concerns national measures of surveillance, it shall apply as from the sixth day following its entry into force, unless the Member State which has taken the measure refers it to the Council; in that case the national measure shall continue to operate until the entry into force of the decision taken by the Council, but in no case beyond the expiry of a period of three months following referral of the matter to the latter. The Council shall act before the expiry of that period.

TITLE V

Transitional and final provisions

Article 16

1. By 31 December 1975 at the latest, the Council shall decide on the adjustments to be made to this Regulation for the purpose of greater uniformity of rules for imports. The Council shall act by a qualified majority on a proposal from the Commission and with due regard to the progress of the common commercial policy in particular following the conclusion of Community trade agreements.

2. Pending these adjustments:

- (a) in so far as standardization between the areas of liberalization has not been wholly realized Member States may subject imports of products not shown in column 2 of Annex I to the requirement that, not only the country of origin, but also the country of purchase or the country of consignment shall be listed in Annex II; for the Federal Republic of Germany, this shall apply also to those products shown in column 2 of Annex I whose importation is not yet exempted in respect of all third countries, under German import arrangements, from the requirement of an import authorization;
- (b) the Republic of Italy may subject imports of products from Egypt, Yugoslavia and Japan to the requirement that the country of origin shall be the same as the country of consignment;
- (c) import documents required for Community surveillance under Article 8 shall be valid only in the Member State which issued or endorsed them;
- (d) the Benelux countries and the Republic of Italy may retain the automatic licence or import declaration formalities currently applied by them to imports from Japan and Hong Kong;
- (e) the Member States in column 4 of Annex I, mentioned in relation to products marked with an asterisk, may retain national surveillance over imports of such products, including imports under automatic licences; Article 9, Article 10, last sentence, Article 11 and Article 15 shall not be applicable;
- (f) this Regulation shall not preclude the continuance of measures taken by the Republic of Italy — pursuant to the Decreto Ministeriale of 31 October 1962, including the list annexed thereto (Tabella A import.), and its subsequent amendments — making subject to special authorization the importation of articles,

machinery and equipment, whether used or new but in poorly maintained condition, falling within heading No 73.24, Chapters 84 to 87 and 93 or subheading 97.04 B of the Common Customs Tariff;

- (g) the Federal Republic of Germany may require the prior submission of an import declaration for products whose importation is not yet exempted, in respect of all third countries; under German import arrangements, from the requirement of an import authorization;
- (h) Ireland and the United Kingdom shall have the right, under the conditions laid down in Annex VII to the Act of Accession, with regard to Regulation (EEC) No 1025/70, and in Protocol No 6 to that Act, to retain such import restrictions as they apply for the products covered by those provisions. As regards the products covered by the corresponding provisions of the Act of Accession, relating to Regulation (EEC) No 109/70, these countries may subject importation to the requirement that not only the country of origin, but also the country of purchase or the country of consignment be shown in Annex II to this Regulation.

Article 17

Without prejudice to other Community provisions, this Regulation shall not preclude the adoption or application by Member States:

- (a) of prohibitions, quantitative restrictions or measures of surveillance on: grounds of public morality, public policy or public security; the protection of health and life of humans, animals or plants; the protection of national treasures possessing artistic, historic or archaeological value; or the protection of industrial and commercial property;
- (b) of special formalities concerning foreign exchange;
- (c) of formalities introduced pursuant to international agreements in accordance with the Treaty.

Article 18

1. This Regulation shall be without prejudice to the operation of the instruments establishing common organization of agricultural markets or of Community or national administrative provisions derived therefrom or of the special instruments adopted under Article 235 of the Treaty for processed agricultural products; it shall operate by way of complement to those instruments.

2. However, in the case of products covered by such instruments, the provisions of Articles 7 to 11 and 15 shall not apply to those in respect of which the Community rules on trade with third countries require the production of a licence or other import document, and the provisions of Articles 12, 14 and 15 shall not apply to those in respect of which such rules make provision for the application of quantitative import restrictions.

Article 19

The Commission shall publish at regular intervals an updated text of Annex 1, which will take account of Acts adopted in accordance with this Regulation,

both by the Community and by Member States; the Commission shall be informed of the introduction, amendment or repeal of all national measures.

Article 20

Regulation (EEC) No 1025/70 is hereby repealed.

Article 21

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

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

Done at Luxembourg, 4 June 1974.

For the Council

The President

J. ERTL

Varebeskrivelse Pos. i FTT	Liberalisering udelukkende afhængig af oprindelse	Fælleskabstilsyn	Nationalt tilsyn
Warenbezeichnung Nr. des GZT	Liberalisierung nur vom Ursprung abhängig	Gemeinschaftliche Überwachung	Nationale Überwachung
Description of product CCT No	Liberalization depending only on origin	Common Surveillance	National Surveillance
Désignation des produits n° du TDC	Libération conditionnée uniquement par origine	Surveillance communautaire	Surveillance nationale
Designazione dei prodotti n. della TDC	Liberalizzazione condizionata unicamente in funzione dell'origine	Vigilanza comunitaria	Vigilanza nazionale
Opgave van de produkten Nr. G.D.T.	Liberalisatie uitsluitend door de oorsprong bepaald	Communautair toezicht	Nationaal toezicht
1	2	3	4
26.04	26.04		
27.03	27.03		
27.04 A 1			
27.05	27.05		
27.06	27.06		
27.07 A	27.07 A		
B II			
C	C		
D			
E	E		
F	F		
G			
27.08	27.08		
27.13 A	27.13 A		
27.15	27.15		
27.16 A	27.16 A		
28.01 A	28.01 A		
B	B		
D	D		
28.02	28.02		
28.03	28.03		
28.04	28.04 A		
	B		
	C I		
	II		
	III		
	IV		
28.05	28.05		
28.06	28.06		
28.07	28.07		
28.08	28.08		
28.09	28.09		

I: ex 28.04 C*

REGULATION (EEC) No 2603/69 OF THE COUNCIL

of 20 December 1969

establishing common rules for exports

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community, and in particular Articles 111 and 113 thereof;

Having regard to the instruments establishing common organisation of agricultural markets and to the instruments concerning processed agricultural products adopted in pursuance of Article 235 of the Treaty, in particular the provisions of those instruments which allow for derogation from the general principle that quantitative restrictions or measures having equivalent effect may be replaced solely by the measures provided for in those same instruments;

Having regard to the proposal from the Commission;

Whereas, after the transitional period has ended, the common commercial policy must be based on uniform principles, *inter alia* as regards exports; and whereas implementation of this policy necessarily involves its progressive standardisation during the transitional period;

Whereas common rules should therefore be established for exports from the EEC;

Whereas exports are almost completely liberalised in all the Member States; whereas it is therefore possible to accept as a Community principle that exports to third countries are not subject to any quantitative restriction, subject to the exceptions provided for in this Regulation and without prejudice to such measures as Member States may take in conformity with the Treaty;

Whereas the Commission must be informed if, as a result of unusual developments on the market, a Member State considers that protective measures might be necessary;

Whereas it is essential that examination should take place at Community level, in particular on the basis of any such information and within an advisory committee, of export terms and conditions, of export trends, of the various aspects of the economic and commercial situation, and of the measures, if any, to be taken;

Whereas it may become apparent from this examination that the Community should exercise surveillance over certain exports, or that interim protective measures should be introduced as a safeguard against unforeseen practices; whereas the

need for rapid and effective action makes it justifiable for the Commission to be empowered to decide upon such measures, but without prejudice to the subsequent position of the Council, whose responsibility it is to adopt a policy consistent with the interests of the Community;

Whereas any protective measures necessitated by the interests of the Community should be adopted with due regard for existing international obligations;

Whereas it is desirable that Member States be empowered, in certain circumstances and provided that their actions are on an interim basis only, to take protective measures individually;

Whereas it is desirable that while such protective measures are in operation there should be an opportunity for consultation for the purpose of examining the effects of the measures and of ascertaining whether the conditions for their application are still satisfied;

Whereas certain products should be provisionally excluded from Community liberalisation until the Council shall have acted to establish common rules in respect of those products;

Whereas this Regulation is to apply to all products, whether industrial or agricultural; whereas its operation should be complementary to that of the instruments establishing common organisation of agricultural markets, and to that of the special instruments adopted under Article 235 of the Treaty for processed agricultural products; whereas any overlap between the provisions of this Regulation and the provisions of those instruments, particularly the protective clauses thereof, must however be avoided;

HAS ADOPTED THIS REGULATION:

TITLE I

Basic principle

Article 1

The exportation of products from the European Economic Community to third countries shall be free, that is to say, they shall not be subject to any quantitative restriction, with the exception of those restrictions which are applied in conformity with the provisions of this Regulation.

TITLE II

Community information and consultation procedure

Article 2

If, as a result of any unusual developments on the market, a Member State considers that protective measures within the meaning of Title III might be necessary, it shall so notify the Commission, which shall advise the other Member States.

Article 3

1. Consultations may be held at any time, either at the request of a Member State or on the initiative of the Commission.
2. Consultations shall take place within four working days following receipt by the Commission of the notification provided for in Article 2, and in all cases before the introduction of any measure pursuant to Articles 5 to 7.

Article 4

1. Consultation shall take place within an advisory committee (hereinafter called 'the Committee'), which shall consist of representatives of each Member State with a representative of the Commission as Chairman.
2. The Committee shall meet when convened by its Chairman. He shall provide all the Member States, as promptly as possible, with all relevant information.
3. Consultation shall in particular cover:
 - (a) terms and conditions of export, export trends, and the various aspects of the economic and commercial situation as regards the product in question;
 - (b) the measures, if any, to be adopted.

Article 5

For the purpose of assessing the economic and commercial situation as regards a particular product, the Commission may request Member States to supply statistical data on market trends in that product and, to this end, acting in accordance with their national legislation and with a procedure to be specified by the Commission, to exercise surveillance over exports of such product. Member States shall take whatever steps are necessary in order to give effect to requests from the Commission and shall forward to the Commission the data requested. The Commission shall inform the other Member States.

TITLE III

Protective measures

Article 6

1. In order to prevent a critical situation from arising on account of a shortage of essential products, or to remedy such a situation, and where Community interests call for immediate intervention, the Commission, acting at the request of a Member State or on its own initiative, and taking account of the nature of the products and of the other particular features of the transactions in question, may make the export of a product subject to the production of an export authorisation, the granting of which shall be governed by such provisions and subject to such limits as the Commission shall lay down pending subsequent action by the Council under Article 7.
2. The Council and the Member States shall be notified of the measures taken. Such measures shall take effect immediately.
3. The measures may be limited to exports to certain countries or to exports from certain regions of the Community. They shall not affect products already on their way to the Community frontier.
4. Where intervention by the Commission has been requested by a Member State, the Commission shall take a decision within a maximum of five working days of receipt of such request. Should the Commission refuse to give effect to the request, it shall forthwith communicate its decision to the Council, which may, acting by a qualified majority, decide differently.
5. Any Member State may, within twelve working days of the day of their communication to the Member States, refer the measures taken to the Council. The Council may, acting by a qualified majority, decide that different action be taken.
6. Where the Commission has acted pursuant to paragraph 1, it shall, not later than twelve working days following the entry into force of the measure which it has taken, make a proposal to the Council on appropriate measures as provided for in Article 7. If, at the end of six weeks following the entry into force of the measure, taken by the Commission, the Council has taken no decision on this proposal, the measure in question shall be deemed revoked.

Article 7

1. Where the interests of the Community so require, the Council may, acting by a qualified majority on a proposal from the Commission, adopt appropriate measures:

- to prevent a critical situation from arising owing to a shortage of essential products, or to remedy such a situation;
- to allow international undertakings entered into by the Community or all the Member States to be fulfilled, in particular those relating to trade in primary products.

2. Such measures may be limited to exports to certain countries or to exports from certain regions of the Community. They shall not affect products already on their way to the Community frontier.

3. When quantitative restrictions on exports are introduced, account shall be taken in particular of:

- the volume of goods exported under contracts concluded on normal terms and conditions before the entry into force of a protective measure within the meaning of this Title and notified by the Member State concerned to the Commission in conformity with its national laws; and
- the need to avoid jeopardising achievement of the aim pursued in introducing quantitative restrictions.

Article 8

1. Where a Member State considers that there exists in its territory a situation such as that defined as regards the Community in Article 6 (1), it may, as an interim protective measure, make the export of a product subject to the production of an export authorisation, the granting of which shall be governed by such provisions and subject to such limits as that Member State shall lay down.

2. The Member State shall take such a measure after hearing the opinions expressed in the Committee or, where urgency precludes such a procedure, after notifying the Commission. The latter shall advise the other Member States.

3. The Commission shall be notified by telex of the measure immediately following its adoption; such notification shall be equivalent to a request within the meaning of Article 6 (4). The measure shall operate only until the coming into operation of the decision taken by the Commission.

4. The provisions of this Article shall apply until 31 December 1972. Before that date the Council shall, by a qualified majority on a proposal from the Commission, decide on the adjustments to be made thereto.

Article 9

1. While any measure referred to in Articles 6 to 8 is in operation, consultations within the Committee shall be held, either at the request of a Member State or on the initiative of the Commission. The purpose of such consultations shall be:

- (a) to examine the effects of the measures;
- (b) to ascertain whether the conditions for its application are still satisfied.

2. Where the Commission considers that any measure provided for in Article 6 or in Article 7 should be revoked or amended, it shall proceed as follows:

- (a) where the Council has taken no decision on a measure taken by the Commission, the latter shall amend or revoke such measure forthwith and shall immediately deliver a report to the Council;
- (b) in all other cases, the Commission shall propose to the Council that the measures adopted by the Council be revoked or amended. The Council shall act by a qualified majority.

TITLE IV

Transitional and final provisions

Article 10

Until such time as the Council, acting by a qualified majority on a proposal from the Commission, shall have introduced common rules in respect of the products listed in the Annex to this Regulation, the principle of freedom of export from the Community as laid down in Article 1 shall not apply to those products.

Article 11

Without prejudice to other Community provisions, this Regulation shall not preclude the adoption or application by a Member State of quantitative restrictions on exports on grounds of public morality, public policy or public security; the protection of health and life of humans, animals or plants; the protection of national treasures possessing artistic, historic or archaeological value, or the protection of industrial and commercial property.

Article 12

1. This Regulation shall be without prejudice to the operation of the instruments establishing common organisation of agricultural markets, or of the special instruments adopted under Article 235 of the Treaty for processed agricultural products; it shall operate by way of complement to those instruments.

2. However, in the case of products covered by such instruments, the provisions of Articles 6 and 8 shall not apply to those in respect of which the

Community rules on trade with third countries make provision for the application of quantitative export restrictions. The provisions of Article 5 shall not apply to those products in respect of which such rules require the production of a licence or other export document.

Article 13

This Regulation shall enter into force on 31 December 1969.

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

Done at Brussels, 20 December 1969.

For the Council

The President

H. J. DE KOSTER

ANNEX

CCT heading No	Description of goods
1	2
06.01 A	Bulbs, tubers, tuberous roots, corms, crowns and rhizomes, dormant, in growth or in flower: — Dormant
06.02 ex A	Other live plants, including trees, shrubs, bushes, roots, cuttings and slips: — Unrooted cuttings, of hop
07.01 A	Vegetables, fresh or chilled: — Potatoes
07.05 ex A	Dried leguminous vegetables, shelled, whether or not skinned or split: — Beans, of a kind used for sowing — Garden and field peas, of a kind used for sowing — Field beans (<i>vicia faba var minor</i>), of a kind used for sowing — Broad beans (<i>vicia faba var megalosperma</i>), of a kind used for sowing
09.01 A	Coffee, whether or not roasted or freed of caffeine; coffee husks and skins; coffee substitutes containing coffee in any proportion: — Coffee
12.03	Seeds, fruit and spores, of a kind used for sowing
12.05	Chicory roots, fresh or dried, whole or cut, unroasted
14.01 B	Vegetable materials of a kind used primarily for plaiting (for example, cereal straw, cleaned, bleached or dyed, osier, reeds, rushes, rattans, bamboos, raffia and lime bark): — Bamboos, reeds and the like

CCT heading No	Description of goods
1	2
14.05	Vegetable products not elsewhere specified or included:
ex B	Laminaria, lichen, carrageen, seaweed, gelidium
21.02	Extracts, essences or concentrates of coffee, tea or maté; preparations with a basis of those extracts, essences or concentrates:
ex A	— Extracts, essences or concentrates of coffee without added coffee substitutes
ex 23.05	Wine lees; argol:
	— Wine lees containing less than 6% of wine by weight; argol
26.03	Ash and residues (other than from the manufacture of iron or steel), containing metals or metallic compounds
27.09	Petroleum oils and oils obtained from bituminous minerals, crude
27.10	Petroleum oils and oils obtained from bituminous minerals, other than crude; preparations not elsewhere specified or included, containing not less than 70% by weight of petroleum oils or of oils obtained from bituminous minerals, these oils being the basic constituents of the preparations:
A	— Light oils
B	— Medium oils
ex C	— Heavy oils except lubricating oils used in clocks and watches and the like presented in small receptacles containing not more than 250 g net of oil
28.38	Sulphates (including alums) and persulphates:
ex A II	— Copper sulphate
ex 29.40	Enzymes:
	— Rennet of sheep or goats
31.03	Mineral or chemical fertilisers, phosphatic:
A I	— Basic slag
36.06	Matches (excluding Bengal matches)
ex	— Made up for private customers
37.04	Sensitised plates and film, exposed but not developed, negative or positive:
ex A I	— Perforated cinematograph film exceeding 30 m in length; negatives; intermediate positives
ex A II	— Perforated cinematograph film exceeding 30 m in length; positives
37.06	Cinematograph film, exposed and developed, consisting only of sound track, negative or positive
ex 37.07	Other cinematograph film, exposed and developed, whether or not incorporating sound track, negative or positive:
	— Cinematograph feature film
41.01	Raw hides and skins (fresh, salted, dried, pickled or limed), whether or not split, including sheepskins in the wool
41.02	Bovine cattle leather (including buffalo leather) and equine leather, except leather falling within heading Nos 41.06, 41.07 or 41.08:
ex A	— Bovine leather, not further prepared than tanned
41.09	Parings and other waste, of leather or of composition or parchment-dressed leather, not suitable for the manufacture of articles of leather; leather dust, powder and flour
ex 43.01	Raw furskins:
	— Of rabbits and badgers
ex 44.01	Fuel wood, in logs, in billets, in twigs or in faggots; wood waste, including sawdust:
	— Fuel wood, of coniferous wood and pine and fir shavings
44.03	Wood in the rough, whether or not stripped of its bark or merely roughed down:
B	— Other

CCT heading No	Description of goods
1	2
44.04	Wood, roughly squared or half-squared, but not further manufactured:
ex B	— Other, not including poplar
44.05	Wood sawn lengthwise, sliced or peeled, but not further prepared, of a thickness exceeding 5 mm:
ex B	— Of coniferous wood, not including small boards for the manufacture of boxes, sieves or riddles and the like
44.07	Railway or tramway sleepers of wood
ex 46.03	Basketwork, wickerwork and other articles of plaiting materials, made directly to shape; articles made up from goods falling within heading No 46.01 or 46.02; articles of loofah: — Covers for bottles or flasks
47.02	Waste paper and paperboard; scrap articles of paper or of paperboard, fit only for use in paper-making
50.01	Silk-worm cocoons suitable for reeling
54.01	Flax, raw or processed but not spun; flax tow and waste (including pulled or garnetted rags)
58.04	Woven pile fabrics and chenille fabrics (other than terry towelling or similar terry fabrics of cotton falling within heading No 55.08 and fabrics falling within heading No 58.05)
ex B	— Cotton velour, smooth
ex 70.10	Carboys, bottles, jars, pots, tubular containers and similar containers, of glass, of a kind commonly used for the conveyance or packing of goods; stoppers and other closures, of glass: — Carboys and flasks, of glass, of a capacity not exceeding 5 litres
ex 71.01	Pearls, unworked or worked, but not mounted, set or strung (except ungraded pearls temporarily strung for convenience of transport): — Pearls, unworked
71.02	Precious and semi-precious stones, unworked, cut or otherwise worked but not mounted, set or strung (except ungraded stones temporarily strung for convenience of transport)
71.07	Gold, including platinum-plated gold, unwrought or semi-manufactured
71.09	Platinum and other metals of the platinum group, unwrought or semi-manufactured
71.11	Goldsmiths', silversmiths' and jewellers' sweepings, residues, lemelts and other waste and scrap, of precious metal
ex 72.01	Coin: — Coin, withdrawn from circulation
74.01	Nickel matte; nickel speiss and other intermediate products of nickel metallurgy; unwrought nickel (excluding electro-plating anodes); nickel waste and scrap
75.02	Wrought bars rods, angles, shapes and sections, of nickel; nickel wire
ex	Wrought bars, rods, angles, shapes and sections, of nickel; nickel wire not including metal thread or strip of the kind used for the manufacture of lamé cloth, ornamental trimmings, galloons and adornments — Of nickel alloy containing more than 10% but not more than 50% of nickel — Of nickel alloy containing not less than 50% of nickel
75.03	Wrought plates, sheets and strip, of nickel; nickel foil; nickel powders and flakes:
ex A	— Plates, sheets, strip and foil not including metal thread or strip of the kind used for the manufacture of lamé cloth, ornamental trimmings galloons and adornments — Of nickel alloy containing more than 10% but not more than 50% of nickel — Of nickel alloy containing not less than 50% of nickel
ex B	— Nickel flakes

CCT heading No	Description of goods
1	2
75.04	Tubes and pipes and blanks therefor, of nickel; hollow bars, and tube and pipe fittings (for example, joints, elbows, sockets and flanges), of nickel:
A	— Tubes and pipes and blanks therefor; hollow bars
75.05	Electro-plating anodes, wrought or unwrought, including those produced by electrolysis
76.01	Unwrought aluminium; aluminium waste and scrap:
B	Waste and scrap
77.01	Unwrought magnesium; magnesium waste (excluding shavings of uniform size) and scrap:
B	— Waste and scrap
78.01	Unwrought lead (including argentiferous lead); lead waste and scrap:
B	— Waste and scrap
79.01	Unwrought zinc; zinc waste and scrap:
B	— Waste and scrap
ex 80.01	Unwrought tin; tin waste and scrap: — Waste and scrap
81.04	Other base metals, unwrought or wrought, and articles thereof; cermets, unwrought or wrought, and articles thereof:
ex I J I	— Antimony waste and scrap
86.09	Parts of railway and tramway locomotives and rolling-stock:
ex C	— Wheels assembled on axles, axles, wheels, metal tyres, hoops, hubs and other parts of wheels for railway rolling-stock, used
88.02	Flying machines, gliders and kites; rotochutes:
ex B	— Flying machines, used
ex 89.01	Ships, boats and other vessels not falling within heading Nos 89.02 to 89.05:
ex B I	Sea-going vessels
89.04	Ships, boats and other vessels for breaking up
ex 91.01	Pocket-watches, wrist-watches and other watches, including stop-watches: — Pocket-watches with lever escapement
ex 91.07	Watch movements (including stop-watch movements), assembled: — Watch movements (including stop-watch movements), assembled, with lever escapement
91.11	Other clock and watch parts:
C	— Watch movements, unassembled
E	— Rough watch movements
92.10	Parts and accessories of musical instruments (other than strings), including perforated music rolls and mechanisms for musical boxes; metronomes, tuning forks and pitch pipes of all kinds:
ex B	— Reeds, tuning forks, tongues, diaphragms and parts and accessories thereof, for accordions

REGULATION (EEC) No 1056/72 OF THE COUNCIL

of 18 May 1972

on notifying the Commission of investment projects of interest to the Community in the petroleum, natural gas and electricity sectors

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community, and in particular Articles 5 and 213 thereof;

Having regard to the proposal from the Commission;

Having regard to the Opinion of the European Parliament;

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

Whereas the introduction of a common energy policy is one of the objectives of the Communities; whereas it is the task of the Commission to propose the measures to be taken for this purpose;

Whereas, after studying the communication made to it by the Commission on 18 December 1968 on initial guidelines for a Community energy policy, the Council, during its 88th session held on 13 November 1969:

- approved the basic principles of that communication in the light of the report from the Committee of Permanent Representatives;
- requested the Commission to put before it as soon as possible the most urgent concrete proposals in this field;
- agreed to study these proposals as soon as possible in order to establish a Community energy policy;

Whereas obtaining an overall picture of the development of investments in the Community is one feature of such a policy; whereas this will, in particular, enable the Community to make the necessary comparisons;

Whereas the accomplishment of that task requires the most accurate information possible on investments; whereas, with regard to coal and atomic energy, undertakings are under an obligation, pursuant to the Treaty establishing the European Coal and Steel Community and the Treaty establishing the European Atomic Energy Community, to notify their investment projects; whereas it is desirable to supplement such information with particulars relating to petroleum, natural gas and electricity; whereas

to this end the Commission should be informed of investment projects which are of interest to the Community in the sectors concerned;

Whereas, so that the Commission may carry out its task, it should be informed in good time of any fundamental alteration in such projects, in particular as regards the period required for carrying them out and the planned capacity; whereas in consequence communication of such particulars is similarly indispensable;

Whereas Member States should for this purpose communicate to the Commission, with any comments they may have, particulars of investment projects concerning production, storage and distribution of petroleum, natural gas or electric power planned in their territory; whereas to this end the persons and undertakings concerned must be under an obligation to communicate to the Member States the information in question;

Whereas it is desirable to enable the Commission to prescribe, if need be, certain practical details, such as the form and content of the notifications to be made;

Whereas observance of the obligations provided for in this Regulation and the confidential nature of the information collected should be ensured;

HAS ADOPTED THIS REGULATION:

Article 1

1. Member States shall, before 15 February of each year, communicate to the Commission the information they have obtained on the basis of the provisions of paragraph 2 concerning investment projects listed in the Annex which relate to the production, transport, storage or distribution of petroleum, natural gas or electric power and which are scheduled to start within three years from 1 January of the current year.

Member States shall add to their notifications any comments they may have.

2. In order to fulfil the obligation laid down in paragraph 1, the persons and undertakings concerned shall, before 15 January of each year, communicate details of investment projects referred to in paragraph 1 to the Member States in whose territory they are planning to carry them out.

3. The notifications provided for in paragraphs 1 and 2 shall, moreover, indicate the volume of capacities in commission or under construction or which are scheduled to be taken out of commission within three years.

4. When calculating capacities or dimensions mentioned in the Annex, the Member States, persons or undertakings concerned shall take into account all parts of a project in so far as they together constitute a technically indivisible whole, even where the project is carried out in several successive stages.

Article 2

1. With regard to investment projects planned or in progress, any notifications as referred to in Article 1 shall indicate the following:

- the name, and address or seat of the person or undertaking planning to make the investments;
- the precise purpose and nature of such investments;
- the planned capacity or power;
- the date when work is due to begin and the probable date of commissioning;
- the type of raw materials used.

As regards any proposed withdrawal from service, notifications shall indicate the following:

- the character and the capacity or power of the installations concerned;
- the probable date when the installations will be withdrawn from service.

2. Within the limits laid down by this Regulation and the Annex thereto, the Commission is authorized to adopt implementing provisions concerning the form, content and other details of the notifications provided for in Article 1.

Article 3

The Commission shall place before the Council a summary of the information obtained pursuant to this Regulation.

Article 4

Information forwarded pursuant to this Regulation shall be treated as confidential. This provision shall not prevent the publication of general information or of summaries not containing particulars concerning individual undertakings.

Article 5

Member States shall take appropriate measures to ensure observance of the obligations arising under Articles 1 (2) and 4.

Article 6

This Regulation shall enter into force one month after its publication in the *Official Journal of the European Communities*.

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

Done at Brussels, 18 May 1972.

For the Council

The President

M. MART

ANNEX

INVESTMENT PROJECTS

1. PETROLEUM

1.1 Refining

- distillation plants with a capacity of not less than 1 000 000 metric tons a year;
- extension of distilling capacity beyond 1 000 000 metric tons a year;
- reforming/cracking plants with a minimum capacity of 500 metric tons a day;

Chemical plants which do not produce fuel oil and/or motor fuels, or which produce them only as by-products, are excluded.

1.2 Transport

- crude oil pipelines with an installed or planned capacity of not less than 3 000 000 metric tons a year, which are not less than 30 kilometres long;
- petroleum product pipelines with an installed or planned capacity of not less than 1 500 000 metric tons a year which are not less than 30 kilometres long;
- extension or lengthening by not less than 30 kilometres of pipelines coming within the categories mentioned above.

Pipelines for military purposes and those supplying plants outside the scope of item 1.1 are excluded.

1.3 Supply/distribution

- tanks for storing crude oil and petroleum products with a capacity of not less than 100 000 m³.

Tanks intended for military purposes and those supplying plants outside the scope of item 1.1 are excluded.

2. NATURAL GAS

2.1 Transport

- gas pipelines with an installed or planned capacity of not less than 1000 million m³ per year;
- extension or lengthening by not less than 30 kilometres of such gas pipelines;
- terminals for the importation of liquefied natural gas.

Gas pipelines and terminals for military purposes and those supplying chemical plants which do not produce energy products, or which produce them only as by-products, are excluded.

2.2 Distribution

- underground storage installations with a capacity of not less than 150 000 000 m³.

Installations for military purposes and those supplying chemical plants which do not produce energy products, or which produce them only as by-products, are excluded.

3. ELECTRICITY

3.1 Production

- conventional thermal power stations (generators with a unit capacity of 200 MW or more);
- hydro-electric power stations (power stations having a capacity of 50 MW or more).

3.2 Transport

- transmission lines, if they have been designed for a voltage of 345 kV or more.

REGULATION (EEC) No 1069/73 OF THE COMMISSION

of 16 March 1973

applying Council Regulation (EEC) No 1056/72 of 18 May 1972 on notifying the Commission of investment projects of interest to the Community in the petroleum, natural gas and electricity sectors

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community;

Having regard to Council Regulation (EEC) No 1056/72⁽¹⁾ of 18 May 1972 on notifying the Commission of investment projects of interest to the Community in the petroleum, natural gas and electricity sectors, and in particular Article 2 (2) thereof;

Whereas Article 2 (2) of Regulation (EEC) No 1056/72 provides that the Commission may, within the limits laid down by that Regulation and the Annexes thereto, adopt implementing provisions concerning the form, content and other details of the notifications provided for in Article 1 of that Regulation;

Whereas to simplify the transmission of information and to ensure that statistics are comparable, notifications to be made by Member States and undertakings should be standardized by the use of questionnaires which would serve as a guide for the presentation and content of such notifications;

HAS ADOPTED THIS REGULATION:

Article 1

The notifications referred to in Article 1 of Regulation (EEC) No 1056/72 shall be drawn up as shown in the Annex to this Regulation.

Article 2

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

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

Done at Brussels, 16 March 1973.

For the Commission

The President

François-Xavier ORTOLI

⁽¹⁾ OJ No L 120, 25. 5. 1972, p. 7.

CONFIDENTIAL

QUESTIONNAIRE

to be submitted

- (a) by companies to the Governments of the Member States
- (b) by the Member States to the Commission of the European Communities

Establishing of the implementing provisions pursuant to Article 2 (2) of Council Regulation (EEC) No 1056/72 of 18 May 1972 on notifying the Commission of investment projects of interest to the Community in the petroleum, natural gas and electricity sectors

DEFINITIONS

The following shall be considered as 'investment projects':

The decision in principle to construct or enlarge an installation or part installation (within the meaning of the Annex to Council Regulation (EEC) No 1056/72), taken under a financial plan covering a number of years for investments, the realization of which must normally begin within three years.

The following shall be considered as 'proposed withdrawals from service':

The decision in principle to withdraw from service an installation or a part installation (within the meaning of the Annex to Council Regulation (EEC) No 1056/72), this decision normally being put into effect within three years.

TIME LIMITS:

1. To be communicated by persons and companies to the Member States before 15 January of each year.
2. To be communicated by the Governments of the Member States to the Commission of the European Communities before 15 February of each year.

(If there is insufficient room on the forms, additional information may be included on separate sheets.)

Name and address of the persons or undertakings:

INVESTMENTS IN THE PETROLEUM SECTOR

Refining/1st stage processing plants

Atmospheric distillation plants ⁽¹⁾ with a capacity of 1 000 000 t/year or more

Position as of 1 January 19...

Member State:

P
1

1	2	3		4	5	6	7	8
		Proposed date						
Name of the installation	Location	Commence-ment of work	Commis-sion-ing (year)	Nominal capacity (t/year)	Expected capacity after construction is completed (t/year)	Input raw material (nature of the crude oil and/or feedstocks)	Remarks	
A. Existing installations or part installations								
2								
B. Installations or part installations under construction ⁽²⁾								
3								
C. Investment projects for installations or part installations ⁽¹⁾								
4								
D. Proposed withdrawals from service of installations or part installations								
5		Withdrawals from service						

⁽¹⁾ Chemical plants which do not produce fuel oil and/or motor fuels, or which produce them only as by-products, are excluded.

⁽²⁾ Extension of distillation capacity beyond 1 000 000 t/year.

Name and address of the persons or undertakings:

INVESTMENT IN THE PETROLEUM SECTOR

Refining/downstream processing plants

Reforming/cracking plants etc. (1) ... with a capacity of 500 t/day or more

Position as of 1 January 19 ...

Member State:

P

2

1	2	3		4		5	6	7	8	9
		Processing methods (2)		Proposed date							Nominal capacity (t/day)	Expected capacity after construction completed (t/day)	Remarks
		Reform- ing	Crack- ing	Commence- ment of work	Commis- ioning					
A. Existing installations or part installations										
2										
B. Installations or part installations under construction										
3										
C. Investment projects for installations or part installations										
4										
D. Proposed withdrawals from service of installations or part installations										
5					Withdrawals from service					

(1) Chemical plants which do not produce fuel oil and/or motor fuels, or which produce them only as by products, are excluded.

(2) Details of technical processes, eg thermal, catalytic or visbreaking (as special cracking processes), etc.

Name and address of the persons or undertakings:	INVESTMENTS IN THE PETROLEUM SECTOR	Positions as of 1 January 19...	P 3
	Transport	Member State:	
Crude oil pipelines ⁽¹⁾ with an installed or planned capacity of not less than 3 000 000 t/year and which have a length of not less than 30 km long			

1	Name of the installation	Route of the pipelines		Proposed date		Length ⁽²⁾ (km)	Internal diameter (cm)	Nominal pressure (kg/cm ²)	Working pressure (kg/cm ²)	Transport capacity ⁽¹⁾ (10 ⁶ t/year)		Branches		Remarks
		Point of departure	Point of arrival	Commencement of work	Commissioning (year)					Normal	Maximum	Point of departure	Point of arrival	
A. Existing installations or part installations														
2											At the reference date			
B. Installations or part installations under construction														
3											At the time of commissioning			
C. Investment projects for installations or part installations														
4											At the time of commissioning			
D. Proposed withdrawals from service of installations or part installations														
5				Withdrawals from service							At the reference date			

⁽¹⁾ Pipelines for military purposes and those supplying plants outside the scope of form P 1 (see footnote at the end of the page of this form) are excluded.

⁽²⁾ Including part routes where the route of the pipelines is marked by variable diameters and/or working pressures.

⁽³⁾ State the average parameters used (eg viscosity, temperature, etc).

Name and address of the persons or undertakings:

INVESTMENTS IN THE PETROLEUM SECTOR

Transport

Petroleum product pipelines (1) with an installed or planned capacity of not less than 1 500 000 t/year and which have a length of not less than 30 km

Position as of 1 January 19 ...

Member State:

P
4

1	Name of the installation	Route of the pipelines		Proposed date		Length (2) (km)	Internal diameter	Nominal pressure (kg/cm ²)	Working pressure (kg/cm ²)	Transporting capacity (3) (10 ³ t/year)		Branches		Nature of the products to be transported	Remarks
		Point of departure	Point of arrival	Commencement of work	Commissioning (year)					Normal	Maximum	Point of departure	Point of arrival		
A. Existing installations or part installations															
2				/	/										
B. Installations or part installations under construction															
3															
C. Investment projects for installations or part installations															
4															
D. Proposed withdrawals from service of installations or part installations															
5															

(1) Pipelines for military purposes and those supplying exclusively plants outside the scope of form P 1 (see footnote at the end of the page of this form) are excluded.
 (2) Including part routes where the route of the pipelines is marked by variable diameters and/or working pressures.
 (3) State the average parameters used (eg viscosity, temperature, etc.).

Name and address of the persons or undertakings:

INVESTMENTS IN THE PETROLEUM SECTOR

Supply/Distribution

Installations for storing crude oil and petroleum products with a capacity of not less than 100 000 m³ (1)

Position as of 1 January 19 ...

Member State:

P
5

	1	2	3	4	5	6	7	8	9
1	Name of the installation	Location	Proposed date		Number of reservoir		Capacity (2) m ³		Remarks
			Commencement of work	Commissioning (year)	Crude oil	Petroleum products	Crude oil	Petroleum products	
*	A. Existing installations or part installations								
2			/	/					
*	B. Installations or part installations under construction								
3									
*	C. Investment projects for installations or part installations								
4									
*	D. Proposed withdrawals from service of installations or part installations								
5			Withdrawn from service		/	/			

(1) Tanks intended for military purposes and those supplying plants only outside the scope of form P1 are excluded (see footnote at the end of the page of this form). Storage installations at refineries are also to be noted.
 (2) State parameters used (eg specific gravity, temperature, etc.).

Name and address of the persons or undertakings:

INVESTMENTS IN THE NATURAL GAS SECTOR

Transport (1)

Installations or extensions of installations with a transporting capacity of not less than 10⁶m³/year and which have a length of not less than 30 km

Position as of 1 January 19...

Member State

G
1

1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16
Name of the installation	Route of the pipeline		Proposed date		Length (2) (km)	Internal diameter (cm)	Pressure (kg/cm ²)	Maximum transporting capacity in 10 ⁶ m ³				Extension and lengthenings	Natural gas transported		Remarks
	Point of departure	Point of arrival	Commencement of work	Commissioning (year)				Maximum per hour	Maximum capacity per year	At the final stage	Max. capac. per hour		Point of departure	Description (origin)		Gross calorific value (Kcal/m^{3})
A. Existing installations or part installations															
2			/	/				At the reference date					/	/	
B. Installations or part installations under construction															
3								At commissioning							
C. Investment projects for installations or part installations															
4								At commissioning							
D. Proposed withdrawals from service of installations or part installations															
5				Date of withdrawals from service				At the reference date		/	/	/	/	/	

(1) Excluding gas pipelines for military purposes and those supplying chemical plants which do not produce energy products, or which produce them only as by-products.
 (2) Including part routes where the route of the pipelines is marked by variable diameters and/or operating pressures.

Name and address of the persons or undertakings

INVESTMENTS IN THE NATURAL GAS SECTOR

Transport (*)

Terminals for the importations of liquefied natural gas

Position as of 1 January 19 ...

Member State

G
2

	1	2	3	4	5	6	7	8
1	Location	Proposed date		Maximum storage capacity of LNG (m ³)	Maximum regasification capacity (m ³ /h)	Gross calorific value of the gas after regasification (Kcal/m ³)	Origin of LNG	Remarks
		Commencement of work	Commissioning (year)					
A. Existing installations or part installations								
2		/	/	At the reference date				
B. Installations or part installations under construction								
3				At commissioning				
C. Investment projects for installations or part installations								
4				At commissioning				
D. Proposed withdrawals from service of installations or part installations								
5		Date of withdrawals from service		At the reference date			/	

(*) Terminals for the importation of LNG, excluding installations for military purposes and those supplying chemical plants which do produce non-energy products.

Name and address of persons or undertakings:

INVESTMENTS IN THE NATURAL GAS SECTOR

Storage

Underground storage facilities for natural gas with a minimum capacity of $150 \times 10^6 \text{ m}^3$ (*)

Position on 1 January 19 ...

Member State:

G
3

1	2	3		5	6	7	8	9	10
		Proposed date							
Name of the installation	Location	Commencement of work	Commissioning (year)	Gross calorific value (Kcal/m ³)	Type of reservoir (*)	10 ⁶ m ³ Overall	10 ⁶ m ³ Useful	10 ⁶ m ³ Max. daily	Remarks
A. Actual installations or part installations									
2		/	/						
B. Installations or part installations under construction									
3									
C. Investment projects for installations or part installations									
4									
D. Proposed withdrawals from service of installations or part installations									
5		Date of withdrawals from service			/				

(*) Excluding installations for military purposes and those supplying chemical plants which do produce non-energy products.
 (†) For example: exhausted natural gas deposit, aquifers artificial cavities (salt dome).

Name and address of the persons or undertakings:

INVESTMENTS IN THE ELECTRICITY SECTOR

Conventional thermal power stations

Generating sets with a capacity of 200 MW or more

Positions as of 1 January 19...

Member State:

E

1

	1	2	3	4	5	6	7	8	9	10
1	Name of the installation	Location	Proposed date		Number of identical sets	Nominal capacity per sets (MW)	Fuel (1)		Design steam temperature at turbine entry (°C)	Remarks (2)
			Commencement of work	Commissioning (year)			Type	Total storage capacity of the power station (10 ⁶ t)		
A. Existing installations or part installations										
2			/					At the reference date		/
B. Installations or part installations under construction										
3								At commissioning		
C. Investment projects for installations or part installations										
4								At commissioning		
D. Proposed withdrawals from service of installations or part installations										
5			Withdrawn from service					At the reference date		/

(1) In the case of multi-fuel power plants, please use a separate line for each type of fuel; data on storage capacity are required only for oil products and hardcoal, and with the exception of stations located in the immediate vicinity of the supplying mine or refinery.

(2) Information desired: where applicable existing capacity at the given location and total future capacity proposed; method of cooling.

Name and address of the persons or undertakings:

INVESTMENTS IN THE ELECTRICITY SECTOR

Hydroelectric power stations

Generating plant with a capacity of 50 MW or more

Position as of 1 January 19...

Member State:

E
2

1	2	3		4	5			6	7	8	9	10		11	12	13	14
		Proposed date	Commence-ment of work		Commission-ing (year)	Hydraulic characteristics						Average annual produ-cibility (GWh) from	Storage capacity (CWh)					Nominal capa-city of the storage pumps (MW)	Remarks (*)
Name of the installation	Location and water course			Category (*)		Maximum usable flow (m ³ /s)	Maximum head (m)	Number of identical generating sets	Nominal capacity per set (MW)	Natural flow	Pumped water(?)						
A. Existing installations or part installations																	
2																	
B. Installations or part installations under construction																	
3																	
C. Investment projects for installations or part installations																	
4																	
D. Proposed withdrawals from service of installations or part installations																	
5		Withdrawn from service															

(1) For example: seasonal storage, short-term storage, run-of-the-river, pumped storage.

(2) Production derived from proposed annual utilization period of the pumps.

(3) Indications desired downstream influence; total capacity already installed and proposed future total capacity where applicable for the whole system over a short distance of which the station constitutes a single unit; for example, being linked hydraulically to a single reservoir, either in series or in parallel.

Name and address of the persons or undertakings:

INVESTMENTS IN THE ELECTRICITY SECTOR

Transport

Transmission lines if they have been designed for a voltage of 345 kV or more

Position as of 1 January 19...

Member State:

E
3

1	2	3		5	6		8		10		13	14	15		
		Proposed date			Length of the line (km)	Voltage kV		Number of circuits		Conductors per phase				Maximum thermal transmission capacity (MVA)	
		Commencement of work	Commissioning (year)			Pylons designed for	Pylons designed for	Number	Cross-section per conductor (mm ²)	Material					Final	Remarks
A. Existing installations or part installations															
2					At the reference date		At the reference date					At the reference date			
B. Installations or part installations under construction (*)															
3					At commissioning		At commissioning					At commissioning			
C. Investment projects for installations or part installations (*)															
4					At commissioning		At commissioning					At commissioning			
D. Proposed withdrawals from service of installations or part installations															
5		Withdrawn from service			At the reference date		At the reference date								

(*) Also covers the installation of new triple cables with a voltage of 345 kV or more on existing pylons.

COUNCIL REGULATION (EEC) No 1215/76

of 4 May 1976

amending Regulation (EEC) No 1056/72 on notifying the Commission of investment projects of interest to the Community in the petroleum, natural gas and electricity sectors

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community, and in particular Articles 5 and 213 thereof,

Having regard to the Treaty establishing the European Atomic Energy Community, and in particular Articles 187 and 192 thereof,

Having regard to the draft 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 Regulation (EEC) No 1056/72 ⁽³⁾ provides that Member States shall communicate to the Commission at the beginning of each year information concerning investment projects relating to the production, transport, storage or distribution of petroleum, natural gas or electric power which are scheduled to start within three years from 1 January of the current year;

Whereas experience has shown that, because of the technical, financial, industrial and social aspects of investment projects in the electricity sector, there is a growing tendency to formulate such projects at least five years before the expected commencement of work;

Whereas it is therefore necessary to ensure that the Commission is notified of investment projects in the electricity sector on which work is expected to commence within five years from 1 January of the current year;

Whereas experience has shown that the Commission was not notified of some investment projects because one or more of their major features was subject to further review;

Whereas Article 2 (1) of Regulation (EEC) No 1056/72 provides that certain features of investment projects communicated to the Commission shall be indicated;

Whereas experience has shown that in order to assess the significance of an investment project the Commission needs to know what stage decisions on it have reached and its place in national plans;

Whereas experience has shown that the list of investment projects set out in the Annex to Regulation (EEC) No 1056/72 is not sufficiently comprehensive to ensure that the Commission has adequate information for carrying out its task in connection with the Community's common energy policy, particularly in the petroleum refining and electric power generation and transmission sectors;

Whereas, in the case of petroleum refining, investment in desulphurization plants for residues, gas oil and feedstock is of increasing importance in view of the strict quality standards to be adopted within the Community in order to control pollution;

Whereas Council Regulation (EEC) No 1056/72 does not extend to investment in the electricity sector relating to nuclear electricity generating plants;

Whereas Articles 41 and 42 of the Treaty establishing the European Atomic Energy Community provide that the Commission must receive notification of any kind of nuclear investment project not later than three months before the first contracts are concluded with the suppliers or three months before the work begins; whereas this means that notification of projects is given when they are at a very advanced stage and then only at the initiative of and on the date chosen by the person or undertaking making the investment;

Whereas the establishment of a common energy policy is one of the agreed objectives of the Community and the Commission has been instructed to propose measures for the attainment of this objective; whereas, if the objectives set out in the Council resolution of 17 December 1974 concerning

⁽¹⁾ OJ No C 280, 8. 12. 1975, p. 58.

⁽²⁾ OJ No C 35, 16. 2. 1976, p. 22.

⁽³⁾ OJ No L 120, 25. 5. 1972, p. 7.

Community energy policy objectives for 1985 ⁽¹⁾, the Council resolution of 17 December 1974 on a Community action programme on the rational utilization of energy ⁽²⁾ and the Council resolution of 13 February 1975 concerning measures to be implemented to achieve the Community energy policy objectives adopted by the Council on 17 December 1974 ⁽³⁾ are to be achieved, greater use must be made of the Community's industrial potential, particularly in the nuclear sector;

Whereas in order to assist manufacturing industry in undertaking the investment and adjustments necessary for the supply of heavy plant under the investment programmes relating to electric power supplies, the Commission must be informed of the projects involved in these programmes sufficiently far in advance of their implementation to be able to provide industry with information — the exact form varying according to the degree of final commitment reached with regard to the construction plans — which will enable an accurate assessment to be made of the technical, financial and social risks involved;

Whereas, in the electricity sector, investment projects relating to underground and sub-marine transmission cables, which constitute essential links in national or international interconnecting networks, are of interest to the Community; whereas the Commission needs information on such projects to enable it to carry out its task in the electricity sector; whereas provision should be made to ensure that such projects are communicated to the Commission,

HAS ADOPTED THIS REGULATION:

Article 1

The following shall be substituted for Article 1 (1) of Regulation (EEC) No 1056/72:

'1. Member States shall, before 15 February of each year, communicate to the Commission the information they have obtained on the basis of the provisions of paragraph 2 concerning investment projects listed in the Annex which relate to the production, transport, storage or distribution of petroleum, natural gas or electric power and on which work is scheduled to start within three years, in the case of projects in the petroleum and natural gas sectors, or within five years, in the case of projects in the electricity sector; the notifications must take account of the latest developments in the situation.

⁽¹⁾ OJ No C 153, 9. 7. 1975, p. 2.

⁽²⁾ OJ No C 153, 9. 7. 1975, p. 5.

⁽³⁾ OJ No C 153, 9. 7. 1975, p. 6.

Member States shall add to their notifications any comments they may have.'

Article 2

The following paragraph shall be added to Article 1 of Regulation (EEC) No 1056/72:

'5. The notifications provided for in paragraphs 1 and 2 shall also cover investment projects of which the major features (location, contractor, undertaking, technical features, etc.) may, in whole or in part, be subject to further review or to final authorization by a competent authority.'

Article 3

The following shall be added to Article 2 (1) of Regulation (EEC) No 1056/72 after the fifth indent:

'In the case of investment projects which are at the planning stage, the notifications shall include the following information on the stage reached in the decisions on each project:

- whether or not firm decisions have been taken concerning all the major features of the project (location, contractor, undertaking, technical features, etc.),
- what the place of the project is in national plans.'

Article 4

The following shall be added to point 1.1 of the Annex to Regulation (EEC) No 1056/72 after the third indent:

- desulphurization plants for residual fuel oils/gas oil/feedstock.'

Article 5

The following shall be substituted for point 3.1, first indent, of the Annex to Regulation (EEC) No 1056/72:

- thermal power stations (generators with a unit capacity of 200 MW or more).'

Article 6

The following shall be substituted for point 3.2 of the Annex to Regulation (EEC) No 1056/72:

3.2 Transport

- overhead transmission lines, if they have been designed for a voltage of 345 kV or more;

- underground and sub-marine transmission cables, if they have been designed for a voltage of 100 kV or more and constitute essential links in national or international interconnecting networks.'

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

Done at Brussels, 4 May 1976.

For the Council

The President

G. THORN

COUNCIL DIRECTIVE

of 4 May 1976

regarding a Community procedure for information and consultation on the prices of crude oil and petroleum products in the Community.

(76/491/EEC)

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community, and in particular Article 213 thereof,

Having regard to the draft from the Commission,

Having regard to the opinion of the European Parliament ⁽¹⁾,

Having regard to the opinion of the Economic and Social Committee ⁽²⁾,

Whereas the establishment of a common energy policy is one of the objectives which the Community has set itself, and it is the task of the Commission to propose measures for this purpose;

Whereas knowledge of supply and market conditions is one of the basic elements of such a common energy policy;

Whereas transparency of the costs and prices of petroleum products is a necessary condition for the satisfactory operation of the market, and particularly for the free movement of goods within the Community;

Whereas the Council, in paragraph 3 (III) of its resolution of 13 February 1975 concerning measures to be implemented to achieve the Community energy policy objectives adopted by the Council on 17 December 1974 ⁽³⁾, approved the principle of a consumer price policy based on transparency of the costs and prices of hydrocarbons;

Whereas it is therefore necessary to set up a Community procedure for information and consultation on the prices of crude oil and petroleum products;

Whereas the achievement of this objective requires the acquisition, at regular intervals, of certain information regarding the prices of crude oil and the principal petroleum products, at least in aggregate form at Member State level;

Whereas the information regarding the prices of crude oil and the principal petroleum products should be supplied by the oil undertakings, and the Member States should, by reference to objective criteria, designate the individuals and undertakings who will provide the Member States with such information;

Whereas within one year at most of the first application of this Directive consideration should be given to the advisability of the Member States' communicating to the Commission the information supplied to them by the undertakings;

Whereas the trends of oil costs and prices obtaining in the Community should be compared on the basis of the information collected;

Whereas, if this comparison is to take account of differences of structure between markets, it should cover price levels net and inclusive of duties and taxes for the principal petroleum products and ex-refinery realizations;

Whereas the trend, in each Member State and in the Community as a whole, in the average ex-refinery value per metric ton of crude oil processed should be analyzed on the basis of the information collected;

Whereas the information collected and the results of the study carried out by the Commission should be communicated at Community level to the Member States and be the subject of consultation between them and the Commission;

Whereas the information collected shall be confidential and the results of the study carried out by the Commission may be used only for the information of the Member States and for consultation between them and the Commission;

Whereas if the Commission finds anomalies or inconsistencies in the figures communicated to it, it should be able to obtain a breakdown of the requisite information supplied by the undertakings;

Whereas the Commission should be able to specify, where necessary, details such as the form and content of the communications to be made,

⁽¹⁾ OJ No C 28, 9. 2. 1976, p. 9.

⁽²⁾ OJ No C 50, 4. 3. 1976, p. 2.

⁽³⁾ OJ No C 153, 9. 12. 1975, p. 6.

Article 1

1. Within the first 45 days of each quarter, the Member States shall communicate to the Commission information based on the information supplied to them by the undertakings designated in accordance with Article 2. Such information, submitted as laid down in Article 3, shall indicate:

(a) For the principal types of crude oil:

- fob and/or cif prices for each type of crude oil imported from third countries during the preceding quarter;
- prices free at the refinery gate or port of discharge for the principal types of crude oil produced in the Community traded between different undertakings or between producer undertakings and their subsidiaries and refined in the Member State concerned during the preceding quarter.

(b) For the principal types of petroleum products:

- fob and/or cif prices for each type of petroleum product imported from third countries and from the Member States of the Community respectively during the preceding quarter;
- consumer prices at the beginning of the current quarter for each of the principal petroleum products, both net and inclusive of duty and tax;
- the estimated average gross ex-refinery realization during the preceding quarter for each of the principal petroleum products disposed of on the domestic market of the Member State in question.

2. Those Member States which have systems of maximum consumer prices shall also inform the Commission of the maximum consumer prices in force on the first day of the current quarter for each of the principal petroleum products, both net and inclusive of duty and tax.

Lists of the principal types of crude oil imported from third countries and of petroleum products are given in the Annex to this Directive. The Annex to this Directive also gives definitions of the form in which information is to be communicated and of imports, crude oil produced in the Community, consumer prices, estimated average gross ex-refinery realization and maximum consumer prices.

1. The Member States shall take all necessary steps to ensure that the undertakings whose activities fall within their jurisdiction provide the information necessary to enable them to fulfil their obligations pursuant to Article 1.

2. Within the first 45 days of each quarter, the Member States shall communicate to the Commission a list of the individuals and undertakings supplying the information referred to in paragraph 1. The list of individuals and undertakings shall be drawn up so as to cover a significant part of the operations carried out on their territories, namely:

- for import prices: at least 85% of the total quantity of imported crude oil and approximately 75% of imported petroleum products;
- for consumer prices: approximately 70% of the domestic consumption of all petroleum products.

On this list, the Member States shall name all the individuals and undertakings in descending order of importance for each type of activity indicated above.

Article 3

1. The information which the Member States are obliged to communicate to the Commission pursuant to Article 1 shall be obtained by aggregating the information received from the undertakings referred to in Article 2 (2). This information shall be presented in such a way as to give as representative a picture as possible of each Member State's oil market.

2. Within one year of the date fixed in Article 10, the Council shall consider whether the information supplied by undertakings to the Member States should be communicated to the Commission, as a means of obtaining a clearer picture of conditions on the Community oil market.

Article 4

On the basis of the information collected pursuant to Article 1 the Commission shall prepare and communicate quarterly to the Member States *inter alia*:

- summary information on the prices of crude oil and of petroleum products;
- a comparison of the price levels for petroleum products in the Community;
- developments, for each Member State and for the Community, in the average ex-refinery value per metric ton of crude oil processed. Average

ex-refinery value per metric ton of crude oil processed is defined in the Annex to this Directive;

- a comparison of the developments in the terms of supply of crude oil and petroleum products and the average ex-refinery value per metric ton of crude oil processed.

Article 5

1. The Member States and the Commission shall consult together quarterly, or, at the request of a Member State or on the initiative of the Commission, at shorter intervals.

2. These consultations will relate particularly to the Commission communications referred to in Article 4. Following such consultations the Commission will, if necessary, make proposals to the Council for such measures as may appear to be necessary.

Article 6

1. All information communicated pursuant to Article 1 (1) and the list forwarded pursuant to Article 2 (2) shall be confidential. This provision shall not however prevent the distribution of general or summary information in terms which do not disclose details relating to individual undertakings, i.e. in terms which refer to at least three undertakings.

2. Information communicated to the Commission pursuant to Article 1 and the general or summary information obtained pursuant to Article 4 may be used only for the purposes laid down in Article 5.

3. If the Commission establishes the existence of anomalies or inconsistencies in the figures communicated, it may ask the Member States to permit it to acquaint itself with the appropriate unaggregated information supplied by the undertakings and the calculation and assessment procedures used to arrive at the aggregated information.

Article 7

Within the limits laid down by this Directive, the Commission shall adopt implementing provisions regarding the confidential nature, the form, the content, and all other aspects of the communications provided for in Article 1.

Article 8

In the event of significant changes in supply conditions, and in order to allow it to assess the market situation, the Commission may require the communications provided for in Articles 1 and 2 to be made within amended time limits or for other periods.

Article 9

For each of the first three years following the date laid down in Article 10, the Commission shall submit to the Council and to the European Parliament a report on the results of the implementation of this Directive.

Article 10

The Member States shall bring into force the laws, regulations and administrative provisions necessary for them to comply with this Directive no later than 1 January 1977.

Article 11

This Directive is addressed to the Member States.

Done at Brussels, 4 May 1976.

For the Council
The President
G. THORN

ANNEX

1. List of the principal types of crude oil

(a) *Imported from third countries*

1. Arabian light, 34°
2. Arabian medium, 31°
3. Arabian heavy and Khafji, 27°
4. Iranian light, 34°
5. Iranian heavy, 31°
6. Murban and Zakum, 39°
7. Iraq — Basrah, 35°
8. Iraq — Kirkuk, 36°
9. Kuwait, 31°
10. Libya, 40°
11. Algeria, 44°
12. Nigeria, 34°
13. Venezuelan light, 34°
14. Venezuelan medium, 26°
15. Venezuelan heavy, 17°
16. Indonesia, 34°
17. Other crude oils.

(b) *Produced in the Community*

2. List of petroleum products

(a) *As regards the cif price of petroleum products imported from third countries and from the Member States of the Community respectively*

- | | |
|---------------------|------------------------------------------------------------------------------|
| — Motor fuels: | — premium petrol |
| | — regular petrol |
| | — gas oil |
| — Domestic fuels: | — gas oil |
| | — domestic fuel oil |
| | — paraffin |
| — Industrial fuels: | — heavy fuel oil
(sulphur content more than 1% but
not more than 3.5%) |
| | — heavy fuel oil
(sulphur content not more than 1%) |

(b) *As regards prices actually charged consumers and maximum prices*

- | | |
|----------------------------------------|--------------------------------------------------------------------------------|
| — Fuels for domestic heating purposes: | |
| — pump price: | — premium petrol |
| | — regular petrol |
| | — gas oil |
| — Fuels for road transport purposes: | |
| — for small consumers: | — gas oil |
| | — domestic fuel oil |
| | — paraffin |
| — Industrial fuels: | |
| — for wholesale deliveries: | — heavy fuel oil
(sulphur content more than 1.5% but
not more than 3.5%) |
| | — heavy fuel oil
(sulphur content not more than 1.5%) |

(c) *As regards gross ex-refinery realizations*

- Motor fuels:
 - premium petrol
 - regular petrol
- Gas oil
- Fuels for domestic heating purposes:
 - gas oil
 - domestic fuel oil
 - paraffin
- Industrial fuels:
 - residual fuels

3. **Definitions**

(a) *Nature of the information*

The aggregated information on prices to be communicated by the Member States to the Commission will be compiled in such a way as to provide the most representative indicators of market conditions in each Member State. In order to take account of the differences between undertakings operating on the different markets, prices will be communicated in the form of ranges, with an indication of the most representative intermediate price in each case.

(b) *Imports*

For the purposes of Article 1 (1), imports shall be taken to mean all imports of crude oil and petroleum products which enter the customs territory of the Community, for purposes other than transit or inward processing en route to third countries, and are destined for the Member State concerned and not in transit to other Member States.

(c) *Crude oil produced in the Community*

For the purposes of Article 1 (1) (a), crude oil produced in the Community shall be taken to mean all crude oils produced, refined and disposed of in the Community. Such crude oils may be refined and disposed of in Member States other than the producing Member State.

(d) *Consumer prices*

- For the purposes of Article 1 (1) (b), the consumer price in respect of a given oil undertaking shall be taken to mean the most representative average of the delivered prices which that undertaking actually charges consumers in a particular category.
- For the purposes of Article 1 (1) (b), the consumer price in respect of a given Member State shall be taken to mean the price level most representative of the delivered prices which all undertakings actually charge consumers in a particular category in the Member State in question.

(e) *Estimated average gross ex-refinery realization*

For the purposes of Article 1 (1) (b), the estimated average gross ex-refinery realization in respect of a given Member State shall be taken to mean the estimated average proceeds received at the refinery gate by all the refineries in the Member State concerned, for each of the main petroleum products disposed of on that Member State's domestic market.

These estimated average proceeds shall be obtained by aggregation, by means of weighting, of the average proceeds realized through the various channels of distribution after deduction of the corresponding costs; they shall cover all sales whether made at the refinery gate, to retailers or directly to consumers.

(f) *Maximum consumer prices*

For the purposes of Article 1 (2), maximum consumer prices shall be taken to mean the maximum selling prices, both net and inclusive of duty and tax, whether published or not, for a product intended for a specified category of consumer, and fixed by the authorities or by agreements concluded between the authorities and the undertakings.

(g) *Average ex-refinery value per metric ton of crude oil processed*

For the purposes of Article 4, the average ex-refinery value per metric ton of crude oil processed for a given Member State shall be taken to mean the estimated average total proceeds at the refinery gate for the petroleum products derived from one metric ton of crude oil.

REGULATION (EEC) No 3056/73 OF THE COUNCIL
of 9 November 1973
on the support of Community projects in the hydrocarbons sector

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community and in particular Article 235 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;

Whereas the establishment of a common energy policy is one of the objectives which the Communities have set themselves and whereas it is for the Commission to propose the measures to be taken to that end;

Whereas the importance of hydrocarbons in supplying energy for the Community and the Community's dependence on imports of hydrocarbons make it a fundamental objective of such a policy to secure conditions ensuring long-term supplies;

Whereas the promotion of projects of technological development directly associated with prospecting for, extracting, storing or transport of hydrocarbons, tend by their nature to improve the security of supplies and could be a means of achieving such a policy;

Whereas in the first instance it is for the petroleum industry itself to finance such activities; whereas the Community should however, in view of the high risk and large investments inherent in such activities, provide for the possibility of granting support, especially to the extent that a pooling of effort at Community level would help in carrying out such activities;

Whereas Community projects which are of fundamental importance in ensuring the Community supply of hydrocarbons and which relate to technological development projects directly associated with prospecting for, extracting, storing or transporting, would benefit from such support; whereas this support should be of a financial character;

Whereas the Community should grant such benefits in accordance with the provisions of the Treaty governing competition;

Whereas, in view of the need to confine such support to that which is strictly essential, the Community must be able to avail itself of all means of evaluating, case by case, what benefits may be derived from such projects and whether they are consistent with the objectives of the Community energy policy;

Whereas for this purpose, in exchange for the benefits granted, the beneficiaries of such support must enter into commitments in respect of the Community;

Whereas the specifically international character of the organization and activities of the undertakings operating in the hydrocarbons sector justifies direct transmission to the Commission of full details of Community projects;

Whereas the Treaty does not provide the powers necessary for the establishment of such a system,

HAS ADOPTED THIS REGULATION:

Article 1

The Community may, in accordance with the conditions laid down hereinafter, grant financial support, in so far as this is essential, for the carrying out of projects (Community projects) which are of fundamental importance in ensuring the Community's supply of hydrocarbons.

Article 2

All projects shall concern technological development directly connected with prospecting, producing, storing or transporting hydrocarbons.

Article 3

The responsibility for each of the projects must devolve upon a natural or a legal person constituted in accordance with the laws in force in the Member States of the Community.

⁽¹⁾ OJ No C 46, 9. 5. 1972, p. 21.

If the creation of a legal entity to undertake a project involves additional costs for the participating firms, such a project may be carried out by simple cooperation between natural or legal persons. In this case, these persons shall be jointly and severally liable for the obligations resulting from Community support.

Article 4

The support granted to a project may take the following forms: Community participation in the financing of this project as part of the appropriations made for this purpose in the general budget of the Communities, taking into account any other Community financial intervention from which this project may benefit, in particular that of the European Investment Bank by granting the following advantages: loan guarantees, loans, subsidies repayable under certain conditions.

The nature and extent of the support which may be granted to a project shall depend on the purpose of the project in question.

Such support shall constitute only a minor proportion of the financing of the project.

Article 5

1. Any project emanating from a Member State or from any other source shall be submitted for examination by the Commission, which shall consult the Member States.

The Commission shall consult the Member States before submitting a project to the Council on its own initiative.

2. The Commission shall forward to the Council, together with its reasoned opinion, a report on the scheme as a whole.

This report shall give:

- a detailed description of the scheme;
- the financial situation and the technical capacities of those responsible for the project;
- the benefits of the project as regards securing Community supplies of hydrocarbons;
- the nature and extent of the risks involved in the project and its estimated profitability;
- the cost of the project and the methods of financing for its implementation;
- any other factor justifying the nature and the extent of the support which the Commission proposes should be granted to the project;

- the time-scale for the project, and the possibilities of reducing it;
- the measures of support, agreed to or anticipated, by the Member States for the implementation of the project;
- possible intervention by the European Investment Bank.

3. The Commission shall submit to the Council a proposal providing, as appropriate, for:

- (a) the allocation of the measures of support referred to in Article 4;
- (b) the commitments which the beneficiary will need to enter into in respect of the Community.

Article 6

1. The Council, having been seized by the Commission, may request from it such further information and investigation as it deems necessary.

2. The Council shall take a decision unanimously, acting on a proposal from the Commission.

Article 7

The benefits granted by the Community may not modify the conditions of competition in a way incompatible with the provisions of the Treaty in this field.

Article 8

Those responsible for implementing a project in receipt of Community support shall each year submit to the Commission, which shall inform the Council thereof, a report on the progress of work on the scheme and on the expenditure involved in its implementation.

The Commission shall at all times have access to the accounts of the project.

Article 9

The information gathered pursuant to this Regulation shall be confidential.

Article 10

The Commission shall submit an annual report on the application of this Regulation to the European Parliament and to the Council, which shall express its opinion on the report.

Article 11

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

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

Done at Brussels, 9 November 1973.

For the Council

The President

Per HÆKKERUP

COUNCIL DIRECTIVE
of 13 February 1975
on the restriction of the use of natural gas in power stations

(75/404/EEC)

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community, and in particular Article 103(4) thereof;

Having regard to the proposal from the Commission;

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

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

Whereas the implementation of a Community energy policy is one of the objectives that the Communities have set themselves;

Whereas the security of Community energy supplies requires the development of all its sources of energy;

Whereas natural gas is one such Community source of energy, but quantities available are limited;

Whereas natural gas should be reserved in the first instance for those applications for which it can be most profitably used;

Whereas natural gas has great advantages for certain specific uses;

Whereas natural gas should consequently be converted into electricity only when it cannot be used for other purposes, or in cases of technical or economic necessity;

Whereas special reasons relating to the protection of the environment can, in certain cases, likewise necessitate the use of natural gas in power stations;

Whereas the main economic and technical reasons for the use of natural gas in power stations are the following:

- the quantities of natural gas available cannot for the moment be disposed of in any other way owing to the absence of a suitable transport and distribution network;
- the quantities of natural gas available cannot be disposed of on the premium market with the necessary regularity on account of seasonal varia-

tions in sales which necessitate the conclusion of contracts providing for the possibility of interrupting deliveries;

- the available means of transport cannot be exclusively used for supplying the premium market while a natural gas distribution network is being constructed;
- no fuels other than natural gas are available;

Whereas the conclusion of contracts for the supply of natural gas to power stations and the construction of new power stations using natural gas should for those reasons be subject to government authorization;

Whereas it is necessary in the interests of optimum allocation of resources and security of supplies to prevent the use of natural gas being covered by provisions which differ from one Member State to another,

HAS ADOPTED THIS DIRECTIVE:

Article 1

1. The conclusion of new contracts for the supply of natural gas to power stations, the extension of contracts upon expiry and the construction of new power stations using natural gas must be subject to prior authorization by the authorities of the Member State responsible for the power station concerned.
2. Authorization for contracts providing for the possibility of interruptible deliveries may be granted:
 - if the use of natural gas in a power station proves necessary for technical reasons, or
 - if the natural gas cannot be put to a more profitable use.
3. Authorization for contracts providing for unintermittible deliveries may only be granted:
 - if the use of natural gas in a power station proves necessary for technical reasons,
 - if the natural gas is intended for use in a power station having a capacity of less than 10 MWe or is intended exclusively for the production of peak or reserve energy,
 - if the gas is used solely to ignite and to maintain the combustion of other products and if its total energy contribution remains small, or
 - if special reasons relating to the protection of the environment necessitate the use of natural gas in a power station.

⁽¹⁾ OJ No C 93, 7. 8. 1974, p. 79.

⁽²⁾ OJ No C 125, 16. 10. 1974, p. 58.

4. In exceptional cases which are not covered by paragraph 2 or 3 the use of natural gas in a power station may be authorized, in particular for economic reasons, by the Member States, who shall inform the Commission thereof.

Article 2

Where existing contracts for the supply of natural gas do not fulfil the conditions of the second and third paragraphs of Article 1, Member States shall encourage the cancellation of such contracts by mutual agreement between the contracting parties.

Article 3

Any authorization granted by a Member State pursuant to Article 1 and any measures taken pursuant to Article 2 shall be notified to the Commission, accompanied by a detailed statement of the reasons justifying the action taken.

Article 4

Member States shall bring into force the laws, regulations and administrative provisions necessary to comply with this Directive not later than 31 December 1975.

Article 5

More stringent national measures restricting the use of natural gas in power stations and conforming with the provisions of this Directive may be maintained or adopted.

Article 6.

This Directive is addressed to the Member States.

Done at Brussels, 13 February 1975.

For the Council

The President

P. BARRY

COUNCIL DIRECTIVE
of 14 April 1975
concerning the restriction of the use of petroleum products in power stations

(75/405/EEC)

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community, and in particular Article 103 thereof;

Having regard to the proposal from the Commission;

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

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

Whereas the implementation of a Community energy policy is one of the objectives that the Communities have set themselves; whereas security of supply is a priority of Community energy policy;

Whereas electricity is a form of energy vital to modern society and its contribution to the Community's total energy requirements is on the increase;

Whereas the security of electricity supplies in the Member States of the Community can be improved by limiting the use of petroleum products in power stations;

Whereas the construction and the conversion of power stations using exclusively or mainly oil products should therefore be subject to an authorization by the authorities of the Member States;

Whereas electricity can be produced economically from various sources of primary energy;

Whereas conventional power stations can be equipped with multi-firing boilers using two or more fuels, including coal,

HAS ADOPTED THIS DIRECTIVE:

Article 1

1. The construction of new power stations which will use oil fuels exclusively or mainly as well as the

conversion of existing power stations to burn such fuels exclusively or mainly shall be subject to prior authorization by the authorities of the Member State responsible for this power station.

2. Authorization may be granted only in the following cases:

- if the power station has a capacity of less than 10 MWe or is intended exclusively for the production of peak or reserve energy;
- if the petroleum products are used solely to ignite and to maintain the combustion of other products and if their total energy contribution remains small;
- if the petroleum fuel is a residual product that cannot be more efficiently employed for other purposes;
- if supplies of other fuels cannot be ensured or if their use cannot be considered for economic, technical or safety reasons;
- if special reasons relating to the protection of the environment necessitate the use of petroleum products in a power station.

3. Before granting authorization, the authorities of the Member States shall determine whether it is advisable, with a view to security of fuel supply, to equip the power station concerned for dual-firing, allowing the use of coal as a substitute fuel.

Article 2

Any authorization granted by a Member State pursuant to Article 1 shall be notified to the Commission, accompanied by a detailed statement of the reasons justifying the action taken.

Article 3

Member States shall bring into force the laws, regulations and administrative provisions necessary to comply with this Directive not later than 31 December 1975 and shall inform the Commission thereof.

⁽¹⁾ OJ No C 125, 16. 10. 1974, p. 59.

⁽²⁾ OJ No C 93, 7. 8. 1974, p. 79.

Article 4

More stringent national measures restricting the use of petroleum products in power stations and conforming with the provisions of the Directive may be maintained or adopted.

Article 5

This Directive is addressed to the Member States.

Done at Brussels, 14 April 1975.

For the Council

The President

G. FITZGERALD

COUNCIL DIRECTIVE

of 20 December 1968

imposing an obligation on Member States of the EEC to maintain minimum stocks of crude oil and/or petroleum products

(68/414/EEC)

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community, and in particular Article 103 thereof;

Having regard to the proposal from the Commission;

Having regard to the Opinion of the European Parliament¹;

Whereas imported crude oil and petroleum products are of increasing importance in providing the Community with supplies of energy; whereas any difficulty, even temporary, having the effect of reducing supplies of such products imported from third States could cause serious disturbances in the economic activity of the Community; whereas the Community must therefore be in a position to offset or at least to diminish any harmful effects in such a case;

Whereas a crisis in obtaining supplies could occur unexpectedly and whereas it is therefore essential to establish forthwith the necessary means to make good a possible shortage;

Whereas, to this end, it is necessary to increase the security of supply for crude oil and petroleum products in Member States by establishing and maintaining minimum stocks of the most important petroleum products;

Whereas national production contributes in itself to the security of supply; whereas the conditions of Community production and the greater security of supply inherent in such production justify making it possible for Member States to place the burden of maintaining stocks on imports;

HAS ADOPTED THIS DIRECTIVE:

Article 1

Member States shall adopt such laws, regulations or administrative provisions as may be appropriate in order to maintain at all times, subject to the provisions of Articles 2 and 7, their stocks of petroleum products at a level corresponding, for each of the categories of petroleum products listed in Article 3, to at least 65 days' average daily internal consumption in the preceding calendar year.

That part of internal consumption met by derivatives of petroleum produced indigenously by the Member State concerned may be deducted up to a maximum of 15% of the said consumption.

Bunker supplies for sea-going vessels shall not be included in the calculation of internal consumption.

Article 2

Without prejudice to Article 1, Member States may exempt undertakings from the obligation to maintain stocks in respect of an amount not exceeding the quantity of products which those undertakings manufacture from indigenously produced crude oil.

Article 3

The following categories of product shall be taken into account in calculating internal consumption:

- motor spirit and aviation fuel (aviation spirit and jet-fuel of the gasoline type);
- gas oil, diesel oil, kerosine and jet-fuel of the kerosine type;
- fuel oils.

Article 4

Member States shall submit to the Commission a statistical summary showing stocks existing at the end of each quarter, drawn up in accordance with Articles 5 and 6 and specifying the number of days of average consumption in the preceding calendar year which those stocks represent. This summary must be submitted within ninety days of the end of the quarter.

Article 5

In the statistical summary of stocks provided for in Article 4, finished products shall be accounted for according to their actual tonnage; crude oil and intermediate products shall be accounted for:

- in the proportions of the quantities for each category of product obtained during the preceding calendar year from the refineries of the State concerned; or
- on the basis of the production programmes of the refineries of the State concerned for the current year; or
- on the basis of the ratio between the total quantity manufactured during the preceding calendar year in the State concerned of products

⁽¹⁾ OJ No 20, 6.2.1965, p. 330/65.

covered by the obligation to maintain stocks and the total amount of crude oil used during that year; the foregoing shall apply to not more than 10% of the total obligation for the first and second categories (petrol and gas oils), and to not more than 50% for the third category (fuel oils):

Blending components, when intended for processing into the finished products listed in Article 3, may be substituted for the products for which they are intended.

Article 6

1. When calculating the level of minimum stocks provided for in Article 1, only those quantities which would be fully at the disposal of a Member State should difficulties arise in obtaining oil supplies shall be included in the statistical summary.

Subject to the provisions of paragraph 2, those stocks must be located within the territory of the State concerned.

2. For the purposes of implementing this Directive, stocks may be established, under individual agreements between Governments, within the territory of a Member State for the account of undertakings established in another Member State.

In such cases, the Member State in whose territory the stocks are held may not oppose their transfer to the other Member States; it shall as far as possible keep a check on such stocks but shall not include them in its statistical summary. The Member State on whose behalf the stocks are held may include them in its statistical summary.

Drafts of the agreements mentioned in the first subparagraph shall be sent to the Commission, which may make its comments known to the Governments concerned. The agreements, once concluded, shall be notified to the Commission, which shall make them known to the other Member States.

Agreements shall satisfy the following conditions:

- they must relate to crude oil and to all petroleum products covered by this Directive;
- they must specify the procedures for checking and identifying the stocks provided for;
- they must as a general rule be concluded for an unlimited period;
- they must state that, where provision is made for unilateral termination, the latter shall not operate in the event of a supply crisis and that, in any event, the Commission shall receive prior information of any termination:

3. Subject to the provisions of paragraph 1, the following may be included in the stocks:

- supplies on board oil tankers in port for the purpose of discharging, once the port formalities have been completed;

- supplies held in ports of discharge;
- supplies held in tanks at the entry to oil pipelines;
- supplies held in refinery tanks, excluding those supplies in pipes and refining plant;
- supplies held in storage by refineries and by importing, storage or wholesale distribution firms;
- supplies held in storage by large-scale consumers in compliance with the provisions of national law concerning the obligation to maintain permanent stocks;
- supplies held in barges and coasting-vessels engaging in transport within national frontiers, in so far as it is possible for the competent authorities to keep a check on such supplies and provided that the supplies could be made available immediately;

Consequently the following shall, in particular, be excluded from the statistical summary: indigenous crude oil not yet extracted; supplies intended for the bunkers of sea-going vessels; supplies in direct transit apart from the stocks referred to in paragraph 2; supplies in pipelines, in road tankers and rail tank-wagons, in the storage tanks of distributing stations, and those held by small consumers. Quantities held by the armed forces and those held for them by the oil companies shall also be excluded from the statistical summary.

Article 7

If difficulties arise with regard to Community oil supplies, the Commission shall, at the request of any Member State or on its own initiative, arrange a consultation between the Member States.

Save in cases of particular urgency or in order to meet minor local needs, Member States shall refrain, prior to the consultation provided for above, from drawing on their stocks to any extent which would reduce those stocks to below the compulsory minimum level.

Member States shall inform the Commission of any withdrawals from their reserve stocks and shall communicate as soon as possible:

- the date upon which stocks fell below the compulsory minimum;
- the reasons for such withdrawals;
- the measures, if any, taken to replenish stocks;
- an appraisal, if possible, of the probable development of the situation with regard to the stocks while they remain below the compulsory minimum.

Article 8

The establishment of stocks as required by this Directive shall be offered as soon as possible after notification thereof and not later than 1 January 1971.

Member States shall inform the Commission of measures taken to this effect.

Article 9

This Directive is addressed to the Member States.

Done at Brussels, 20 December 1968.

For the Council
The President
V. LATTANZIO

COUNCIL DECISION

of 20 December 1968

on the conclusion and implementation of individual agreements between Governments relating to the obligation of Member States to maintain minimum stocks of crude oil and/or petroleum products

(68/416/EEC)

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community, and in particular Article 103 thereof;

Having regard to the proposal from the Commission;

Whereas the Council has adopted the Directive of 20 December 1968⁽¹⁾ imposing an obligation on Member States of the European Economic Community to maintain minimum stocks of crude oil and/or petroleum products;

Whereas Article 6 (2) of that Directive makes provision for the establishment, under individual agreements between Governments, of stocks within the territory of a Member State for the account of undertakings established in another Member State;

Whereas it seems appropriate to lay down a procedure to be applied in the event of such agreements not being reached within a reasonable time or not being complied with;

HAS ADOPTED THIS DECISION:

Article 1

Where an agreement between Governments as provided for in Article 6 (2) of the Council Directive of 20 December 1968 has not been reached by the Governments concerned within a period of eight

months following notification of that Directive or where such an agreement has not been complied with, the Governments concerned shall inform the Commission.

The Commission may propose to the Governments concerned appropriate measures for overcoming their difficulties.

Article 2

Where an agreement between Governments has not been reached within three months following the proposal by the Commission of appropriate measures for overcoming the difficulties, the Commission shall lay a proposal for a Directive, or for any other appropriate measure, before the Council.

This proposal shall provide in particular for a procedure whereby the registration, supervision, and transport of the stocks held in the other Member State may be ensured and shall take account of the principles set out in Article 6 (2) of the aforementioned Directive.

Article 3

This Decision is addressed to the Member States.

Done at Brussels, 20 December 1968.

For the Council

The President

V. LATTANZIO

⁽¹⁾ OJ No L 308, 23.12.1968, p. 14.

COUNCIL DIRECTIVE

of 19 December 1972

amending the Council Directive of 20 December 1968 imposing an obligation on Member States of the EEC to maintain minimum stocks of crude oil and/or petroleum products

(72/425/EEC)

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community, and in particular Article 103 thereof;

Having regard to the proposal from the Commission;

Having regard to the Opinion of the European Parliament;

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

Whereas the substantial growth in the oil requirements of the Community entails an increasing dependence on supplies imported from third countries;

Whereas, owing to changes in the pattern of oil supplies in Western Europe during recent years, stocks should be increased in order to make good the deficit in supplies following a break in certain lines of supply, to establish a reserve capacity for production, and to enable all other necessary measures to be taken;

Whereas an increase in stocks to a minimum of 90 days is, under these circumstances, essential;

HAS ADOPTED THIS DIRECTIVE:

Article 1

The representative period of 65 days cited in the first paragraph of Article 1 of the Council Directive of 20 December 1968,¹ imposing an

obligation on Member States of the EEC to maintain minimum stocks of crude oil and/or petroleum products shall be increased to 90 days.

Article 2

The increase in stocks cited in Article 1, paragraph 1 of the Directive referred to in Article 1 must be carried out as soon as possible with effect from the date of notification of this Directive, and not later than 1 January 1975. The Member States shall be obliged to maintain minimum stocks of crude oil and/or petroleum products for 65 days until such time as they have effected this increase.

The Member States shall inform the Commission of the measures taken to this effect.

The Commission shall submit an annual report to the Council on the implementation of this Directive and on any problems arising from the build-up of stocks.

Article 3

This Directive is addressed to the Member States.

Done at Brussels, 19 December 1972.

For the Council

The President

T. WESTERTERP

⁽¹⁾ OJ No L 308, 23.12.1968, p. 14.

COUNCIL DIRECTIVE

of 20 May 1975

obliging the Member States to maintain minimum stocks of fossil fuel at thermal power stations

(75/339/EEC)

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community, and in particular Article 103 thereof;

Having regard to the proposal from the Commission;

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

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

Whereas the implementation of a Community energy policy is one of the objectives that the Communities have set themselves;

Whereas a regular and adequate supply of electricity is a fundamental condition for the existence and development of modern society, and whereas interruptions in electricity supplies would cause serious disruption to the vital activities of the Community;

Whereas in order to guarantee such supplies, it must be possible to produce electricity as and when the demand arises;

Whereas the fundamental condition for the continuous operation of power stations is the possession of sufficient quantities of primary energy;

Whereas crises of supply may occur unexpectedly in the case of certain types of primary energy and it is therefore essential to take the necessary measures to alleviate the effects of such shortages;

Whereas it is necessary to reinforce security of supplies to power stations by building up and maintaining a minimum level of stocks on their premises;

Whereas the development of security of fuel supplies to power stations may necessitate a review of the minimum level of stocks in several years time,

HAS ADOPTED THIS DIRECTIVE:

Article 1

Member States shall take all appropriate measures by way of law, regulation or administrative action to

oblige electricity producers to maintain, permanently, a minimum level of stocks of fossil fuel at their thermal power stations, which level shall be sufficient to ensure at all times the continuation of electricity supplies for a period of at least 30 days.

The level of stocks specified in the first paragraph may be reduced by an amount corresponding to 25 % of the stocks of petroleum products built up at power stations pursuant to the rules laid down in Directive No 68/414/EEC⁽³⁾, Decision No 68/416/EEC⁽⁴⁾ and Directive No 72/425/EEC⁽⁵⁾, and which are reserved for the exclusive use of such power stations.

Article 2

1. The obligation to maintain stocks shall apply to power stations including private industrial generators.

2. This obligation shall not apply to power stations fired by manufactured gases, industrial waste and other fuel derived from waste, nor to private industrial generators with a total capacity of less than 100 MWe.

Governments of Member States may, depending on their domestic situation, fix a threshold lower than that referred to above.

3. When the obligation to maintain stocks is such to create difficulties of a particularly serious nature for any power station, the competent authority in the Member State concerned may exempt it in full or in part from this obligation. The Member State shall inform the Commission of its decision immediately, stating the reasons for it.

4. Stocks shall be held on the premises of the power station or at a place directly linked thereto. Stocks may be held at a place further removed, provided that they can be conveyed to the power station at all times.

In the case of power stations fired by natural gas, lignite or peat, the deposit which supplies the station may be considered as station stock, provided there is a guarantee that sufficient quantities can be delivered to ensure the continuation of electricity supplies for the

⁽¹⁾ OJ No C 85, 18. 7. 1974, p. 28.

⁽²⁾ OJ No C 125, 16. 10. 1974, p. 14.

⁽³⁾ OJ No L 308, 23. 12. 1968, p. 14.

⁽⁴⁾ OJ No L 308, 23. 12. 1968, p. 19.

⁽⁵⁾ OJ No L 291, 28. 12. 1972, p. 154.

period laid down in Article 1, even in the event of difficulties in maintaining fuel supplies to thermal power stations. This shall also apply to power stations fired by coal, provided they are located near the mines which supply them.

5. The quantities of fuel to be held at each thermal power station shall be determined by the electricity producers in the light of the possibilities offered by the transmission and interconnection network.

Electricity producers may form themselves into groups in order to apportion fuel stocks among their power stations, provided they can guarantee the continuation of electricity supplies for the period laid down in Article 1.

Article 3

1. Each electricity producer shall furnish the competent authority in the Member State concerned with a statement, drawn up on 1 January, 1 April, 1 July and 1 October each year at least, of the stocks held at its thermal power stations specifying the quantities necessary to ensure the continuation of electricity supplies for the period laid down in Article 1. These statements shall be forwarded within 30 days of each of the abovementioned dates. Member States shall take the necessary steps to check the accuracy of these statements.

2. Member States shall submit to the Commission the statement of the stocks held on 1 April and 1 October of each year at these power stations, specifying the quantities necessary to ensure the continuation of electricity supplies for the period laid down in Article 1. These statements must be forwarded not later than 1 June and 1 December of each year.

3. At the request of the Commission, the statements referred to in paragraph 2 shall be made for periods and on dates other than those laid down in that paragraph.

Article 4

If Community thermal power stations experience fuel supply difficulties, electricity producers may, after

authorization by the competent authority of the Member State concerned, draw on the minimum stocks built up pursuant to the rules laid down in Article 1.

Member States shall inform the Commission of all drawings on stocks and shall make known, as soon as possible :

- the quantities drawn from the stocks and the date on which the stocks fall below the mandatory minimum ;
- the urgent reasons justifying such drawings ;
- any measures taken to build up these stocks again ;
- if possible, probable changes in stock levels during the period in which they remain below the mandatory minimum.

Article 5

Stocks conforming to the provisions of this Directive shall be built up as soon as possible after the date of notification of this Directive and at the latest by 1 January 1978. Member States shall inform the Commission of the measures taken to this end.

Article 6

Any information forwarded pursuant to this Directive shall be confidential. This provision shall not hinder the publication of general information or summaries which do not include specific details concerning undertakings.

Article 7

This Directive is addressed to the Member States.

Done at Brussels, 20 May 1975.

For the Council

The President

R. RYAN

COUNCIL DIRECTIVE

of 24 July 1973

on measures to mitigate the effects of difficulties in the supply of crude oil and petroleum products

(73/238/EEC)

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community, and in particular Article 103 thereof;

Having regard to the proposal from the Commission;

Having regard to the Opinion of the European Parliament;

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

Whereas the establishment of a common energy policy is one of the objectives the Communities have set themselves;

Whereas crude oil and petroleum products are of increasing importance in providing the Community with supplies of energy; whereas any difficulty, even temporary, having the effect of considerably reducing supplies of such products could cause serious disturbances in the economic activity of the Community; whereas the Community must, therefore, be in a position to offset or at least to diminish any harmful effects in such a case;

Whereas procedures and appropriate instruments should be provided in advance to ensure the speedy implementation of measures to mitigate the effects of difficulties in the supply of petroleum and petroleum products;

Whereas all Member States should, therefore, possess the necessary powers to take appropriate action, should the need arise, without delay and in accordance with the Treaty, and in particular Article 103 thereof;

Whereas it is necessary for these powers to be harmonized to a certain extent in order to facilitate the coordination of national measures within the framework of consultations at Community level;

Whereas it is also desirable that a consultative body be set up immediately to facilitate the coordination of practical measures taken or proposed by the Member States in this field;

Whereas it is necessary that each Member State draw up a plan which may be used in the event of difficulties arising in the supply of crude oil and petroleum products;

HAS ADOPTED THIS DIRECTIVE:

Article 1

The Member States shall take all necessary measures to provide the competent authorities with the necessary powers in the event of difficulties arising in the supply of crude oil and petroleum products which might appreciably reduce the supply of these products and cause severe disruption. Those powers should enable the authorities:

- to draw on emergency stocks in accordance with the Council Directive of 20 December 1968⁽¹⁾ imposing an obligation on Member States of the EEC to maintain minimum stocks of crude oil and/or petroleum products and distribute these stocks to users,
- to impose specific or broad restrictions on consumption, depending on the estimated shortages, and to give priority to supplies of petroleum products to certain groups of users,
- to regulate prices in order to prevent abnormal price rises.

Article 2

1. The Member States shall appoint the bodies to be responsible for implementing the measures to be taken in execution of the powers provided for in Article 1.
2. The Member States shall draw up intervention plans for use in the event of difficulties arising with regard to the supply of crude oil and petroleum products.

Article 3

1. If difficulties arise with regard to the supply of crude oil and petroleum products in the Community or one of the Member States, the Commission shall convene as soon as possible, at the request of one of the Member States or on its own initiative, a group of delegates from the Member States whose names shall be made known beforehand, under the chairmanship of the Commission.

⁽¹⁾ OJ No L 308. 23. 12. 1968, p. 14.

2. This group shall carry out the necessary consultations in order to ensure coordination of the measures taken or proposed under the powers provided for in Article 1 above.

Article 4

1. The Member States shall inform the Commission of the provisions which meet the obligations arising from the application of Article 1 of this Directive.

2. The Member States shall notify the Commission of the composition and the mandate of the national bodies set up in accordance with Article 2 (1) in order to implement the measures to be taken.

Article 5

The Member States shall bring into force not later than 30 June 1974 the provisions laid down by law, regulation or administrative action necessary to comply with this Directive.

Article 6

This Directive is addressed to the Member States.

Done at Brussels, 24 July 1973.

For the Council

The President

I. NØRGAARD

COUNCIL RESOLUTION
of 4 June 1974
concerning the supply of enriched uranium of the Community

THE COUNCIL OF THE EUROPEAN
COMMUNITIES,

1. having noted the report prepared by the Standing Committee on Uranium Enrichment set up at its meeting of 22 May 1973 and the communication from the Commission of 29 November 1973, has held an extensive exchange of views on the situation of the Community as regards the supply of enriched uranium;
2. as stated in its resolution of 22 May 1973, considers that it is necessary for industry within the Community to acquire a uranium enrichment capacity enabling it to cover, as from the beginning of the next decade, at least a substantial and growing part of the Community's requirements and that it should be the task of the firms to determine, in the light of economic and commercial factors, the actual level of the capacities to be achieved;
3. to contribute to the attainment of this objective and in accordance with the wish expressed by the Heads of State and of Government at their meeting in Copenhagen;
 - (a) notes with satisfaction:
 - that the developers of ultra-centrifuging and gas diffusion in Europe have decided to enter into the construction phase of their projects,
 - that they have expressed their intention to hold exchanges of views on their respective projects,
 - that European users have already decided or stated their intention to make use of the European enrichment industries to cover a part of their requirements for enriched uranium;
 - (b) recommends:
 - (i) that the exchanges of views between producers continue with a view to

concerted, harmonious development of the existing projects as long as the situation requires.

Without prejudice to the producers' freedom of choice, these talks should deal with:

- the construction of their uranium enrichment facilities,
- the operation of these facilities,
- the possibilities of setting up a scheme for reciprocal support to act as a mutual guarantee in the event of technical failure;

(ii) that European users:

- given equal economic and commercial conditions, place their orders preferably with the European uranium-enrichment firms,
- seek to coordinate the building up and use made of security stocks;

(c) stresses the paramount importance of uranium-enrichment projects for the development of the nuclear industry in the Community and, with this in mind and as a result of action taken on the above recommendation, agrees to examine the applications it receives for the granting of Joint Undertaking status and the advantages provided for in Annex III to the Treaty, to undertakings concerned with the production of enriched uranium and their joint organs set up to achieve the coordination recommended by the Council;

(d) notes that the Commission will keep it regularly informed of the nuclear fuel supply situation, will take all necessary measures in agreement with the Council and will make all appropriate proposals to further the implementation of this resolution.

Appointment of a member of the Committee of the European Social Fund

At its meeting on 7 May 1974, the Council of the European Communities decided to appoint Mr Nielsen, økonomisk medarbejder, Landsorganisationen i Danmark, as a member of the Committee of the European Social Fund in the Workers' Representatives category, to replace Mr Rasmussen, who is resigning.

Mr Nielsen has been appointed for the period ending 18 December 1974.

Mr Nielsen has been notified of this Decision and has accepted his appointment.

Council resolution of 22 July 1975 on the technological problems of nuclear safety

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Atomic Energy Community;

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

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

Whereas the Commission has forwarded to the Council a communication and a general report on technological problems of nuclear safety;

Whereas it is necessary to keep the public adequately informed on this subject;

Whereas nuclear power has a considerable part to play in supplying energy to the Community;

Whereas the technological problems relating to nuclear safety, particularly in view of their environmental and health implications, call for appropriate action at Community level which takes into account the prerogatives and responsibilities assumed by national authorities;

Whereas, by aligning safety requirements, the national authorities responsible for nuclear safety and constructors and energy producers will be able to benefit from a harmonized approach to the problem at Community level;

Whereas nuclear safety problems extend beyond the frontiers not only of Member States but of the Community as a whole, and it is incumbent on the Commission to act as a catalyst for initiatives to be taken on a broader international plane,

HEREBY ADOPTS THIS RESOLUTION:

THE COUNCIL

1. requests the Member States as well as the licensing authorities and the safety and inspection authorities on the one hand, and the operators and constructors on the other, and finally the

agencies responsible for applied research programmes to continue to collaborate effectively at Community level;

2. agrees to the course of action in stages indicated below by the Commission in respect of the progressive harmonization of safety requirements and criteria in order to provide an equivalent and satisfactory degree of protection of the population and of the environment against the risks of radiation resulting from nuclear activities and at the same time to assist the development of trade on the understanding that such harmonization should not involve any lowering of the safety level already attained; taking into account the state of industrial development in the respective families of high-power nuclear reactors, these stages involve listing and comparing the requirements and criteria applied and drawing up a balance-sheet of similarities and dissimilarities; formulating as soon as possible recommendations pursuant to the second indent of article 124 of the Euratom Treaty, and subsequently submitting to the Council the most suitable draft Community provisions;
3. agrees to strengthen Community efforts to coordinate applied research programmes in order to make the best possible use of the resources available in the Community and the Member States both technically and financially whilst avoiding as far as possible unnecessary duplication; these efforts shall be aimed at improving systematic exchanges of information, promoting concerted action and cooperation between specialized bodies and institutes and stimulating where appropriate the development of Community programmes;
4. approves of the methods used and advocated by the Commission, namely, meetings of working parties of specialized experts, exchanges of information on specific operational problems and analytical studies and syntheses with which these experts are associated;
5. notes that the measures described above may require appropriations in order to finance analyses and syntheses and the appropriate technical secretariat;
6. requests the Member States to notify the Commission of any draft laws, regulations or provisions of similar scope concerning the safety of nuclear installations in order to enable the appropriate consultations to be held at Community level at the initiative of the Commission;

(1) OJ No C 128, 9. 6. 1975, p. 24.

7. requests the Member States to seek common positions on any problems concerning the harmonization of requirements and criteria and the coordination of research into nuclear safety being dealt with by international organizations;

8. requests the Commission to submit annual reports on the progress made and the Member States and the Commission to continue and strengthen their efforts to ensure that the public is given the best possible information about both national and Community action in the field of nuclear safety.

REGULATION No 4

defining the investment projects to be communicated to the Commission in accordance with Article 41 of the Treaty establishing the European Atomic Energy Community

THE COUNCIL OF THE EUROPEAN ATOMIC ENERGY COMMUNITY,

HAS ADOPTED THIS REGULATION:

Article 1

Having regard to the provisions of the Treaty, and in particular Articles 41, 42 and 43 thereof;

Persons and undertakings engaged in the industrial activities listed in Annex II to the Treaty shall communicate to the Commission, within the time limits laid down in Article 42 of the Treaty, their investment projects aimed at:

Having regard to the proposal from the Commission;

- creating new production capacity;
- maintaining quantitative and qualitative production capacity;
- directly increasing production capacity;
- directly increasing productivity;
- improving the quality of production;

Whereas, in order to attain the objectives laid down in the Treaty, the Commission must be notified of investment projects concerning new installations and of replacements or conversions involved in the industrial activities listed in Annex II to the Treaty when such projects are sufficiently extensive and are likely to have a direct influence on production or productivity;

(Millions of EPU units)

I Sectors	II New installations	III Replacements and conversions
1. Mining of uranium and thorium ore	2.5	2
2. Concentration of such ores	2.5	2
3. Chemical processing and refining of uranium and thorium concentrates	2.5	2
4. Preparation of nuclear fuels, in any form	1	0.5
5. Fabrication of nuclear fuel elements	1	0.5
6. Production of uranium hexafluoride	1	0.5
7. Production of enriched uranium	20	10
8. Processing of irradiated fuels for the purpose of separating some or all of the elements contained therein	5	2.5
9. Production of reactor moderators	0.5	0.25
10. Production of hafnium-free zirconium or compounds thereof	0.5	0.25
11. Nuclear reactors of all types and for all purposes	1	2
12. Facilities for the industrial processing of radioactive waste, set up in conjunction with one or more of the facilities specified in this list	0.5	0.25
13. Semi-industrial installations intended to prepare the way for the construction of plants involved in any of activities 3 to 10.	0.5	0.25

when, in the industrial activities listed in column I, the cost exceeds the corresponding amount in column II for new installations and that in column III for replacements and conversions.

Article 2

Notification of projects for new installations for nuclear reactors of any type and for any purpose shall, where the cost does not exceed one million EPU units, consist merely of a declaration giving their essential characteristics; the procedure laid down in Article 43 of the Treaty need not be applied.

For the purpose of calculating the costs referred to in Article 1 all expenditure arising directly from the carrying out of the investment projects shall be taken into account, irrespective of the time at which such expenditure is incurred.

Article 3

Communication of projects in pursuance of this Regulation shall include all the details required for

the discussion provided for in Article 43 of the Treaty and in particular all the information relating to:

1. the type of products and the production capacity;
2. the total amount of expenditure directly chargeable to the project under consideration;
3. the length of time likely to be required for carrying out the project;
4. the prospects as regards supplies for and operation of the installation.

Article 4

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

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

Done at Brussels, 15 September 1958.

For the Council

The President

BALKE

REGULATION No 1

determining procedures for effecting the communications prescribed under Article 41
of the Treaty

THE COMMISSION OF THE EUROPEAN ATOMIC
ENERGY COMMUNITY,

Having regard to the provisions of the Treaty, and in
particular Articles 41, 124 and 161 thereof;

Having regard to the provisions of the Council
Regulation defining the investment projects to be
communicated to the Commission in pursuance of
Article 41 of the Treaty;

Whereas it is the responsibility of the Commission, to
the extent necessary for the fulfilment of the task de-
volving on it under Chapter IV of the Treaty, to de-
termine procedures for carrying out the obligation
imposed on persons and undertakings by Article 41
to communicate investment projects relating to new
installations and also to replacements or conversions
which fulfil the criteria as to type and size laid down
by the Council;

HAS ADOPTED THIS REGULATION:

Article 1

Investment projects relating to new installations and
also to replacements or conversions which fulfil the
criteria as to type and size laid down by the Council
Regulation of 15 September 1958, published in the
Official Journal of the European Communities, No
17 of 6 October 1958, shall be communicated to the
Commission by means of a form, the model for
which is annexed to this Regulation.

Article 2

The obligation to communicate to the Commission
the investment projects referred to in Article 41 of the
Treaty devolves on persons and undertakings engaged
in the industrial activities listed in Annex II to the
Treaty, in respect of all installations already estab-
lished or to be established within the Community; the
obligation shall, in appropriate cases, be discharged
by the local management in the case of undertakings
having their seat outside the Community.

Article 3

Any change made in the course of carrying out in-
vestment projects communicated to the Commission
in accordance with this Regulation shall be made the
subject of a further communication under the same
conditions.

Article 4

Any change made to the said form shall be published
by the Commission in the *Official Journal of the
European Communities*.

Done at Brussels, 5 November 1958.

For the Commission
The European Commissioner
P. DE GROOTE

ANNEX

to Commission Regulation No 1 of 5 November 1958

INVESTMENT PROJECT
(Model)

Industrial activities listed in Annex II to the Treaty	Questions																																		
All activities 1 to 13	<p>1.1 Name and address of person or undertaking notifying the investment project and, where appropriate, name of a responsible person to whom supplementary questions may be addressed if necessary.</p> <p>1.2 Name of investment project.</p> <p>1.3 Industrial activities under which the investment project comes pursuant to Annex II to the Treaty.</p> <p>1.4 Is it to be a new installation, a replacement or a conversion?</p> <p>1.5 Reference to documents previously communicated to Euratom in respect of the investment project (date of correspondence).</p> <p>1.6 Name and address of person(s) or undertaking(s): (a) to operate the installation; (b) to prepare the project for the installation; (c) to supervise and inspect the carrying out of the project; (d) who will be mainly responsible for supplying the equipment.</p> <p>1.7 Methods of financing.</p> <p>1.8 Plan of geographical location (site plan to a scale of 1/100 000: 1/300 000).</p> <p>1.9 Brief description and general plans.</p> <p>1.10 Costs of initial installation (in EPU units of account) and breakdown of costs into:</p> <table data-bbox="433 884 1052 1321"> <tbody> <tr><td>(a) design studies;</td><td>%</td></tr> <tr><td>(b) project supervision and inspection;</td><td>%</td></tr> <tr><td>(c) sites;</td><td>%</td></tr> <tr><td>(d) civil engineering and building including metal skeleton;</td><td>%</td></tr> <tr><td>(e) means of transport, handling and extraction plant;</td><td>%</td></tr> <tr><td>(f) pressure vessels, heavy boiler work and piping;</td><td>%</td></tr> <tr><td>(g) chemical and metallurgical plant (other than that covered by previous question);</td><td>%</td></tr> <tr><td>(h) heavy machinery;</td><td>%</td></tr> <tr><td>(i) light machinery and precision equipment;</td><td>%</td></tr> <tr><td>(j) electrical equipment;</td><td>%</td></tr> <tr><td>(k) electronic equipment;</td><td>%</td></tr> <tr><td>(l) miscellaneous;</td><td>%</td></tr> <tr><td colspan="2">in respect of reactors, where applicable:</td></tr> <tr><td>(m) moderators and reflectors;</td><td>%</td></tr> <tr><td>(n) primary coolant;</td><td>%</td></tr> <tr><td>(o) initial fuel element charge, or fuel charge if there are no elements.</td><td>%</td></tr> <tr><td colspan="2" style="text-align: right;"><u>100%</u></td></tr> </tbody> </table> <p>1.11 Proposed time-scale for the placing of main orders, installation and start-up, particularly the conclusion of initial contracts with suppliers or the commencement of construction work, and the planned commissioning date.</p> <p>1.12 Proposed maximum numbers of personnel needed at construction site, showing number of graduates and qualified engineers.</p>	(a) design studies;	%	(b) project supervision and inspection;	%	(c) sites;	%	(d) civil engineering and building including metal skeleton;	%	(e) means of transport, handling and extraction plant;	%	(f) pressure vessels, heavy boiler work and piping;	%	(g) chemical and metallurgical plant (other than that covered by previous question);	%	(h) heavy machinery;	%	(i) light machinery and precision equipment;	%	(j) electrical equipment;	%	(k) electronic equipment;	%	(l) miscellaneous;	%	in respect of reactors, where applicable:		(m) moderators and reflectors;	%	(n) primary coolant;	%	(o) initial fuel element charge, or fuel charge if there are no elements.	%	<u>100%</u>	
(a) design studies;	%																																		
(b) project supervision and inspection;	%																																		
(c) sites;	%																																		
(d) civil engineering and building including metal skeleton;	%																																		
(e) means of transport, handling and extraction plant;	%																																		
(f) pressure vessels, heavy boiler work and piping;	%																																		
(g) chemical and metallurgical plant (other than that covered by previous question);	%																																		
(h) heavy machinery;	%																																		
(i) light machinery and precision equipment;	%																																		
(j) electrical equipment;	%																																		
(k) electronic equipment;	%																																		
(l) miscellaneous;	%																																		
in respect of reactors, where applicable:																																			
(m) moderators and reflectors;	%																																		
(n) primary coolant;	%																																		
(o) initial fuel element charge, or fuel charge if there are no elements.	%																																		
<u>100%</u>																																			

Industrial activities listed in Annex II to the Treaty	Questions
All activities 1 to 13 (Cont'd)	<p>1.13 Proposed average numbers for operation of installation, showing number of graduates and qualified engineers.</p> <p>1.14 Description of special technical processes employed for the construction and operation of the installation, with reference where appropriate to known publications relating particularly to the installation in question.</p> <p>1.15 Description of laboratories included in the investment project (number of personnel where appropriate).—Description of research and development programmes, if any.</p> <p>1.16 Similar installations which may be operated by undertakings which for administrative purposes are connected with the projected installation; give names of any such undertakings.</p>
All activities except 11 (reactors)	<p>2.1 Composition and nature of production; annual capacity.</p> <p>2.2 If an extension to the installation is proposed, state by what process, over what period and in what proportion it is planned to increase annual production.</p> <p>2.3 Where no extension is planned, state whether, taking into account local conditions and other circumstances, an increase in annual production capacity is possible and if so to what extent.</p>
Activities 1, 2, 3, 4, 5, 6, 7, 8, 11, 12, 13	<p>3.1 Description of operational safety appliances (in respect of reactors: method of control and regulation of reactor, description of control rods where applicable).—Description of health protection devices.</p>
Activities 3, 4, 5, 6, 7, 8, 9, 10; where applicable 12, 13	<p>4.1 Proposed composition and annual quantity of principal supplies needed for the operation of the plant, including power requirements, stating proposed suppliers.</p>
Activities 4, 5, 7, 8, 11, 12; where applicable 13	<p>5.1 Supplementary data on siting of installation (access, population density, local activities, topography, meteorology, hydrology, natural radioactivity, geology, seismology, electric power supplies).</p>
For Activity 1	<p>6.1 Geology of the deposit to be worked.</p> <p>6.2 Proved reserves of the deposit to be worked.</p> <p>6.3 Estimated reserves of the deposit to be worked.</p> <p>6.4 Proved and estimated reserves for the concession as a whole.</p>
For Activity 5	<p>7.1 Description of fuel elements.</p> <p>8.1 Name of type of reactor planned.</p> <p>8.2 Principal use(s).</p> <p>8.3 Thermal power rating, in MW.</p> <p>8.4 Mechanical and electrical power rating, if applicable (gross power in MW, net power of the whole installation in MW, number of turbines and generators, power per turbine in HP and per generator in MW).</p>

Industrial activities listed in Annex II to the Treaty	Questions
For Activity 11	<p>8.5 Planned annual utilisation in hours/year.</p> <p>8.6 Fuels (composition, enrichment of fissile material, weight of the first charge for the power stated in 8.3., planned mean and maximum burn-up in MWd/t, total and itemised fuel cycle inventory).</p> <p>8.7 Annual fuel consumption and irradiated content of all fertile and fissile material—recoverable isotopes (for the power rating and utilisation shown in 8.3 and 8.5).</p> <p>8.8 Characteristics of fuel elements, where applicable (description, number, maximum temperature of clad and fuel in °C).</p> <p>8.9 Moderator and reflector (composition, weight of charge in tons, maximum temperature in °C, maximum pressure in kg/cm²).</p> <p>8.10 Maximum and mean neutron flux, according to type of reactor: (a) thermal neutrons; (b) fast neutrons.</p> <p>8.11 Reactor pressure vessel (shape, inside height in m, inside diameter in m, thickness in mm, composition of materials).</p> <p>8.12 General plans of proposed reactor (in particular, lattice definition and heat-cycle diagram).</p> <p>8.13 Primary coolant (for the power indicated under 8.3; composition, weight of charge where a closed circuit, mean pressure in reactor pressure vessel in kg/cm², flow in kg/sec reactor inlet temperature in °C, reactor outlet temperatures in °C).</p> <p>8.14 Secondary coolant—where applicable—(composition, mean pressure in kg/cm², flow in kg/sec, heat exchanger outlet temperature in °C).</p> <p>8.15 Steam or gas at each inlet to each turbine, if any (pressure in kg/cm², flow in t/h, temperatures in °C).</p>

COMMISSION REGULATION No 17/66/EURATOM

of 29 November 1966

exempting the transfer of small quantities of ores, source materials and special fissile materials from the Rules of the Chapter on Supplies

THE COMMISSION OF THE EUROPEAN ATOMIC ENERGY COMMUNITY,

Having regard to the provisions of the Treaty establishing the European Atomic Energy Community, and in particular Articles 2 (d), 74, 77, 124 and 161 thereof;

Whereas the volume of nuclear materials currently used in research has increased since Commission Regulation No 10 of 19 December 1961 entered into force;

Whereas the Community supply position in regard to nuclear materials makes it possible for the exemption provided for in Article 74 to be authorised in such a manner as to ensure that all users may receive a regular and equitable supply of ores, source materials and special fissile materials.

HAS ADOPTED THIS REGULATION:

Article 1

The following shall be exempt from the provisions of Chapter VI of the Treaty, as regards ores and uranium and thorium source materials:

- transfers within and imports into the Community of quantities not exceeding, per transaction, one ton of uranium and thorium (or uranium or thorium) content, within a limit of 5 tons per year per user in respect of each of these materials;
- exports from the Community of quantities not exceeding one ton of uranium and thorium (or uranium or thorium) content, within a limit of 5 tons per year per exporter in respect of each of these materials.

Article 2

With regard to special fissile materials, transfers within and imports into the Community of quantities not exceeding 200 grammes of uranium-235, of uranium-233 or of plutonium per transaction shall be exempt from the provisions of Chapter VI of the Treaty, within a limit of 1000 grammes per year per user, subject, as regards imported materials, to the provisions of co-operation agreements concluded by the Community with third countries.

Article 3

Any person who effects an import or an export and any supplier who effects a transfer within the Community under the exemption provided for in Articles 1 and 2 of this Regulation shall be required to submit to the Supply Agency a quarterly statement of the transactions thus effected, giving the following informations:

- (a) date of conclusion of the supply contract;
- (b) names of the contracting parties;
- (c) place where the material was produced;
- (d) chemical and physical (or chemical or physical) nature of the products;
- (e) quantities in metric units¹;
- (f) use made or to be made of these ores, source materials and special fissile materials.

The monthly statements must be submitted to the Agency within one month from the end of each quarter during which the transactions referred to in this Regulation were effected.

Article 4

This Regulation shall enter into force on the date of its publication in the *Official Journal of the European Communities*. It repeals and replaces the Regulation adopted by the Commission on 29

⁽¹⁾ The above-mentioned statements shall be expressed in kilogrammes of uranium or thorium contained in respect of ores and source materials, and in grammes in respect of uranium-235, uranium-233 or plutonium contained in respect of special fissile materials. Numbers containing a decimal fraction shall be rounded off to the next lower or higher whole number according to whether the decimal fraction is greater or less than 0.5. Where the decimal fraction is 0.5, the number shall be rounded off to the next higher or lower whole number according to whether the digit preceding the decimal point is an even or an odd number.

November 1961, published in the *Official Journal of the European Communities* of 19 December 1961, the amended version of which was published in the *Official Journal* of 20 January 1962.

Done at Brussels, 29 November 1966.

For the Commission
The President
P. CHATENET

REGULATION (EURATOM) No 3137/74 OF THE COMMISSION

of 12 December 1974

amending Commission Regulation No 17/66/Euratom of 29 November 1966
exempting the transfer of small quantities of ores, source materials and special
fissile materials from the rules of the chapter on supplies

THE COMMISSION OF THE EUROPEAN
COMMUNITIES,

Having regard to the Treaty establishing the European Atomic Energy Community, and in particular Article 74 thereof;

Whereas the volume of research involving small quantities of special fissile materials has increased both within the Community and in countries outside the Community since Regulation No 17/66/Euratom entered into force on 29 November 1966;

Whereas the Community is able, without prejudice to the supply position of consumers within the Community, to contribute to the development of research in many different fields through the supply of special fissile materials produced in its Member States;

Whereas, therefore, the supply position permits the extension of the rule on exemption in Article 74 to cover special fissile materials produced within the Community,

HAS ADOPTED THIS REGULATION:

Article 1

Article 2 of Commission Regulation No 17/66/Euratom of 29 November 1966 relating to the exemp-

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

Done at Brussels, 12 December 1974.

tion of small quantities of ores, source materials and special fissile materials from the rules of the chapter on supplies, published in the *Official Journal of the European Communities* on 28 December 1966, page 4057/66, is hereby amended to read as follows:

'With regard to special fissile materials, transfers within, imports into and exports from the Community shall be exempt from the provisions of Chapter VI of the Treaty provided that the quantities involved, referred to the elemental form, do not exceed 200 grammes of uranium-235, uranium-233 or plutonium in any one transaction up to an annual limit of 1 000 grammes of any of the substances per user. In the case of imports and exports this shall apply subject to the provisions of agreements for cooperation concluded by the Community with third countries.'

Article 2

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

For the Commission

The President

François-Xavier ORTOLI

THE STATUTES OF THE EURATOM SUPPLY AGENCY

THE COUNCIL OF THE EUROPEAN ATOMIC ENERGY COMMUNITY,

Having regard to Article 54 of the Treaty;

Having regard to the proposal from the Commission;

HAS DECIDED:

To lay down the Statutes of the Euratom Supply Agency as follows:

Article I

Name and object

1. The Agency established by Article 52 and subsequent Articles of the Treaty of 25 March 1957 establishing the European Atomic Energy Community (hereinafter called the 'Treaty') shall be called the 'Euratom Supply Agency' (hereinafter called the 'Agency').
2. The sole object of the Agency shall be to carry out the tasks assigned to it by the Treaty. It shall be governed by the provisions of the Treaty and of these Statutes. Any difficulties which may arise in interpreting the Statutes shall be settled by reference to the aims assigned to the Agency by the Treaty.

Article II

Legal status and capacity

1. The Agency shall have legal personality.
2. The Agency shall in each of the Member States enjoy the most extensive legal capacity accorded to legal persons under public and private law. It may in particular acquire and dispose of moveable and immoveable property, conclude contracts, give real or personal security, act as broker, authorised agent or commission agent, be a party to legal proceedings, agree to go to arbitration, compound and carry out commercial transactions and make any regulations which may be required for the carrying out of its tasks.

It may also raise loans subject to the conditions laid down in these Statutes.

3. The Agency shall carry on its activities solely in the general interest. It shall operate on a non-profit-making basis.
4. The Agency shall be recognised as an institution of public interest status.

Article III

Seat

1. The seat of the Agency shall be established in the town in which the Commission has its seat.
2. The Agency may, with the consent of the Commission, establish branches.

It may on its own initiative take any further measures concerning its own internal organisation which may be required for the carrying out of its tasks both within and outside the Community. It may in particular appoint agents and set up depots.

Article IV

Duration

No fixed period is set for the existence of the Agency.

In accordance with Article 76 of the Treaty, the provisions of Chapter VI concerning supplies shall be confirmed or amended at the end of the period laid down in that Article.

Article V

Capital

1. The capital of the Agency shall amount to 2 400 000 EPU units of account.
2. The capital shall be divided according to the following scale:

Belgium	8
Germany	28
France	28
Italy	28
Netherlands	8

3. An instalment of 10% of the capital shall be paid to the Agency within thirty days from the entry into force of these Statutes. Further instalments of the capital shall be called up by decision of the Council acting by a qualified majority on a proposal from the Commission. There shall, however, be a legal obligation pursuant to these Statutes to make payment to the extent necessary to meet obligations entered into by the Agency towards its creditors. The decision of the Council shall forthwith be communicated to the subscriber States. The amount of the instalment called up shall be paid to the Agency within thirty days following that decision.

4. Participation in the capital shall not confer any right to vote nor any entitlement to dividend or interest. It shall carry the right to repayment of the nominal amount of the instalments of the paid-up capital in the sole event of the Agency being wound up.

5. All payments of capital shall be made in the national currency of the subscriber State.

6. Should the parity of the currency of a Member State in relation to the unit of account defined above be reduced, that State shall adjust in proportion to the change in parity the amount of the share of capital subscribed by it by making a supplementary payment to the Agency which shall be limited to the amount of the assets actually held in the currency of that State. The payment shall be made within two months.

7. Should the parity of the currency of a Member State in relation to the unit of account defined above be increased, the Agency shall adjust in proportion to the change in parity the amount of the share of capital subscribed by that State by making a repayment to that State which shall be limited to the amount of the assets actually held in the currency of that State. Payment shall be made within two months.

Article VI

Charges

1. The Agency shall make a charge, the proceeds of which shall be used solely to defray its operating expenses.

2. The charge shall be made on transactions in which the Agency takes part by exercising its right of option or its exclusive right to conclude supply contracts.

3. The rate of charge shall be fixed in such a way as to defray the operating expenses of the Agency.

Any surplus left over from the proceeds of the charge after deducting the operating expenses as ascertained at the end of the financial year shall be paid into a reserve fund.

Whenever it is found at the end of any financial year that the amount of the reserve fund exceeds the operating expenses for that year, the rate of charge shall be revised in order to prevent a similar situation from occurring at the end of the following year.

4. The rate of charge and the methods whereby it is to be assessed and collected shall, after consultation with the Council, be fixed by the Commission acting on a proposal from the Director-General, who shall obtain beforehand the opinion of the Advisory Committee referred to in Article X.

Article VII

Financial organisation

1. The Agency shall have financial autonomy. It shall operate according to commercial rules.

2. The Agency shall at all times be entitled to transfer the assets which it holds in the currency of one Member State into the currency of another Member State in order to carry out financial operations which accord with its aims as defined by the Treaty and are consistent with these Statutes.

The Agency shall as far as possible avoid making such transfers if it has cash or liquid assets in the currency required.

The Agency may use in the following ways funds which it does not immediately require for the purposes of meeting its obligations:

- (a) it may invest on the money markets;
- (b) it may carry out any other financial operation connected with its object.

Without prejudice to the provisions of the first subparagraph, the Agency shall not, in managing its investments, engage in any currency arbitrage not directly necessary for carrying out its tasks.

3. The Agency shall require the purchaser to make payment in the currency needed by the Agency for the purpose of carrying out the relevant operation.

4. The Agency may dispose freely of funds in the currencies of third countries obtained by loans which it has raised in those countries.

5. The Agency may borrow on international financial markets the funds necessary for carrying out its tasks.

After consulting the Council, the Commission shall fix the limits within which the Agency may contract loans for a term not exceeding two years. For loans for a term exceeding two years the Agency must obtain through the Commission the approval of the Council acting by a qualified majority in each individual case.

The Agency may raise loans on the financial markets in a Member State subject to the provisions of law applying to internal loans or, if such provisions do not exist in a Member State, after agreement has been reached between such Member State and the Agency in regard to the proposed loan.

The consent of the competent authorities in the Member State may be refused only in cases where serious disturbance may be caused on the financial markets in that State.

6. Obligations entered into by the Agency pursuant to these Statutes are guaranteed by the European Atomic Energy Community.

7. In the fields covered by this Article, the Agency shall act in consultation with the competent authorities in the Member States or with their banks of issue.

Article VIII

Powers of the Commission

1. The Agency shall be under the supervision of the Commission, which shall issue directives to it and have a right of veto over its decisions.

2. The right of veto shall lapse after a period of seven days following a decision of the Agency, unless during that period reservation is made by the Commission or its representative. The Commission or its representative may waive the right to make such reservation before the expiry of that period.

Where reservation is made by the Commission or its representative within the period prescribed in the preceding paragraph, the Commission shall adopt a definitive position not more than fifteen days from the date on which the reservation was made.

The provisions of this paragraph shall in no way prevent the second paragraph of Article 53 of the Treaty from being applied.

3. Any act of the Agency referred to in the second paragraph of Article 53 of the Treaty may be referred to the Commission by the party concerned within fifteen days of notification being received, or, failing such notification, within fifteen days following publication. Failing both notification and publication, the period shall run from the day on which the party concerned learns of the act.

Article IX

Director-General and staff

1. The Director-General shall be responsible for managing the Agency. In the event of his death, dismissal or absence, or if he is otherwise prevented from attending to his duties, the Deputy Director-General shall act in his stead.

2. The Director-General shall represent the Agency both in judicial and in other matters. The Commission may represent the Agency at law in any proceedings brought against the Director-General.

3. The Director-General may so far as he thinks fit delegate his powers to the Deputy Director-General

or to other persons. He may authorise them to represent him either individually or jointly.

Powers delegated by the Director-General or by the Deputy Director-General shall not be revoked solely by reason of the death of the person delegating them.

4. The Director-General and the Deputy Director-General shall be appointed and, if the occasion arises, dismissed by the Commission. They shall not act as agents of the Commission. The Director-General, and the Deputy Director-General when acting in his stead, shall be responsible to the Commission for their management of the Agency. They shall at all times submit to control by the Commission and shall render accounts to it in accordance with the provisions laid down in Article XVI of these Statutes and with the directives issued by the Commission.

Article X

Composition of the Advisory Committee

1. An Advisory Committee to the Agency shall be set up comprising twenty-four members.

2. Seats shall be allotted to nationals of Member States as follows:

Belgium	3 members
Germany	6 members
France	6 members
Italy	6 members
Netherlands	3 members

3. The members of the Advisory Committee shall be appointed by the Council, acting on a proposal from the Member States and after obtaining the Opinion of the Commission, from representatives of producers and users and from highly qualified experts.

Legal persons may be appointed as members of the Committee on condition that they are represented throughout their term of office by a person duly authorised for this purpose.

4. The members of the Committee shall be appointed for a period of two years. They may be reappointed. If a member resigns or is unable to perform his duties, a successor shall with the least possible delay be appointed for the remainder of the term of office.

Article XI

Terms of reference of the Advisory Committee

1. The Advisory Committee shall assist the Agency in carrying out its tasks by giving opinions and pro-

viding information. It shall act as a link between the Agency on the one hand and users and sectors concerned on the other.

2. The Advisory Committee may be consulted by the Director-General upon all matters with which the Agency has power to deal.

The Committee may also issue opinions upon any such matters on the initiative of not less than ten of its members.

3. The Director-General shall consult the Advisory Committee before taking any decisions concerning the following matters:

- (1) The capital of the Agency, whether for increase or decrease thereof or for further capital subscription (fourth paragraph of Article 54 of the Treaty);
- (2) The method of fixing the charge on transactions designed to defray the operating expenses of the Agency (fifth paragraph of Article 54 of the Treaty);
- (3) The drawing up of Agency rules to determine the manner in which demand is to be balanced against supply (sixth paragraph of Article 60 of the Treaty);
- (4) The drawing up of directives concerning the advance payments required by the Agency (second paragraph of Article 61 of the Treaty);
- (5) The drawing up of a programme and the conditions applicable to the building up of commercial stocks by the Agency (first paragraph of Article 72 of the Treaty);
- (6) The criteria for defining the practices prohibited by Article 68 of the Treaty;
- (7) Directives concerning the keeping of the 'Special Fissile Materials Financial Account' (Article 88 of the Treaty);
- (8) The Agency's part in preparing the special Agency account provided for in Article 171 (2) of the Treaty;
- (9) The preparation of the Agency's annual balance sheet and report;
- (10) The setting up of branches of the Agency;
- (11) Winding up the Agency.

The Director-General may, if necessary, fix a time limit for the Advisory Committee to submit its opinion; this time limit shall not be less than ten days from the date on which the communication for this purpose is sent to the Chairman of the Committee.

If the opinion of the Committee cannot be obtained within this period, the Director-General shall not be obliged to postpone his decision or to call another meeting.

Decisions which are within the competence of the Director-General and relate to matters specified in this Article shall not be taken until fifteen days have elapsed since the opinion of the Advisory Committee was given, if those decisions are at variance with that opinion.

Article XII

Advisory Committee — Executive Officers

1. The Advisory Committee shall each year elect a Chairman and two Vice-Chairman. Their terms of office shall be renewable.

The Chairman and the Vice-Chairman shall be the executive officers of the Committee.

2. These officers shall convene meetings of the Advisory Committee in accordance with the provisions of Article XIII(1).

They shall maintain all necessary contacts on behalf of the Advisory Committee.

Article XIII

Advisory Committee — Meetings

1. The Advisory Committee shall be convened:

- (a) on the initiative of the executive officers whenever, in their opinion, circumstances so require and, in any event, as soon as three months have elapsed since the last meeting of the Committee;
- (b) at the request of the Director-General, particularly whenever consultation of the Committee is required pursuant to the provisions of Article 11 (3);
- (c) at the request in writing of not less than ten members of the Committee, specifying the items to be placed on the agenda.

2. Meetings of the Advisory Committee shall be valid only if not less than half its members are present.

Opinions may be given if approved by a majority of the members present or represented.

3. Each member of the Committee shall have one vote. If a member is unable to attend, he may appoint in writing another member to vote on his behalf. No member may be appointed to vote on behalf of more than one other member.

Votes in writing or by telegram shall be permitted in urgent cases unless the Committee otherwise decides.

4. The Director-General, the Deputy Director-General, or a person representing them shall attend meetings of the Advisory Committee but shall not

vote. They shall supply the Committee with any information and explanations that are necessary. They shall, however, be bound to secrecy in conformity with Article 194 of the Treaty and shall be subject to the Security Regulation.

A representative of the Commission may take part in the meetings of the Advisory Committee but shall not vote.

5. The minutes of meetings shall record not only the opinions adopted but also the motions discussed.

The minutes shall be signed by the Chairman and the secretary of the meeting and entered in a special minute-book. Certified copies together with copies of all the relevant documents shall be sent forthwith to the Commission and to the Director-General.

6. The Advisory Committee may adopt its own rules of procedure having regard to these Statutes and subject to the approval of the Commission.

Article XIV

Advisory Committee — Secretariat

1. The Director-General shall place at the disposal of the executive officers of the Advisory Committee suitable secretariat staff, directed by a secretary whose appointment shall be subject to the approval of the Commission.

2. The secretariat shall prepare the minutes of meetings of the Advisory Committee, of any subcommittees and of the executive officers.

3. The costs of maintaining the Advisory Committee shall be borne by the Agency.

Article XV

Advisory Committee — Secrecy

The Director-General, the Deputy Director-General, the staff of the Agency and the members of the Advisory Committee shall be bound to secrecy in accordance with Article 194 of the Treaty in respect of any facts, information, knowledge, documents or objects subject to a system of security grading which come into their possession or are communicated to them.

Article XVI

1. The financial year shall run from 1 January to 31 December.

2. The Director-General shall prepare and adopt the estimates in respect of the working expenditure of the Agency; he shall ensure the implementation of the budget.

3. The estimates shall be submitted not later than 20 September to the Commission, which, notwithstanding Article VIII (2) of these Statutes, shall have one month in which to exercise its right of veto.

4. A balance-sheet as at 31 December together with an annex containing a trading account shall be drawn up annually. It shall be submitted not later than 1 March to the Audit Board provided for in Article 180 of the Treaty, which shall report on the accounts of the Agency.

5. The Director-General shall each year draw up a report concerning the operations of the preceding year.

6. The Commission shall receive the balance-sheet, the trading account, the report of the Audit Board and the Director-General's report not later than 1 May and shall grant him a discharge in respect of the performance of his duties.

The above-mentioned documents shall be annexed to the accounts for the preceding financial year, in respect of each separate budget, which are submitted annually by the Commission to the Council and to the Assembly in accordance with the provisions of the third paragraph of Article 180 of the Treaty.

Done at Brussels, 6 November 1958.

For the Council

The President

S. BALKE

In accordance with Article 222 of the Treaty establishing the European Atomic Energy Community, the Agency shall take up its duties on the date appointed by the Commission.

COUNCIL DECISION

of 8 March 1973

amending the statutes of the Euratom Supply Agency following the Accession of new Member States to the Community

(73/45/Euratom)

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Atomic Energy Community, and in particular Article 54 (2) and (3) thereof;

Having regard to the proposal from the Commission;

HAS DECIDED:

Article 1

Article V (1) and (2) of the Statutes of the Euratom Supply Agency (1) shall be amended as follows:

1. The capital of the Agency shall be 3 200 000 EMA units of account.

2. The capital shall be divided according to the following scale:

Belgium:	6 %
Germany:	21 %
Denmark:	3 %
France:	21 %
Ireland:	1 %
Italy:	21 %
Netherlands:	6 %
United Kingdom:	21 %

Article 2

Article X (1) and (2) of the Statutes of the Supply Agency shall be amended as follows:

1. An Advisory Committee for the Agency shall be set up comprising 33 members.

2. Seats shall be allotted to nationals of the Member States as follows:

Belgium:	3 members
Germany:	6 members
Denmark:	2 members
France:	6 members
Ireland:	1 member
Italy:	6 members
Netherlands:	3 members
United Kingdom:	6 members

Done at Brussels, 8 March 1973.

For the Council
The President
W. De CLERCQ

(1) OJ No 27, 6. 12. 1958, p. 534/58.

RULES

of the Supply Agency of the European Atomic Energy Community determining the manner in which demand is to be balanced against the supply of ores, source materials and special fissile materials

THE SUPPLY AGENCY OF THE EUROPEAN ATOMIC ENERGY COMMUNITY,

Having regard to the provisions of the Treaty, and in particular the sixth paragraph of Article 60 thereof;

After consulting the Advisory Committee to the Agency;

Having regard to the Decision of the Euratom Commission of 5 May 1960 fixing the date on which the Supply Agency is to take up its duties and approving these Rules, and in particular Articles 3 and 4 of that Decision relating to procedures for the entry into force of these Rules;

Whereas, in order to carry out its duties in accordance with the principles set out in Article 52 of the Treaty, the Agency must, in respect of each product and on the basis of declarations covering users' estimated requirements and producers' estimated available supplies, have a complete knowledge of the situation on the market;

Whereas the procedures for balancing demand against supply must of necessity be determined in such a way as to enable various supply situations to be met;

Whereas the introduction of these procedures includes such transitional measures as will facilitate their progressive application;

HAS ADOPTED THE FOLLOWING PROVISIONS:

Article 1

Users shall, when so requested by the Agency, notify it in respect of a given period, as provided for in Article 3, of their estimated requirements of ores, source materials and special fissile materials and, on the basis of contracts already entered into, of their supply programmes.

The declarations shall specify:

- (1) Designation of product;
- (2) Nature and chemical and physical composition and other relevant specifications;
- (3) Quantities (in metric units);
- (4) Place of origin;
- (5) Intended use;
- (6) Delivery dates;
- (7) Price terms, which are not binding.

Article 2

Producers shall, when so requested by the Agency, notify it in respect of a given period, as provided for in Article 3, of stocks held by them at the start of the period, their estimated production and, on the basis of contracts already entered into, their delivery programmes.

The declarations shall specify:

- (1) Designation of product;
- (2) Nature and chemical and physical composition and other relevant specifications;
- (3) Quantities (in metric units);
- (4) Place of origin;
- (5) Delivery dates;
- (6) Price terms, which are not binding.

Article 3

The Agency shall, after obtaining the Opinion of the Advisory Committee, fix and publish in the *Official Journal of the European Communities* the time limit within which, and the period in respect of which, users and producers must forward to the Agency the declarations referred to in Articles 1 and 2.

Article 4

When in possession of all the declarations made under Articles 1 and 2 of this Regulation the Agency shall, by means of a circular, communicate to users and producers in the Community information on general data and market trends, and also, where appropriate, on supply potential and possible outlets in third countries.

Article 5

If, in respect of a specific product and where in particular the Agency takes the initiative, the Commission, having heard the Advisory Committee, finds that the situation on the market shows a clear surplus of supply over demand, it may, by means of an appropriate directive, call upon the Agency to apply the simplified procedure set out below:

- (a) On the basis of information acquired through the declarations made under Articles 1 and 2 of this Regulation, the Agency shall, after obtaining the

Opinion of the Advisory Committee, lay down the general conditions to be fulfilled in supply contracts covering that product;

- (b) These general conditions shall be made known to the parties concerned, who shall then be empowered to negotiate directly and to sign contracts;
- (c) Contracts shall be communicated to the Agency and deemed to be concluded by it if no objection is notified by the Agency to the parties concerned within eight days from the time of receipt of the contracts.

The procedure set out in this Article shall not apply to supply contracts relating to special fissile materials.

Article 6

Where exception is provided for by Article 5, demand shall be balanced against supply in accordance with the following procedure:

Users shall notify the Agency, by the dates and in respect of the periods fixed by it, of their requirements in respect of supplies of ores, source materials and special fissile materials.

As soon as these requirements are known, the Agency shall, by inviting tenders and indicating all relevant specifications, fix the dates by which, and the periods in respect of which, producers in the Community are invited to submit their tenders.

By submitting their tenders, producers in the Community shall be considered to have fulfilled the obligation devolving upon them pursuant to the second subparagraph of Article 57 (2) of the Treaty. As soon as those tenders are received, the Agency shall decide whether it will exercise its right of option and, if it does so, the quantities that option will cover.

The Agency shall notify users of the tenders and of the number of applications it has received and shall make known to the parties concerned the terms on which their applications can be met and the procedures whereby contracts shall be concluded.

Article 7

Independently of the procedures laid down in Articles 5 and 6 of this Regulation, users may at any time make applications to or place orders with the Agency. Such orders shall be met on the best terms in relation to supplies available on the market.

Article 8

This Regulation shall enter into force in its entirety on 1 June 1960 for contracts relating to the supply of special fissile materials.

As regards contracts for the supply of ores and source materials, implementation of Articles 5 and 6 shall be deferred for six months from that date and shall take effect on 1 December 1960. During that period contracts falling within the provisions of this paragraph shall continue to be subject to the prior approval of the Commission, in accordance with Article 222 of the Treaty.

Done at Brussels, 5 May 1960.

For the Supply Agency of Euratom

The Director-General

E. SPAAK

**Regulation of the Supply Agency of the European Atomic Energy Community
amending the rules of the Supply Agency of 5 May 1960 determining the
manner in which demand is to be balanced against the supply of ores, source
materials and special fissile materials**

THE SUPPLY AGENCY,

- Having regard to the Treaty establishing the European Atomic Energy Community, and in particular Article 60 (6) thereof;
- Having regard to the Opinions of the Advisory Committee to the Agency of 17 January 1974 and 30 April 1974 and the consultation of that Committee on 3 December 1974, 21 January 1975 and 29 April 1975;
- Whereas, in order to carry out its duties in accordance with the principles set out in the Treaty and in particular Article 52 thereof, the Agency must, at any given time, have a complete knowledge of the situation on the market for ores, source materials and special fissile materials;
- Having regard to the present situation on the market for ores and source materials and the uncertain outlook for the short and medium term;
- Whereas under these circumstances it appears to be appropriate that the direct contacts between the users and the producers of ores and source materials, which have been established, be maintained,
- Whereas it appears to be necessary to complete and amend the provisions of the rules of the Supply Agency of 5 May 1960 (1) in relation to the development of this market,

HAS ADOPTED THIS REGULATION:

Article 1

A new Article 5 *bis* is inserted in the rules of the Supply Agency of 5 May 1960 as follows:

As far as ores and source materials are concerned,

- (a) users shall be authorized to invite tenders directly from the producers of their choice and to negotiate the supply contract freely with the latter;
- (b) users shall communicate to the Agency information obtained by them from the producers in respect of:
 - (i) the number of tenders received,
 - (ii) the quantities offered,
 - (iii) the range of tendering prices;
- (c) the supply contract shall include at least the following information:

- 1. designation of the contracting parties,
 - 2. quantities of materials to be supplied,
 - 3. annual calendar of delivery dates,
 - 4. nature of the materials to be supplied,
 - 5. country of origin of the materials to be supplied. If the supplier is unable to provide this information at the time of entering into the contract, he shall give the user and the Agency an undertaking that he will subsequently inform them in writing of the country of origin of each part delivery,
 - 6. price and terms of payment,
 - 7. duration of the contracts;
- (d) the contract shall, for the purposes of its conclusion, be submitted to the Agency for signature within 10 working days;
 - (e) if the supply contract does not contain any stipulation concerning the use to which the materials are to be put, the user shall at the same time supply the Agency with a written statement to that effect;
 - (f) the Agency shall act, either by concluding or refusing to conclude the contract, within 10 working days from the date of receipt thereof;
 - (g) a refusal to conclude the contract shall be notified to the parties concerned in a reasoned decision. This decision may be referred to the Commission in accordance with the provisions of Article VIII (3) of the Statutes of the Euratom Supply Agency (2);
 - (h) in the event of cancellation of the supply contract, the Agency shall be notified thereof;
 - (i) any amendment to the supply contract shall require the signature of the Agency, in accordance with the procedure for the original contract.

Article 2

Article 7 of the rules of the Supply Agency is amended as follows:

Independently of the procedures laid down in Articles 5, 5 *bis* and 6 of this Regulation, users may at any time make applications to, or place orders with, the

(1) OJ No 32, 11, 5, 1960, p. 777/60.

(2) OJ No 27, 6, 12, 1958, p. 537/58.

Agency. Such orders shall be met on the best terms in relation to supplies available on the market.

Article 3

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

Done at Brussels, 15 July 1975.

*For the Euratom
Supply Agency*

The Director-General

F. OBOUSSIER

COMMISSION DECISION 2514/76/ECSC

of 30 September 1976

implementing Decision 528/76/ECSC on the Community system of measures
by Member States in aid of the coal industry

THE COMMISSION OF THE EUROPEAN
COMMUNITIES,

HAS ADOPTED THIS DECISION:

Having regard to the Treaty establishing the Euro-
pean Coal and Steel Community,

Having regard to Commission Decision 528/76/ECSC
of 25 February 1976 on the Community system of
measures by Member States in aid of the coal in-
dustry ⁽¹⁾, and in particular Article 17 thereof,

Having consulted the Council,

Whereas Decision 528/76/ECSC empowers the Com-
mission to authorize, subject to the conditions
therein set out, financial measures by Member
States in aid of the Community coal industry;

Whereas Decision 528/76/ECSC therefore provides
that Member States must notify the Commission by
1 November of any given year of full particulars of
the financial measures planned for the following year
and the reasons therefor and scope thereof; whereas
to ensure that the communications in question are
comparable and to expedite the assembling and
checking of this information, it is desirable that
a common framework for presenting it should be set
up,

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

Done at Brussels, 30 September 1976.

Article 1

The information provided for under Article 2 of
Decision 528/76/ECSC shall be notified in the forms
shown in Annexes 1 to 12 hereto, bearing in mind
the explanatory notes in Annex 13.

Article 2

At the request of one or more Member States, the
Commission may authorize simplifications of the
communication procedure.

Article 3

The material obtained or compiled by the national
authorities in implementing this Decision shall be
centralized in the national departments and held at
the disposal of the Commission at all times.

Article 4

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

For the Commission
Henri SIMONET
Vice-President

⁽¹⁾ OJ No L 63, 11. 3. 1976, p. 1.

ANNEX 1

(Ref. Articles 2 (1) (2) and 4)

FINANCIAL MEASURES CONCERNING SOCIAL SECURITY BENEFITS IN THE COAL INDUSTRY

Country: FEDERAL REPUBLIC OF GERMANY

FORM 1a

Date:

Year x =

I. TABULATION OF FINANCIAL MEASURES CONCERNING SOCIAL SECURITY BENEFIT

(DM million)

Origin of funds	Amount	Purpose
Total		

Class of insurance: Pensions (*)

FORM 1b

Country: FEDERAL REPUBLIC OF GERMANY

Date:

	Mines scheme	General scheme
II. PENSION INSURANCE		
1. Basic data		
A. Total persons covered		
1. Contributors (*)		
2. Beneficiaries		
(a) Total		
(b) Pensioners under 55 (*)		
Difference		
B. Financial data (DM million)		
1. Charge to the industry (employers' and workers' contributions) (4)		
2. Total expenditure		
(a) Total benefits		
(b) Other expenditure		
Total (a + b)		
less:		
(a) Refunds to migrant workers		
(b) Benefit to pensioners under 55 (*) (of which: other expenditure) (4)		
	()	()
Net total expenditure		
2. Calculations		
A. Charge per worker employed		
$\frac{\text{Total contributions}}{\text{Number of contributors}}$ (DM million)		
Contributions per worker employed (DM)		
B. Benefit per beneficiary (excluding pensioners under 55)		
$\frac{\text{Net expenditure}}{\text{number of beneficiaries}}$ (DM million)		
Benefit per beneficiary (DM)		
	$P_M =$	$P_G =$

'Normal' charge to the industry per worker employed =

$$C_M = \frac{P_M}{P_G} \times C_G = \text{DM}$$

'Normal' charge to the industry = $C_M \times$ number of contributors (DM million)

+ pensions to pensioners under 55 (DM million)

Total 'normal charge' (DM million)

Actual charge (deducted) (DM million)

Difference (DM million)

(*) Invalidity, old age and survivors'.

(**) Compulsorily insured.

(***) Excluding widows' and orphans' pensions.

(***) Excluding State subsidies.

(***) 'Other expenditure' should be broken down in respect of pensioners under 55 as follows:

$$\text{Mines scheme: } \frac{\text{benefit to pensioners under 55}}{\text{total benefits}} \times \text{other expenditure.}$$

$$\text{General scheme: } \frac{\text{benefit to pensioners under 55}}{\text{total benefits}} \times \text{other expenditure.}$$

Class of insurance: Sickness ⁽¹⁾

FORM 1c

Country: FEDERAL REPUBLIC OF GERMANY

Date:

	Mines scheme	General scheme
III. SICKNESS INSURANCE ⁽¹⁾		
1. Basic data		
A. Total persons covered		
1. Persons insured		
(a) Members, excluding pensioners		
(b) Pensioners		
2. Persons covered		
(a) Members, excluding pensioners		
(b) Dependants of members, excluding those of pensioners		
Total (a + b)		
(c) Pensioners		
(d) Dependants of pensioners		
Total (c + d)		
B. Financial data (DM million)		
1. Revenue		
(a) Contributions of members, excluding pensioners		
(b) Contributions of pensioners		
Total		
2. Expenditure		
(a) Benefits (in cash and in kind) to members, excluding pensioners		
Other expenditure for members, excluding pensioners ⁽²⁾		
Total (a)		
(b) Benefits (in cash and in kind) to pensioners		
Other expenditure for pensioners ⁽²⁾		
Total (b)		
Total		

⁽¹⁾ Sickness, maternity.⁽²⁾ 'Other expenditure' should be broken down in respect of 'members, excluding pensioners' and 'pensioners' according to the number of persons covered in the two categories:(a) Mines scheme (members, excluding pensioners):

$$\frac{\text{number of members, excluding pensioners, + dependants}}{\text{total number of persons covered}} \times \text{other items of total expenditure} = \text{DM million.}$$
(b) General scheme (members, excluding pensioners):

$$\frac{\text{number of members, excluding pensioners, + dependants}}{\text{total number of persons covered}} \times \text{other items of total expenditure} = \text{DM million.}$$

(c) The formulae for pensioners should be worked out in the same way as in (a) and (b).

Class of insurance: Sickness (cont'd)

FORM 1c (cont'd)

Country: FEDERAL REPUBLIC OF GERMANY

Date:

2. Calculations

A. Members, excluding pensioners, and dependants

$$P_M = \frac{\text{expenditure for members, excluding pensioners (M.S.)}}{\text{number of members, excluding pensioners, + dependants (M.S.)}} \quad (\text{DM million}) = \text{DM}$$

$$C_G = \frac{\text{contributions of members, excluding pensioners (G.S.)}}{\text{number of members, excluding pensioners (G.S.)}} \quad (\text{DM million}) = \text{DM}$$

$$P_G = \frac{\text{expenditure for members, excluding pensioners (G.S.)}}{\text{number of members, excluding pensioners, + dependants (G.S.)}} \quad (\text{DM million}) = \text{DM}$$

'Normal charge' per member, excluding pensioners:

$$C_M = \frac{P_M}{P_G} \times C_G = \text{DM}$$

'Normal charge' to the industry (members, excluding pensioners)

$$= C_M \times \text{number of members, excluding pensioners} = \text{DM million}$$

$$\text{Actual charge to the industry (members, excluding pensioners)} = \text{DM million}$$

$$\text{Difference} = \text{DM million}$$

B. Pensioners and their dependants

$$P_M = \frac{\text{expenditure for pensioners (M.S.)}}{\text{number of pensioners + dependants (M.S.)}} \quad (\text{DM million}) = \text{DM}$$

$$C_G = \frac{\text{contributions of pensioners (G.S.)}}{\text{number of pensioners (G.S.)}} \quad (\text{DM million}) = \text{DM}$$

$$P_G = \frac{\text{expenditure for pensioners (G.S.)}}{\text{number of pensioners + dependants (G.S.)}} \quad (\text{DM million}) = \text{DM}$$

'Normal charge' per member, excluding pensioners:

$$C_M = \frac{P_M}{P_G} \times C_G = \text{DM million}$$

'Normal charge' to the industry (pensioners) = $C_M \times$ number of pensioners

$$\text{Actual charge to the industry (pensioners)} = \text{DM million}$$

$$\text{Difference} = \text{DM million}$$

Country: FEDERAL REPUBLIC OF GERMANY

FORM 1d

Date:

IV. SUMMARY

<i>(DM million)</i>			
Class of social insurance	'Normal charge' (Article 4 of Decision 528/76/ECSC)	Actual charge	Net balance (+ or -)
— Pension insurance			
— Sickness insurance			
— Members, excluding pensioners, + dependants			
— Pensioners + dependants			
Total			

The actual charge to the mining industry overall is thus DM million above/below the 'normal charge' under Article 4 of Decision 528/76/ECSC; of this, DM million (=%) is accounted for by the coal industry.

FORM 2a

Country: BELGIUM

Date:

Year x =

I. TABULATION OF FINANCIAL MEASURES CONCERNING SOCIAL SECURITY BENEFITS

(Bfrs million)

Origin of funds	Amount	Purpose
Total		

Class of insurance: Invalidity

FORM 2b

Country: BELGIUM

Date:

	Mines scheme	General scheme
II. INVALIDITY INSURANCE		
1. Basic data		
A. Total persons covered		
1. Contributors		
2. Beneficiaries		
B. Financial data (Bfrs million)		
1. Charge to the industry (employers' and workers' contributions)		
2. Expenditure		
(a) Benefits		
(b) Other expenditure		
Net total expenditure		
2. Calculations		
A. Charge per worker employed		
$\frac{\text{Total contributions}}{\text{Number of contributors}}$ (Bfrs million)		
Contribution per worker employed (Bfrs)		
	$C_M =$	$C_G =$
B. Benefit per beneficiary		
$\frac{\text{Net total expenditure}}{\text{Number of beneficiaries}}$ (Bfrs million)		
Benefit per beneficiary (Bfrs)		
	$P_M =$	$P_G =$

'Normal charge' to the industry per worker employed:

$$C_M = \frac{P_M}{P_G} \times C_G \quad = \text{Bfrs}$$

Total 'normal charge' to the industry

$$C_M \times \text{number of contributors} \quad = \text{Bfrs million}$$

Class of insurance: Sickness

FORM 2c

Country: BELGIUM

Date:

(Bfrs million)

	Mines scheme	General scheme
III. SICKNESS INSURANCE		
1. Basic data		
1. Total charge to the industry (employers' and workers' contributions)		
2. Volume of wage liable for compulsory contributions		
2. Calculations		
$\frac{\text{Total charge}}{\text{Volume of wage}} =$	%	%
'Normal charge' to the industry =	%	
$\frac{\text{Charge under general scheme in \%} \times \text{mining industry's volume of wages}}{100} =$	Bfrs million	

Country: BELGIUM

FORM 2d

Date:

IV. SUMMARY

(Bfrs million)

Class of social insurance	'Normal charge' (Article 4 of Decision 528/76/ECSC)	Actual charge	Net balance (+ or -)
Invalidity			
Sickness			
Total			

The actual charge to the mining industry overall is thus Bfrs million above/below the 'normal charge' under Article 4 of Decision 528/76/ECSC; of this, Bfrs million (=%) is accounted for by the coal industry.

FORM 3a

Country: FRANCE

Date:

Year x =

I. TABULATION OF FINANCIAL MEASURES CONCERNING SOCIAL SECURITY BENEFITS

(FF million)

Origin of funds	Amount	Purpose
Total		

Class of insurance: Pensioners' supplementary insurance

FORM 3b

Country: FRANCE

Date:

II. SUPPLEMENTARY INSURANCE

1. Supplementary Insurance for executives (formerly CARIM)

A. Contribution rates

	Rates on portions of salary liable to contribution	
	between social insurance ceiling and AGIRC ceiling (T2)	between AGIRC ceiling and double that amount (T3)
Contractual contribution	%	%
Supplementary contribution	%	%
Equalization contribution		
Total		

B. Calculation of charges

(FF million)

	Portions of salary liable to contribution	Total contributions	(Normal) contractual contributions	Excess charge
T2 contributions	(S)	(A)	(B)	(A — B)
T3 contribution				
T2 + T3				

2. Supplementary insurance for clerical, technical and supervisory personnel (1)

(FF million)

	Portion of income liable to contribution	Actual charges (1)	Normal charges (1)	Excess charge
	(S)	(A)	(B)	(A — B)

3. Supplementary insurance for workers (CARCOM)

(FF million)

	Portion of wages liable to contribution	Actual charges	Normal charge % of S (2)	Excess charge
	(S)	(A)	(B)	(A — B)

(1) CAREM scheme superseded from 1 January 1971 by AGIRC and UNIRS schemes.

(2) Rate of contribution is to move from 4-10% in 1971 to 4-40% in 1974, by 0-10% each year.

Class of insurance: Invalidity/old age

FORM 3c

Country: FRANCE

Date:

	Mines scheme	General scheme
III. INVALIDITY AND OLD AGE INSURANCE		
1. Basic data		
A. Number of persons eligible		
1. Contributors		
2. Beneficiaries		
of which: (a) under 55		
(b) over 55		
(+ disabled persons and widows)		
B. Financial data (FF million)		
1. Charge to industry (contributions)		
2. Expenditure		
(a) Benefit (beneficiaries over 55 under mines scheme)		
of which: — pensions		
— heating		
— accommodation		
(b) Other expenditure less other revenue		
Net total expenditure (a + b)		
2. Calculations		
A. Charge per worker employed		
$\frac{\text{Total contributions}}{\text{Number of contributors}}$ (FF million)		
Charge per worker employed (FF)		
$C_M =$		$C_G =$
B. Benefit per beneficiary		
$\frac{\text{Net expenditure}}{\text{Number of beneficiaries}}$ (FF million)		
Benefit per beneficiary (FF million)		
$P_M =$		$P_G =$

'Normal charge' on the industry per worker employed =

$$C_M = \frac{P_M}{P_G} \times C_G = \text{FF}$$

Increase per worker employed in respect of benefits to beneficiaries under 55 falling wholly to the charge of the industry

$$\frac{\text{Total net benefit (under 55)}}{\text{Number of workers employed}} = \text{FF}$$

Charge per mineworker employed thus amounts to at least:

— for benefit to pensioners over 55: FF

— for benefit to pensioners under 55: FF

Total $C_M =$

$$\frac{\text{Total 'normal charges' to the industry}}{C_M \times \text{number of contributors}} = \text{FF million}$$

Class of insurance: Sickness/maternity/death

FORM 3d

Country: FRANCE (Gainfully employed only:
cash benefits)

Date:

	Mines scheme	General scheme
IV. SICKNESS / MATERNITY / DEATH INSURANCE		
1. Basic data		
A. Number of persons eligible		
1. Contributors		
2. Beneficiaries		
B. Financial data (FF million)		
1. Total charge to the industry (contributions)		
2. Expenditure		
(a) Benefits		
(b) Net total expenditure (benefits + other expenditure — other revenue)		
2. Calculation		
A. Charge per worker employed		
$\frac{\text{Total contributions}}{\text{Number of contributors}} = \text{(FF million)}$		
Charge per worker employed (FF)		
		C _G =
B. Benefit per beneficiary		
$\frac{\text{Total net expenditure}}{\text{Number of beneficiaries}} = \text{(FF million)}$		
Benefit per beneficiary (FF)		
	P _M =	P _G =

'Normal charge' to the industry per worker employed

$$C_M = \frac{P_M}{P_G} \times C_G = \text{FF}$$

'Normal charge' to the industry

'Normal charge' per worker employed × number
of workers employed:

$$C_M \times \text{number of contributors} = \text{FF million}$$

Class of insurance: Sickness/maternity/death (cont'd) FORM 3e

Country: FRANCE (Gainfully employed and others covered + pensioners and others covered — benefits in kind and death grant)

Date:

	Mines scheme	General scheme
IV. SICKNESS / MATERNITY / DEATH INSURANCE		
1. Basic data		
A. Number of persons eligible		
1. Contributors		
2. Beneficiaries		
B. Financial data (FF million)		
1. Charge to the industry (contributions)		
2. Expenditure		
(a) Benefits		
(b) Net total expenditure (benefits + other expenditure — other revenue)		
2. Calculations		
A. Charge per worker employed		
$\frac{\text{Total contributions}}{\text{Number of contributors}} \text{ (FF million)}$		
Charge per worker employed (FF)		C _G =
B. Benefit per beneficiary		
$\frac{\text{Total net expenditure}}{\text{Number of beneficiaries}} \text{ (FF million)}$		
Benefit per beneficiary (FF) = P		P _M =
		P _G =

'Normal charge' to the industry per worker employed

$$C_M = \frac{P_M}{P_G} \times C_G = \text{FF}$$

'Normal charge' to the industry

'Normal charge' per worker employed × number of workers employed:

$$C_M \times \text{number of contributors} = \text{FF million}$$

Country: FRANCE

FORM 3f

Date:

(FF million)

V. SUMMARY

	Actual charge	'Normal charge' (Article 4 of Decision 528/76/ECSC)	Excess charge (+)/ shortfall charge (-)
1. Primary insurance			
A. 'Normal charge' on mines primary insurance Invalidity/ old age Sickness/maternity/death (a) gainfully employed persons only (cash benefit) (b) gainfully employed persons and others covered (benefits in kind and death grant) (c) pensioners and others covered			
Total			
B. Total charge (invalidity/old age; sickness/maternity) (see above) 'Normal charge' to mining industry			
Remainder			
of which: ... % ⁽¹⁾ accounted for by coal industry (Charbonnages de France) 'Normal charge' overall in respect of primary insurance (invalidity/old age and sickness/maternity) on Charbonnages de France			
2. Supplementary insurance			
Executives (formerly CARIM) Clerical, technical and supervisory personnel (formerly CAREM) Workers (CARCOM)			
Total			
3. Conclusions (Primary insurance + supplementary insurance + charges carried forward)			
A. 'Normal charge' to Charbonnages de France			
1. Primary insurance			
2. Supplementary insurance			
Total			
B. Actual charge (employers' and workers' contributions)			
1. Primary insurance			
2. Supplementary insurance			
Total			
C. Excess charge (B—A)			

The actual charge to the Charbonnages de France is thus FF million above/below the 'normal charge' under Article 4 of Decision 528/76/ECSC.

⁽¹⁾ The Charbonnages de France's share of the volume of wages in the mining industry as a whole subjected to a contribution ceiling amounted in 19..... to

Country: UNITED KINGDOM

FORM 4

Date:

Year x =

I. TABULATION OF FINANCIAL MEASURES WITH RESPECT TO SOCIAL SECURITY BENEFITS

(£ million)

Origin of funds	Amount	Purpose
Total		

ANNEX 2

(Ref. Articles 2 (1) (3) and 5)

AIDS TOWARD COVERING THE COSTS OF INHERITED LIABILITIES ARISING FROM
PIT CLOSURES

Country:

Date:

Coalfield:

Year x =

Undertaking:

(... million)

	Estimated total inherited liabilities	of which:		
		financed by the undertaking		
		included in current production costs	covered by special purpose reserve	probable amount of aid
1. Specific costs incurred only by undertakings in which closures have occurred (cost categories in accordance with Article 5 (1) (1))				
(a)				
(b)				
(c)				
(d)				
(e)				
(f)				
(g)				
(h)				
(i)				
(j)				
(k)				
Total				
2. Specific costs also incurred by other undertakings (cost categories in accordance with Article 5 (1) (2))				
(a)				
(b)				
(c)				
Total				
3. Total specific costs (1 + 2)				
4. Lump-sum payments (in accordance with Article 5 (2))				

ANNEX 3

(Ref. Article 2 (1) (5))

TREND IN AVAILABILITIES OF COAL

Country:

FORM 1a

Date:

Year x =

(national figures in million metric tons)

	Actual tonnage	Estimate	Forecast years	
	x - 2	x - 1	x	x + 4
1. Production				
(a) Coalfield/undertaking				—
(b) Coalfield/undertaking				—
(c) Coalfield/undertaking				—
(d) Coalfield/undertaking				—
(e) Coalfield/undertaking				—
(f) Total production				
2. Withdrawals from stocks				
(a) From producers' stocks				—
(b) From importers' stocks				—
3. Imports				
(a) From other Community countries				—
(b) From non-member countries				—
(c) Total imports				
4. Total availabilities				(¹)

⁽¹⁾ Excluding withdrawals from stocks.

TREND IN DISPOSITIONS OF COAL

Country:

FORM 1b

Date:

Year x =

(national figures in million metric tons)

	Actual tonnage	Estimate	Forecast years	
	x - 2	x - 1	x	x + 1
1. Home sales				
(a) Coking plants				—
(b) Gasworks				—
(c) Power stations				
— Pithead stations				—
— Public stations				—
— Other industrial stations				—
Total power stations				
(d) Briquetting plants				—
(e) Industrial consumers (excluding industrial power stations)				—
(f) Private households and small consumers				—
(g) Other consumers				—
(h) Total home sales				
2. Additions to stocks				
(a) To producers' stocks				—
(b) To importers' stocks				—
3. Exports				
(a) To other Community countries				—
(b) To non-member countries				—
(c) Total exports				
4. Total dispositions				(¹)

⁽¹⁾ Excluding additions to stocks

TREND IN AVAILABILITIES OF COKE
(excluding gasworks coke)

FORM 2a

Country:

Date:

Year x =

(million metric tons)

	Actual tonnage	Estimate	Forecast year
	x - 2	x - 1	x
1. Production			
(a) Mine-owned coking plants			
(b) Steelworks-owned coking plants			
(c) Independent coking plants			
(d) Total production			
2. Withdrawals from producers' stocks			
3. Imports			
(a) From other Community countries			
(b) From non-member countries			
(c) Total imports			
4. Total availabilities			

TREND IN DISPOSITIONS OF COKE
(excluding gasworks coke)

Form 2b

Country:

Date:

Year x =

(million metric tons)

	Actual tonnage	Estimate	Forecast
	x-2	x-1	x
1. Home sales			
(a) To steel industry			
(b) To other industries			
(c) To private households			
(d) Other sales			
(e) Total (a+b+c+d)			
2. Additions to producers' stocks			
3. Exports			
(a) To other Community countries			
(b) To non-member countries			
(c) Total exports			
4. Total dispositions			

ANNEX 4

(Ref. Article 2 (1) (6))

TRENDS IN PRODUCTION CAPACITY OF PITS

Country:

Date:

Year x =

(million metric tons/year)

	Present production capacity	Estimates for x + 4		
		Closures	New or extended pits	Capacity in x + 4 {1 - 2 + 3}
	1	2	3	4
(a) Coalfield/undertaking				
(b) Coalfield/undertaking				
(c) Coalfield/undertaking				
(d) Coalfield/undertaking				
(e) Coalfield/undertaking				
Total production capacity (a+b+c+d+e)				

ANNEX 5

(Ref. Article 2 (1) (7))

PLANNED CLOSURES AND PARTIAL CLOSURES

Country: FORM 1
 Coalfield: Date:
 Undertaking: Year x =

	Closure	Partial closure
1. Pit:		
2. Production ('000 metric tons) in	x - 2 x - 1 x	
3. Number employed at beginning of	x - 2 x - 1 x	
4. Number employed underground at beginning of	x - 2 x - 1 x	
4. Number employed under age 50 at beginning of	x - 2 x - 1 x	
6. Expected disposition of personnel at end of x		
(a) Number re-employed:		
(a ₁) in other pits of the same undertaking		
(a ₂) in other sectors of industry		
(b) Number not re-employed:		
(b ₁) pensioned		
(b ₂) unemployed		
under age 50		
over age 50		
(c) Decision pending		

**TRENDS IN REGIONAL PROBLEMS AND EMPLOYMENT IN MINING AREAS
AFFECTED BY THE PROPOSED CLOSURES IN FORM 1 OF THIS ANNEX (1)**

Country: **FORM 2**
 Region: Date:
 Coalfield: Year x =

	Actual figure	Forecast year
	x - 2	x
I. BASIC DATA ON REGION		
A. Total population (number)		
of which: working population (number)		
of which: employed (number)		
unemployed (number)		
B. Gross regional product of region (million)		
C. Pattern of economy		
Number employed in industry		
agriculture		
services		
Total (number)		
D. Number of unfilled vacancies in region		
II. DATA ON COAL INDUSTRY IN REGION		
Total number employed		
(a) Departures:		
natural wastage (pensioning)		
redundancies		
Total (number)		
(b) Intake:		
Number of redundant workers re-employed		
Number of new entrants		
Total (number)		

(1) If possible, the relevant regional programme should be attached.

ANNEX 6

(Ref. Article 7)

INVESTMENT AIDS

Country:
 Coalfield: Date:
 Undertaking: Year x =

A. Investment aids under Article 7 (1)

Project: (a)
 (particulars on separate sheet)

1. Probable amount of non-repayable aid (..... million)
2. Government credits with interest subsidy
3. Credits for which application has been made to the Commission under Article 54 of the ECSC Treaty
4. Probable year of completion of project
5. Probable annual production capacity after completion of project (million metric tons)

B. Investment aids under Article 7 (2)

1. Description of investment project or programme (particulars on separate sheet)
2. Financial data (..... million)

	Total capital expenditure planned	of which: aid	Subsidy under Article 54	Remarks on form of aid ⁽¹⁾
Project (a)				(a) (b)
Project (b)				
Project (c)				
Investment programme				

⁽¹⁾ (a) = non-repayable aid.
 (b) = interest subsidy.

ANNEX 7

(Ref. Article 8)

AIDS TOWARD RECRUITMENT, TRAINING, ADAPTATION AND
STABILIZATION OF LABOUR FORCE

Country:

Coalfield:

Date:

Undertaking:

Year x =

1. Reasons for aids and for amount thereof (on separate sheet)

2. Financial data

	Number of employees benefiting	Total expenditure	Aid	Form of total expenditure (1)	Form of aid (1)
		(..... million)			
Purpose:					
recruitment					
training					
adaptation					
stabilization					
Total					

3. Is the total expenditure given under 2 included wholly or partly in the costs of current production? yes/no

4. If so, what proportion? million

(1) Indicate method of payment and payee(s).

ANNEX 8

(Ref. Article 9)

AID TOWARDS THE BUILDING-UP AND HOLDING OF EXCEPTIONAL (PERIODIC) STOCKS

Country:

Coalfield:

Date:

Undertaking:

Year x =

	Actual tonnage	Estimate	Forecast
	x - 2	x - 1	x
	National figures in million metric tons		
A. Production			
B. Total stocks at end of year:			
Coal			
Coke:			
of which:			
marketable coal			
marketable coke			

C. Storage costs

	Values in national currency	
	per metric ton of marketable coal	per metric ton of marketable coke
1. Average value of products held in store		
2. Cost of stocking		
3. Cost of destocking		
4. Net storage costs p.a.		
of which:		
depreciation		
service of capital		
other costs exclusive of write-down		
Total 4		

5. Are the costs listed under 2, 3 and 4 included wholly or partly in the costs of current production? yes/no

6. If so, what proportion? million

D. Aid in forecast year

	Coal	Coke (1)
Tonnage eligible for aid (1) ('000 metric tons)		
Rate of aid per metric ton (national currency)		
Amount of aid (....million)		

(1) The quantities which result from unfulfilled obligations of long-term contracts should be deducted.

ANNEX 9

(Ref. Article 10)

AID FOR THE BUILDING-UP AND HOLDING OF LONG-TERM SECURITY STOCKS

Country:

Coalfield:

Date:

Undertaking:

Year x =

A. Security stocks built-up on Government initiative:

Coal million metric tons

Coke million metric tons

B. Cost of stocking, destocking, depreciation, capital service and other costs including write-down.

Annual costs per metric ton of coal

Annual costs per metric ton of coke

C. Expected amount of aid in year x:

— per metric ton of coal

— per metric ton of coke

D. Are the costs listed under B included wholly or partly in current production costs? yes/no

E. If so, what proportion?

..... million

ANNEX 10

(Ref. Article 11)

AID TO ENCOURAGE THE SALE OF COMMUNITY STEAM COAL

Country:

Coalfield:

Date:

Undertaking:

Year x =

1. Description of measure

2. Probable amount of aid million

3. Quantity of steam coal aided ('000 metric tons)

ANNEX 11

(Ref. Article 12)

AIDS TOWARD COVERAGE OF OPERATING LOSSES

(pit costs)

Country: FORM 1a
 Coalfield: Date:
 Undertaking:

1. Aid is to be granted pursuant to:

- Article 12 (1) (1) ⁽¹⁾
- Article 12 (1) (2) ⁽¹⁾

	Past reference basis 19... to 19...	Forecast year x = 19...
2. Basic data		
(a) National production ('000 metric tons)		
(b) Output per underground shift (national figures in kg)		
(c) Gross hourly wage underground (national figures)		
3. Production costs ⁽²⁾ (in national currency per metric ton produced)		X
(a) Labour costs, direct		
(b) Materials costs, direct		
(c) Depreciation for wear and tear, direct		
(d) Service of operating capital, direct		
(e) Other costs		
(f) Total (a to e inclusive) ⁽²⁾		
Less reduction in costs ⁽²⁾ in the form of aid under		
Article 4 (national currency per metric ton produced)		
Article 5 (national currency per metric ton produced)		
Article 7 ⁽⁴⁾ (national currency per metric ton produced)		
Article 8 (national currency per metric ton produced)		
Article 9 (national currency per metric ton produced)		
Article 10 (national currency per metric ton produced)		
(g) Total deductions		
(h) Remaining production costs (f minus g)		

⁽¹⁾ Delete as necessary.

⁽²⁾ Breakdown as in quarterly cost returns made by associations of undertakings to the Commission.

⁽³⁾ To be deducted where the above production costs include costs refunded in the form of aid.

⁽⁴⁾ To be deducted where the above production costs include depreciation referring to capital assets, subsidized under Article 7.

AIDS TOWARD COVERAGE OF OPERATING LOSSES (cont'd)

(pit revenues and results)

Country: FORM 1b
 Coalfield: Date:
 Undertaking:

	Past reference basis 19 .. to 19...	Forecast year x =
4. Revenue (in national currency per metric ton produced)		
(a) separate items		
(a1) Sales to coking plants: tonnage ('000 metric tons) revenue per metric ton		
(a2) Sales to power stations tonnage ('000 metric tons) revenue per metric ton		
(b) Average overall revenue ⁽¹⁾ per metric ton produced		
plus ⁽²⁾ coking coal aid under Decision 73/287/ECSC steam coal aid pursuant to Article 11		
(c) Total revenue (including aids)		
5. Operating loss eligible for aid (4c—3h) per metric ton		
6. Aid per metric ton applied for		

⁽¹⁾ Breakdown as in quarterly revenue returns made by associations of undertakings to the Commission.

⁽²⁾ To be added only where the average overall revenue per metric ton produced does *not* include aids for the production of coking coal and steam coal.

ANNEX 12

(Ref. Article 2 (1) (1))

INDIRECT FINANCIAL MEASURES IN AID OF THE COAL INDUSTRY

Country: Date:

(figures in national currency)

No	Description of measure	Amount of aid in forecast year 19.....
1.		
2.		
3		

EXPLANATORY NOTES TO FORMS IN ANNEXES 1 to 12

1. The basic data and itemized calculations with regard to State measures for the financing of social security benefits should be notified on the forms in Annex 1.

The 'normal charge' referred to in Article 4 of Decision 528/76/ECSC should be calculated according to the following formula:

$$C_M = \frac{P_M}{P_G} \times C_G$$

where:

C_M = normal charge per person employed in the mines scheme,

P_M = benefit per beneficiary in the mines scheme,

P_G = benefit per beneficiary in the general scheme,

C_G = charge per person employed in the general scheme.

2. Forward estimates of trends in production, imports and sales of coal and coke should be entered, in the form of estimates, on the forms in Annex 3. Care should be taken to see that 'total availabilities' tally with 'total dispositions'.

Annex 3 forms are to be completed by all Member States, irrespective of whether they possess a coal industry or provide aids.

3. Annexes 4 and 5 are to be completed by Member States opening new pits or closing pits.
4. In notifying aids towards the building and holding of exceptional periodic stocks on the form in Annex 8, the forecast level of stocks should be given not only for the end of 'year x' but also, where appropriate, for the month in which stocks are expected to rise above one-twelfth of annual production.
5. Other direct aids should be notified to the Commission on the forms in Annexes 2, 6, 7, 9, 10 and 11.
6. Indirect financial measures in aid of the Community coal industry should be notified on the form in Annex 12.

ANNEXES

1 and 2

ANNEX I: Agreements of the EEC with third countries

Country	Commer- cial regime (1)	Date of entry into force	Date of expiration	Observations	O.J.
EUROPE					
Greece	C.U.	1.11.62 1.7.75	unlimited	Preparation for adhesion Interim agreement (application of trade provisions of additional protocol signed 28.4.75)	No. 26, 18.2.63 L 123, 15.5.75
Turkey	C.U.	1.12.64 1.1.74	"	Preparation for adhesion Interim agreement (application of trade provisions of additional protocol signed 30.6.73)	No. 217, 29.12.64 L 293, 28.12.72
Norway	F.T.	1.7.73	"	Commercial agreement establishing progressively (1977) a free trade area	L 171, 27.6.73
Sweden	F.T.	1.1.73	"	idem	L 300, 30.12.72
Iceland	F.T.	1.4.73	"	idem	L 301, 31.12.72
Finland	F.T.	1.1.74	"	idem	L 328, 28.11.73
Austria	F.T.	1.1.73	"	idem	L 300, 30.12.72
Switzerland	F.T.	1.1.73	"	idem	L 300, 30.12.72
Portugal	F.T.	1.1.73	"	idem	L 301, 31.12.72
Spain	P.A.	1.10.70	6 yrs min.	New agreement is being negotiated aiming at F.T.	L 182, 16.8.70
MEDITERRANEAN					
Cyprus	F.T.	14.5.73	30.6.77	Provides for C.U. in 1977. New agenda agreement being negotiated	L 133, 21.5.73
Lebanon	N.P.A.	1.7.65	annual renewal	Protocol P.A. signed 6.11.73, not yet ratified by Lebanon	L 146, 27.6.68 L 244, 31.8.73 L 18, 22.1.74
Israel	F.T.	1.7.75	unlimited		L 136, 28.5.75
Egypt	P.A.	1.11.73	1.11.78	New agreement being negotiated	L 251, 7.9.73

(1) C.U. = Customs Union
F.T. = Free Trade
P.A. = Preferential Agreement
N.P.A. = Non Preferential Agreement

Annex 1 (cont'd)

Country	Commer- cial regime	Date of entry into force	Date of expiration	Observations	O.J.
Algeria	F.T.	1. 7.76	unlimited	Interim application of trade provisions of agreements	28.5.76
Morocco	F.T.	1. 7.76	"		
Tunisia	F.T.	1. 7.76	"		
CARIBBEAN					
Dutch Antilles	F.T.	1.10.64	"	Ceiling for imports of oil products refined in the Dutch Antilles	No. 150, 1.10.64 L 282, 28.12.70

256

The Lomé Convention (in force 1.4.1976-1.3.1980)⁽¹⁾ includes preferential trade arrangements. Senegal, Sierra Leone, Liberia, Ivory Coast, Ghana, Togo, Nigeria, Gabon, Congo(Br.), Zaire, Angola, Mauritania, Guinea, Dahomey, Cameroun, Mali, Niger, Chad and the RCA are among the signatories.

(1) O.J. L 25, 30.1.1976.

ANNEX II: Euratom cooperation agreements

1. Argentina

Cooperation Agreement between Euratom and the government of the Republic of Argentina concerning the peaceful uses of nuclear energy (63/68/Euratom)

O.J. No. 186/2966,
21.12.63

2. Brazil

Cooperation Agreements between Euratom and the Government of the United States of Brazil concerning the peaceful uses of atomic energy (69/95/Euratom)

L 79/7, 31.3.69

3. Canada

Cooperation Agreement between Euratom and the Government of Canada concerning the peaceful uses of nuclear energy

No. 60/1165, 24.11.59

4. United States of America

Agreement between Euratom and the Government of the USA

No. 17/309, 19.3.59

Cooperation Agreement between Euratom and the Government of the USA concerning the peaceful uses of atomic energy

No.17/312, 19.3.59

Additional Agreement to the cooperation agreement between Euratom and the Government of the USA

No.31/668, 29.4.61

Amendment to the cooperation agreement between Euratom and the Government of the USA

No.72/2038, 8.8.62

Amendment to the additional agreement to the cooperation agreement between Euratom and the USA

No.72/2045, 8.8.62

Amendment to the amended additional agreement to the cooperation agreement between Euratom and the Government of the USA

No.163/2586, 21.10.64

Amendment to the additional agreement to the cooperation agreement between Euratom and the USA

L.139/24, 22.5.74

Sales Offices

Belgique - België

*Moniteur belge - Belgisch
Staatsblad*
Rue de Louvain 40-42 -
Leuvenseweg 40-42
1000 Bruxelles - 1000 Brussel
Tel. 5120026
CCP 000-2005502-27 -
Postrekening 000-2005502-27

*Sous-dépôt - Agentschap
Librairie européenne -
Europese Boekhandel*
Rue de la Loi 244 - Weistraat 244
1040 Bruxelles - 1040 Brussel

Danmark

J.H. Schultz - Boghandel
Montergade 19
1116 København K
Tel. 141195
Girokonto 1195

BR Deutschland

Verlag Bundesanzeiger
Breite Straße - Postfach 108006
5000 Köln 1
Tel. (0221) 21 08 48
(Fernschreiber Anzeiger Bonn
08882 935)
Postscheckkonto 68400 Köln

France

*Service de vente en France des
publications des Communautés
européennes*
Journal officiel
28, rue Desaix
75782 Paris - Cadex 16
Tel. (1) 5786139 - CCP Paris 28-93

Ireland

Stationery Office

Beggars Bush
Dublin 4
Tel. 688433

Italia

Libreria dello Stato
Piazza G. Verdi 10
00193 Roma - Tel. (6) 8508
Telex 62008
CCP 1/2640

Agenzia di Roma:
00187 Roma - Via XXI Settembre
(Palazzo Ministero
del Tesoro)

Grand-Duché de Luxembourg

*Office des publications officielles
des Communautés européennes*

5, rue du Commerce
Boîte postale 1003 - Luxembourg
Tel. 490001 - CCP 191-00
Compte courant bancaire
BIL 6-109/6003/300

Nederland

Staatsdrukkerij-en uitgeverijbedrijf

Christoffel Plantijnstraat
5-Gravenhage
Tel. (070) 81 45 11
Postgiro 42 53 00

United Kingdom

H.M. Stationery Office

P.O. Box 539
London SE 1 9NH
Tel. 01-9236977 ext. 365
National Giro Account: 532-1002

United States of America

*European Community Information
Service*

2100 M Street, N.W.
Suite 707
Washington, D.C. 20037
Tel. (202) 8728350

Schweiz - Suisse - Svizzera

Librerie Payot

6, rue Grenus
1211 Genève
Tel. 318950
CCP 12-236 Genève

Sverige

Librerie C.E. Falze

2 Fredsgatan
Stockholm 16
Post Giro 193, Bank Giro 734015

España

Librería Mundi-Premsa

Castelló 37
Madrid 1
Tel. 2734655

Other countries

*Office for Official Publications
of the European Communities*

5, rue du Commerce
Boîte postale 1003 - Luxembourg
Tel. 490001 - CCP 191-00
Compte courant bancaire
BIL 6-109/6003/300

FB 225,- DKr. 35,20 DM 14,45 FF 30,- Lit. 5250 Fl. 15,10 £ 3,50 S 6,-

OFFICE FOR OFFICIAL PUBLICATIONS
OF THE EUROPEAN COMMUNITIES

Catalogue number: CH-22-76-132-EN-C

Boite postale 1008 - Luxembourg