COMMISSION DECISION

of 23 November 1973

granting assistance from the European Social Fund, as provided for in Article 125 of the Treaty, to the Federal Republic of Germany for expenditure on vocational retraining and resettlement operations carried out by the 'Berufsgenossenschaften', the social insurance organizations for employees and the Land North Rhine-Westphalia

(ESF files Nos 71.052, 71.130, 72.049 B, 72.051, 72.052, 72.055, 72.060, 72.115, 72.116, 72.117, 72.125)

(Only the German text is authentic)

(74/68/EEC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community;

Having regard to Council Regulation (EEC) No 2396/71 [1] of 8 November 1971 implementing the Council Decision of 1 February 1971 [2] on the reform of the European Social Fund, and in particular Article 12 thereof;

Whereas in its applications of 16 June and 28 December 1971, 19 June, 23 June, 21 December and 27 December 1972 and 20 February 1973 the Federal Republic of Germany requested assistance from the European Social Fund, as provided for in Article 125 of the Treaty, for expenditure on vocational retraining operations amounting to DM 43 636 561·75 and on resettlement operations amounting to DM 111 155·78;

Whereas, pursuant to Article 12 of Regulation (EEC) No 2396/71, such assistance is granted for operations initiated before 1 May 1972, the date on which that Regulation entered into force, and terminated before 1 July 1972, and whereas the applications for assistance must be examined pursuant to the provisions of Council Regulation No 9 [3] of 25 August 1960, as last amended by Council Regulation No 37/67/EEC [4], and to the provisions adopted pursuant to that Regulation;

Whereas, in accordance with Articles 1, 3 and 6 of Regulation No 9, the applications referred to above from the Federal Republic of Germany relate to vocational retraining operations carried out on the responsibility and at the expense of the 'Berufsgenossenschaften (BG)', the 'Bundesknappschaft', the 'Landesversicherungsanstalten (LVA)', the 'Bundesbahnversicherungsanstalt' and the 'Seekasse', and to resettlement operations carried out by the Land North Rhine-Westphalia; whereas the total amount requested for those operations is to be allocated as follows:

Authority or body	*Amount requested*	
	Vocational retraining DM	Resettlement DM
1. Zentralstelle für den Bergmannsversorgungsschein of the Land North Rhine-Westphalia		111 155·78
2. Berufsgenossenschaften (BG)		
(a) Trade associations in industry:		
— Bau-BG Frankfurt	208 554·15	
— Bau-BG Hamburg	202 338·03	
— Bau-BG Hannover	615 518·84	
— Bau-BG Wuppertal	669 987·93	
— Bayerische Bau-BG, München	475 890·39	
— Bergbau-BG Bochum, Bonn, Clausthal-Zellerfeld, München, Saarbrücken	1 342 908·75	
— BG der chemischen Industrie, Heidelberg	184 719·51	

[1] OJ No L 249, 10. 11. 1971, p. 54.
[2] OJ No L 28, 4. 2. 1971, p. 15.
[3] OJ No 56, 31. 8. 1960, p. 1189/60.
[4] OJ No 33, 24. 2. 1967, p. 526/67.

	DM	DM
— BG Druck und Papierverarbeitung, Wiesbaden	239 546·18	
— BG für den Einzelhandel, Bonn	136 769·78	
— BG für Fahrzeughaltungen, Hamburg	124 233·07	
— BG für Feinmechanik und Elektrotechnik, Köln	404 381·24	
— BG für Gesundheitsdienst und Wohlfahrtspflege, Hamburg	78 984·50	
— BG der keramischen und Glasindustrie, Würzburg	82 457·16	
— BG Nahrungsmittel und Gaststätten, Mannheim	1 161 775·80	
— BG der Straßen-, U- und Eisenbahnen, Hamburg	17 948·13	
— Binnenschiffahrts-BG, Duisburg	147 991·35	
— Fleischerei-BG, Mainz	129 457·94	
— Großhandels- und Lagerei-BG, Mannheim	421 597·48	
— Hütten- und Walzwerks-BG, Essen	284 651·87	
— Lederindustrie-BG, Mainz	16 925·05	
— Maschinenbau- und Kleineisenindustrie-BG, Düsseldorf	731 270·57	
— Norddeutsche Holz-BG, Bielefeld	215 416·41	
— Nordwestliche Eisen- und Stahl-BG, Berlin, Bremen, Hamburg, Hannover	630 439·45	
— See-BG, Hamburg	129 566·69	
— Papiermacher-BG, Mainz	17 505·64	
— Steinbruchs-BG, Hannover	213 439·49	
— Süddeutsche Edel- und Unedelmetall-BG, Stuttgart	21 187·81	
— Süddeutsche Eisen- und Stahl-BG, Mainz	635 712·56	
— Süddeutsche Holz-BG, München	149 101·28	
— Südwestliche Bau-BG, Karlsruhe	176 962·49	
— Textil- und Bekleidungs-BG, Augsburg	77 746·84	
— Tiefbau-BG, München	488 545·58	
— Württembergische Bau-BG, Stuttgart	295 726·70	
— Zucker-BG, Hildesheim	18 614·82	
(b) Trade associations in agriculture:		
— Badische landwirtschaftliche BG, Karlsruhe	1 058·92	
— Gartenbau-BG, Kassel	42 252·02	
— Landwirtschaftliche BG Oberbayern, München	11 064·50	
— Landwirtschaftliche BG Niederbayern, Oberpfalz, Landshut	24 345·87	
— Landwirtschaftliche BG Ober- und Mittelfranken, Bayreuth	40 278·53	
— Landwirtschaftliche BG Rhein-Hessen, Pfalz, Speyer	1 789·00	
— Landwirtschaftliche BG Württemberg, Stuttgart	54 514·56	
— Landwirtschaftliche BG Saarland, Saarbrücken	19 033·47	
— Hessisch-Nassauische landwirtschaftliche BG, Kassel	12 562·02	
— Rheinische landwirtschaftliche BG, Düsseldorf	6 695·42	
— Westfälische landwirtschaftliche BG, Münster	69 377·73	
— Land- und forstwirtschaftliche BG, Darmstadt	36 965·48	

	DM	DM
3. Bundesknappschaft	2 493 189·52	
4. Landesversicherungsanstalten (LVA)		
— LVA Baden	1 477 791·59	
— LVA Berlin	322 402·55	
— LVA Braunschweig	500 196·75	
— LVA Hamburg	1 216 315·27	
— LVA Hannover	2 611 186·52	
— LVA Hessen	1 577 987·16	
— LVA Niederbayern-Oberpfalz	690 699·96	
— LVA Oberbayern	861 510·70	
— LVA Ober- und Mittelfranken	826 922·05	
— LVA Oldenburg-Bremen	1 104 450·92	
— LVA Rheinland-Pfalz	1 713 019·29	
— LVA Rheinprovinz	7 900 233·97	
— LVA Saarland	278 479·01	
— LVA Schleswig-Holstein	1 648 232·79	
— LVA Schwaben	169 860·71	
— LVA Unterfranken	323 679·37	
— LVA Westfalen	4 324 368·77	
— LVA Württemberg	2 226 160·89	
5. Bundesbahnversicherungsanstalt	65 110·22	
6. Seekasse	236 952·74	

Whereas the 'Zentralstelle für den Bergmannsversorgungsschein' contained in the above list under No 1 is an authority in the Land North Rhine-Westphalia, and is in fact a decentralized regional authority within the meaning of Article 18 of Regulation No 9, and whereas the bodies listed under Nos 2 to 6 were included in or belong to a group of bodies added to the list of public law bodies referred to in the same Article of that Regulation by a Commission Decision of 13 December 1961 [1] concerning the establishment of that list, and that of 18 December 1969 [2] updating it;

Whereas the applications containing the information required under Articles 20 and 21 of Regulation No 9 and relating to operations terminated during the period 1 January 1969 to 31 December 1971 inclusive, were properly submitted within the time limit laid down in Article 19 of Regulation No 9;

Whereas the examination of those applications and the checking of their material and financial aspects, carried out pursuant to the provisions of Commission Regulation No 113/63/EEC [3] on the detailed rules for the examination and checking of applications for assistance submitted to the European Social Fund, revealed that these applications comply with the conditions laid down by the relevant rules, except, however, that in the part of the applications relating to the 'Bundesknappschaft' some trainees were re-employed after their training period by the public authority where they took part in the exercise of official authority within the meaning of Article 1 of Regulation No 9; whereas these cases are therefore excluded from receiving assistance from the Fund;

Whereas in the application relating to the 'Bundesknappschaft' the number of such cases, the percentage of which (1·89) was calculated on the basis of the results of the survey carried out pursuant to the provisions of Commission Regulation No 113/63/EEC referred to above, involves the sum of DM 47 121·28, which must therefore be deducted from the amount requested for that body;

Whereas, consequently, the authorities and bodies referred to above are entitled to receive assistance from the Fund for their expenditure provided that the sum of DM 47 121·28 is deducted, and whereas the total amount of assistance to be granted by the Fund pursuant to Article 125 of the Treaty is therefore DM 43 636 561·75 — DM 47 121·28 + DM 111 155·78, i.e. DM 43 700 596·25;

(1) OJ No 8, 1. 2. 1962, p. 144/62.
(2) OJ No L 6, 9. 1. 1970, p. 27.
(3) OJ No 153, 24. 10. 1963, p. 2563/63.

Whereas in its Opinion of 3 May 1973 the Committee of the European Social Fund reached the same conclusions for the reasons given above,

HAS ADOPTED THIS DECISION:

Article 1

The applications for assistance submitted to the European Social Fund by the Federal Republic of Germany for expenditure by the authority and bodies referred to in Article 2 on vocational retraining and resettlement operations terminated or carried out during the period 1 January 1969 to 31 December 1971 inclusive, comply with the rules governing the operation of the Fund as regards the sum of DM 43 700 596·25. The remainder of the expenditure does not comply with those rules.

Article 2

The amount of assistance from the European Social Fund to be granted pursuant to Article 125 of the Treaty to the Federal Republic of Germany for the Authority and bodies listed below shall be DM 43 700 596·25 (equivalent to 11 940 053·63 u.a.). This sum shall be allocated as follows:

Authority or body	*Assistance granted*	
	Vocational training DM	Resettlement DM
1. Zentralstelle für den Bergmannsversorgungsschein of the Land North Rhine-Westphalia		111 155·78
2. Berufsgenossenschaften (BG)		
(a) Trade associations in industry:		
— Bau-BG Frankfurt	208 554·15	
— Bau-BG Hamburg	202 338·03	
— Bau-BG Hannover	615 518·84	
— Bau-BG Wuppertal	669 987·93	
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— Bergbau-BG Bochum, Bonn, Clausthal-Zellerfeld, München, Saarbrücken	1 342 908·75	
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— Hütten- und Walzwerks-BG, Essen	284 651·87	
— Lederindustrie-BG, Mainz	16 925·05	
— Maschinenbau- und Kleineisenindustrie-BG, Düsseldorf	731 270·57	
— Norddeutsche Holz-BG, Bielefeld	215 416·41	
— Nordwestliche Eisen- und Stahl-BG, Berlin, Bremen, Hamburg, Hannover	630 439·45	

	DM	DM
— See-BG, Hamburg	129 566·69	
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— Tiefbau-BG, München	488 545·58	
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— Zucker-BG, Hildesheim	18 614·82	
(b) Trade associations in agriculture:		
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— Gartenbau-BG, Kassel	42 252·02	
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— Landwirtschaftliche BG Ober- und Mittelfranken, Bayreuth	40 278·53	
— Landwirtschaftliche BG Rheinhessen, Pfalz, Speyer	1 789·00	
— Landwirtschaftliche BG Württemberg, Stuttgart	54 514·56	
— Landwirtschaftliche BG Saarland, Saarbrücken	19 033·47	
— Hessisch-Nassauische landwirtschaftliche BG, Kassel	12 562·02	
— Rheinische landwirtschaftliche BG, Düsseldorf	6 695·42	
— Westfälische landwirtschaftliche BG, Münster	69 377·73	
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3. Bundesknappschaft	2 446 068·24	
4. Landesversicherungsanstalten (LVA)		
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— LVA Hessen	1 577 987·16	
— LVA Niederbayern-Oberpfalz	690 699·96	
— LVA Oberbayern	861 510·70	
— LVA Ober- und Mittelfranken	826 922·05	
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— LVA Rheinland-Pfalz	1 713 019·29	
— LVA Rheinprovinz	7 900 233·97	
— LVA Saarland	278 479·01	
— LVA Schleswig-Holstein	1 648 232·79	
— LVA Schwaben	169 860·71	

		DM	DM
— LVA Unterfranken		323 679·37	
— LVA Westfalen		4 324 368·77	
— LVA Württemberg		2 226 160·89	
5. Bundesbahnversicherungsanstalt		65 110·22	
6. Seekasse		236 952·74	
	Total	43 589 440·47 (11 909 683·19 u.a.)	111 155·78 (30 370·43 u.a.)

Article 3

This Decision is addressed to the Federal Republic of Germany.

Done at Brussels, 23 November 1973.

For the Commission
The President
François-Xavier ORTOLI