

# COMMISSION OF THE EUROPEAN COMMUNITIES

COM(78) 415 final

Brussels, 8 September 1978

Proposal for a

COUNCIL DECISION

amending Decision 77/186/EEC on the exporting of  
crude oil and petroleum products from one Member  
State to another in the event of supply difficulties

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(submitted to the Council by the Commission)

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## EXPLANATORY MEMORANDUM

1. The discussions which the Commission departments have held with the Member States concerning the formulation of detailed rules for the application of the Council Decision have brought to light a problem in the text of the Council Decision; this must be rectified at the earliest opportunity  
i.e. it must be possible to revoke export licences which have been issued and which can have one month's validity. The absence of such a procedure from the text of the Decision may impede the operation of the Community-wide emergency machinery because the exporting Member States may apply the national safeguard clause (art. 4 of the Decision) sooner than necessary. In order to avoid this situation, the Commission has decided to introduce a proposal of amendment to the Council.
  
2. The present proposal aims to incorporate in the legal machinery set up by the Decision a Community procedure by which Member States may, under certain circumstances, revoke export licences which have been issued. This procedure is based on two main principles :
  - an export licence may be revoked solely by Commission decision subject to revocation or modification by the Council, which precludes unilateral revocation by Member States; and
  - revocation is restricted to only those cases of abuse liable to compromise the security of supply of one or more Member States.



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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.

Whereas Article 1 of Council Decision 77/186/EEC of 14 February 1977 on the exporting of crude oil and petroleum products from one Member State to another in the event of supply difficulties<sup>1</sup> provides that export licences shall be granted for a minimum period of 15 working days and a maximum of one month;

Whereas in certain cases the revocation of export licences may be authorized to prevent any abuse prejudicial to the supply of one or more Member States, and whereas the aforementioned Decision should be amended accordingly,

HAS ADOPTED THIS DECISION:

Article 1

Decision 77/186/EEC is hereby amended as follows:

1. The second subparagraph of Article 1(1) is amended to read as follows:  
"Licences shall be granted without delay and free of administrative charges in respect of any quantity requested, for a minimum of 15 working days and a maximum of one month, save as otherwise provided in Article 4a."
2. An Article 4a worded as follows is inserted after Article 4: "The Commission may, at the request of a Member State and after consulting the group provided for in Directive 73/238/EEC, authorize that Member State to revoke or shorten the period of validity of export licences issued to the extent necessary to prevent any abuse which might compromise the security of supply of the Member State concerned."

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<sup>1</sup> OJ No L 61, 5.3.1977, p.23

The Council shall, at the request of a Member State, meet within 48 hours to amend or revoke, by a qualified majority, the Decision of the Commission."

Article 2

This Decision is addressed to the Member States.

Done at Brussels,

for the Council