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# **BULLETIN**

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## Contents

	Page
The Tenth Anniversary of the European Parliament	5
I. Extracts from the statement by M. Jean Rey, President of the Commission, on the first General Report of the Commission of the European Communities	8
II. Draft of second medium-term economic policy programme submitted by the Commission to the Council	16
III. Internal activities	27
<i>Establishment and operation of the single market</i>	27
Free movement of goods	27
Competition policy	30
Freedom of establishment and freedom to supply services	32
Approximation of legislation	34
Taxation policy	36
<i>Towards economic union</i>	38
Short-term economic policy	38
Monetary and budget policy	38
Medium-term economic policy	39
Social policy	39
Policy relating to nuclear and general research, technology, instruction and training — dissemination of information — coal and steel research	41
Coal and steel investment policy	48
Agricultural policy	49
Transport policy	54
IV. External activities	57
Bilateral relations	57
Relations with international organizations	59
V. Institutions and organs	60
The Parliament	60
The Council	60
The Court of Justice	62
Administrative affairs	64

VI. European Investment Bank	72
Miscellaneous	74
Publications of the European Communities	76

**Supplement**

Opinion submitted by the Commission to the Council on certain problems resulting from the applications for membership received from the United Kingdom, Ireland, Denmark and Norway

# The Tenth Anniversary of the European Parliament

During its March 1968 session, the European Parliament held a solemn meeting in Strasbourg to mark its 10th anniversary. Before a distinguished audience, the President of the Parliament, M. Alain Poher, the President in Office of the Council of Ministers, M. Boulin, and the President of the European Commission, M. Rey, paid tribute to the work of the first Assembly of the Six. M. Monnet, former President of the High Authority, also attended the meeting.

On a point of history, it will be remembered that when the European Assembly met for the first time on 19 March 1958, it did not emerge from a void; no more than 20 days had passed since the "Common Assembly" of the European Coal and Steel Community had met for the last time. On taking office as President of the new Assembly, Robert Schuman spoke in terms which are still as meaningful today of the vital role of this Community's institutions: "At institutional level, it is for the Assembly to interpret public opinion whose participation in the work of the Community is becoming more and more essential. It is the Assembly's task to make clear to the Governments and the Executives that the European idea is a living reality which will finally triumph, bringing prosperity and peace to all."

On 14 March 1968, ten years after this declaration, it fell to the President of the European Parliament,<sup>1</sup> M. Poher, to review the Parliament's work and outline its future role.

The President recalled that the European Parliament had played its full part in developing Community legislation; it had fostered dialogue with the Executives and had found some special areas in which it could work effectively, such as agriculture and association with the Yaoundé countries. The President said that the Parliament was "conscious of having made its voice clearly heard on many important topics and of having been listened to".

Referring to the temptation to specialize which is so widespread nowadays, the President reviewed the Parliament's efforts to "put problems, however technical, back into context and to examine their implications and political background"... There was no longer an economic problem of any magnitude which could be examined without reference to political considerations... If the Parliament wanted to be the forum in which the ideas springing from all the Community's political families are expressed, it must not be afraid to hold full-scale debates whenever the current situation requires.

No text, no principle could prevent the Parliament doing this. Parliamentary discussion is free and the Parliament would be showing excessive timidity if it confined

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<sup>1</sup> The Treaties of Rome make no mention of the European Parliament under the name which has now become its official one and is the only one which the general public has known for a long time. The Treaties refer quite simply to "the Assembly". It was the Assembly itself which decided that it should be called "the European Parliamentary Assembly". On 30 March 1962, for political and linguistic reasons, the Assembly decided to harmonize its title in the four official languages and became definitively known as "Parlement Européen" in French, "Parlamento europeo" in Italian, "Europäisches Parlament" in German and "Europees Parlement" in Dutch.

its debates to the specific problems for which rules have been laid down by the Treaties.

Addressing the President in Office of the Council of Ministers, the President, on behalf of the Parliament, again spoke of "the satisfaction felt by Parliament members when the Ministers take part in budget debates and colloquies, and when they report to the Parliament on the Council's activities or on problems of current interest."

"What the Council does to meet our wishes, Mr. President, may still seem very modest in comparison with the legitimate aspirations of an Assembly which looks forward to infinitely closer political unification."

In conclusion the President said that it was "conceivable that in the years ahead, the multiplicity of special meetings and debates could lead the Parliament one day to turn its attention once again to the scheme for elections to the Parliament by direct universal suffrage".

The President in Office of the Council, M. Boulin, spoke in his turn of "the long and fruitful road which has made it possible for the Parliament to make a very important contribution to the work of building Europe... There is no denying that its work has helped to stimulate the development and expansion of the Communities."

The President of the Council was gratified that such excellent relations existed between the Parliament and the Council and expressed concern regarding the participation of European public opinion in the work of the Community: "I am convinced that the dialogue between the Parliament and the Council will continue to intensify in the years ahead, and that it will continue to contribute to a better understanding of our mutual problems and to the ever-closer association of public opinion with our efforts."

Expressing the "hope that the work of building Europe will continue to develop until such time as all the objectives of the Treaty are attained", the President of the Council said that "this work is one of the most important and positive events of the post-war years."

M. Rey, President of the European Commission, said that there were three reasons for paying tribute to the European Parliament: "The first is the continuity of its policy. The second is the important contribution that the Parliament has made to the formulation of Community policies. The third is the political initiatives taken by the Parliament."

M. Rey then spoke of how essential parliaments are to the life of our countries and to the life of the Community. "The moment a parliament ceases to exercise its functions or is no longer able to exercise them, it immediately becomes clear how essential it is." Referring to the association with Greece, M. Rey added: "Once the Parliament of a European country ceases to function, for reasons which it is not for us to judge, we notice a deep disquiet in the political life of our association."

Taking a look into the future, the President of the Commission expressed the hope that the Parliament's powers would be "gradually extended", and that it would be "possible, relatively soon, to increase its budgetary powers", as had been suggested

in a Council resolution in 1964. He said that the Parliament "would gain in authority and would become more important to the work of the Community if it were elected by the European people."

M. Rey was completely confident that the European continent would integrate and he viewed the present stage of development in a broader perspective: "A tenth anniversary offers a good opportunity for taking a long-term view of events rather than thinking only of immediate difficulties. If we do this, we will no longer be surprised that we are now going through a transitional phase between yesterday, when the Community did not exist, and tomorrow, when the European continent will be completely integrated and organized."

# I. Extracts from the statement by M. Jean Rey, President of the Commission, on the first General Report of the Commission of the European Communities

(Strasbourg, 12 March 1968)

... To make it easier for you to follow my statement, I shall deal first with the merger of the Executives, that is, the application of the Treaty of 8 April 1965; secondly, very briefly, with the customs union; thirdly — and this is probably one of the important parts of my address — with the common policies, or in other words the establishment of the economic union; fourthly, with the merger of the Treaties and, fifthly, with the problems of our external relations, not forgetting, of course, the present crisis in the Community.

I shall begin with the work involved in merging our Executives. . .

It is all the more necessary to speak about this because it has aroused a great deal of emotion in the Committees of this Parliament, among our staff, and in public opinion through the press. I have three things to say on this point.

The first is that this work, which is now well on the way to completion, has confronted us with considerable difficulties. In the first place, it was absolutely essential that this rationalization should be undertaken. Even if it had not been required of us by the Treaty of 8 April 1965, it is clear that we could not purely and simply take over our three former administrations without streamlining their activities. Services which undertake parallel or joint research could not be kept separate. We could not keep three Directors-General responsible for personnel matters. We could not keep three Directors-General for a single Joint Legal Service. Some contraction was therefore inevitable. It was, of course, difficult to achieve. It posed not only problems of organization but also personal problems, human problems. It was the latter that gave us most difficulty and caused us most anxiety. . . . It was all the harder for us to remove these anxieties, because, as you know, the final decision did not rest with us. I should like to emphasize once again how urgently necessary it is to put an end to a system in which the authority that belongs to us, and which we exercise over the staff whom we appoint, for whom we are responsible, whom we engage and whose work we have to direct, is not combined with any budgetary authority, which lies elsewhere. If we undertook commitments towards our staff, we would not, under the circumstances, be absolutely sure that we could honour them. One day — the sooner the better, and perhaps the merger of the Treaties will provide the opportunity — we shall have to put an end to a system in which the body which has authority over our administrations is not the same as the one that has authority over the budget.

Having said this, it remains that we had to make a choice: were we going to direct this process of rationalization ourselves, or were we going to wait until the budgetary authority had laid down the limits of such rationalization? We deliberately chose the first alternative. The results we have achieved prove that we were right to do so. We are the responsible head. We are the people who



know best how individuals are placed and what staff we need in our various administrations. Consequently, we could not leave it to others to decide in an arbitrary way what staff and what budget we should have. We chose the task — and, I repeat, it was a difficult one but has on the whole been worth while when one considers the result — of directing this process of rationalization ourselves and negotiating the details with the Council. If we now ask ourselves what sort of results we have achieved, without maintaining that they are perfect — which would really be too much to expect in so delicate an operation — we can say that they are creditable.

In the first place, the Statute of Service of our staff has been revised.

Secondly, we have been able to obtain the indispensable minimum of staff for the administrations we need.

Our Commission has finally approved the complete list of posts under its operational budget.

We shall find ourselves in a position in which, having to eliminate a number of the posts figuring on our tables of establishment, we shall be able to spread this operation over a period of time, profiting by posts that are currently vacant and by normal wastage, so that our officials will not have to leave us. We will be able to carry out these operations rationally, without excessive haste. We have been granted the budgetary facilities that we need for this purpose.

It is my hope that the Parliament, during its debate on Thursday, will endorse these efforts and the results achieved, and that it will therefore be possible for the definitive 1968 budget of our unified administration to be adopted before Easter.

This is all the more urgent — and I should like to speak very frankly before this Assembly — because this work has held us up in the actual establishment of the policies I mentioned a moment ago. If it had been possible to complete this work more quickly, we might perhaps have been able to produce for the March session the report that we shall now be presenting only in May. That was not possible. In particular, our new colleagues, now responsible for new tasks, had to have their administrations in place before they could submit any real programmes on Community policy.

It was therefore a matter of urgency that this work should be completed. I think we have accomplished it within reasonable time. The authors of the merger Treaty gave us a year in which to complete it all. We took less time to take all the decisions of principle and I think that their implementation will follow shortly. As our budget has now been adopted, I think everything will be finished in a month or two. Then it will only remain to make the transfers between Brussels and Luxembourg; these will be spaced out a little in order to take individual and family situations into account, as also the needs of children who are at present at school and whose studies should preferably not be interrupted in the course of the scholastic year.

All this will, I hope, be achieved without great difficulties.

As I told you, the second chapter concerns the customs union. I shall confine myself to recalling the vital importance of the date of 1 July 1968, by which our customs union will be completed.

In the General Report that you have before you, you will have noticed that the nearer we get to abolishing customs duties, the more urgent it becomes to eliminate a number of disparities between our administrative provisions and even between the

customs legislation of our four groups (as you know, there is already some unification within Benelux).

It is therefore urgent that the recommendations or proposals we have made, which are listed in our General Report, should enter into force at the right moment. It is also to be hoped that during the next few months there will not be a torrent of requests for safeguard measures from particular sectors that might be apprehensive of these customs adjustments.

On this point the Commission cannot be expected to adopt an extremely liberal attitude in a field where we must, as far as possible, put an end to special situations and accept the general mechanism of the customs union called for by our Treaties.

The third part of my statement, which is of course the most important, deals with the common policies.

With regard to agriculture, I should like to make three points. The first is that the Report shows the stages reached by the various market organizations as they have been planned and as they function.

Secondly, we are at present having to face great difficulties in getting the markets in milk products and in beef and veal under way by the agreed date of 1 April. . .

You do not, I imagine, expect me to describe or defend the proposals which our Commission has decided to submit to the Council and which, as you know, are at present the subject of very lively discussion by certain official representatives of the farmers' organizations in our six countries and among our Ministers meeting in Brussels.

It is not my intention here to defend the details of these proposals but simply the principle behind them, by saying that, as soon as a situation of imbalance develops in this field, one cannot simply submit to it and accept the consequences, any more than one can in any other field of the Community policies; one must tackle the problem at its roots.

... I strongly uphold the idea expressed by our Commission that, regardless of the unpopularity it may provoke, one must have the courage to grapple with the causes of the problem. This is just as true for other Community policies. When our democratic governments are faced with large budget deficits in one sector, they get down to the root causes; they do not simply submit invoices, bills and statements of expenditure to our Finance Ministers.

When there are large deficits in operating the railways, one has to think why and not simply ask the taxpayers to cover them. When there are deficits in certain sectors of social security, one must consider whether the reasons for them cannot be eliminated, rather than simply bear the consequences.

Of course, I would not for a moment deny the importance of the material aid which, either in our countries or in the Community, has to be provided for a number of policies of obvious economic or social interest. I would simply say that we thought we must attack the evil at its roots and that in a democratic country — and the Community is a democratic organization — it is essential to administer all the Community policies wisely, taking into account not only the interests of all the individuals concerned but also those of general financial equilibrium.

My third remark with regard to agriculture is that, as you know, structural problems are at present causing increasing concern to the Community authorities, and to your Parliament in particular. . . The question of regional and structural develop-

ment is already arising in connection with the Community programmes aided by the EAGGF. Moreover, studies are at present being undertaken on the problem of general policy on structure, and these will no doubt enable decisions to be taken in the second quarter of 1968. . .

In the field of technology, which is the subject of political discussions I shall come to in the last part of my statement, our Commission stands by what was decided in Luxembourg on 31 October last: we consider that the Council's decision — for the meeting took place within the Council framework — showed how much technological problems concern the Community itself, although we would readily agree that a number of these activities are still the responsibility of the Member States.

You know what we have often said — that technology cannot really be separated from industry and that industry cannot be separated from its market. We gave extremely active support to the work of the Maréchal Group and much regretted its interruption by one of our Governments which, for understandable reasons, thought it was doing right, although we have difficulty in seeing eye to eye with it.

To conclude this part of my statement, I should like to deal briefly with the general economic situation in the Community. The speech made in this House a few weeks ago by my friend M. Barre, Vice-President of the Commission, is however still too recent for me to be able to say anything very different. As you will remember, he described the outlook for the Community's economic development in 1968, mentioning the reasons why it was reasonable to expect a slight improvement on 1967 as a whole. He also underlined the importance of a more resolute policy of expansion in the Member States, himself relating it not only to our Community interests, which are obvious, but also to the present need for better monetary equilibrium where the United States, the United Kingdom and we ourselves are concerned.

On this last point I should like to add something to what M. Barre said: as we see the course events are taking in 1968, we become more and more convinced of the need for greater monetary solidarity between our Member States; in this respect, we are lagging behind the real needs and interests of the Community.

In this field, we have made precise proposals to our Governments on the measures that might be taken to increase monetary solidarity between our six countries — with which, moreover, not a little progress was made last year. In any case, I should like to assure the Parliament that our Commission is following these events from week to week and discusses them very regularly, and that we cannot afford to relax in a sphere which is, unfortunately, so much in flux at the moment.

My penultimate chapter concerns the merger of the Treaties.

As we approached this task, we realized that there were three things to be done:

The first is to eliminate the present disparities between the three Treaties, which are due to the fact that they were negotiated at different times, and that the Treaties of Rome already drew on the experience gained during the first five years of application of the Treaty of Paris.

Secondly, Community awareness has clearly developed in the economic and political fields, and certain requirements which seemed fairly remote in the Treaties of Rome appear much more urgent now.

Quite obviously, the texts relating to Community policies in certain fields will have to be brought up to date, elaborated and supplemented.

This is the second aspect of the task of revising our Community constitution.

Thirdly, institutional advances are absolutely necessary; at present, this fact is becoming obvious to everyone and cannot be ignored, whatever political position one may adopt.

Without going into details, I would give two examples:

The first point, which seems to me essential, is that the Community is no longer in process of construction; it has already started to function.

Of course, there are still some common policies to be worked out. But there are already fields that must be administered in the light of established policies. As soon as it becomes necessary to administer the Community, the question arises as to how it should be administered, how managed, from day to day.

The two fields in which the need to settle these points has become most obvious are agricultural policy and competition policy.

Where the common agricultural policy is concerned, it has become clear that the task of supervising the Community market, exercising control, and taking decisions week by week — and sometimes even day by day, as you know — must be carried out very rapidly, and that this cannot be done with the cumbersome Council framework or the machinery of unanimous voting.

The greater part of our agricultural policy operates by majority rule. The Management Committees take decisions by majority vote. So, too, does our Commission. When these two majorities coincide, decisions are implemented without more ado. This is essential, and everybody finds it to his satisfaction. This whole process is, of course, subject to the control of the Council of Ministers, which is perfectly legitimate — and I should not like anyone to think I have the slightest doubt about that. When the Council considers that the decisions taken are unreasonable, or when they are not supported and endorsed by the Management Committees, it may intervene to the extent and within the time limits it has itself prescribed in the Community regulations.

I do not think that one can simply transpose these mechanisms from one field to another without first thinking about what ought to be done. But one thing is clear: we have entered upon the management period in which the Community has to be administered from day to day. It is inconceivable that this could be done merely by a system in which the Commission proposes and the Ministers or the Council dispose.

The same situation exists with regard to competition policy, where the Council has already found that Article 85 and the following Articles cannot be applied until implementing regulations delegating the necessary executive powers to the Commission have first been adopted.

This system is also functioning already in the field of development aid. It will shortly be used where commercial policy is concerned, once the latter has become even more of a common policy than it is already.

All this constitutes one large chapter demanding much thought, which will not, of course, be easy; nobody, however, will be able to evade the need to establish new methods of management for the Community through constant co-operation and mutual confidence between its institutions. . .

Without constant co-operation between the Parliament, the Council and the Commission, the Community cannot be administered satisfactorily; such co-operation is needed to achieve a balance between the powers vested in each of these bodies.

The second point that I wish to make with regard to the plans for the institutions will, of course, concern the role of the Parliament. I find it hard to understand that no progress can be made on this matter, since in December 1964 our Council of Ministers unanimously considered — and this resolution did not give rise to any political disputes — that the time had come to increase the Parliament's powers in the budgetary field.

I do not think that the Parliament's powers will be extended in such a way that a complete change occurs from one day to the next. But I cannot understand that no progress has been made since December 1964. We must advance step by step in a system which allows the responsibility of your Parliament to be expressed in a more political and more positive way than through the mere opinions it renders or the criticisms it expresses of the European Executive — fortunately in not too absolute a manner!

My last chapter naturally concerns external relations.

The year 1967 — this Report relates to the past — was marked by an event to which everyone attached importance, including — I should point out — those on the other side of the Atlantic: I refer to the conclusion of the Kennedy Round.

During my visit to the President of the United States and the American Administration in February, I found, as you will have seen from the published texts, that the American authorities are as anxious as we are to safeguard the gains made in the Kennedy Round and not to jeopardize the decisions taken in Geneva. This is the right moment to recall this fact; it is an essential point.

Nevertheless, a great cloud is at present hanging over the Community: I refer to the way in which the attempts to enlarge the Community have been interrupted, and I shall deal with this now, in conclusion. . .

The third topic I should like to mention here, before closing with the enlargement of the Community, is that of the many conversations we had with the United States authorities about the difficulties their balance of payments is causing the Americans and the steps they propose to take to redress it.

During my visit to Washington, in February, with my colleagues Hellwig and Deniau, this problem was discussed at length.

We did not think that these talks were enough. We urged that — in accordance, moreover, with what had been agreed with the Council — they should be continued in Brussels, where, on 22 February last, they were resumed by our Commission in the presence of observers from the Member States, and we are now waiting for the reactions of the American authorities.

We have decided however to remain in permanent contact with the Americans on these developments, and not to stop at the date of 22 February. No later than yesterday morning, before leaving Brussels, I received the United States Ambassador to our Community to review the situation with him.

I cannot tell you what the Americans have decided. Moreover, I am not sure that they have yet fixed their attitude, but I can say what our reaction was.

We thought, of course, that it is primarily for the American authorities — but not for them alone — to adopt the necessary internal measures to improve their balance

of payments. We thought that the decision which our Ministers took in Paris on 30 November, at the meeting of OECD Ministers, was a wise one and that although the actual responsibility belonged to the United States (our American partners were perfectly well aware of this), we could nevertheless also intervene to help to re-establish that equilibrium which — as I think everyone would agree — is also in our own interest. It is not in any way to our advantage that the difficulties the free world is already experiencing should be increased by monetary troubles.

This being clear, we discussed possible solutions with the Americans.

Obviously, the biggest contribution we could make — which will perhaps be sufficient — is a more decided policy of expansion on this side of the Atlantic, which would effectively help to re-establish a normal situation.

In so far as our American partners may be considering restrictions in the field of trade, we warned them very explicitly by telling them that their balance of payments deficit did not originate in that field and that measures ought therefore not to be taken there which might well run counter to the interests of the whole free world.

We added that it did not seem reasonable to us to tamper, however slightly, with the Kennedy Round, and on this — as I have already mentioned — they conceded our point. We explained to them that we would not consider it wise for our Governments to engage in the vicious spiral of protectionist measures which would benefit nobody and harm everybody.

Both in the Washington conversations and in the talks in Brussels, we found the American authorities extremely alert to this problem. They listened to our remarks with the evident desire of taking them into account. We are now waiting for the results of their deliberations and are keeping in constant touch with them.

Even if I wished to end my Report at this point, it would not be possible, because the Community is going through a crisis, a serious, not to say profound, crisis and its enlargement, which should have been a source of strength for us has now become a question which oppresses the atmosphere. Having been present at the last Council meeting in Brussels only three days ago, on Saturday 9 March, I really cannot tell you that much progress towards a solution was made on that day.

Our Commission does not spend its time crying over spilt milk. It would, however, recall that it received a great many compliments which it appreciated on the Opinion it submitted, but that it would have appreciated them more had its recommendation been followed, for the Community would not then be in the present situation. Of this we are convinced.

Having said that, what should be done? We are convinced that a compromise solution must be found between the conflicting arguments that have been, and are still being, put forward. The 1963 crisis — as I have already said in this House, but there is no harm in repeating it — which had at least some resemblance to the present crisis, was only resolved by a combined effort to elaborate an intermediate solution between the “all or nothing” attitudes with which we were faced in January 1963. In our opinion, the 1968 crisis will not be solved by other methods. Everyone will have to make an effort to narrow the gap.

There is little chance that the French Government will change its views in the very short term and accept today what it rejected in December. Nor is there any chance that the Five, after what has been said to them and the way in which it was said, will resign themselves to carrying on as if nothing had happened, saying that we will talk again about the enlargement of the Community in a few years’

time. That is no solution and it is not what will happen. Between these stand-points, some reasonable solution must be worked out.

There is at least one positive element, which is that our six Governments are convinced of the need to act. A number of drafts are on the negotiating table: in chronological order, a Benelux plan of 19 January, a Franco-German plan of 16 February, a unilateral German document of 7 March, and a document on technology from the Belgian Government. It is this set of ideas which the Council of Ministers discussed on 9 March; but without result. It was therefore decided to continue this discussion on 5 April. As we had shown our willingness to intervene in the discussion this time and to present concrete proposals, it was agreed that on 5 April the Commission would express its precise opinion in order to find a way out of this situation.

This is not the time for me to make a public statement on what parts of these different projects should be accepted, and on what it is difficult to accept. I am tempted to say that in each of the documents that we have before us there are some things that please and others which, from the Community point of view, arouse some hesitation. The temptation to criticize them from this platform is great but prudence counsels against it. By working calmly through the next two or three weeks, our Commission hopes to be able to tell our Council of Ministers on 5 April which views and ideas should be retained from each of the documents. I should also have mentioned the memorandum from the Italian Government proposing a ministerial conference. This conference will very probably take place, but at a somewhat later stage. When we have completed this detailed analysis, we shall perhaps be able to make concrete proposals. We do not think that one can depart even slightly from the Community methods if the troubles that have arisen in the Community are to be overcome. I would recall that the crisis which developed on 19 December is an internal Community matter, as was also the crisis that developed on 14 January 1963. It is therefore by an attempt to achieve an internal compromise in which everyone must collaborate that we must try to arrive at a reasonable solution.

This is not only a hope, it is also an obvious necessity, for the Community cannot afford to remain politically divided any longer. It is inconceivable that work decided on by the Council in the field of technology should be blocked for these political reasons. It is inconceivable that our negotiations with non-member countries should be blocked for reasons that have nothing at all to do with them. I give you an example. Although we have for years been trying to get negotiations going with one central European country, Yugoslavia, it was by an unbelievable paradox — just when we have now convinced those who had hitherto been against these negotiations — that the Community crisis prevents them from starting. We really cannot afford this sort of thing anymore. Tomorrow we shall be meeting 18 African States — not to mention one or more other African States interested in this association — and we cannot refuse to open negotiations because of the difficulties our Community is going through.

I should like to borrow my conclusion from my friend René Lefèbvre who chaired this Assembly this morning and who, rereading an old text which is perhaps very familiar to some people and has perhaps been forgotten by others, but is nevertheless extremely eloquent, said: "Tomorrow and tomorrow and tomorrow. . .!" Tomorrow, there will be squalls; tomorrow there will be economic crises; tomorrow there will perhaps be monetary crises; tomorrow we have conventions to negotiate; tomorrow we have problems to settle, and people are looking forward, in so many sectors and with such great impatience, to a strong and united Europe. It is therefore not tomorrow but today that we must be united and resolute.

## II. Draft of second medium-term economic policy programme submitted by the Commission to the Council

On 20 March 1968, the Commission submitted to the Council of the European Communities the draft of the second medium-term economic policy programme. The text of the Commission's letter sent with this document is given below:

"Mr. President,

In accordance with the Council decision of 15 April 1964, I have the honour to submit to you herewith the draft of the second medium-term economic policy programme, with a view to its adoption by the Council and by the Governments of the Member States.

Article 2 of the above decision lays down that the Medium-term Economic Policy Committee shall prepare the preliminary draft on the basis of which the Commission shall establish the draft medium-term economic policy programme. The text of the draft is, in this case, identical with that of the preliminary draft. The Commission, which through its representatives on the Committee was at all stages in the elaboration of this document able to make its views known, endorses its contents. It considers that this document gives a sound analysis of several of the fundamental problems facing the Member States and the Community in the field of economic policy, and constitutes a satisfactory basis for joint or co-ordinated action. For this reason, the Commission has decided to endorse it: it will use it as a basis for any proposals it may later decide to submit to the Council.

His Excellency  
Monsieur Maurice COUVE de MURVILLE,  
President of the Council of the  
European Communities,

2, rue Ravenstein,

BRUSSELS.

The draft second programme follows the general line of the first programme, which was adopted by the Council and the Governments of the Member States on 11 April 1967 and published in the official gazette of the European Communities (No. 79, 25 April 1967). Being intended to supplement the first programme, it does not include any new projections and for the period between now and 1970 it does no more than make some corrections to the initial projections.

It would of course have been desirable to give at this point quantitative forecasts showing the principal trends of general economic development beyond 1970, if only to provide information useful to those who have to take long-term decisions. But it seemed preferable at this initial stage, to ask the Panel of Experts, whose



resources have hitherto been relatively limited, to concentrate on improving the techniques and methods of projection and, in particular, to give priority to the work on projections at current prices, which is of prime importance in a context of international competition. With the close collaboration that has developed between its own staff and the relevant departments in the various countries, the Commission hopes that fuller and more accurate projections, which ought to be established before the third programme is worked out, will in particular make it possible to see in what directions foreign trade on the one hand, and saving and investment on the other, will in future influence the development of the Community.

Projections are useful in that they enable the authorities concerned to detect, and often to measure, the constraints with which they will be confronted. But the future is never wholly determined in advance and, in their efforts to forecast it, contemporary societies are gradually providing themselves with instruments which enable them to be better prepared for dealing with it. Every extension of the forecast in space and time means that the margin left open for choices and even for ambitions is less narrow. For the Member States, the act of joint thinking about the types of structure they intend to acquire is likely to reduce the uncertainties besetting each one of them, because of the greater severity of international competition and the increasing rapidity of technical progress; it could even enable them to produce a broad picture of the possible place and role of the European economy in the world of the future. The gradual clarification of these qualitative objectives is no less important than the assessment of future growth rates. The one conditions the other, inasmuch as any action must be inspired by the will towards an end. Moreover, the Community would be ill equipped to face international competition if, unlike its main competitors, it thought it could save itself the trouble of working out a model for its own development.

This is, broadly, the context into which the draft second programme fits. The Commission wishes to stress the ideas which it considers to be the basic inspiration of the draft, and to underline the principal lessons that it offers.

The second programme is centred round a coherent concept of the principles which should underlie a general policy on structure.

In the past, the way in which the public authorities have dealt with problems of structure has not always been satisfactory. Insufficiently aware of the risks involved in the development of this or that industry, their approach was piecemeal and unplanned, usually reflecting a laudable desire to safeguard the workers against a threat of redundancy; what such intervention measures had in common was that they provided enterprises which were not very competitive with protection against competition and against the sanctions imposed by such competition. Increasingly frequent intervention of this kind often ensured the survival of outdated organizations, techniques and management methods; ultimately, it slowed down the adaptation of whole industries to the demands of technical progress, thus impairing the growth of overall productivity and the possible improvement of average living standards. In many cases, too, the workers for whom the State had demonstrated its concern had to make do with a modest pay packet, and still were not covered against the risk of dismissal in the long run. Lastly, the public funds used for such intervention were not available for other more productive purposes.

These considerations highlight the importance of the chapter on agricultural policy. No other sector has benefited so much and so long from public aid and intervention; at the same time, however, no other sector offers the majority of its workers

such unsatisfactory living conditions and incomes. Of course, the immense amount of work done by the Community in order to achieve free movement of agricultural products by standardizing the rules governing price support and the working of the markets has produced good results; but it has already become clear that, despite its substantial and steadily rising cost, this policy of price support is not by itself enough to improve the living conditions of the great mass of farmers to the extent necessary. It must therefore be supplemented by a policy on structure designed to increase the profitability of the farms that could achieve a high level of technical development and to improve the quality of the produce offered on the market and relate it to changes in demand. Price support must also be combined with a large number of activities whose ultimate aim is a social one: for example, to make it less difficult for farmers to leave the land if they wish; to organize vocational training for young people and adults in the light of the needs of the economy as a whole; and, by means of personal grants, to offer decent living conditions to any farmers unable to adapt themselves to current developments in agriculture. Attempts to improve incomes solely by price support could soon get out of hand because of the cost involved and in the long run they would be found to conflict with the economic and social objectives of the agricultural policy itself.

The new draft programme contains proposals for action by which the Community could deal with vicious circles such as these.

In view of this aim, the draft programme brings out the need for a real employment policy, the fundamental importance of adapting enterprises to the present conditions of economic life, and the role of a modern policy on the structure of particular industries.

There can be no progress without change, and it is inconceivable that economies can be changed unless there is mobility of labour. But today this necessary mobility constitutes a major risk for the workers, which must be eliminated by suitable measures. If in the past the Member States have all too often helped enterprises in order to protect their staffs, this is partly because there was no adequate insurance to cover unemployment risks and because the various components of a policy on conversion had not been worked out. Efforts in this direction have recently been made by several Member States along the lines suggested in the first programme. These efforts must be continued, and they must serve not only to extend unemployment insurance, and to improve national and regional policies on education, vocational training and housing, but also to promote industrial development in such a way that new jobs are created in those parts of the Community where large reserves of manpower are available. In this way it will be possible to combine maintenance of full employment with effective action to make better use of each worker.

Just as it is important to give workers better protection against the risks inherent in economic development, so it is also necessary to restore to enterprises the responsibility that is really theirs. They, and not the public authorities, should be free to take the decisions needed if they are not only to adapt themselves to the demands of competition but also to be able to gain a footing in new, expanding markets thanks to the flexibility of their organization, to reductions in their production costs, to the quality of their products, and to their capacity for innovation. In an increasing number of industries, such adaptation cannot be carried out unless European enterprises are sufficiently specialized or concentrated to be able to cover the whole

Common Market, or even to make their mark abroad because their strategy is conceived on a world scale. A dynamic approach of this sort will itself increase the number of enterprises working on a multinational basis within the Community.

Like the Committee, the Commission wishes to stress the importance of the legal and fiscal obstacles that still operate against such adaptation. It urges the Council and the Member States to bear in mind the very heavy economic cost of the delays that have occurred in elaborating a charter for the European company, adopting a European patent, harmonizing taxes on company profits, interests and dividends, and establishing a European capital market. The first duty of the public authorities in their relations with industry is to create a general climate which favours the continuous adaptation of enterprises; even today, the Community is far from complete success in this.

The chapter on the expansion of saving and the financing of investment is particularly important in this connection. Neither the adaptation of enterprises nor the achievement of greater flexibility in the structure of particular industries is possible unless the financing conditions are right. A striking feature of the Community is however the still almost complete fragmentation of national markets that are too small; this is due, in particular, to the maintenance of priorities — often for the benefit of enterprises with low returns — and detracts from the investments offered to savers; at the same time it makes it more difficult to meet the needs of manufacturers in new, fast-growing industries. If European enterprises are to be able to play the major role that should be theirs in improving the structure of the economy it will be necessary to limit the amount taken by governments and local authorities out of the savings available, to increase these savings by an increased “transformation” and by suitable incentives to boost private saving, to end the fragmentation of markets, to make it easier for companies to raise additional capital and to encourage a greater degree of self-financing without, however, freezing industrial structures. This progressive integration of capital markets, which is an important condition for the future monetary union, itself calls for increasingly close co-ordination of credit policies and public finances.

The guidelines that should be followed in an endeavour to improve the conditions for the financing of investments are quite rightly followed by a detailed analysis of the problems connected with incomes policy. While this policy is primarily intended to increase the rate at which average living standards can rise at the same time as the living conditions of the various social categories are brought closer together, their attainment depends on all sections of the population being able to help, through their savings, in the financing of the requisite investments — both public and private — as the growth rate of these investments will still be much faster than that of the overall Community product. Past experiments with incomes policies have not, of course, always come up to expectations. Moreover, the questions and procedures concerned are in this case very deeply rooted in the national history of each member country. It is, however, essential — and this is what the draft programme proposes — that the general conception and broad objectives of incomes policy should be settled by common consent. Such consent has been obtained on several vital points: the policy in question must concern not only direct income but also supplementary benefits, must cover the yield of capital in the same way as earned income, must avoid restricting the autonomy of either side of industry and, even more important perhaps, must be backed up by a broad distribution of private property among the several strata of the population.

The various measures to promote both the security of the workers and their full participation in the fruits of growth, and to establish financial conditions and a

general climate favourable to innovation among enterprises, will be easier to carry out and more successful as a result of the thorough recasting which is recommended for policy on the structure of particular industries.

There is an unimpeachable logic in the idea of opening the economies of the Community countries to the outside world: since they increasingly have to take part in the international division of labour, they are obliged — like the enterprises themselves — to concentrate their efforts as regards development on such rapidly expanding activities as offer the best chance of success. This means that, instead of trying to preserve the past, the policies for particular industries must henceforth look to the future, facilitating the advance of the most competitive enterprises and ensuring that, as a matter of priority, the available resources are used to support those initiatives which are most promising in terms of expansion and profitability. The need for policy on structure to be recast on these lines is the more urgent because this has already been done with success by some of the Community's main competitors on the world market. In this connection, no industry is of more consequence than the electronics industry. For this reason, the Commission wishes to emphasize the importance of the proposals on this subject put forward in the draft programme. But it is in duty bound to draw the Council's attention to the urgency and scope of the action that should be taken in this field, and to the fact that the efforts made would prove worthless, or even ruinous, if they did not ensure the competitiveness of the Community's producers.

From this point of view, the chapter on scientific and technical research policy gives a good example of the general conception of policy on the structure of particular industries. If, as is stated in the first programme, the Community wishes to escape the perilous prospects with which it is confronted because of its growing inferiority where scientific and technical matters are concerned, it will not be enough just to ensure a rapid increase in the funds and manpower devoted to research; their efficiency will also have to be improved — particularly by eliminating wasteful duplication of effort between the member countries — and the transfer of technical knowledge to the productive process integrated in such a way as to make European enterprises better able to withstand international competition. The new draft programme thus defines one of the essential tasks to which the Community will henceforth have to devote its endeavours.

These are, Mr. President, the remarks that the Commission wished to make to the Council when submitting the draft of the second medium-term economic policy programme. The Commission hopes that this letter will be published in the official gazette of the European Communities, together with the second programme itself. Please accept, Mr. President, the assurance of my highest consideration."

### Content of the draft second programme

A brief summary of the content of the draft second programme is given below, particularly where it concerns industrial and general economic matters. The part on agriculture will be dealt with in Bulletin No. 5-1968.

In essence, the draft second programme supplements the first and develops it in greater detail; it deals mainly with problems for which the first programme gave only very general guidelines.

## Need for a policy on structure in the Community

The draft emphasizes that the process of structural change will probably become more rapid as tariff barriers between the six member countries fall and as international competition from outside the Community's frontiers grows sharper with the liberalization of world trade and the considerable efforts being made by enterprises in some member countries to sell more on both Community and world markets.

In view of these new elements in the situation, the process of structural adaptation in the Community has not yet gone far enough either at the level of enterprises or at the level of industries, and lags well behind the progress made with the customs union and the liberalization of international trade. This relative backwardness is most evident in the lack of drive in many enterprises and the low level of their profits; it is also to be seen in the fact that the industries which are at present contending with considerable difficulties occupy a relatively important place in the Community's economy, whereas those whose future seems particularly bright are generally insufficiently represented and, moreover, often have to face considerable difficulties themselves where adaptation is concerned. Last but not least, it is visible in the emphasis laid by the Member States on measures to keep old industries going rather than on measures which would accelerate structural adaptation and encourage new techniques and products.

## Measures to facilitate structural adaptation of enterprises

If the task of structural adaptation of enterprises is primarily one for the enterprises themselves, economic policy must nevertheless ensure that the requisite background conditions exist and that obstacles to adaptation are eliminated. It must, in particular, create an atmosphere that encourages enterprises to take the necessary decisions and makes it easier for them to put these decisions through. It will succeed in doing this if it guarantees vigorous, constant and balanced growth and systematically promotes mobility in the factors of production. This calls not only for an appropriate competition policy, but also for appropriate policies on the structure of industry, on scientific and technical research and on employment and vocational training that will encourage the development of the most promising industries and at the same time favour the enterprises that are most dynamic.

In addition, general economic policy should be such that the competitive climate needed for the structural adaptation of enterprises is not impaired by the behaviour of the enterprises themselves. For this purpose, it is important that the scope of Articles 85 and 86 of the Treaty of Rome, which concern cartels and the abuse of dominant positions, should be clarified as quickly as possible but without inhibiting such associations between enterprises as contribute to economic progress, whether these associations be in the form of agreements to co-operate or in the form of mergers.

Company law ought to be adapted at Community level to the conditions that are necessary for the functioning of a real common market. In particular, obstacles to the free establishment of enterprises and the functioning of multinational companies in the Community should be eliminated. In this connection, the draft second programme urges that work on the European company should be rapidly completed.

Where tax law is concerned, steps must be taken to remove the obstacles which, within the framework of domestic law and particularly within that of international law, still impede industrial concentration. One important problem to be tackled

here is that of the taxes levied on undisclosed reserves brought to light and on capital gains made as the result of a merger; in addition, double taxation on the profits of parent companies and subsidiaries must be abolished. In this connection, the problem of establishing Community legislation on mergers is also touched on.

Other measures are advocated which would make it easier for enterprises to raise more share capital and allow them to establish their financing structure on a multi-national basis. Obstacles to certain modern financing techniques such as factoring, leasing, etc., must also be eliminated.

Furthermore, enterprises that are trying to modernize their management methods should be supported in their efforts by measures connected with management training and the dissemination of knowledge. The chances for the adaptation of small and medium-sized enterprises should be improved by encouraging specialization, sub-contracting, co-operation between enterprises, and easier access to external sources of finance.

The aim of forward studies should be to increase the guarantees given to workers involved in the process of structural change. For this purpose, enterprises should be required to consult the workers' representatives about adaptation measures in good time and to do everything possible to reintegrate workers in the production process and train them for other work; in addition, collective wage agreements should include safeguard measures designed to increase the protection given to workers against any detrimental effects of adaptation. Lastly, an appropriate solution must be found to the problem of how the workers can be represented in the organs of the European company.

### **Policy on the structure of industry**

The main aim of policy on the structure of industry should be to improve the basic conditions in which enterprises will be able to adjust themselves as efficiently and quickly as possible to the new structural conditions. This should facilitate the expansion, in the industrial and the services sectors, of those industries where prospects are bright in view both of technological developments and of the probable trend in demand on the Community's domestic markets and on the world market. The industries thus promoted ought to be those which are of particular importance for the future of industrial expansion in the Community. Steps should also be taken to facilitate the adaptation of industries where sales prospects are poor or where there is little chance of improving their competitive position by rapid increases in productivity.

The draft programme therefore recommends that studies of particular branches be carried out in order to provide a clearer picture of the market, that mobility of labour between one industry and another be encouraged, and that steps be taken to make the measures taken as part of regional policy and those taken as part of policy on industrial structure more consistent.

Public support for individual industries should be given only as a complement to the above measures, and only in exceptional cases. Aid from the public authorities should go, firstly, to a small number of particularly promising growth industries where independent and purposive development is, particularly in view of the high cost of research, beyond the means of and too risky for the enterprises on their

own; secondly, public support should be used to help certain industries that are having to cope with considerable structural difficulties and might be the source of serious economic and social damage if left to their own devices.

The aim of particular measures to promote development should always be clearly defined. They should only supplement what is being done by the enterprises themselves, and should benefit only such enterprises as are likely to be able to compete effectively without further aid within a reasonable time and without disproportionately heavy costs.

From the outset, aids to promote the development of whole industries ought to be given only for a limited period, and ought where possible to be degressive. Care should be taken to avoid costs being passed on to other industries. Where appropriate, enterprises should repay some or all of the subsidies they have received once they attain a reasonable level of profitability.

One of the most important ways by which the development of particular growth industries can be assisted is by awarding public orders and research contracts and by making the results of the research done by public institutes available to enterprises in the branches concerned.

The draft programme then deals concretely with two branches of industry: shipbuilding and the electronics industry.

For shipbuilding, it is proposed that the Community should press for the elimination of distortions of competition on the world market and that, until this is achieved, it should maintain the competitiveness of the shipbuilding industry by offsetting such distortions. At the same time, the Community should seek to promote radical structural change in the industry and, in so doing, to encourage such initiatives by shipbuilding firms as will improve their chances of profiting from the expansion of world demand for shipping. In addition, the Community must seek a solution to the social and regional problems that may arise when measures are taken to promote structural change.

With regard to electronics, it is pointed out that the Community cannot afford to neglect this vital industry. It seems, therefore, that Member States should develop a policy which will provide the necessary stimuli and aids for this industry, particularly in the early stage of its development. Where possible, the action taken should be concerted. In this connection, the draft programme contains proposals designed to make it possible for the structure of enterprises to be improved, training for their staffs to be provided, uniform standards and types established, national research and development programmes compared and co-operation between research institutes in the member countries developed.

### **Scientific and technical research policy**

The draft programme emphasizes that action to adjust Europe's economy to the new technological and marketing situation must be accompanied by substantial efforts on the part of enterprises and public authorities in the field of research and development. In the years ahead the efficiency of Europe's economy will depend more than ever on the results of scientific and technical research and their rapid conversion into new products and new production techniques.

It is therefore proposed that the general arrangements for promoting research and the economically productive utilization of its results be improved rapidly. The proposals put forward in this connection cover, among other things, measures in the fields of tax law, industrial property (creation of a "European patent", generalization of a system of patent registration in which examination is made only after registration, solution of the problems connected with the granting of licences) and competition (positive assessment of research agreements between enterprises).

The university system is to be strengthened further. This should include efforts to bring the training offered more into line with changes in the needs of trade and industry, to improve the conditions of work of research workers, to promote research embracing several disciplines, to establish closer relations between university institutions and enterprises, to promote the mobility of research workers particularly within the countries of Europe, and to favour specialization by research institutes and the concentration of research in certain fields at certain places within a country and subsequently at certain places within Europe.

The draft programme is based on the assumption that selective government measures to promote research will be needed if research activity is to reach a satisfactory level in the countries of the Community. It is pointed out that these measures must be as internally consistent as possible. This should be ensured through agencies which would co-ordinate and concert them and through programmes that would cover for several years the total current and capital expenditure made available by the public authorities for research purposes and decide on its breakdown between the several schemes and sectors. Priorities would need to be established, and should be based on both technological and economic criteria.

The draft programme emphasizes that research policy should not stop at the frontiers of the individual member countries, as in this field the possibilities open to each of these countries are limited. It is expected that co-operation among the member countries in the form of joint or co-ordinated action will provide the main stimulus to a common research policy. Thanks mainly to its institutional framework and its economic cohesion, the Community offers an unparalleled starting point for efforts to stimulate or take joint technological action, but it must never be looked upon as something cut off from the rest of the world; on the contrary, co-operation with non-member countries on as broad a basis as possible is regarded as indispensable.

Co-operation should in each case begin with a confrontation of the national programmes and budgets and, where applicable, of the schemes planned or jointly undertaken together with other Member States.

When the objects of joint action are being determined, it is essential that procedures and methods should be drawn up which offer satisfactory scope for efficiency and an adequate return to the participating countries. These efforts could be based on the principle that wherever possible programmes in fields or on projects which are of interest to all member countries should be drawn up and put in hand jointly, and that for those fields or projects in which only certain Member States want to play a direct part ways and means should be found by which the interests of the remaining Member States and the development of the Community as a whole would be safeguarded.

The draft programme then recalls the Council Resolution of 31 October 1967.



## Expansion of savings and the financing of investments

The draft programme lays stress on the fact that the structural adaptation of enterprises is largely a question of improving their financial organization and their ability to obtain finance for the productive investments needed for rapid economic growth. The public authorities, too, will in the next few years have to bear a heavier burden in order to finance the rapidly growing investments in the field of economic and social infrastructure. Enterprises and the public authorities will therefore in most member countries have to build up more funds through saving. It is furthermore indispensable that the contribution made to the financing of investments by personal savings should be increased. The measures taken to promote savings should in future follow lines which do not give preference to any specific type of investment; the only criteria for selective measures of promotion should be the life of the loans so that long-term saving is encouraged systematically. At the same time efforts should be made to ensure that a sufficient proportion of savings flows into the capital market and that long-term savings are available to finance private investments — as far as possible in the form of risk capital. Since at present savers show little inclination to commit their funds in such a way, this objective will be attained only if certain forms of saving are developed which attract savers. In this connection the programme stresses the importance of institutional investors (insurance companies, savings banks, investment companies) and among other things advocates an easing of the rules which prevent insurance companies and savings banks from acquiring shares. The efficiency of the bond market should at the same time be improved through greater consideration for the wishes of the private saver (avoidance of excessively long maturities, sufficiently small denominations, no provision for repurchasing before maturity, etc.) when loans are floated; in this connection, the public authorities should set the pace. The draft programme points out that there will still have to be a great deal of "transformation". To ensure keener competition on the capital market efforts should also be made to eliminate fragmentation of the system of credit supply and the privileges enjoyed by certain borrowers. The draft programme also discusses in this connection various financial instruments currently used to attain objectives considered to rank high on the list of priorities.

In view of the heavy calls which both public and private borrowers will make on the capital markets in the years ahead, the organization of the capital markets should be improved so that overall demand can be kept within the limits consistent with the supply available. This calls for great self-restraint on the part of the bodies floating loans, particularly public borrowers.

As the narrowness of the capital markets in the individual countries is not among the least of the reasons why there is a gap between the supply of and the demand for capital, the broadening of financial transactions within the Community and the gradual development of a European capital market will make a major contribution to the improvement of existing fund-raising mechanisms. This calls, among other things, for the revision of various rules governing operations by institutional investors in other member countries, a review of the foreign exchange rules, steps to harmonize taxation which will include elimination of double taxation, the adjustment at European level of the tax incentives granted to purchasers of securities in the individual countries, and the removal of unduly wide differences in the way income from capital is taxed.

## Incomes policy

Optimum economic development in the years ahead can be ensured only if an incomes and wealth policy is pursued which contributes to reconciling the highest possible overall growth rate and a high level of employment with the required stability of the general price level and the necessary external equilibrium; at the same time, the distribution of incomes is to be improved for the benefit of the less-favoured population groups and encouragement given to the formation of wealth in broad layers of the population. It is considered that no lasting solution can be found to the structural problems to be coped with in the years ahead unless economic equilibrium is secure from threats due to developments in the incomes sector.

The draft programme stresses that structural and institutional conditions in the field of incomes policy vary greatly from one member country to another, and that the main task will be to align the aims and the results of incomes policy — which does not necessarily mean that the same methods should be applied in all countries.

Incomes policy must on principle cover all primary and secondary incomes. To make it easier for those responsible for incomes policy (governments, both sides of industry, managements) to take independent decisions, the draft programme recommends the use of target figures which would indicate the development that was desirable in incomes. As far as possible these figures should be elaborated as part of a general view of the economy which took account of government plans in the other spheres of the economic and social policy. Alternative assumptions might have to be taken into account. Later on, the target figures will have to be compared with actual developments, so that discrepancies between the actual and the desired trend can subsequently be adjusted.

The draft programme advocates closely concerted action by governments and both sides of industry, in which these target figures can play a major role. Regular confrontation, at Community level, of the views of the member countries on incomes policy is also considered desirable.

The draft programme then deals with policy on the various types of income, particularly wages policy in the private sector, policy on primary incomes from sources other than wages, and policy on the transfer of incomes. The programme also discusses in great detail policy on wealth, through which the use made of incomes is influenced in terms of the economic and social objectives and through which, in the opinion of the authors of the draft programme, the chances of success of incomes policy could be improved substantially. Prominent among the points made in this section of the programme is the encouragement given to voluntary personal saving, to wage systems providing for investment of part of the wages, and to profit-sharing systems.

A number of special studies are annexed to the draft programme. In particular, these include analyses of the problems connected with shipbuilding and the electronics industry, and the report already submitted to the Council by the Working Party on Scientific and Technical Research Policy; the latter report was important as a basis for the Council's resolution of 31 October 1967 on problems of scientific and technical research in the Communities.

### III. Internal activities

#### ESTABLISHMENT AND OPERATION OF THE SINGLE MARKET

##### Free movement of goods

##### Tariffs

##### *Tariff quotas*

1. On 13 February, acting under Article 25(3) of the EEC Treaty, the Commission granted Italy from 1 April to 30 June 1968 a tariff quota of 1 200 tons at 2.7% duty for imports from non-member countries of sugar-cane molasses of which the dry extract contains less than 63% of sucrose, intended for the manufacture of coffee substitutes (CCT heading 17.03 B II).<sup>1</sup>

On the same date, the Commission also decided, under Article 25 (3 and 4) of the EEC Treaty, to increase from 6 000 to 6 500 tons the tariff quota granted to the Netherlands for herring, fresh, chilled or frozen, for processing (ex CCT heading 03.01 B I (a) 2), for the period from 16 June 1967 to 14 February 1968.<sup>2</sup>

This additional 500-ton quota is at 0.5% duty.

2. On 29 February<sup>3</sup> the Council decided, acting under the EEC Treaty, to open the following Community tariff quotas for 1968:

i) A 20 000-ton duty-free<sup>4</sup> quota for ferrosilicon (CCT heading 73.02 C) allocated as follows:

Germany (FR)	2 575 tons
France	25 tons
Italy	650 tons
Netherlands	4 050 tons
BLEU	12 700 tons

ii) A 3 000-ton duty-free<sup>4</sup> quota for ferrochromium containing not more than 0.1% by weight of carbon and more than 30 but not more than 90% by weight of chromium [highly refined ferrochromium (ex CCT heading 73.02 E I)], allocated as follows:

Germany	168 tons
France	7 tons
Italy	2 482 tons
Netherlands	90 tons
BLEU	253 tons

<sup>1</sup> Official gazette No. L 46, 22 February 1968.

<sup>2</sup> *Ibid.* No. L 50, 28 February 1968.

<sup>3</sup> *Ibid.* No. L 61, 8 March 1968.

<sup>4</sup> Bound in GATT (Geneva 1967 Protocol).

iii) A 10 000-ton duty free<sup>1</sup> quota for unwrought magnesium (CCT heading 77.01 A):

a) 650 tons for unwrought magnesium containing more than 99.7% by weight of pure magnesium, allocated as follows:

Germany (FR)	220 tons
France	5 tons
Italy	5 tons
Netherlands	170 tons
BLEU	250 tons

b) 9 350 tons for unwrought magnesium containing not more than 99.7% by weight of pure magnesium, allocated as follows:

Germany (FR)	9 255 tons
France	50 tons
Italy	5 tons
Netherlands	25 tons
BLEU	15 tons

iv) A 40 000-ton duty-free<sup>2</sup> quota for ferrosilico manganese (CCT heading 73.02 D) in two parts. The first part, 34 000 tons, was allocated as follows:

Germany (FR)	30 480 tons
France	85 tons
Italy	1 530 tons
Netherlands	460 tons
BLEU	1 445 tons

The second part, 6 000 tons, is held in reserve.

v) A 130 000-ton quota for unwrought aluminium (CCT heading 76.01 A) at 5% duty<sup>2</sup> in two parts. The first part, 110 000 tons, was allocated as follows:

Germany	68 370 tons
Belgium	9 750 tons
France	3 360 tons
Italy	18 310 tons
Luxembourg	1 650 tons
Netherlands	8 560 tons

<sup>1</sup> Volume of EEC consumption not accounted for by Community output; bound in GATT (Geneva 1967 Protocol).

<sup>2</sup> Bound in GATT (Geneva 1967 Protocol).

The second part, totalling 20 000 tons, is held in reserve.

vi) A 500-ton quota for unbleached flax yarn (other than yarn spun from tow) measuring not more than 30 000 m per kg, for the manufacture of multiple or cabled yarn for the footwear industry and for covering cables [ex CCT heading 54.03 B I (a)] at 3% duty for the period from 1 January to 30 June 1968 and 2.6% duty for the period from 1 July to 31 December 1968<sup>1</sup> in two parts. The first part, 275 tons, was allocated as follows:

Germany	253 tons
France	5 tons
Italy	7 tons
Netherlands	5 tons
BLEU	5 tons

The second part, 225 tons, is held in reserve.

2. On 29 February,<sup>2</sup> acting under Articles 111 and 28 of the EEC Treaty, the Council opened a duty-free Community tariff quota for 750 000 tons of newsprint<sup>3</sup> (CCT heading 48.01 A) for 1968, allocated as follows:

Germany	495 000 tons
France	108 000 tons
Italy	3 750 tons
Netherlands	89 250 tons
BLEU	54 000 tons

*Application for authority to adopt safeguard measures* (Article 226)

3. On 16 November 1967 the French Government applied to the Commission for authority under Article 226 of the Treaty to introduce quotas for two years on imports of domestic refrigerators, washing machines, gas cookers and combined gas and electric cookers on the basis of imports during the first half of 1966.

The French Government's main argument was the increase in imports of the items concerned in the course of 1967.

Without denying that there were difficulties involved, the Commission held that the conditions warranting implementation of Article 226 were lacking and therefore refused the French Government's request on 23 February 1968. The Commission found that the trend of imports had been quite normal in the light of the establishment of the common market (from 1962 to 1966 the increase in consumption of the items in question was 464 000 units, and the increase in imports 262 000 units; the share of consumption accounted for by imports was 33% for refrigerators, 14% for washing machines and 17% for cookers). There had been no abnormal increase in stocks, and neither the trend of production in France nor the increase in imports gave reason to fear that a crisis was imminent.

<sup>1</sup> Bound in GATT (Geneva 1967 Protocol).

<sup>2</sup> Official gazette No. L 61, 8 March 1968.

<sup>3</sup> 625 000 tons of which bound in GATT (Geneva 1967 Protocol).

The Commission noted that it was ready to continue its inquiries to determine whether there were any factors liable to upset the normal workings of competition in trade in these products between France and Italy. If French firms in these industries should encounter difficulties that might have serious consequences at regional level, the Commission would be prepared to examine any suggestions put forward by the French Government within the framework of the EEC Treaty.

## Competition policy

### Business agreements

#### *Twenty-first Conference of government experts on business agreements*

4. The 21st Conference of government experts on business agreements was held in Brussels on 14 February 1968.

The main item on the agenda was the examination of proposals relating to measures encouraging co-operation between firms within the framework of EEC policy on business agreements. Basing itself on the results of a first discussion held with the government experts at the 20th Conference on business agreements (9 and 10 November 1967) and on observations submitted by some European trade organizations, the Directorate-General for Competition had submitted new drafts.

#### *Application of Articles 85 and 86 of the EEC Treaty to individual cases*

5. At the end of February, the Commission took a favourable decision with regard to the situation under the EEC Treaty competition rules of "Eurogypsum", an association having at present 31 members established in 16 different countries, five of which are member countries of the EEC. The objective of the association, which has its headquarters in Paris, is to promote, at European level, the development of the plaster and gypsum industry and of the industry producing building components derived from these materials, by joint examination of all questions and particularly scientific and technical matters relating to these industries.

Eurogypsum is a non-profit-making organization, and membership is open to all European producers, either directly or through their trade organizations, and to persons or associations in scientific, technical or economic fields likely to assist, by their co-operation, in the attainment of the objectives of the association. All members of Eurogypsum may benefit on an equal footing from the work organized and financed by the association, and there is no bar to their carrying out research of their own.

World output of gypsum is close on 50 million tons, and Community production accounts for 10 million tons (France five million, Germany three million, Italy two million).

About 25% of the gypsum produced is used for the manufacture of cement, but the manufacture of plaster is the main outlet. In the period from 1955 to 1965, the plaster industry, though expanding steadily in the EEC countries (3 100 000 tons in 1955, 4 300 000 tons in 1965), failed to match the growth of the building materials industry. While production of plaster advanced by only 40%, the production of cement doubled, that of synthetic wood fibre board almost tripled and that of

wood particle board soared to ten times the 1955 figure. In the construction of prefabricated components such as plaster tiles and partition and ceiling components, to which the plaster industry has turned with a view to stepping up expansion, the proportion of plaster used in the Common Market is still very low compared with that in Great Britain, where a third of plaster consumption goes into prefabricated components, and particularly compared with that in the United States, where the corresponding proportion is more than 80%.

These growth difficulties stem from the fact that the industry is faced with numerous problems, many of which are of a scientific and technological nature and require increasingly complex research with ever more costly technological studies and tests. This is why an association set up to organize and finance this work at European level has rapidly enlisted the support of such a large number of producers concerned with these materials.

All activities connected with building are of great importance and offer wide scope for productivity improvements. Accordingly, it is very desirable that research in this field should be developed further, and joint research work should be encouraged.

The Commission of the European Communities has therefore availed itself of this opportunity to make it known officially, by means of a decision, that the pooling of research facilities by a group of firms in no way conflicts with the objectives of the EEC Treaty, especially if, as is the case for Eurogypsum, the joint research arrangement is not accompanied by restraints of competition. The latter consideration is the one on which negative clearance is based in the present instance.

But in cases entailing such restraints a favourable decision could also be adopted if, as could well happen, the restraints were deemed indispensable for the attainment of economically desirable results, especially in the fields of production or technical progress: in these conditions, such a situation may be perfectly compatible with the rules of competition of the Treaty.

#### *Voluntary termination of a reciprocal exclusive dealing agreement*

6. Further to an investigation carried out by the Commission on the basis of a complaint filed by a Belgian importer, three organizations which were parties to a reciprocal exclusive dealing agreement terminated this agreement voluntarily at the end of February.

A Belgian union of importers of timber produced in non-member countries had concluded exclusive buying and selling agreements with a group of agents in Belgium representing producers of the types of timber concerned and with the Belgian National Federation of Timber Dealers.

The parties to these agreements included all importers and producers' representatives, and virtually all dealers.

The strict conditions of admission to the Belgian importers' union, combined with the general provisions of the agreements, had the object and effect of preventing any Belgian importer who was not a member of the union from procuring the types of timber in question and trading in them with clients in the other Member States. These provisions also prevented importers from dealing with agents of producers of the timber other than the agents in Belgium. In addition, dealers were not allowed to import directly.

A Belgian importer who considered these agreements incompatible with the Treaty of Rome filed a complaint with the Commission.

When the case was investigated it was found that the agreements kept a sector of the Belgian economy in isolation artificially by impairing trade between the Member States and restricting competition. This was incompatible with the rules of the Treaty and the Commission was obliged to contemplate the adoption of a decision banning the agreement.

To prevent this from happening, the three organizations preferred to terminate the agreements.

## Freedom of establishment and freedom to supply services

### First directive on co-ordination of company law

7. On 9 March, acting on a proposal from the Commission, the Council adopted a first directive on co-ordination of company law in the European Economic Community.<sup>1</sup> The directive concerns the guarantees required in Member States of firms or companies in order to protect the interests both of members and of outsiders. The EEC Treaty lays down that these guarantees are to be co-ordinated with a view to making them equivalent [Art. 54 (3, g)]. The corporate bodies covered by this clause of the Treaty are firms or companies governed by civil or commercial law, including co-operative societies and other legal persons under public or private law operating with a view to profit. Co-ordination of the guarantees required of these bodies is designed to facilitate liberalization of establishment in the Community and to avoid the disadvantages that might arise when companies, which are in many cases subject to legal provisions of considerable diversity, are free to set up in business anywhere in the Common Market.

The EEC Commission's original proposal for a directive on co-ordination of guarantees under company law was submitted to the Council in 1964. In view of the opinions rendered by the Economic and Social Committee, the European Parliament and many trade organizations and similar groups, the Commission laid a revised text before the Council in October 1966. From the outset it was clear that, to begin with, co-ordination ought to cover the companies that are generally of the greatest economic importance and do most business on international markets, i.e. companies limited by shares, limited partnerships with share capital and limited liability partnerships. The scope of the directive having thus been limited to these three types of company, those provisions that are of most consequence for certainty in the law and the rapid conclusion of transactions were co-ordinated, i.e. those concerning disclosure, the validity of commitments undertaken and grounds for nullity.

#### *Disclosure requirements*

Under this head the directive deals mainly with two questions of special interest to outsiders.

a) *Minimum content of mandatory disclosure.* Companies are required to publish documents and information of such major importance as the memorandum and articles

<sup>1</sup> Official gazette No. L 65, 14 March 1968.



and any alterations thereto, particulars regarding directors and other officers, dissolution, etc.

Companies limited by shares must publish their balance sheets and profit and loss accounts annually. However, for the close companies limited by shares under Dutch law (*besloten IVV*) and limited liability partnerships, the obligation to publish accounts annually will be dealt with in a subsequent directive on co-ordination of the content of balance sheets and profit and loss accounts, to be adopted by the Council within two years.

The directive goes on to specify the requirements which Dutch companies must fulfil if they wish to be treated as close companies.

b) *Form of disclosure.* There is now a single, uniform procedure, with each of the companies registered in a Member State being allocated a file there, either at a central registry or at a commercial or company registry.

All documents and information which are subject to mandatory disclosure must be deposited in this file or entered in the appropriate register.

The documents and information disclosed must be published in an official gazette designated by the Member State; in this gazette they must be reproduced in full or in extract form, or reference must be made to the fact that entry has been made in the register.

#### *Validity of company commitments*

This section is designed to increase the protection available to outsiders. For instance, one of the consequences of publication is that outsiders cannot normally be made to suffer because of any irregularity in the appointment of persons who can legally commit the company.

Nor can they be made to suffer because of any limitation on the authority of any organ of the company to act for the company, whether laid down in the articles or resulting from a decision taken by the appropriate body, even if this limitation has been made public.

Lastly, the company is committed by the acts of its organs, even when these acts do not fall within the company's objects, unless these acts exceed the powers that have been or can be legally conferred on such organs.

#### *Nullity of the company*

As another means of protecting the interests of outsiders, the directive also lays down that the memorandum and articles of the company must be recorded by a notary public provided that incorporation is not subject in the Member State concerned to some special administrative or legal control. On the other hand, the directive substantially limits the number of grounds for nullity. These include: absence of memorandum of association, unlawfulness of the objects of the company, legal incapacity of all the founding members of the company.

#### *Other work on co-ordination of company law*

Since the proposal for a first directive was submitted to the Council, Commission departments have continued their co-ordination work and have, with the help of government experts, prepared two new preliminary drafts dealing solely with companies limited by shares. The first deals with incorporation, increase and reduc-

tion of capital, amortization of capital and maintenance of capital. The second concerns mergers between companies in the same country; till the provisions concerned in this matter have been co-ordinated, it will not be possible for the Member States to negotiate about rules on international mergers, as is required by Article 220 of the EEC Treaty.

A preliminary draft on the powers and activities of the management and supervisory organs of companies limited by shares is at present being studied with the government experts. In April a start should be made on discussion of the preliminary draft on co-ordination of the provisions applicable to the annual statement of accounts. Detailed preliminary studies are now being made with regard to other matters in the law on companies limited by shares (competence and rights of the general meeting, issue of securities, dissolution and liquidation). Institutes of comparative law and other experts will be submitting their reports on co-ordination of the law relating to other types of company (limited liability partnerships, limited partnerships with share capital, co-operatives, companies governed by civil and commercial law, and public corporations).

## Approximation of legislation

### Convention on the mutual recognition of companies

8. On 29 February the Representatives of the Member States meeting in the Council signed the first European Convention supplementing the Treaty of Rome. The Convention on the mutual recognition of companies and legal persons<sup>1</sup> is the first case of application of the third sub-paragraph of Article 220 of the EEC Treaty. This clause stipulates that Member States shall, as far as necessary, enter into negotiations with each other with a view to ensuring for the benefit of their nationals "the mutual recognition of companies..., the maintenance of their legal personality if their registered office is transferred from one country to another, and the possibility of mergers between companies which are subject to different domestic laws". Companies are defined as companies or firms constituted under civil or commercial law, including co-operative societies, and other legal persons under public or private law, save for non-profit making companies or firms (Article 58, second paragraph, of the EEC Treaty).

To implement the provisions of the third sub-paragraph of Article 220, three conventions are accordingly needed: one on mutual recognition, another on transfer of registered office, and a third on international mergers. Work on the recently signed Convention on mutual recognition of companies was begun in July 1962 at the Commission's instigation by a panel of government and Commission experts with Professor B. Goldman, of France, in the chair. The draft was ready by June 1965, and in December 1965 it was laid before the Governments and the Council and Commission. Work on the Convention on international mergers is still in progress.

#### *Objectives and content*

One of the principles laid down in the Treaty of Rome is that companies and legal persons shall be treated in the same way as natural persons for the purposes of freedom of establishment and freedom to supply services (Articles 58 and 66).

<sup>1</sup> See Bulletin 2-66, Ch. II, sec. 17.

To give full effect to this principle, it proved necessary to unify and consolidate the rules on recognition of companies (Articles 220, third sub-paragraph). Companies subject to the laws of one Member State have hitherto been recognized in the others, but recognition depends on different sources of law (enacted law, customary law, international conventions) and thus, in respect of requirements and effects, on rules which differ — in many cases widely — from country to country.

The content of the Convention can be summarized as follows:

a) *Scope, i.e. indication of the companies and legal persons to which the Convention applies.* The definition of companies in Article 58 of the Treaty has been made more flexible and at the same time more specific, particularly in respect of the concept of "profit-making", which has been replaced by the notion of business activity normally exercised for reward. By this means the Convention is of advantage to firms which neither make nor distribute profits but which form part of the economy and make a charge for their services (e.g. certain bodies incorporated under public law).

b) *Definition of the criteria determining whether a company belongs to a Member State and, if so, to which.* In this respect, too, Article 58 provides a very broad working basis, since it applies to all companies formed in accordance with the law of a Member State and having their registered office, central administration or principal place of business within the Community. Problems arise in the case of a company not having its *siège réel* (i.e. the place where the management of the company has its effective headquarters) in the country where it was set up or in the country where it has its registered office. The 1966 Hague Convention on the recognition of the legal personality of foreign companies, associations and foundations, which has not yet entered into force, gives the signatory states the option of refusing recognition in this case. This solution was not suitable for the Common Market. The Member States have empowered themselves to withhold recognition in the extreme case where a company is established under the law of a Member State but has its effective headquarters outside the Community and has no real contact with the economy of the Community.

On the other hand, recognition may in no circumstances be refused a company whose registered office and effective headquarters are in the Community, even though these may be in two different countries. Until such time, however, as the co-ordination of company law has progressed to a sufficient extent, the State on whose territory a company formed under the law of another Member State has its effective headquarters can require such a company to comply with those of its rules of company law for which it deems there is an absolute necessity. This provisional safeguard clause does not nullify the principle of automatic recognition.

Thus, for instance, single proprietorships are protected by the Convention if they have valid legal status in the country of origin.

c) *Limitation of exceptions are reservations made on grounds of public policy.* Under the present conditions of domestic law, the right each country has to waive the rules of an international convention on grounds of public policy (*ordre public*) cannot be set aside. However, this right is restricted in that public policy can be invoked against the recognition of a company only on the grounds of its objects or actual activities. Furthermore, the concept of *ordre public* is carefully defined. Thus, for the purposes of the Convention, principles or rules conflicting with the EEC Treaty cannot be regarded as principles or rules of *ordre public*.

A joint declaration by the signatories recommends that, with a view to securing uniform interpretation of the Convention in the Member States, the possibility of assigning certain powers to the Court of Justice of the European Communities should be investigated.

When the Convention was signed it was also decided to include the following joint declaration in the minutes of the meeting: "It is the unanimous view of the Member States that any State joining the Community must also accede to this Convention".

After signing the Convention M. Luns, on behalf of the Dutch delegation, asked that the following statement be included in the minutes: "It is the view of the Government of the Netherlands that States which have applied for membership of the European Economic Community should be asked as soon as possible to enter into negotiations with a view to their accession to this Convention".

M. Brandt, M. Farfani, M. Harmel and M. Grégoire, on behalf of their respective delegations, endorsed the statement by the Dutch representative. The President of the Council intimated that these statements would be duly recorded.

## Taxation policy

### Proposal for a directive on the application of the tax on value added to turnover in agricultural products

9. On 26 February 1968 the Commission of the European Communities submitted to the Council a proposal for a third directive on the harmonization of the legal provisions of the Member States on turnover tax. The proposal deals with the common rules on application of the tax on value added to turnover in agricultural products, which are to be brought into force by Member States with effect from 1 January 1970 at the latest. The intention is to make it easier for agriculture to integrate itself into the general economy, to facilitate trade in agricultural products within the Community and to avoid differences in the impact of the tax at the stages where agricultural prices in the Member States are, in principle, formed.

The proposed directive starts from the assumption that the common added-value tax system must be extended to agriculture so that this sector shall be subject to the same competitive conditions as the other sectors of the economy and discrimination between producers in the Community avoided. As not all agricultural undertakings keep adequate accounts and therefore cannot comply with the provisions of the normal system of tax on value added, they are made subject to an arrangement allowing the deduction of previous taxes at a flat rate. There is, however, the provision that every farmer is to be free to opt for application of the normal tax on value added.

Excluded from the flat-rate deduction arrangement are associations of agricultural producers and, more particularly, agricultural co-operatives, producer associations and other producer organizations, combinations of these and so-called mixed establishments if their non-agricultural turnover exceeds an amount to be fixed by each Member State. Member States are at liberty to exempt from these arrangements certain groups of agricultural producers (for instance farmers growing special crops) and also those who can be made subject to the normal system without special administrative difficulty.

Under the new proposed directive, deliveries and imports of agricultural products will become subject to a common, reduced rate fixed by the Council, acting unanimously on a Commission proposal, by 1 July 1969 at the latest, with half the arithmetic mean of the normal rates of tax on value added to be applied in the Member States on 1 January 1970 serving as a basis. Where deliveries by producers which come under the flat-rate deduction arrangement are concerned, it is the buyer who will pay to the tax authorities whatever constitutes the tax liability of the farmers, while the price he pays to the latter includes the previous taxes borne by them; the Council, acting unanimously on a Commission proposal, will, by 1 July 1969 at the latest, fix the flat rate at which these previous taxes are to be calculated. With the macroeconomic data available serving as a basis, this rate will be determined in such a way that global adjustment can be ensured for the offsettable tax on value added weighing on the purchases made by all farmers coming under the flat-rate deduction arrangement, and on the services rendered by them.

As the common agricultural market will have to be completed by 1 January 1970, it will also be necessary to relieve intra-Community trade in agricultural products as far as possible of tax formalities and controls at the frontiers between the Member States. The common tax rate proposed is an essential step on the road to this aim. Until taxes on imports and tax refunds on exports are abolished, that is until the tax frontiers are removed, the intention is to abolish, as a transitional measure, the levying of taxes when goods cross the frontiers and to collect these taxes only at the stage of the first delivery after importation. Although this means that intra-Community trade in agricultural products will continue to be subject to tax adjustment, this adjustment will be effected by a procedure which is as free as possible from all formalities and controls at the frontier. Adjustment will then, incidentally, no longer be the result of differing rates, but will merely serve to maintain the principle of taxation in the consumer country.

The agricultural products to which this directive applies compulsorily are set out in a list appended as Annex A to the proposed directive and based on Annex II to Article 38 of the Treaty of Rome. This list contains in principle all agricultural "ex-farm products", including certain processed products. In addition to agricultural products, it includes a number of means of production, such as seeds and plants, fertilizers, insecticides and plant protection products. The common reduced rate for means of production is intended to reduce and equalize the burden of tax paid at previous stages. Lastly, the list also contains certain groups of agricultural products which are considered as substitution products for others on the list.

"Agricultural producers" are defined as persons exercising, in an agricultural, forestry or fishery establishment, producer activities of the type listed in Annex B to the proposed directive. The list includes agriculture proper, livestock breeding and animal husbandry as well as freshwater fishing, fish farming, clam and oyster cultivation and frog breeding. It is based on a study made by the Statistical Office of the United Nations.

The common reduced rate of tax on value added for agricultural products is applicable up to and including the wholesale stage; the Member States are, however, free to increase or reduce the rate of tax to be paid at the final stage. To ensure that the effects of the discretionary powers thus remaining with the Member States do not run counter to the aims pursued, the Commission proposes a procedure calculated to lead as far as possible to an alignment of the tax burden at the final trading stage.

## TOWARDS ECONOMIC UNION

### Short-term economic policy

#### Short-term Economic Policy Committee

10. The Committee held its 33rd meeting on 14 February, with M. Sérise in the chair.

The Committee discussed the economic situation in the Community and reviewed the measures recently adopted to stimulate recovery in some of the Member States.

The preliminary draft of a Council recommendation to the Member States was submitted to the Committee by the Commission for discussion and comment.

### Monetary and budget policy

#### Monetary Committee

11. The Monetary Committee held its 103rd meeting on 5 and 6 February, with M. van Lennep in the chair. Baron Mackay was appointed a full member of the Committee and Prof. Mertens de Wilmars was appointed Chairman of the Alternates.

As part of its regular examinations of trends in individual countries, the Committee considered the monetary and financial situation in Belgium and Luxembourg, submitting reports on its findings to the Council and the Commission.

It then discussed the current situation and future prospects regarding international payments.

The Committee's 104th meeting on 23 February was taken up by preparations for the conference of Finance Ministers scheduled for 26 and 27 February in Rome and the meeting of the Council scheduled for 4 and 5 March in Brussels. There was also a discussion of the major monetary and financial problems likely to arise in 1968, after which a formal opinion was rendered for submission to the Council and the Commission.

#### Working Party for the comparison of member countries' budgets

12. The Working Party met in Brussels on 19 and 20 February.

It examined Part I (central government) of a draft report on budget trends in the member countries between 1957 and 1966. The report as a whole will be examined at the beginning of July.

The Working Party also approved a document on the financing of central government budget transactions. It was agreed that a definitive version taking account of the experts' final comments should be drawn up.

## Medium-term economic policy

### Medium-term Economic Policy Committee

13. At its 27th meeting on 29 February the Committee adopted the preliminary draft of the second medium-term economic policy programme.

This draft contains seven chapters: I. General survey, II. Policy on the structural adaptation of firms, III. Policy on the structure of industry, IV. Agricultural policy, V. Scientific and technical research policy, VI. Policy on expansion of savings and the financing of investment, VII. Incomes policy. A summary of the content of this document can be found in Chapter II of this Bulletin.

The Working Party on aspects of structural policy concerning individual industries met on 12 February, when it began its examination of problems raised in the textile industry.

### Group of Experts on Medium-term Forecasts

14. The sub-group dealing with projections met on 27 and 28 February. The current projections for 1970 (and more particularly problems arising in connection with savings and investment) were discussed, and work was begun on the subsequent set of medium-term projections (for 1973-75).

## Social policy

### Social security for migrant workers

15. At its 92nd meeting on 22 and 23 February the Administrative Committee for the Social Security of Migrant Workers took note of the amendments that the Commission intends to make to its proposal for a Council regulation on the application of social security arrangements to persons in paid employment moving from one Community country to another. The Commission had originally submitted this proposal to the Council on 11 January 1966, but rulings recently handed down by the Court of Justice of the European Communities made a number of changes necessary. The Committee resumed its examination of the scope of the expression "employed persons and persons treated as such" in the current regulations and those to be revised.

## Health and Safety

16. In November 1967, in accordance with Article 33 of the Treaty, the Netherlands government forwarded to the Commission three draft decrees drawn up in implementation of the "Nuclear Law". These draft decrees related respectively to radioactive substances, instruments which emit ionizing radiations and the carriage of fissile materials, ores and radioactive substances.

The Belgian government for its part forwarded in the same month a draft Royal decree aimed at amending the "Règlement général de la protection contre les radiations ionisantes" (General Regulation Governing Protection Against Ionizing Radia-

tions). This draft Royal decree was intended in particular to adapt the Belgian regulation to the Council's directive of 27 October 1966 amending Euratom's "Basic Standards" of radiation protection.

When the four above-mentioned drafts had been scrutinized and approved by the competent departments of the Directorate for Health and Safety, the Commission sent letters to the competent Belgian and Dutch authorities informing them of its view of each of the drafts.

Under the programme for the intercalibration of personal dosimeters employed in nuclear installations, a second series of experiments was undertaken in the course of the month in which 18 of the Community's monitoring centres are taking part.

About 800 films sent in from these centres were irradiated with perfectly calibrated sources in two laboratories, one in Brunswick (Physikalisch-Technische Bundesanstalt) and one at Fontenay-aux-Roses (Commissariat à l'Energie Atomique).

The first calibrations were carried out under gamma rays: the 0.5 to 10 R range at the Physikalisch-Technische Bundesanstalt and from 10 to 100 R at the CEA.

The films will subsequently be returned to the centres for developing and reading.

As in previous experiments, a comparison will then be made between the readings taken in the centres and the doses actually administered, and an analysis of any differences noted will be carried out.

Other calibration series are at present being studied and will follow on the current experiments.

In the field of nuclear plant safety, a report has been drawn up on radioactive waste for all the installations of the Joint Research Centre at Ispra, with particular attention to the recent start-up of the ESSOR reactor. This report will consequently be submitted to the group of experts set up in line with the terms of Article 37 of the Euratom Treaty.

An important programme in the field of health physics research relating to the development of practical methods for the identification of irradiated foodstuffs was drawn up in 1967 and has led to the conclusion of several contracts with institutes highly qualified in this sector.

The research personnel of these institutes held a meeting on 22 and 23 February 1968 at Bilthoven (Netherlands) with the representatives of the Directorate for Health and Safety in order to exchange views on the results already obtained after the first few months' work.

These results indicate that the development of certain control techniques is feasible. Although the subject is a very complicated one, it appears that there is a possibility that some of the biochemical or biophysical effects of such irradiation can be pinpointed in a number of cases.

However, there still remains much to be done in this area of research, which is in its infancy everywhere in the world. It must be added that the results obtained are not only interesting from the point of view of identification techniques, but that the data acquired relate to general aspects of the safety of irradiated foodstuffs.

In addition, a "Practical Guide for the Organization of the Monitoring of the Radioactive Contamination of Foodstuffs and Beverages", has just been published in the official languages of the Community. It contains practical recommendations concerning the organization of a general system for the monitoring of radioactive contamination of the food chain in the context of a public health and hygiene programme.



This report is intended for use by the competent health and safety authorities and provides them with basic principles and technical data which can be taken as the basis for the implementation of coherent, effective and economic programmes, facilitating in the long run a better evaluation of the radiation dose which is, or could be, received by individuals.

Documentation work on the specific problems involved in health and safety was continued.

### Redeployment (Art. 56 of the ECSC Treaty)

17. On 27 February the Commission agreed to grant assistance under the ECSC Treaty (Article 56) for the redeployment of 92 workers laid off by the cutback in two Lorraine iron-ore mines and 20 workers rendered redundant as a result of the closure of a brown haematite mine in Germany.

The Commission is to contribute FF 214 500 and DM 20 000 to these schemes, these sums being matched by the French and German Governments.

### Workers' housing projects

18. On 27 February the Commission agreed to set aside the following sums for housing schemes:

FF 308 000 towards the cost of building 77 dwellings for colliery workers in France,  
Bfrs. 162 125 755 to finance the construction of 571 dwellings for colliery workers and steelworkers in Belgium,

DM 58 000 to finance 11 dwellings for colliery workers in Germany.

Further contributions to the schemes will come from employers, national housing authorities, government or other agencies granting loans for the construction of subsidized housing, depending on the country concerned.

### Policy relating to nuclear and general research, technology, instruction and training — Dissemination of information — Coal and steel research

#### The Activities of the Joint Research Centre

##### *The Activities of the Petten Establishment*

19. The final cycle of the HFR reactor for 1967 took place from 15 December 1967 to 2 January 1968. The first 1968 cycle began on 4 January.

The Euratom/Reactor Centrum Nederland (RCN) Joint Board met for the last time on 19 December 1967 before breaking up at the end of the year. It may be recalled that under the new contract concluded recently between Euratom and the RCN, the Joint Board has been replaced by a consultative committee which is to help the director of the establishment in the execution of his duties relating to the use of the reactor. This Committee must give its opinion on the irradiation projects and on other experiments which are to be carried out at the request of the RCN.

The consultative committee consists of three members from the RCN and three members from Euratom, including the director of the Petten establishment as chairman.

The 1968 programme relating to the reactor's operation was submitted and discussed by the old Joint Board. The number of days shut-down is to be reduced in 1968 in order to increase the utilization factor. This will enable a very important test programme to be embarked upon relating to improvements which could be made to the reactor and associated installations, without any time being lost during operational periods. These measures will principally involve the nuclear and hydraulic conditions in the core and will serve to verify the theoretical forecasts drawn up by the computers and the results of the mechanical and hydraulic improvements made to certain of the reactor components.

### *Activities of the Geel Establishment*

20. One of the tasks confronting the "Radioisotopes" group of the CBNM (Central Bureau for Nuclear Measurements) is the supplying of special and precise standards of various radionuclides. Under this programme, the calibration of a solution of americium-241 by four different methods has been carried out with an accuracy of  $\pm 0.1\%$ . This solution will be added to the standards already available.

The thermal fission cross-section of  $U^{235}$  has been measured in direct comparison with standard layers of natural boron. The preliminary results of these experiments will be reported at the next conference of the EANDC (European American Nuclear Data Committee), which is to be held in Montreal.

As regards the metallurgical preparation of samples for nuclear measurements, the CBNM satisfied a great many requests from countries outside the Community.

Tests to determine the uranium content in several samples of uranium hexafluoride are at present under way.

### Activities of the Various Research Projects

#### *Orgel project and heavy-water reactors*

- Essor complex

21. The following provisional acceptances were announced:

- loading flask for the Orgel fuel elements;
- control and safety rods;
- ventilation system in the irradiated pressure tubes' workshop and organic waste storage facility;
- general automatic systems of the reactor.

Handling tests on the light-water steam loop CART (Cirene programme) and endurance tests on the heavy-water circuits were carried out. Tests on the MK5 multiple organic coolant loop were renewed after an interruption for modifications.

The third volume of the safety report (accidents) was published; the drawing up of the basic data for the establishment of an emergency plan has been completed.

- Results obtained from studies conducted on heavy-water reactors

22. The UC-SAP fuel irradiated in the organic Dirce loop of the Ispra-1 reactor has reached a burn-up of 3 500 MWd/t and the experiment is being continued; it is the first time that clad uranium carbide has been irradiated for any significant length of time under such conditions (linear power rating of almost 2 000 W/cm).

— The first temperature tests on the ECO reactor moderator have taken place; the results are at present being evaluated.

— Two types of metallurgical joints between steel and zirconium tubes are in the development stage, namely, swaged joints and joints made by explosion welding; an initial series of comparative tests has shown that the second type have a mechanical strength about three times greater than the first. However, further tests are still necessary before one particular type can be adopted for the zirconium alloy tubes to be tested in the Essor reactor.

### *High-Temperature Gas Reactors*

- Dragon Programme

23. The Dragon reactor operated at a power of 18 MWth and during the second charge it logged an integrated power of 3 642 MWd up to 10 January 1968, when the reactor was shut down in order to extract the high-temperature element (maximum temperature of the fuel 1 800°C) and an element from the first metallurgical series. These two elements were replaced by a feed element which constitutes the reactor's third charge and an old feed element from the first charge.

The reactor has again been running at a power of 18 MWth since 11 January 1968.

It is still intended to shut down the reactor towards the middle of March 1968 in order to introduce the third fuel charge during the four month outage and to install six new heat exchangers.

- THTR Association<sup>1</sup>

24. *Research and development work:* The irradiation of swept-capsule coated particles for a specification test valid for the THTR reactor, with homogeneous pebble loading, began at the end of December 1967 in the BR-2 reactor at Mol.

The BR-2 reactor can in particular be used for testing the coated particles under conditions representative of power reactors, with an acceleration factor of the order of 4 for the burn-up, at the same time achieving an equivalent integrated fast neutron dose.

The correlation study on the graphite irradiation results in different reactors is being carried out with a view to determining the acceleration factor of the graphite damage in materials testing reactors in comparison with a power reactor.

*Operation of the AVR reactor<sup>2</sup>:* After several weeks' operation at 6 MWe, the reactor was shut down in order to complete the pebble loading. After maintenance work

<sup>1</sup> Thorium-Hoch-Temperatur-Reaktor.

<sup>2</sup> Arbeitsgemeinschaft VersuchsReaktor.

had been carried out on some of the equipment, the reactor was to be run up again towards the middle of February with a view to reaching full power in the spring of 1968.

#### Interdirectorate Contracts Office

25. Among the many services of the Commission, an important place is occupied by Euratom's interdirectorate Contracts Office.

Its work consists essentially in negotiating purchases and drawing up research and association contracts, as well as carrying out the administrative and financial management of the latter.

During 1967, the Office negotiated and drew up 52 research contracts amounting to a total of 9 800 000 u.a., four supplementary contracts of association for a total of 14 000 000 u.a. and 91 purchasing contracts for a total of 2 400 000 u.a.

The term research contract is taken to mean those contracts which enable Euratom, under Article 10 of the Euratom Treaty, to entrust the execution of research work to an outside body provided that this work is limited in scope and duration. Under the contracts of association, Euratom and its partners undertake to carry out jointly long-term research programmes which require considerable funds and technical facilities. Finally, purchasing covers the services, supplies and construction work involved in the setting up and operation of the four establishments of the Joint Research Centre.

In addition, the interdirectorate Contracts Office continued its activities in connection with the administrative and financial management of contracts. The following aspects of its activities are particularly worthy of mention:

1) research contracts:

- tasks associated with the honouring of obligations undertaken by the contracting parties (notably in connection with the submission of technical reports);
- auditing of invoices submitted by contracting parties and verification that they conform to the terms of the contract;
- settlement of invoices after examination and consultation with the technical departments concerned.

2) purchasing:

- verification that contract deadlines are adhered to;
- acceptance checks;
- possible application of formulae for the revision of prices and penalty clauses;
- auditing of invoices submitted by the contracting parties and their settlement.

3) contracts of association:

- participation in the work of the management committees;
- presentation for approval by the Commission of the annual budgets of the associations;

- quarterly auditing of the expenditure of the contracts of association;
- settlement of requests for funds on the basis of the quarterly estimates.

The management of contracts and purchases also involves certain checks which must be carried out on the premises of the contracting parties, as well as operations relating to the uses to which material and equipment owned by the Community are put on the termination of the contract.

## Promotion of Irradiation Techniques

26. The Eurisotop Office, the department of the European Communities responsible for promoting the practical application of isotopes and radiation, last year launched a campaign to disseminate information on the possible uses of irradiation techniques. Under this project, christened IRAD, the biggest mobile irradiator ever known toured three Community countries, stopping in several towns, and in this way enabled many manufacturers to carry out irradiation tests on the spot.

Following the series of tests carried out in Kiel in September 1967, one Hamburg firm has now decided to adopt the irradiation technique using a cobalt source in the production of its entire Fibrospum range.

Fibrospum foam is a haemostatic which is extracted from cow's blood and is obtainable commercially in the form of 0.8 cm-thick sheets. A special process is used to extract fibrin from blood plasma, which is supplied by the abattoirs in the unsterilized state; this fibrin is then transformed into foam. The sheets of foam are enclosed in tightly sealed cellulose sheets and packed in batches of ten in hermetically sealed cartons or paper bags. Up to now the sterilization of the fibrin foam, which is used especially in surgery to stop haemorrhages, was fraught with numerous technical difficulties and entailed a large percentage of waste. Treatment with gamma rays ensures perfect sterilization. Another advantage is the fact that sterilization can be carried out when the product is already packed, since the gamma rays can penetrate the packing easily. The packing is thus guaranteed sterile also, so there is no possibility of the product becoming contaminated by handling after sterilization.

The firm in question has conducted various studies which have indicated that irradiation had absolutely no effect on the physical, chemical and physiological properties of the product. Thanks to the use of this nuclear technique, the firm is now in a position to put onto the market, at reasonable cost, a product which is one hundred percent sterile and which therefore ensures a much greater degree of safety in the field of medicine.

The IRAD project will be continued in the spring of 1968. Individuals or firms interested can address their enquiries to the Eurisotop Office, Commission of the European Communities, 51-53, rue Belliard, Brussels, Belgium.

## Nuclear Ship Propulsion

27. A colloquium on the future trend of developments in the field of nuclear ship propulsion for commercial vessels was held by the Commission in Kiel on 15 February 1968. Those taking part, notably experts from the nuclear energy industry and shipyards, were unanimous in the view that:

- the development now under way must be continued;

— the interest of shipowners should be aroused by being supplied with the information at present available and they should be encouraged to add their weight to the effort to obtain the financial backing from the governments which is still necessary.

These opinions have been justified by the fact that container carriers, the use of which has received a considerable boost recently, are at present already of such a high propulsion power that marine reactors now offer economic advantages compared with conventional installations.

Following the colloquium, those taking part made a visit to the nuclear research ship, the "Otto Hahn", which is docked at the shipyard of the Howaldswerke - Deutsche Werft AG in Kiel.

The design, construction and experimental operation of this vessel form the subject of a contract of participation with the Community.

On completion of the shake-down trials, using the auxiliary boilers, the ship will be handed over to the Gesellschaft für Kernenergieverwertung in Schiffbau und Schifffahrt mbH on 1 February. The nuclear installation will go into operation in April.

#### Scientific and technical research

28. As reported in Bulletin No. 3-1968<sup>1</sup>, the meetings of the Task Force on Scientific and Technical Research Policy (the Maréchal Task Force) scheduled for 1 and 2 February were cancelled after certain delegations had announced that they would not take part on those dates. The meetings scheduled for 15 and 16 February were also postponed at the request of the same member countries. These meetings had been called to approve the report drafted by the Task Force as instructed by the Council in the resolution adopted on 31 October 1967.

After approval by the Task Force, the report was to be submitted to the Medium-term Economic Policy Committee, which in turn was to transmit it to the Council by 1 March.

On 7 February the Commission wrote to the President of the Council, stating that this interruption of the Task Force's work was hindering proper execution of the Council's resolution of 31 October 1967. It hoped that work would be resumed as soon as possible.

The European Parliament's Committee on Research, Energy and Atomic Problems asked the Commission — in the form of an oral question requiring debate under Article 47 of the Rules of Procedure — why the work of the Task Force had been suspended and what consequences this would have. The Committee hoped that "this postponement does not necessarily mean that the work of the Task Force is to be abandoned. Nevertheless, and in view of the fact that the Council had also instructed the Maréchal Task Force to seek out ways and means of inducing other European countries to co-operate in a number of fields, there is reason for concern about what this interruption might mean for the future of European scientific and technological co-operation.

The Committee on Research, Energy and Atomic Problems wishes to be kept informed of developments by the Commission of the European Communities and feels bound to express grave concern at a state of affairs manifestly running counter to views the Commission itself has repeatedly expressed.

<sup>1</sup> Ch. V, sec. 12.

The Committee would also like to hear what the Commission of the European Communities thinks of the consequences that failure to proceed might possibly have for the attainment on time of the objectives set out in the Council resolution of 31 October 1967, and what steps should be taken to obviate these consequences."

The debate on this question has been put down for the session to be held from 11 to 16 March.

## Dissemination of Information

29. Euratom's Centre for Information and Documentation (CID) continued its activity during February 1968 in the field of the dissemination of information, including both data and documentation of a scientific and technical nature.

As far as scientific data are concerned, 25 Euratom reports, for free distribution, were published in the course of the month. Particular mention must be made of the two conference proceedings EUR 3747 (microdosimetry) and EUR 3561 (development of light-water reactors within the Community). In addition, 62 Euratom "communications" were issued, these being documents containing information of direct industrial application, the distribution of which is therefore limited to Member States only or to individuals and enterprises within the Community. No. 2, Vol. 6 of the periodical "Euratom Information" and No. 1, Vol. 8 of the periodical "Transatom Bulletin" were published. The first 1968 issue of the quarterly "Euratom Review" has been prepared. The March number of this review includes the following articles:

— Plutonium, Tomorrow's Fuel: The production of plutonium-based nuclear fuels will become an important industry in the future. One of the main tasks of the European Transuranium Institute is to develop the technology this industry will require.

— Are Heavy-Water Reactors on the Way Out? In Europe at least, unless development efforts are concentrated on a few reactor types only, the answer could be yes.

— Concrete Reactor Pressure Vessels — An Assessment: The technology of prestressed concrete reactor pressure vessels is currently developing fast in the European Community.

— Should the European Community Produce its Own Enriched Uranium?

— Euratom News: Towards a scientific and technical Community. Second symposium on nuclear power plant components. Interim programme of European Atomic Energy Community for 1968. Five European concerns join forces to promote high-temperature reactors. First chain reaction at Lingen. 1 000 automatic literature searches by CID in 1967. Recent publications of Euratom's Information and Documentation Centre. AVR-reactor on power.

In the field of scientific documentation, the CID organized a four-day seminar at the beginning of February on mechanized documentation methods which it had devised and put into practice. About twenty people participated from the Community countries, US, Britain, Israel, Denmark, Sweden, and from the International Atomic Energy Agency.

During February, the scientific subject matter of 35 809 new documents was stored in the memories of the computer employed by the semi-automatic documentation system, which brings the total number of units among which the CID carries out literature searches at the request of customers to 678 769.

In all, 58 retrospective searches were carried out in February, bringing the total number of retrospective literature searches conducted by the CID since the introduction of its semi-automatic documentation system to 1 402.

Finally, by means of the selective dissemination of information (SDI), 113 clients were supplied with the latest scientific or technical data corresponding to their interest profile.

### Coal and steel research

30. The Executive Committee on Measurements in Iron and Steel Products met in Luxembourg on 31 January and 9 February.

These two meetings were designed to work out a second research programme on measurements in iron and steel products, now that the work undertaken under the first programme is coming to an end.

The industrial application of the results of the first programme and new work constitute 37 different items of research. The purpose of these programmes is to prepare, facilitate or improve the introduction of automation techniques in the various divisions of the steel plant.

The following meetings were also held:

- i) 26 January, the Working Party on Fatigue and Model Welded Structures, in Paris;
- ii) 14 February, the Subcommittee on Metal Physics, in Liège;
- iii) 15 February, the Subcommittee on Dust Control in Coal-winning, in Luxembourg;
- i) 14 and 15 February, the Co-ordinating Committee on the Nomenclature of Iron and Steel Products, in Luxembourg.

### Coal and steel investment policy

#### ECSC loans

31. During February, the following loans were issued by the Commission on the European capital market:

- i) an Italian public loan of Lit. 15 000 million (\$24 million) at 6% p.a., issued at 97.50%, for twenty years; this is the third ECSC public loan on the Italian market;
- ii) a number of German bank loans totalling DM 120 million, for ten years;
- iii) a Belgian public loan of Bfrs. 750 million at 6.75% p.a. for fifteen years.

These loans are to be used to finance investments in the Community in accordance with the ECSC Treaty and should enable some of the many applications for credit made to the Commission to be satisfied.

The total value of loans issued by the ECSC to date is about \$790 million.



## Agricultural policy

### Council sessions

32. In February 1968, the Council held two sessions devoted to agricultural matters. The discussions mainly concerned the implementation, from 1 April 1968, of the two basic regulations establishing the single markets for milk and milk products and for beef and veal, respectively.

In view of the present situation on the milk products market, the Council, at its session of 19 and 20 February 1968, continued its study of the Commission's report on the economic situation in the Community's milk sector. In particular, it examined possible measures to dispose of the surpluses of butter, amounting to about 150 000 tons, in stock at the beginning of the 1968/69 milk year. It gave favourable consideration to certain short-term measures, such as the sale at reduced prices of refrigerated and resolidified butter for cooking purposes to certain food industries and lower-income groups, subject to some reservations as regards their implementation.

Turning to the idea of using butyric fats for feeding calves, the Council recognized that this measure could go some way towards reducing surpluses, but considered that there were certain technical, practical and financial problems which still required thorough study.

Lastly, the Council exchanged views on other measures which could help to put the milk products market on a sounder footing.

At the end of its discussions, the Council took note of the Commission's intention to submit appropriate proposals to restore the balance between supply and demand in the Community's milk sector in the medium term, and in particular to deal with the surpluses of butter.

The Council also made an initial examination of problems connected with the Commission's proposal for a regulation establishing a common organization of the milk and milk products market. The discussion centred on the general aspects of the proposed regulation and on those which represent innovations compared with the present arrangements, and enabled certain problems in this field to be more accurately pinpointed.

At its session of 26 and 27 February 1968, the Council adopted the regulation establishing a common organization of the market in live plants, cut flowers, etc. The main features of this regulation are described in section 33. The Council also agreed a resolution on measures to implement a Community veterinary policy. Details of these decisions are given in section 39.

The Council made a preliminary examination of the main problems connected with the proposed regulation submitted by the Commission to establish a common organization of the beef and veal market. From the discussions, which concentrated on the arrangements for imports from non-member countries and on intervention measures proposed by the Commission, certain guidelines on these questions emerged. The Council then considered a number of problems concerning import arrangements for frozen meat and the possible repercussions of the proposed regulation on the agreement between the EEC and Denmark.

At the end of the session, the Council instructed the Special Committee on Agriculture to examine all these problems in greater detail and report back at the next Council meeting on agricultural questions.

## Common organization of agricultural markets

### *Live plants, cut flowers, etc.*

33. On 27 February 1968, the Council adopted the regulation establishing a common organization of the market in live trees and other plants; bulbs, roots and the like; cut flowers and ornamental foliage.<sup>1</sup>

This common organization, which will come into force on 1 July 1968, covers the products falling under Chapter 6 of the common customs tariff and includes a system of quality standards and trading arrangements.

Each Member State will apply the common customs tariff to imports from non-member countries. Member States' trading arrangements for imports from these countries are to be co-ordinated and standardized by 1 January 1969 at the latest. A system of minimum export prices may be laid down for exports of bulbs from the Community to non-member countries.

Except for a few products, intra-Community trade will be liberalized from 1 July 1968.

Quality standards are at present laid down for bulbs, cut flowers and foliage. The possibility of the Commission submitting proposals for other products at a later stage is not ruled out.

As in other common organizations, the regulation provides for a Management Committee to be set up to examine any problems arising from its implementation.

### *Cereals and rice*

34. On 22 February 1968, the Commission adopted a regulation amending Regulation No. 158/67/CEE fixing coefficients of equivalence for the various qualities of cereals.<sup>2</sup> This regulation amends the coefficient of equivalence fixed for Hard Amber Durum III wheat.

### *Milk and milk products*

35. Following the reform of the turnover tax system applied in France from 1 January 1968, Commission Regulation No. 1048/67/CEE had amended, for France, the coefficients representing the incidence of the internal charges levied on imports of certain milk products on the prices of these products. The coefficient fixed for lactose proved to be too high, and the Commission therefore changed it by Regulation No. 135/68/CEE amending the Annex to Regulation No. 158/64/CEE as regards the incidence of the internal charges levied on imports of lactose into France.<sup>3</sup>

On 19 February 1968, the Commission adopted a decision amending the decision of 15 November 1967 with regard to the maximum refunds applicable in special cases to exports of certain milk products to non-member countries; for butter, the new decision supplements the list of products for which it is customary to issue calls for tender and for which the maximum refunds are fixed in accordance with Regulation No. 116/65/CEE.

<sup>1</sup> Regulation No. 234/68, official gazette No. L 55, 2 March 1968.

<sup>2</sup> Regulation No. 213/68, *ibid.* No. L 47, 23 February 1968.

<sup>3</sup> Regulation No. 135/68, *ibid.* No. L 30, 2 February 1968.

Various decisions have been adopted to increase butter consumption and facilitate the sale of surplus quantities:

i) Decision amending the Commission decision of 22 December 1967 concerning the sale of butter from private stocks to processing industries in Belgium.<sup>1</sup> The quantity had originally been limited to 1 000 tons because of the experimental nature of the operation. In view of the way this experiment has turned out and of the current opportunities for selling more than the prescribed amount to processing industries in Belgium, the present decision increases the limit to 4 000 tons.

ii) Decision authorizing Belgium to sell butter from public stocks at reduced prices in resolidified form.<sup>2</sup> Previous experience has shown that it can be worthwhile to sell butter in this form in Belgium. By this decision, the Commission authorizes Belgium to proceed with the melting of 1 500 tons of butter from public stocks intended for direct consumption, and to sell it at reduced prices.

iii) Decision authorizing the Federal Republic of Germany to sell 1 500 tons of butter from public stocks to processing industries at reduced prices.<sup>2</sup>

### *Eggs and poultry*

36. The Commission adopted several regulations concerning the supplementary amounts for:

- i) Certain eggs in shell,<sup>3</sup>
- ii) Slaughtered guinea-fowl,<sup>4</sup>
- iii) Ovoalbumin and lactoalbumin,<sup>5</sup>
- iv) Turkey legs,<sup>6</sup>
- v) Certain products in the egg sector.<sup>7</sup>

On 26 February 1968, the Commission fixed the refund for shell eggs exported in the form of goods not listed in Annex II of the Treaty.<sup>8</sup>

### *Sugar*

37. On 15 February 1968, the Commission adopted a regulation concerning the increases and reductions applicable to beet prices.<sup>9</sup> When buying sugarbeet to be processed into sugar, manufacturers are in principle required to pay at least the minimum beet price, increased or reduced according to the difference between the quality of the beet in question and the standard quality; the purpose of this regulation is to establish the value of beet of a quality different from the standard quality, by laying down a scale of price increases and reductions expressed as a percentage of the minimum beet price.

<sup>1</sup> Official gazette No. L 51, 29 February 1968.

<sup>2</sup> *Ibid.* No. L 59, 7 March 1968.

<sup>3</sup> Regulation No. 145/68, *ibid.* No. L 32, 6 February 1968.

<sup>4</sup> Regulation No. 149/68, *ibid.* No. L 33, 7 February 1968.

<sup>5</sup> Regulation No. 150/68, *ibid.*

<sup>6</sup> Regulation No. 151/68, *ibid.*

<sup>7</sup> Regulation No. 152/68, *ibid.*

<sup>8</sup> Regulation No. 226/68, *ibid.* No. L 50, 28 February 1968.

<sup>9</sup> Regulation No. 188/68, *ibid.* No. L 43, 17 February 1968.

On 20 February 1968, the Council adopted a regulation establishing outline provisions for inter-trade contracts and agreements concerning the purchase of beet.<sup>1</sup>

### *Oils and fats*

38. On 16 February 1968, the Commission adopted the following regulations concerning oilseeds:

- i) Regulation on certain procedures for the sale of oilseeds purchased by intervention agencies;<sup>2</sup>
- ii) Regulation concerning the denaturing process for colza and rape seed;<sup>3</sup>
- iii) Regulation amending Commission Regulation No. 224/67/CEE on certain procedures connected with aid for oilseeds;<sup>4</sup>
- i) Regulation supplementing Regulations Nos. 282/67/CEE and 284/67/CEE relating to oilseeds.<sup>5</sup>

In addition, on 22 February 1968, the Commission adopted a regulation amending Regulation No. 173/66/CEE with regard to the determination of the cif price and the free-at-frontier price for unrefined olive oil.<sup>6</sup> This regulation lays down the criteria for converting the offers made in the Community into offers at the cif and free-at-frontier stages.

### Veterinary policy

39. The Council Resolution of 27 February 1968 envisages measures in the field of veterinary policy to implement the following programme:

The establishment of a single market for animals and products of animal origin urgently necessitates the progressive implementation of Community health measures, the harmonization of the existing provisions in force in the Member States, and the co-ordination of measures to protect human and animal health. The Community health regulations must enable animals and products of animal origin to move freely within the Community, regardless of whether they originate in the Six or in non-member countries. The entry of such animals or products into the Community must not be governed by measures less stringent than those which apply within the Community.

The provisions must in particular permit:

- i) Increasing flexibility in veterinary inspections connected with trade between the Member States, especially frontier checks, with a view to eliminating the latter as soon as possible;
- ii) The subsequent development of Community animal health rules applicable to trade between Member States which will replace the system now in force in the Member States;

<sup>1</sup> Regulation No. 206/68, official gazette No. L 47, 23 February 1968.

<sup>2</sup> Regulation No. 189/68, *ibid.* No. L 43, 17 February 1968.

<sup>3</sup> Regulation No. 190/68, *ibid.*

<sup>4</sup> Regulation No. 191/68, *ibid.*

<sup>5</sup> Regulation No. 192/68, *ibid.*

<sup>6</sup> Regulation No. 214/68, *ibid.* No. L 47, 23 February 1968.

iii) The uniform implementation, without regard to national frontiers, of animal health measures in any part of the Community's territory in which an infectious disease breaks out.

In order to achieve these results, the current work on harmonization must be speeded up. It must be possible to implement measures quickly and effectively enough for the needs of agriculture and to adapt to the development of the animal health situation.

Member States must provide the Commission with any information it may request to carry out its duties in connection with the Community measures in the veterinary sector. The Commission is following technical and scientific developments in the veterinary sector very closely, with a view to the revision and adjustment of Community provisions and measures as necessary; to this end, the exchange of scientific information by Member States between themselves and with the Commission must be continued and intensified, through the Scientific Veterinary Committee set up in 1961. In the event of a threat to Community livestock as a result of an outbreak of a dangerous epizootic disease either in the Six or in a non-member country, the Community may take or support any appropriate action to combat such disease.

The Council then heard an interim report by the Chairman of the Committee of Permanent Representatives on the progress achieved to date with the establishment of a Standing Veterinary Committee. During the subsequent exchange of views, the Council agreed on the principle of setting up a Committee composed of representatives of the Member States, with the Commission providing the chairman.

#### Financing the common agricultural policy

40. On 5 February 1968, the Commission adopted a regulation concerning requests for advance payments under the Guarantee Section of the European Agricultural Guidance and Guarantee Fund (EAGGF).<sup>1</sup> This regulation specifies the information that must be given in applications for advance payments and in the statements of account relating to the sums thus received, as also the form in which they must be presented.

Work is continuing within the Council and its preparatory bodies in order to finalize the Community programmes into which the applications for aid from the Guidance Section will have to fit.

At its 22nd meeting on 22 February 1968, the Fund Committee was not able to reach agreement on the procedures to be adopted when applications for advance payments from the Guarantee Section are submitted for the second half of 1967. Consequently, a proposal on this subject will shortly be laid before the Commission for submission to the Council.

#### Conditions of competition in agriculture

41. Acting under Article 93(3) of the Treaty, the Commission expressed its views on a draft law concerning the Friuli-Venezia Giulia region. It informed the Italian Government that, subject to certain reservations, it had no particular comments to make on the provisions contained in the law and on which it had expressed its opinion.

<sup>1</sup> Regulation No. 144/68, official gazette No. L 32, 6 February 1968.

## Proceedings in the European Parliament

42. The European Parliament met in plenary session in Luxembourg on 22 and 23 February 1968.

It held several debates and adopted three resolutions:

- i) Resolution embodying the opinion of the European Parliament on the proposal for a regulation establishing a common organization of the market in beef and veal;
- ii) Resolution embodying the opinion of the European Parliament on the proposal submitted to the Council by the Commission of the European Communities for a regulation laying down supplementary rules for the common organization of the market in milk and milk products as regards products falling under heading 04.01 of the common customs tariff;
- iii) Resolution embodying the opinion of the European Parliament on the proposal submitted by the EEC Commission to the Council for a regulation establishing a common organization of the market in milk and milk products.

### Transport policy

#### Common rules for the standardization of railway accounts

43. On 1 March 1968, the Commission submitted to the Council a proposal for a regulation on common rules for the standardization of railway accounts. This proposal was drawn up in pursuance of Council Decision No. 65/271/CEE of 13 May 1965 on the harmonization of certain provisions affecting competition in rail, road and inland water transport.<sup>1</sup> Article 7 of this decision provides that "before 1 January 1968, the form of accounts of railway undertakings shall be standardized in accordance with common rules", and that "the financial adjustments which such standardization may entail shall be carried out by the Member States as from the same date".

Standardization of railway accounts is a means to the end with which the above decision is concerned, i.e. the elimination of distortions of competition in transport. Seen from this angle, the standardization of accounts should help to place the railways on an equal footing with other modes of transport by eliminating the effects of certain kinds of State intervention. Such intervention, which takes the form of charges levied on railway enterprises or advantages granted to them by the authorities, is liable to falsify the accounts of these enterprises and lead to results that would not be obtained if they had the same freedom to manage their affairs as enterprises engaged in other modes of transport.

The proposed standardization of accounts therefore has two aspects. In the first place, it is an accounting operation designed to show clearly both the costs entailed in the obligations or constraints which are imposed on railway enterprises by the public authorities and do not apply to the same extent to enterprises engaged in other modes of transport, and also the advantages resulting from the privileges that are granted to the railways by the public authorities and which other modes of transport do not enjoy (or not to the same extent).

<sup>1</sup> See official gazette No. 88, 24 May 1965.

It is also a financial operation designed to offset the obligations or advantages, this being done either by the State when the value of the obligations outweighs that of the advantages, or by the railway enterprise in the opposite case.

## International carriage of dangerous goods

44. On 21 February 1968, the Commission addressed a recommendation to the Federal Republic of Germany and the Grand Duchy of Luxembourg on ratification of the European Agreement concerning the International Carriage of Dangerous Goods by Road (ADR).

In its recommendation, the Commission points out that the need for safety measures governing the carriage of dangerous goods by road is becoming more and more urgent in view of the increasing use that is being made of these goods in both industry and private consumption. Recent road accidents have deeply impressed public opinion because of the large loss of life — often combined with substantial material damage — involved. This situation has created a general feeling of insecurity that calls for intervention by the authorities.

In this connection, it had not hitherto been possible to implement the ADR, which was signed in 1957 by several European countries (including the Six) within the Economic Commission for Europe in Geneva. After a fifth country had recently deposited its instrument of ratification, the European Agreement entered into force on 29 January 1968 but its Annexes will not become applicable until six months later.

One contracting party to the ADR has just opened the procedure for amending its Annexes in accordance with the provisions of its Article 14. There is probably little chance of these amendments being rejected, since all the contracting parties took part in drafting them in the Working Party on the Transport of Dangerous Goods attached to the Inland Transport Committee of the United Nations Economic Commission for Europe. These amendments will enter into force six months after the date on which the United Nations Secretary General transmits them to all the contracting parties.

The present contracting parties, and the States that will subsequently become so by ratifying the ADR, will therefore have to respect the provisions of the Annexes thus amended.

The common transport policy will have to include common rules applicable to the international carriage of dangerous goods by road when they leave or enter the territory of a Member State or cross the territory of one or more Member States.

In view of the urgency of the matter, implementation of the European Agreement will help to improve road safety. With the present lack of any common rules on the subject — the Commission reserves the right to propose such later — to cover both national and international transport, the ADR should for the time being ensure the application of uniform rules and thus make international road transport safer.

The Federal Republic of Germany and the Grand Duchy of Luxembourg are now the only EEC Member States that are not yet contracting parties.

The Commission, acting under Article 155 of the Treaty, has accordingly recommended the Federal Republic of Germany and Luxembourg to ratify the European Agreement

concerning the International Carriage of Dangerous Goods by Road as soon as possible, so that its provisions may be given uniform application throughout the territory of all Community Member States.

#### Surveys of transport costs

45. The Committee of government experts set up to assist the Commission with surveys of transport costs met in Brussels on 6 and 7 February 1968 to plan the work required to implement the programme arising out of the Council decision of 14 December 1967.<sup>1</sup> It listed the tasks to be carried out before 1 July 1968:

- i) Establishment of a synoptic report on the pilot study on infrastructure costs;
- ii) Drafting of a report on the survey of infrastructure costs carried out in 1966;
- iii) Elaboration of proposals for a uniform and permanent accounting system for expenditure relating to the infrastructure used by each mode of transport;
- iv) Framing of proposals for the harmonization of the structure of taxes on commercial motor vehicles;
- v) Framing of proposals for the progressive alignment of national taxes on diesel fuel;
- vi) Amendment of the study programme on tariffs for the use of infrastructure provided for in Decision No. 65/270/CEE.

The Committee held a preliminary exchange of views on the measures envisaged to harmonize the structure of taxes on commercial motor vehicles and align national taxes on diesel fuel. It considered that all these problems should be examined at a joint meeting of experts on transport and fiscal matters, to be held on 21 and 22 March 1968.

#### Consultative Committee on Transport

46. The Committee met in plenary session on 28 February 1968 to finalize its opinion on the practical criteria for determining when situations of anti-economic competition exist in transport.

This opinion has been forwarded to the Commission.

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<sup>1</sup> See EEC Bulletin No. 2-1968, Ch. IV.



## IV. External activities

### BILATERAL RELATIONS

#### Spain

47. Negotiations between the Community and Spain were continued in Brussels from 7 to 9 February 1968. The Spanish delegation was led by H.E. Sr. Don Alberto Ullastres Calvo, Ambassador to the European Communities. The Commission delegation was headed by M. R. Toulemon, Director in the Directorate-General for External Relations.

The Spanish delegation gave specific details of what Spain can offer industrially and agriculturally in the way of customs disarmament and the elimination of quantitative restrictions. It was observed that the points of view of the two sides had come rather closer together. The next meeting, scheduled for the end of April, could be the last in the current round of negotiations.

#### Norway

48. On 23 February 1968 consultations were held in Brussels between the Commission and the Norwegian Government on the opening of the duty-free tariff quota for unwrought magnesium granted by the Community at the Kennedy Round negotiations. When it asked for these consultations the Norwegian Government had referred to an exchange of letters that had taken place during these negotiations.

#### Israel

49. At its session of 29 February 1968 the Council heard a report by the Chairman of the Committee of Permanent Representatives on the progress of the Committee's studies concerning Israel.

The Council requested the Committee of Permanent Representatives to continue its work on the matter.

#### Algeria

50. At its session of 29 February 1968 the Council instructed the Commission to submit proposals for provisional arrangements for trade between the EEC and Algeria pending negotiations proper.

#### Morocco and Tunisia

51. On 9 February 1968 the Commission forwarded to the Council a report on the Community's relations with Morocco and Tunisia. The report contains the Commission's conclusions after the negotiations held last November. The Committee of Permanent Representatives has instructed a panel of experts to examine it.

## Latin America

52. On 28 and 29 February 1968 an information meeting was held between Commission officials and members of the Argentine Mission to the Communities. The object of the meeting, which had been requested by the Argentine Mission, was to examine the current situation and the outlook for trade between the two sides, with special reference to Argentina's traditional exports and the products of which it would like to sell more abroad. For its part the Commission drew the Mission's attention to the slackening of the Community's exports to Argentina and stated that it would like to see the Argentine Government take measures to redress this situation, the more so as the Argentine Government had expressed the desire to reinforce its traditional links with Europe in the future.

## Missions of non-member countries (February 1968)

53. On 29 February 1968 the President of the Council, M. M. Couve de Murville, and the President of the Commission, M. Jean Rey, in turn received the following for presentation of their letters of credence:

H.E. M. Reino Ilmari Honkaranta, new Head of the Finnish Mission to the EEC and EAEC;

H.E. Mr. G.T. Curmi, OBE, Head of the Maltese Mission to the EEC and EAEC;

H.E. M. Sven Backlund, new Head of the Swedish Mission to the EEC and EAEC;

H.E. M. Niels P. Sigurdsson, new Head of the Icelandic Mission to the EEC;

H.E. M. Stavros G. Roussos, new Head of the Greek Mission to the EAEC.

On 27 February 1968 the President of the Commission, M. Jean Rey, received the following for presentation of their letters of credence:

H.E. M. Reino Ilmari Honkaranta, new Head of the Finnish Mission to the ECSC;

H.E. Mr. G.T. Curmi, OBE, Head of the Maltese Mission to the ECSC;

H.E. M. Sven Backlund, new Head of the Swedish Mission to the ECSC;

H.E. M. Stavros G. Roussos, new Head of the Greek Mission to the ECSC.

In addition, the EEC competent institutions agreed to the request made by the Libyan Government for the establishment of diplomatic relations with this Community.

## Permanent delegations of European associated countries (February 1968)

54. On 29 February 1968 the President of the Council, M. Maurice Couve de Murville, and the President of the Commission, M. Jean Rey, in turn received H.E. M. Stavros G. Roussos in his capacity as the Greek Permanent Delegate to the EEC.

## RELATIONS WITH INTERNATIONAL ORGANIZATIONS

### Economic Commission for Asia and the far East

55. The Community took part in the eleventh session of the Trade Committee of the Economic Commission for Asia and the far East (ECAFE), which was held in Bangkok from 18 to 26 January 1968.

The discussions centred on the trend of trade in the area, ECAFE's activity in the trade field, and progress made in the course of the year. In connection with the financing of trade, they dealt in particular with the examination of a proposed clearing system or payments union of the member countries in the area. This project, which is backed by several developing countries, encountered reservations on the part of the industrial countries and will be studied more thoroughly.

## V. Institutions and organs

### THE PARLIAMENT

On 21 and 22 February the Parliament met in plenary session in Luxembourg to examine a number of agricultural problems.

Opening the session, the President, M. Alain Poher, paid tribute to M. Otto Weinkamm, former Member of the European Parliament, who died recently.

The debate dealt with the following proposals:

- i) "Proposal for a regulation on the common organization of the market in milk and milk products". The report was presented by M. Dulin, for the Committee on Agriculture, and among those who spoke in the ensuing debate were the spokesmen of the various political groups, M. Mansholt, Vice-President of the Commission, and several other members of the Parliament, expressing their personal opinions. Following a procedural debate the Parliament adopted a resolution embodying its opinion on the Commission's proposal to the Council and requesting the Commission to adopt various modifications.
- ii) "Proposal for a regulation on the common organization of the market in the beef and veal sector." Speaking for the Committee on Agriculture, M. Richarts opened the discussion with the presentation of his report. The Parliament adopted a resolution embodying its opinion on the Commission's proposal to the Council, in which it requested the Commission to adopt several modifications, and particularly stressed the advisability of consulting the Parliament whenever provisions on the organization of markets whose application is of political importance are adopted.
- iii) "Proposal for a regulation on the establishment of complementary rules for the common organization of the market in milk and milk products." Following a debate introduced by M. Dulin, for the Committee on Agriculture, the Parliament adopted a resolution embodying its opinion on the Commission's proposal to the Council, concerning a regulation establishing the complementary rules on the common organization of markets in the milk and milk products sector, as regards products under heading 04.01 of the Common Customs Tariff. Both the Parliament and the Commission recognized the necessity of establishing common rules for the organization of the liquid milk market. The Parliament observed that certain transitional measures are necessary owing to the considerable differences from one member country to another and asked the Commission to adopt some modifications.

### THE COUNCIL

#### 22nd session

19 and 20 February 1968 (Agriculture)

On 19 and 20 February 1968, the Council held a session on agriculture.<sup>1</sup> It gave its agreement in principle to a regulation establishing a common organization of the market in live plants, cut flowers, etc.

<sup>1</sup> See Ch. III, sec. 32.

The Council continued its study of the Commission's report on the economic situation in the Community's milk sector, and examined possible action to restore balance between supply and demand.

The Council gave favourable consideration to a number of short-term measures, such as the sale of cooking butter at reduced prices to certain food industries and lower-income groups.

Other measures to help rationalize the milk and dairy products market were discussed, and the Council noted the Commission's intention to submit appropriate proposals to it in the first half of March.

The Council made a preliminary examination of certain problems connected with the proposed regulation to establish a common organization of the market in milk and milk products.

A regulation was adopted laying down outline terms for contracts, and for agreements within the trade, for the purchase of sugarbeet.

In addition to discussing these agricultural matters, the Council adopted a decision concerning the definition of the concept of "goods originating in ...". It also agreed, in the official languages of the Community, two regulations extending previous regulations as regards imports of chocolate and tapioca from the AASM and OCT and the arrangements applicable to processed products derived from cereals and rice (roots, flours and manioc starch) originating in the AASM and OCT.

### 23rd session

26 and 27 February 1968 (Agriculture)

The Council held its 23rd session on 26 and 27 February 1968 under the chairmanship of M. Edgar Faure, the French Minister of Agriculture. It gave its agreement to a resolution on measures to implement a Community veterinary policy.<sup>1</sup>

The Council examined the main problems connected with the proposed regulation submitted by the Commission for the establishment of a common organization of the market in beef and veal. It instructed the Special Committee on Agriculture to consider all these problems in detail and report back to it.

The Council adopted several decisions reducing or suspending CCT duties, particularly on salmon and certain materials used for the equipment of aircraft.

### 24th session

29 February 1968

The Council held its 24th session on 29 February 1968, with M. Couve de Murville, the French Minister for Foreign Affairs, in the chair. It dealt with the following questions:

i) Requests for accession: the Council considered the requests for membership of the Community in detail, and decided to continue this discussion at its next meeting.

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<sup>1</sup> See Ch. III, sec. 39.

- ii) Association with Turkey: the Council adopted a regulation laying down procedures for implementing the import arrangements for citrus fruits.
  - iii) Relations with Israel: the Council heard a statement by the Chairman of the Committee of Permanent Representatives and noted that the Commission intended to continue its studies on this subject.
  - iv) Relations with Algeria: the Council noted that the Commission is to submit proposals to it for a provisional system of trade relations with Algeria, pending the opening of full negotiations.
  - v) Relations with the United States: the Council heard a statement by the Commission on its consultations with representatives of the United States Government, and decided to place this question on the agenda for its next meeting.
  - vi) Relations with India: the Council was informed of the recent approaches made by India with a view to proposing a general commercial agreement. It considered that it would be advisable before taking up a position on this request to bring the current specific negotiations (on jute, coco fibre articles and handicraft articles) to a successful conclusion, and to take into account the results of the second session of the United Nations Conference on Trade and Development in New Delhi.
  - vii) Relations with the East African countries: the Council adopted an additional negotiating mandate for the Commission.
  - viii) The 1968 Community budgets: the Council adopted a draft operational budget for the three Communities for the financial year 1968.
  - ix) EAEC research and investment budget: the Council finally adopted the Euratom research and investment budget for 1968. It contains no changes from the draft which was drawn up at the Council's meeting of 8 December 1967.
  - x) Future activities of Euratom: the Council took note of the submission of the report drawn up by the Committee of Permanent Representatives, and agreed to examine it at a later date. It also authorized the Commission to exchange letters with OECD extending the Agreement on the computer programme library until the end of 1968.
  - xi) Customs matters: the Council adopted decisions concerning the opening, apportionment and management of Community tariff quotas for 1968.<sup>1</sup>
- Lastly, on 29 February 1968, the representatives of the Member States, meeting within the Council, signed the Convention on the mutual recognition of firms and corporations (Article 220 of the EEC Treaty).<sup>2</sup>

## THE COURT OF JUSTICE

### Cases pending

Case 4/68 — Schwarzwaldmilch GmbH, Offenburg, v. Einfuhr- und Vorratsstelle für Fette, Frankfurt am Main.

On 13 February 1968, the Court of Justice received a request from the Verwaltungsgericht, Frankfurt, for a preliminary ruling on the interpretation of Article 6 (2, 3 and 4)

<sup>1</sup> See Ch. III, sec. 2.

<sup>2</sup> See Ch. III, sec. 8.

of EEC Commission Regulation No. 136/64. In particular, this case concerns the forfeiture of a surety in the event of imports not being effected.<sup>1</sup>

Case 5/68 — Claude Sayag and others v. Jean-Pierre Leduc and others.

On 23 February, the Belgian Cour de Cassation asked the Court of Justice for a preliminary ruling on the interpretation of Article 11(a) of the Protocol on privileges and immunities annexed to the ECSC Treaty, particularly as regards the immunity of Community officials from legal proceedings in respect of acts performed in an official capacity.<sup>2</sup>

## Judgments

Case 24/67 — Parke Davis & Company, Detroit, v. Probel, Liège.

During proceedings concerning a national patent, the Gerechtshof of The Hague had asked the Court of Justice for a preliminary ruling on the interpretation of Articles 85 and 86 of the EEC Treaty.

By its judgment of 29 February, the Court ruled as follows:

- i) The existence of the rights conceded by a Member State to the holder of an invention patent is not affected by the prohibitions contained in Articles 85(1) and 86 of the Treaty;
- ii) The exercise of these rights cannot itself come under either Article 85(1) in the absence of any agreement, decision or concerted practice to which this provision refers, or Article 86 when no improper advantage is taken of a dominant position;
- iii) The fact that the selling price of the patented product is higher than that of the non-patented product originating in another Member State does not necessarily constitute an improper practice.”

Case 32/67 — I.G.F. van Leewen v. Gemeente Rotterdam.

The Court of Justice had received from the Gerechtshof of The Hague a request for a preliminary ruling on the interpretation of Articles 12 and 13 of the Protocol on privileges and immunities.<sup>3</sup>

The Court of Justice gave its ruling on 8 February:

“Charges or dues representing the counterpart of a specified service rendered by the public authorities do not constitute a tax within the meaning of Article 12, second paragraph, of the Protocol on privileges and immunities of the Community which is annexed to the EEC Treaty, even if the said charges or dues are calculated in consideration of the salary paid by the Community to the person liable.”

<sup>1</sup> See official gazette No. C 14, 24 February 1968.

<sup>2</sup> *Ibid.* No. C 24, 22 March 1968.

<sup>3</sup> *Ibid.* No. C 25, 25 March 1968.

## ADMINISTRATIVE AFFAIRS

### Council decisions

At its session of 29 February 1968 the Council adopted a regulation embodying the statute of service of officials and the conditions of employment of other servants of the European Communities and providing for special measures temporarily applicable to officials of the Commission. At the same time it adopted a regulation concerning the tax to which the officials and other servants of the Communities are subject.

As part of the draft budget for 1968, the Council also adopted the Commission's new staff establishment (see Bulletin No. 3-68, Ch. VIII, Administrative Affairs) following the reorganization of the various departments. The total number of officials is 4 882, broken down as follows: 1 362 in category A, 911 in category B, 1 888 in category C, 254 in category D and 467 in category LA.

### Honorary rank conferred

The Commission has conferred the title of honorary Director-General on M. Martin Meyer-Burckhardt, formerly Director of General Affairs in the Directorate-General for Agriculture.

The Commission has conferred the title of honorary Director on M. René Morizon, formerly Head of the Personnel Administration Division in the Directorate-General for Administration (EEC).



## Organization of the Commission

### Directorates-general and Directorates

At its last meeting on 9 April 1968, the Commission completed the final version of the organigram of its departments and has nominated the directors general and directors as follows:

#### *Secretariat*

Secretary-General	M. Emile Noël
Deputy Secretary-General	M. Helmut Sigrist
Director	M. Walter Verheyden

#### *Legal Service*

Director-General	M. Michel Gaudet
Deputy Director-General	M. Walter Much
Principal Advisers	M. Raymond Baeyens M. Louis de la Fontaine M. Jean Pierre Delahousse M. Heinrich Matthies M. Gérard Olivier M. Giancarlo Olmi M. Italo Telchini M. Emile Reuter M. Jochen Thiesing

#### *Official Spokesman's Group*

Official Spokesman	M. Beniamino Olivi
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#### *Statistical Office*

Director-General	M. Raymond Dumas
Directorate A — General statistics and Associated States	M. Vittorio Paretti
Directorate B — Energy	M. Camille Legrand
Directorate C — Trade and Transport	M. Silvio Ronchetti
Directorate D — Industry	M. Fritz Grotius
Directorate E — Social statistics	M. Pierre Gavanier
Directorate F — Agriculture	M. Stephanus Louwes

*Directorate-General for External Relations*

Director-General	M. Axel Herbst
Directorate A — General affairs - External relations in the scientific, technical and nuclear fields	M. Walter Pauly
Directorate B — External relations with European countries - membership, association preferential arrangements	(*)
Directorate C — General policy towards developing countries - bilateral relations and economic organizations of the United Nations	M. Mattia di Martino
Delegation of the Commission of the European Communities to the United Kingdom - Director	M. Georges Berthoin
External offices: (**)	
Delegation of the Commission of the European Communities to OECD - Director	M. Adolphe De Baerdemaeker
Liaison Office of the Commission of the European Communities in Washington - Director	M. Curt Heidenreich

*Directorate-General for Economic and Financial Affairs*

Director-General	M. Ugo Mosca
Directorate A — National economies and economic trends	M. Bernhard Molitor
Directorate B — Economic structure and development	M. Michel Albert
Directorate C — Monetary matters	M. Frédéric Boyer de la Giroday
Directorate D — Budgetary and financial matters	M. Gérard Wissels

*Directorate-General for Industrial Affairs*

Director-General	M. Robert Toulemon
Principal Adviser	M. Fernand Braun

(\*) This appointment has not yet been made.

(\*\*) This list concerns the appointment of directors-general and directors only. It therefore does not name the head of the delegation of the Commission of the European Communities to the international organizations in Geneva, or the head of its liaison office in Santiago. The names of the holders of these posts will be published later.

Directorate A — Industrial research and policy	M. Jean Flory
Directorate B — Steel	M. Johannes Petrick
Directorate C — Sectors and industrial uses	M. Stefano Ponzano
Directorate D — Customs	(*)
Directorate E — Movement of goods	M. Pierre Schloesser

*Directorate-General for Competition*

Director-General	M. Ernst Albrecht
Directorate A — General Competition Policy	M. Hermann Schumacher
Directorate B — Cartels, monopolies, private discrimination (except in the Energy and Steel sectors)	M. René Jaume
Directorate C — Cartels, mergers, private discrimination (Energy and Steel sectors)	M. Jean Verges
Directorate D — Aids, discrimination and public enterprises - State monopolies	M. Pierre Mathijsen
Directorate E — Inspection	M. Aldo Carisi

*Directorate-General for Social Affairs*

Director-General	M. François Vinck
Directorate A — Manpower	M. Heinz Henze
Directorate B — Re-employment - Re-adaptation	M. Georges Michel
Directorate C — Social and security welfare	M. Jacques Ribas
Directorate D — Living and working conditions, industrial relations	M. Jacobus van Dierendonck
Directorate E — Health protection	(*)
Directorate F — Industrial safety and medicine	M. Matteo Convevole

(\*) This appointment has not yet been made.

*Directorate-General for Agriculture (\*)*

Director-General	M. Louis Georges Rabot
Deputy Director-General	M. Berend Heringa
Directorate A — General Affairs	M. Helmut von Verschuer
Directorate B — Organization of markets in crop products	M. Antonio Usai
Directorate C — Organization of markets in livestock products	M. Guy Amiet
Directorate D — Organization of markets in specialized crops, fisheries and forestry	M. Adolfo Pizzuti
Directorate E — Structure of agriculture	M. Roger Grooten
Directorate F — Agricultural economics and legislation	M. Hans-Broder Krohn

*Directorate-General for Transport*

Director-General	M. Paolo Rho
Directorate A — General development of the common transport policy and access to the market	M. Günther Krauss
Directorate B — Transport rates and conditions	M. Yvan Debois
Directorate C — Harmonization, co-ordination and financing of infrastructures	M. Julien Noël-Mayer

*Directorate-General for Aid to Development*

Director-General	M. Heinrich Hendus
Directorate A — General affairs and training	M. Johannes Westhoff
Directorate B — Development policy and studies	M. Jean Durieux

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(\*) The Commission has tabled a preliminary draft for a supplementary budget in 1968 for the Directorate-General for Agriculture. The organization of this Directorate-General is therefore liable to be modified as a result of subsequent decisions by the budgetary authority. Apart from that of the Director-General, the Commission has made no appointments in the Directorate-General for Agriculture. The appointments of the Deputy Director-General and the Directors are those shown on the organization chart of the EEC Commission's Directorate-General for Agriculture.

Directorate C — European Development Fund	M. Jacques Ferrandi
Directorate D — Production and trade	M. Giovanni Ugo

*Directorate-General for Personnel and Administration*

Director-General	M. Joseph van Gronsveld
Deputy Director-General (in Luxembourg)	M. Charles Reichling
Directorate A — Staffing, recruiting and careers	M. Karl Moos
Directorate B — Management and individual rights	M. Lando Tinelli
Directorate C — Administration	M. Daniel Strasser
Publications Directorate	M. Canzio Almini

*Directorate-General for Information*

Director-General	M. Karl-Heinz Narjes
Directorate A — Information and information media	M. Louis Janz
Directorate B — Information for individual sectors	M. Jacques René Rabier

*Directorate-General for External Trade*

Director-General	M. Edmond Wellenstein
Deputy Director-General and Head of Directorate A	M. Theodorus Hijzen
Directorate A — Commercial policy: multilateral and agricultural problems	M. Theodorus Hijzen
Directorate B — Commercial policy: aims, means and industrial problems	M. Wolfgang Ernst

*Directorate-General for General Research and Technology*

Director-General	M. Hans Michaelis
Directorate A — Scientific and technical policy	M. Pierre Maillet
Directorate B — Programmes and means	M. Pierre Bourguignon
Directorate C — Technological operations	M. Armando Baruffa

*Directorate-General for the Dissemination of Information*

Director-General	M. Franco Peco
Directorate A — Transfer of technical information, industrial property	M. Jacques Lannoy
Directorate B — Centre for information and documentation	M. Rudolf Bree

*Directorate-General for the Internal Market and the Approximation of Legislation*

Director-General	M. Theodore Vogelaar
Directorate A — Freedom of establishment and services	M. Lucien Kraus
Directorate B — Approximation of commercial and economic legislation	M. Jean Dieu
Directorate C — Banking and insurance, company law	M. Herbert Bruns
Directorate D — Taxation	M. Pietro Nasini

*Directorate-General for the Joint Research Centre (\*)*

Director-General	M. Giulio Guazzugli-Marini
Directorate A — Programmes	M. Emile Hubert
Directorate B — Management	M. Félix Paul Mercereau
Directorate C — Structures and organization	M. Hans Glaesner

*Directorate-General for Regional Policy*

Director-General	M. Jacques Cros
Directorate A — Studies and documentation	M. Emile Dutilleul
Directorate B — Development and conversion	M. Rosario Solima

*Directorate-General for Energy*

Director-General	M. Fernand Spaak
Directorate A — Energy economy	M. Lucio Corradini

(\*) The Ispra, Karlsruhe, Petten and Geel establishments are part of the Joint Research Centre. The merger has not involved any change as regards their structure. Subject to minor changes which will be announced later, the same applies to the research projects that are carried out under the authority of the former Euratom Directorate-General for Research.

Directorate B — Coal	M. Oskar Schumm
Directorate C — Oil and natural gas	M. Jacques Hartmann
Directorate D — Nuclear power, other primary sources, electricity	M. Abraham de Boer

*Directorate-General for Credit and Investments*

Director-General	M. Arthur Theunissen
Directorate A — Credit	M. Fabrizio Gillet
Directorate B — Investments	M. André du Castel

*Directorate-General for the Budgets*

Director-General	M. Lamberto Lambert
Directorate A — Operational budget and finance	M. Carlo Facini
Directorate B — Budgets for research, investment and readaptation	M. Pierre Baichere

*Directorate-General for Financial Control*

Director-General	M. Hubert Ehring
Director	M. Georges Gojat

*Supply Agency*

Director-General	M. Franco Cancellario d'Alena
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*Directorate for Safeguards and Controls*

Director	M. Guido Milano
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*Security Office*

Director	M. Frank E. van der Valk
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General Adviser on Scientific Research	M. Jules Guéron
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## VI. European Investment Bank

### Loan contracts

#### Italy

The European Investment Bank concluded on 6 February, 1968, with the company "Cantieri Navali Italiani - Italcantieri S.p.A.", of Trieste, a loan contract for an amount equivalent to 6.25 thousand million lire (10 million units of account). This loan, intended for the re-equipment and modernization of the Monfalcone shipyard, in the Gulf of Trieste, has been granted for a period of 12 years, at a rate of interest of 6.5% per annum.

The yard, which previously belonged to the "Cantieri Riuniti dell'Adriatico" company, has recently been transferred to the "Italcantieri S.p.A.", to which all the activities of the shipbuilding sector carried out by the companies of IRI-Fincantieri group have been entrusted, in connection with the reorganization of the Italian shipyards.

The modernization of the Monfalcone shipyard is the keystone of the redevelopment plan for the Italian shipyards, approved by the authorities in 1966.

The works in course of execution at Monfalcone are designed in accordance with the most up-to-date techniques; they include a vast ensemble of installations and automatic equipment and, in particular, a large basin for the building of ships of up to 300 000 tons deadweight.

Once the works are completed, the Monfalcone shipyard will be able to specialize in the building of large transport ships, in particular giant tankers. It will thus take its place among the largest and most modern shipyards of the European Economic Community.

Furthermore, the project to which the European Investment Bank has granted its assistance will contribute towards solving the economic problems with which the Trieste area has to cope: indeed, the new shipyard will employ over 4 000 wage-earners, while it will allocate a large share of the manufactures on a sub-contract basis to the numerous local enterprises whose activities are linked with shipbuilding.

The total cost of the works and installations amounts to 18.5 thousand million lire, and their completion is planned for the end of 1968.

### Bonds issue

The European Investment Bank has just concluded two loan operations relating to a total amount equivalent to 50 million units of account.

The first operation has been carried out in the form of a private loan of a nominal amount of DM 100 million (25 million units of account) placed through the intermediary of Bankhaus Heinz Ansmann, Düsseldorf. This loan has a term of 12 years, bears interest at the rate of 6.5% per annum and is redeemable at par in 10 equal annual tranches, from 15 February 1971 onwards.



The second operation was in the form of a bond loan of a nominal amount of US \$25 million (25 million units of account). This loan has been underwritten by a consortium set up at the initiative of the Banca Commerciale Italiana and composed also of Lazard Frères & Co., New York, the Banque de Paris et des Pays-Bas pour le Grand-Duché de Luxembourg and the Banque Internationale à Luxembourg S.A.

The bonds, with a maximum term of 12 years, bear interest at the rate of 6.75% per annum. They will be offered to the public at the price of 98%.

The loan is redeemable at par in 10 annual tranches from 1 March 1971 onwards.

Application for quotation of the bonds will be made to the Luxembourg, Milan and New York Stock Exchanges.

The net proceeds of these two loans will be used by the European Investment Bank for its general lending operations.

## Miscellaneous

### The President of the Commission continues his tour of European capitals

Continuing his round of official visits to the capitals of the six member countries of the Community after his appointment as President of the Commission, M. Rey, accompanied by M. Bodson, visited Luxembourg on 20 February 1968. On 23 February he was at The Hague in the company of M. Sassen, M. Mansholt being detained in Strasbourg for the meeting of the European Parliament.

### The President of the Economic and Social Committee received by the Commission

M. Louis Major, President of the Economic and Social Committee, accompanied by M. Genton, Secretary General, was received by the Commission on 23 February 1968. M. Major spoke about collaboration between the two institutions and the Committee's concern as to its future role, particularly in the context of the merger. His remarks were followed by an exchange of views.

### Visits by Ministers and delegations from the Associated Countries

On 5 and 22 February 1968, M. Kanyarug'u, Minister for the Plan and for Development in Burundi, was received by the Board of the European Development Fund. The purpose of the visits was to determine the investments in Burundi to be financed under the Second EDF.

A delegation from Cameroon led by M. Mvomo, Director at the Ministry of the Plan, had talks with the Board of the European Development Fund on 19 February 1968. These talks concerned an important agricultural investment in Cameroon relating to conversion in the banana-growing sector.

From 19 to 22 February 1968 the Board of the European Development Fund were hosts to a delegation from Mali. Schemes lodged for the Second EDF and those now in course of implementation were discussed.

### Statement by the Consumers' Contact Committee in the Common Market

The Common Market Consumers' Contact Committee issued a statement on 23 February 1968 on the Commission's intentions to facilitate and encourage co-operative agreements between enterprises. The Committee laid special stress on the need to bear in mind the size of the enterprises which are parties to these agreements.

### Meeting of representatives of Customs Trade Unions in the Six

The representatives of the European customs trade unions have met in Paris under the chairmanship of M. J. Micaelli to examine the problem of transfers which will affect almost 80 000 customs officers in the EEC.

## The Emile Bernheim European Prize 1966

The jury of the Emile Bernheim European prize, under the chairmanship of M. Jean Rey, conferred the 1966 European Grand Prix on Mme Delière-Rott for her memoir entitled "The Doctor and the Common Market".

## PUBLICATIONS

### EUROPEAN COAL AND STEEL COMMUNITY EUROPEAN ECONOMIC COMMUNITY EUROPEAN ATOMIC ENERGY COMMUNITY

Items concerning the activities of the European Communities published in the official gazette between 1 and 29 February 1968.

#### EUROPEAN PARLIAMENT

##### Written questions

- Question écrite n° 233 de M. van der Ploeg à la Commission des Communautés européennes. Objet : Directive du Conseil, du 24 octobre 1967, portant modification de la directive relative au rapprochement des réglementations des Etats membres concernant les matières colorantes pouvant être employées dans les denrées destinées à l'alimentation humaine (No. 233 by M. van der Ploeg to the Commission: Council Directive of 24 October 1967 amending the Directive on the harmonization of the Member States' regulations concerning colouring matters approved for use in foodstuffs for human consumption) No. C 6, 5.2.68
- Question écrite n° 248 de M. Moro à la Commission des Communautés européennes. Objet : Relations commerciales avec l'Inde (No. 248 by M. Moro to the Commission: Trade relations with India) No. C 6, 5.2.68
- Question écrite n° 249 de M. Moro à la Commission des Communautés européennes. Objet : Ratifications de l'accord entre la CEE et le Liban (No. 249 by M. Moro to the Commission: Ratification of the agreement between the EEC and Lebanon) No. C 8, 10.2.68
- Question écrite n° 250 de M. Mauk à la Commission des Communautés européennes. Objet : Importation de fruits et légumes en provenance de pays tiers (No. 250 by M. Mauk to the Commission: Imports of fruit and vegetables from non-member countries) No. C 8, 10.2.68
- Question écrite n° 258 de M. Vredeling à la Commission des Communautés européennes. Objet : Poursuites pénales pour faux témoignage ou fausse déclaration devant les juridictions internationales (No. 258 by M. Vredeling to the Commission: Criminal proceedings for false witness or false representation in international Courts) No. C 8, 10.2.68
- Question écrite n° 169 de M. Burger à la Commission et au Conseil des Communautés européennes. Objet : Participation de la Banque européenne d'investissement au financement de la construction d'une route en Crète (No. 169 by M. Burger to the Commission and the Council: Contribution by the European Investment Bank towards financing the building of a road in Crete) No. C 9, 12.2.68
- Question écrite n° 232 de M. Dulin à la Commission des Communautés européennes. Objet : Taxe sur la margarine (No. 232 by M. Dulin to the Commission: Tax on margarine) No. C 9, 12.2.68
- Question écrite n° 266 de M. Vredeling à la Commission des Communautés européennes. Objet : Bureau de coordination de la CEE pour les échanges commerciaux avec les pays du "bloc oriental" (No. 266 by M. Vredeling to the Commission: An EEC office to co-ordinate trade with "East-bloc" countries) No. C 9, 12.2.68
- Question écrite n° 270 de M. Vredeling à la Commission des Communautés européennes. Objet : Négociations avec les pays d'Afrique orientale (No. 270 by M. Vredeling to the Commission: Negotiations with the East African countries) No. C 9, 12.2.68

Question écrite n° 186 de M. Vredeling à la Commission et au Conseil des Communautés européennes. Objet : Fusion des Communautés européennes (No. 186 by M. Vredeling to the Commission and the Council: The merger of the European Communities)	No. C 12, 21.2.68
Question écrite n° 219 de M. Berkhouwer à la Commission des Communautés européennes. Objet : Indépendance des fonctionnaires européens (No. 219 by M. Berkhouwer to the Commission: Independence of European officials)	No. C 12, 21.2.68
Question écrite n° 243 de M. Vredeling à la Commission des Communautés européennes. Objet : Système de la taxe sur la valeur ajoutée (No. 243 by M. Vredeling to the Commission: System of tax on value added)	No. C 12, 21.2.68
Question écrite n° 256 de M. Sabatini à la Commission des Communautés européennes. Objet : Nouvelle loi sur les vins présentée par le gouvernement allemand au Bundestag (No. 256 by M. Sabatini to the Commission: New law on wines submitted by the German Government to the Bundestag)	No. C 12, 21.2.68
Question écrite n° 260 de M. Richarts à la Commission des Communautés européennes. Objet : Pronostics sur les récoltes de fruits à pépins dans la CEE (No. 260 by M. Richarts to the Commission: Forecasts for harvests of pomes in the EEC)	No. C 12, 21.2.68
Question écrite n° 262 de M. Vredeling à la Commission des Communautés européennes. Objet : Résidus de produits phytosanitaires destinés à l'alimentation (No. 262 by M. Vredeling to the Commission: Pesticide residues in food)	No. C 12, 21.2.68
Question écrite n° 263 de M. Vredeling à la Commission des Communautés européennes. Objet : Mesures particulières d'intervention dans le secteur du blé tendre en faveur de la France (No. 263 by M. Vredeling to the Commission: Special intervention measures for soft wheat in favour of France)	No. C 12, 21.2.68
Question écrite n° 265 de M. Vredeling à la Commission des Communautés européennes. Objet : Stocks de beurre dans les Etats membres (No. 265 by M. Vredeling to the Commission: Butter stocks in the Member States)	No. C 12, 21.2.68
Question écrite n° 268 de M. Bergmann à la Commission des Communautés européennes. Objet : Manque de services de médecine du travail en république fédérale d'Allemagne (No. 268 by M. Bergmann to the Commission: Inadequate industrial health services in the Federal Republic of Germany)	No. C 12, 21.2.68
Question écrite n° 269 de M. Bergmann à la Commission des Communautés européennes. Objet : Mise en œuvre de la recommandation de la Commission aux Etats membres relative à la médecine du travail dans l'entreprise (No. 269 by M. Bergmann to the Commission: Implementation of the Commission's recommendation to the Member States on industrial health services)	No. C 12, 21.2.68
Question écrite n° 274 de M. Vredeling à la Commission des Communautés européennes. Objet : Nouvelle présentation du Journal officiel (No. 274 by M. Vredeling to the Commission: New layout of the official gazette)	No. C 12, 21.2.68

## COUNCIL AND COMMISSION

### Regulation

Règlement (CEE) n° 118/68 de la Commission, du 31 janvier 1968, fixant les prélèvements applicables aux céréales et aux farines, gruaux et semoules de blé ou de seigle (Commission Regulation (EEC) No. 118/68 of 31 January 1968 fixing the levies on cereals and on wheat or rye flour, groats and meal)	No. L 29, 1.2.68
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Règlement (CEE) n° 119/68 de la Commission, du 31 janvier 1968, portant fixation des primes s'ajoutant aux prélèvements pour les céréales et le malt (Commission Regulation (EEC) No. 119/68 of 31 January 1968 fixing the premiums to be added to levies on cereals and malt)	No. L 29,	1.2.68
Règlement (CEE) n° 120/68 de la Commission, du 31 janvier 1968, portant modification du correctif applicable à la restitution pour les céréales (Commission Regulation (EEC) No. 120/68 of 31 January 1968 amending the corrective factor applicable to the refunds on cereals)	No. L 29,	1.2.68
Règlement (CEE) n° 121/68 de la Commission, du 30 janvier 1968, fixant les prélèvements applicables à l'importation des produits transformés à base de céréales et de riz, y compris les aliments composés pour les animaux (Commission Regulation (EEC) No. 121/68 of 30 January 1968 fixing the levies on imports of products processed from cereals and rice, including compound animal feedingstuffs)	No. L 29,	1.2.68
Règlement (CEE) n° 122/68 de la Commission, du 30 janvier 1968, portant fixation des restitutions pour les produits transformés à base de céréales et de riz, y compris les aliments composés (Commission Regulation (EEC) No. 122/68 of 30 January 1968 fixing the refunds on products processed from cereals and rice, including compound feedingstuffs)	No. L 29,	1.2.68
Règlement (CEE) n° 123/68 de la Commission, du 31 janvier 1968, fixant les prélèvements applicables au riz et aux brisures (Commission Regulation (EEC) No. 123/68 of 31 January 1968 fixing the levies on rice and broken rice)	No. L 29,	1.2.68
Règlement (CEE) n° 124/68 de la Commission, du 31 janvier 1968, portant fixation des primes s'ajoutant aux prélèvements pour le riz et les brisures (Commission Regulation (EEC) No. 124/68 of 31 January 1968 fixing the premiums to be added to levies on rice and broken rice)	No. L 29,	1.2.68
Règlement (CEE) n° 125/68 de la Commission, du 30 janvier 1968, portant fixation des prélèvements dans le secteur de l'huile d'olive (Commission Regulation (EEC) No. 125/68 of 30 January 1968 fixing the levies in the olive oil sector)	No. L 29,	1.2.68
Règlement (CEE) n° 126/68 de la Commission, du 31 janvier 1968, portant fixation de la restitution pour l'huile d'olive (Commission Regulation (EEC) No. 126/68 of 31 January 1968 fixing the refund on olive oil)	No. L 29,	1.2.68
Règlement (CEE) n° 127/68 de la Commission, du 31 janvier 1968, portant fixation du montant de la restitution pour les graines oléagineuses (Commission Regulation (EEC) No. 127/68 of 31 January 1968 fixing the refund on oilseeds)	No. L 29,	1.2.68
Règlement (CEE) n° 128/68 de la Commission, du 31 janvier 1968, portant fixation du correctif applicable à la restitution pour le riz et les brisures (Commission Regulation (EEC) No. 128/68 of 31 January 1968 fixing the corrective factor applicable to the refund on rice and broken rice)	No. L 29,	1.2.68
Règlement (CEE) n° 129/68 de la Commission, du 1 <sup>er</sup> février 1968, fixant les prélèvements applicables aux céréales et aux farines, gruaux et semoules de blé ou de seigle (Commission Regulation (EEC) No. 129/68 of 1 February 1968 fixing the levies on cereals and on wheat or rye flour, groats and meal)	No. L 30,	2.2.68
Règlement (CEE) n° 130/68 de la Commission, du 1 <sup>er</sup> février 1968, portant fixation des primes s'ajoutant aux prélèvements pour les céréales et le malt (Commission Regulation (EEC) No. 130/68 of 1 February 1968 fixing the premiums to be added to levies on cereals and malt)	No. L 30,	2.2.68
Règlement (CEE) n° 131/68 de la Commission, du 1 <sup>er</sup> février 1968, portant fixation du correctif applicable à la restitution pour les céréales (Commission Regulation (EEC) No. 131/68 of 1 February 1968 fixing the corrective factor applicable to the refund on cereals)	No. L 30,	2.2.68

Règlement (CEE) n° 132/68 de la Commission, du 1 <sup>er</sup> février 1968, fixant les restitutions pour les céréales et pour certaines catégories de farines, gruaux et semoules de blé ou de seigle (Commission Regulation (EEC) No. 132/68 of 1 February 1968 fixing the refunds on cereals and on certain categories of wheat or rye flour, groats and meal)	No. L 30,	2.2.68
Règlement (CEE) n° 133/68 de la Commission, du 1 <sup>er</sup> février 1968, fixant les prélèvements applicables au riz et aux brisures (Commission Regulation (EEC) No. 133/68 of 1 February 1968 fixing the levies on rice and broken rice)	No. L 30,	2.2.68
Règlement (CEE) n° 134/68 de la Commission, du 1 <sup>er</sup> février 1968, portant fixation des restitutions pour le riz et les brisures (Commission Regulation (EEC) No. 134/68 of 1 February 1968 fixing the refunds on rice and broken rice)	No. L 30,	2.2.68
Règlement (CEE) n° 135/68 de la Commission, du 1 <sup>er</sup> février 1968, modifiant l'annexe du règlement n° 158/64/CEE en ce qui concerne l'incidence des impositions intérieures perçues à l'importation en France sur le lactose (Commission Regulation (EEC) No. 135/68 of 1 February 1968 amending the Annex to Regulation No. 158/64/CEE with regard to the incidence of internal taxation on lactose imported into France)	No. L 30,	2.2.68
Règlement (CEE) n° 136/68 de la Commission, du 2 février 1968, fixant les prélèvements applicables aux céréales et aux farines, gruaux et semoules de blé ou de seigle (Commission Regulation (EEC) No. 136/68 of 2 February 1968 fixing the levies on cereals and on wheat or rye flour, groats and meal)	No. L 31,	3.2.68
Règlement (CEE) n° 137/68 de la Commission, du 2 février 1968, portant fixation des primes s'ajoutant aux prélèvements pour les céréales et le malt (Commission Regulation (EEC) No. 137/68 of 2 February 1968 fixing the premiums to be added to levies on cereals and malt)	No. L 31,	3.2.68
Règlement (CEE) n° 138/68 de la Commission, du 2 février 1968, portant modification du correctif applicable à la restitution pour les céréales (Commission Regulation (EEC) No. 138/68 of 2 February 1968 amending the corrective factor applicable to the refund on cereals)	No. L 31,	3.2.68
Règlement (CEE) n° 139/68 de la Commission, du 2 février 1968, portant fixation du montant de l'aide dans le secteur des graines oléagineuses (Commission Regulation (EEC) No. 139/68 of 2 February 1968 fixing the amount of aid in the oilseeds sector)	No. L 31,	3.2.68
Règlement (CEE) n° 140/68 de la Commission, du 2 février 1968, portant modification des restitutions applicables à l'exportation de certains aliments composés, à base de céréales, pour les animaux (Commission Regulation (EEC) No. 140/68 of 2 February 1968 amending the refunds on exports of certain cereal-based compound animal feedingstuffs)	No. L 31,	3.2.68
Règlement (CEE) n° 141/68 de la Commission, du 5 février 1968, fixant les prélèvements applicables aux céréales et aux farines, gruaux et semoules de blé ou de seigle (Commission Regulation (EEC) No. 141/68 of 5 February 1968 fixing the refunds on cereals and on wheat or rye flour, groats and meal)	No. L 32,	6.2.68
Règlement (CEE) n° 142/68 de la Commission, du 5 février 1968, portant fixation des primes s'ajoutant aux prélèvements pour les céréales et le malt (Commission Regulation (EEC) No. 142/68 of 5 February 1968 fixing the premiums to be added to levies on cereals and malt)	No. L 32,	6.2.68
Règlement (CEE) n° 143/68 de la Commission, du 5 février 1968, portant modification du correctif applicable à la restitution pour les céréales (Commission Regulation (EEC) No. 143/68 of 5 February 1968 amending the corrective factor applicable to the refund on cereals)	No. L 32,	6.2.68
Règlement (CEE) n° 144/68 de la Commission, du 5 février 1968, relatif aux demandes d'acomptes au titre du FEOGA, section garantie (Commission Regulation (EEC) No. 144/68 of 5 February 1968 on applications for repayments from the Guarantee Section of the EAGGF)	No. L 32,	6.2.68

Règlement (CEE) n° 145/68 de la Commission, du 5 février 1968, modifiant le montant supplémentaire pour certains œufs en coquille (Commission Regulation (EEC) No. 145/68 of 5 February 1968 amending the supplementary amount for certain eggs in shell)	No. L 32,	6.2.68
Règlement (CEE) n° 146/68 de la Commission, du 6 février 1968, fixant les prélèvements applicables aux céréales et aux farines, gruaux et semoules de blé ou de seigle (Commission Regulation (EEC) No. 146/68 of 6 February 1968 fixing the levies on cereals and on wheat or rye flour, groats and meal)	No. L 33,	7.2.68
Règlement (CEE) n° 147/68 de la Commission, du 6 février 1968, portant fixation des primes s'ajoutant aux prélèvements pour les céréales et le malt (Commission Regulation (EEC) No. 147/68 of 6 February 1968 fixing the premiums to be added to levies on cereals and malt)	No. L 33,	7.2.68
Règlement (CEE) n° 148/68 de la Commission, du 6 février 1968, portant modification du correctif applicable à la restitution pour les céréales (Commission Regulation (EEC) No. 148/68 of 6 February 1968 amending the corrective factor applicable to the refund on cereals)	No. L 33,	7.2.68
Règlement (CEE) n° 149/68 de la Commission, du 6 février 1968, modifiant le montant supplémentaire pour les pintades abattues (Commission Regulation (EEC) No. 149/68 of 6 February 1968 amending the supplementary amount for slaughtered guinea-fowl)	No. L 33,	7.2.68
Règlement (CEE) n° 150/68 de la Commission, du 6 février 1968, modifiant le montant supplémentaire pour l'ovoalbumine et la lactoalbumine (Commission Regulation (EEC) No. 150/68 of 6 February 1968 amending the supplementary amount for ovalbumin and lactalbumin)	No. L 33,	7.2.68
Règlement (CEE) n° 151/68 de la Commission, du 6 février 1968, modifiant le montant supplémentaire pour les cuisses de dindes (Commission Regulation (EEC) No. 151/68 of 6 February 1968 amending the supplementary amount for turkey legs)	No. L 33,	7.2.68
Règlement (CEE) n° 152/68 de la Commission, du 6 février 1968, modifiant le montant supplémentaire pour certains produits du secteur des œufs (Commission Regulation (EEC) No. 152/68 of 6 February 1968 amending the supplementary amount for certain products in the eggs sector)	No. L 33,	7.2.68
Règlement (CEE) n° 153/68 de la Commission, du 7 février 1968, fixant les prélèvements applicables aux céréales et aux farines, gruaux et semoules de blé ou de seigle (Commission Regulation (EEC) No. 153/68 of 7 February 1968 fixing the levies on cereals and on wheat or rye flour, groats and meal)	No. L 35,	8.2.68
Règlement (CEE) n° 154/68 de la Commission, du 7 février 1968, portant fixation des primes s'ajoutant aux prélèvements pour les céréales et le malt (Commission Regulation (EEC) No. 154/68 of 7 February 1968 fixing the premiums to be added to levies on cereals and malt)	No. L 35,	8.2.68
Règlement (CEE) n° 155/68 de la Commission, du 7 février 1968, portant modification du correctif applicable à la restitution pour les céréales (Commission Regulation (EEC) No. 155/68 of 7 February 1968 amending the corrective factor applicable to the refund on cereals)	No. L 35,	8.2.68
Règlement (CEE) n° 156/68 de la Commission, du 8 février 1968, fixant les prélèvements applicables aux céréales et aux farines, gruaux et semoules de blé ou de seigle (Commission Regulation (EEC) No. 156/68 of 8 February 1968 fixing the levies on cereals and on wheat or rye flour, groats and meal)	No. L 36,	9.2.68
Règlement (CEE) n° 157/68 de la Commission, du 8 février 1968, portant fixation des primes s'ajoutant aux prélèvements pour les céréales et le malt (Commission Regulation (EEC) No. 157/68 of 8 February 1968 fixing the premiums to be added to levies on cereals and malt)	No. L 36,	9.2.68



Règlement (CEE) n° 158/68 de la Commission, du 8 février 1968, portant fixation du correctif applicable à la restitution pour les céréales (Commission Regulation (EEC) No. 158/68 of 8 February 1968 fixing the corrective factor applicable to the refund on cereals)	No. L 36,	9.2.68
Règlement (CEE) n° 159/68 de la Commission, du 8 février 1968, fixant les restitutions pour les céréales et pour certaines catégories de farines, gruaux et semoules de blé ou de seigle (Commission Regulation (EEC) No. 159/68 of 8 February 1968 fixing the refunds on cereals and on certain categories of wheat or rye flour, groats and meal)	No. L 36,	9.2.68
Règlement (CEE) n° 160/68 de la Commission, du 8 février 1968, fixant les prélèvements applicables au riz et aux brisures (Commission Regulation (EEC) No. 160/68 of 8 February 1968 fixing the levies on rice and broken rice)	No. L 36,	9.2.68
Règlement (CEE) n° 161/68 de la Commission, du 8 février 1968, portant fixation des restitutions pour le riz et les brisures (Commission Regulation (EEC) No. 161/68 of 8 February 1968 fixing the refunds on rice and broken rice)	No. L 36,	9.2.68
Règlement (CEE) n° 162/68 de la Commission, du 9 février 1968, fixant les prélèvements applicables aux céréales et aux farines, gruaux et semoules de blé ou de seigle (Commission Regulation (EEC) No. 162/68 of 9 February 1968 fixing the levies on cereals and on wheat or rye flour, groats and meal)	No. L 37,	10.2.68
Règlement (CEE) n° 163/68 de la Commission, du 9 février 1968, portant fixation des primes s'ajoutant aux prélèvements pour les céréales et le malt (Commission Regulation (EEC) No. 163/68 of 9 February 1968 fixing the premiums to be added to levies on cereals and malt)	No. L 37,	10.2.68
Règlement (CEE) n° 164/66 de la Commission, du 9 février 1968, portant modification du correctif applicable à la restitution pour les céréales (Commission Regulation (EEC) No. 164/68 of 9 February 1968 amending the corrective factor applicable to the refund on cereals)	No. L 37,	10.2.68
Règlement (CEE) n° 165/68 de la Commission, du 9 février 1968, portant fixation du montant de l'aide dans le secteur des graines oléagineuses (Commission Regulation (EEC) No. 165/68 of 9 February 1968 fixing the amount of aid in the oilseeds sector)	No. L 37,	10.2.68
Règlement (CEE) n° 166/68 de la Commission, du 12 février 1968, fixant les prélèvements applicables aux céréales et aux farines, gruaux et semoules de blé ou de seigle (Commission Regulation (EEC) No. 166/68 of 12 February 1968 fixing the levies on cereals and on wheat or rye flour, groats and meal)	No. L 38,	13.2.68
Règlement (CEE) n° 167/68 de la Commission, du 12 février 1968, portant fixation des primes s'ajoutant aux prélèvements pour les céréales et le malt (Commission Regulation (EEC) No. 167/68 of 12 February 1968 fixing the premiums to be added to levies on cereals and malt)	No. L 38,	13.2.68
Règlement (CEE) n° 168/68 de la Commission, du 12 février 1968, portant modification du correctif applicable à la restitution pour les céréales (Commission Regulation (EEC) No. 168/68 of 12 February 1968 amending the corrective factor applicable to the refund on cereals)	No. L 38,	13.2.68
Règlement (CEE) n° 169/68 de la Commission, du 13 février 1968, fixant les prélèvements applicables aux céréales et aux farines, gruaux et semoules de blé ou de seigle (Commission Regulation (EEC) No. 169/68 of 13 February 1968 fixing the levies on cereals and on wheat or rye flour, groats and meal)	No. L 39,	14.2.68
Règlement (CEE) n° 170/68 de la Commission, du 13 février 1968, portant fixation des primes s'ajoutant aux prélèvements pour les céréales et le malt (Commission Regulation (EEC) No. 170/68 of 13 February 1968 fixing the premiums to be added to levies on cereals and malt)	No. L 39,	14.2.68

Règlement (CEE) n° 171/68 de la Commission, du 13 février 1968, portant modification du correctif applicable à la restitution pour les céréales (Commission Regulation (EEC) No. 171/68 of 13 February 1968 amending the corrective factor applicable to the refund on cereals)	No. L 39, 14.2.68
Règlement (CEE) n° 172/68 de la Commission, du 13 février 1968, modifiant les restitutions applicables aux céréales et à certaines catégories de farines, gruaux et semoules de blé ou de seigle (Commission Regulation (EEC) No. 172/68 of 13 February 1968 amending the refunds on cereals and on certain categories of wheat or rye flour, groats and meal)	No. L 39, 14.2.68
Règlement (CEE) n° 173/68 de la Commission, du 14 février 1968, fixant les prélèvements applicables aux céréales et aux farines, gruaux et semoules de blé ou de seigle (Commission Regulation (EEC) No. 173/68 of 14 February 1968 fixing the levies on cereals and on wheat or rye flour, groats and meal)	No. L 40, 15.2.68
Règlement (CEE) n° 174/68 de la Commission, du 14 février 1968, portant fixation des primes s'ajoutant aux prélèvements pour les céréales et le malt (Commission Regulation (EEC) No. 174/68 of 14 February 1968 fixing the premiums to be added to levies on cereals and malt)	No. L 40, 15.2.68
Règlement (CEE) n° 175/68 de la Commission, du 14 février 1968, portant modification du correctif applicable à la restitution pour les céréales (Commission Regulation (EEC) No. 175/68 of 14 February 1968 amending the corrective factor applicable to the refund on cereals)	No. L 40, 15.2.68
Règlement (CEE) n° 176/68 de la Commission, du 14 février 1968, fixant, pour chaque Etat membre, la différence de prix du sucre blanc applicable pour le calcul du prélèvement et de la restitution dans le secteur des produits transformés à base de fruits et légumes (Commission Regulation (EEC) No. 176/68 of 14 February 1968 fixing for each Member State the difference in white sugar prices to be used in calculating the levy and the refund on products processed from fruit and vegetables)	No. L 40, 15.2.68
Règlement (CEE) n° 177/68 de la Commission, du 14 février 1968, portant fixation des prélèvements dans le secteur de l'huile d'olive (Commission Regulation (EEC) No. 177/68 of 14 February 1968 fixing the levies in the olive oil sector)	No. L 40, 15.2.68
Règlement (CEE) n° 178/68 de la Commission, du 15 février 1968, fixant les prélèvements applicables aux céréales et aux farines, gruaux et semoules de blé ou de seigle (Commission Regulation (EEC) No. 178/68 of 15 February 1968 fixing the levies on cereals and on wheat or rye flour, groats and meal)	No. L 41, 16.2.68
Règlement (CEE) n° 179/68 de la Commission, du 15 février 1968, portant fixation des primes s'ajoutant aux prélèvements pour les céréales et le malt (Commission Regulation (EEC) No. 179/68 of 15 February 1968 fixing the premiums to be added to levies on cereals and malt)	No. L 41, 16.2.68
Règlement (CEE) n° 180/68 de la Commission, du 15 février 1968, portant fixation du correctif applicable à la restitution pour les céréales (Commission Regulation (EEC) No. 180/68 of 15 February 1968 fixing the corrective factor applicable to the refund on cereals)	No. L 41, 16.2.68
Règlement (CEE) n° 181/68 de la Commission, du 15 février 1968, fixant les restitutions pour les céréales et pour certaines catégories de farines, gruaux et semoules de blé ou de seigle (Commission Regulation (EEC) No. 181/68 of 15 February 1968 fixing the refunds on cereals and on wheat or rye flour, groats and meal)	No. L 41, 16.2.68
Règlement (CEE) n° 182/68 de la Commission, du 15 février 1968, fixant les prélèvements applicables au riz et aux brisures (Commission Regulation (EEC) No. 182/68 of 15 February 1968 fixing the levies on rice and broken rice)	No. L 41, 16.2.68

Règlement (CEE) n° 183/68 de la Commission, du 15 février 1968, portant fixation des restitutions pour le riz et les brisures (Commission Regulation (EEC) No. 183/68 of 15 February 1968, fixing the refunds on rice and broken rice)	No. L 41, 16.2.68
Règlement (CEE) n° 184/68 de la Commission, du 16 février 1968, fixant les prélèvements applicables aux céréales et aux farines, gruaux et semoules de blé ou de seigle (Commission Regulation (EEC) No. 184/68 of 16 February 1968 fixing the levies on cereals and on wheat or rye flour, groats and meal)	No. L 43, 13.2.68
Règlement (CEE) n° 185/68 de la Commission, du 16 février 1968, portant fixation des primes s'ajoutant aux prélèvements pour les céréales et le malt (Commission Regulation (EEC) No. 185/68 of 16 February 1968 fixing the premiums to be added to levies on cereals and malt)	No. L 43, 13.2.68
Règlement (CEE) n° 186/68 de la Commission, du 16 février 1968, portant modification du correctif applicable à la restitution pour les céréales (Commission Regulation (EEC) No. 186/68 of 16 February 1968 amending the corrective factor applicable to the refund on cereals)	No. L 43, 13.2.68
Règlement (CEE) n° 187/68 de la Commission, du 16 février 1968, portant fixation du montant de l'aide dans le secteur des graines oléagineuses (Commission Regulation (EEC) No. 187/68 of 16 February 1968 fixing the amount of aid in the oilseeds sector)	No. L 43, 13.2.68
Règlement (CEE) n° 188/68 de la Commission, du 15 février 1968, concernant les bonifications et réductions applicables aux prix de la betterave (Commission Regulation (EEC) No. 188/68 of 15 February 1968 on the increases and reductions to be applied to sugarbeet prices)	No. L 43, 13.2.68
Règlement (CEE) n° 189/68 de la Commission, du 16 février 1968, relatif à certaines modalités d'écoulement des graines oléagineuses achetées par les organismes d'intervention (Commission Regulation (EEC) No. 189/68 of 16 February 1968 on certain marketing procedures for oilseeds bought by intervention agencies)	No. L 43, 13.2.68
Règlement (CEE) n° 190/68 de la Commission, du 16 février 1968, relatif au processus de dénaturation des graines de colza et de navette (Commission Regulation (EEC) No. 190/68 of 16 February 1968 on the denaturing of colza and rapeseed)	No. L 43, 13.2.68
Règlement (CEE) n° 191/68 de la Commission, du 16 février 1968, modifiant le règlement n° 224/67/CEE de la Commission relatif à certaines modalités concernant l'aide pour les graines oléagineuses (Commission Regulation (EEC) No. 191/68 of 16 February 1968 amending Regulation No. 224/67/CEE on certain procedures connected with aid for oilseeds)	No. L 43, 13.2.68
Règlement (CEE) n° 192/68 de la Commission, du 16 février 1968, complétant les règlements n° 282/67/CEE et 284/67/CEE relatifs aux graines oléagineuses (Commission Regulation (EEC) No. 192/68 of 16 February 1968 supplementing Regulations Nos. 282/67/CEE and 284/67/CEE on oilseeds)	No. L 43, 17.2.68
Règlement (CEE) n° 193/68 de la Commission, du 19 février 1968, fixant les prélèvements applicables aux céréales et aux farines, gruaux et semoules de blé ou de seigle (Commission Regulation (EEC) No. 193/68 of 19 February 1968 fixing the levies on cereals and on wheat or rye flour, groats and meal)	No. L 44, 20.2.68
Règlement (CEE) n° 194/68 de la Commission, du 19 février 1968, portant fixation des primes s'ajoutant aux prélèvements pour les céréales et le malt (Commission Regulation (EEC) No. 194/68 of 19 February 1968 fixing the premiums to be added to levies on cereals and malt)	No. L 44, 20.2.68
Règlement (CEE) n° 195/68 de la Commission, du 19 février 1968, portant modification du correctif applicable à la restitution pour les céréales (Commission Regulation (EEC) No. 195/68 of 19 February 1968 amending the corrective factor applicable to the refund on cereals)	No. L 44, 20.2.68

- Règlement (CEE) n° 196/68 de la Commission, du 19 février 1968, modifiant les prélèvements applicables à l'importation des produits transformés à base de céréales et de riz (Commission Regulation (EEC) No. 196/68 of 19 February 1968 amending the levies on imports of products processed from cereal and rice) No. L 44, 20.2.68
- Règlement (CEE) n° 197/68 du Conseil, du 20 février 1968, prorogeant l'application de l'article 2 et de l'article 3 sous b) du règlement n° 127/67/CEE jusqu'au 30 juin 1968 (Council Regulation (EEC) No. 197/68 of 20 February 1968 extending the application of Article 2 and of Article 3(b) of Regulation No. 127/67/CEE to 30 June 1968) No. L 45, 21.2.68
- Règlement (CEE) n° 198/68 du Conseil, du 20 février 1968, modifiant et prorogeant le règlement n° 361/67/CEE relatif au régime applicable aux produits transformés à base de céréales et de riz originaires des Etats africains et malgache associés et des pays et territoires d'outre-mer (Council Regulation (EEC) No. 198/68 of 20 February 1968 amending and extending Regulation No. 361/67/CEE on the system applicable to processed products derived from cereals and rice originating in the AASM and in the OCT) No. L 45, 21.2.68
- Règlement (CEE) n° 199/68 de la Commission, du 20 février 1968, fixant les prélèvements applicables aux céréales et aux farines, gruaux et semoules de blé ou de seigle (Commission Regulation (EEC) No. 199/68 of 20 February 1968 fixing the levies on cereals and on wheat or rye flour, groats and meal) No. L 45, 21.2.68
- Règlement (CEE) n° 200/68 de la Commission, du 20 février 1968, portant fixation des primes s'ajoutant aux prélèvements pour les céréales et le malt (Commission Regulation (EEC) No. 200/68 of 20 February 1968 fixing the premiums to be added to levies on cereals and malt) No. L 45, 21.2.68
- Règlement (CEE) n° 201/68 de la Commission, du 20 février 1968, portant modification du correctif applicable à la restitution pour les céréales (Commission Regulation (EEC) No. 201/68 of 20 February 1968 amending the corrective factor applicable to the refund on cereals) No. L 45, 21.2.68
- Règlement (CEE) n° 202/68 de la Commission, du 20 février 1968, modifiant les prélèvements applicables à l'importation des produits transformés à base de céréales et de riz (Commission Regulation (EEC) No. 202/68 of 20 February 1968 amending the levies applicable to imports of products processed from cereals and rice) No. L 45, 21.2.68
- Règlement (CEE) n° 203/68 de la Commission, du 21 février 1968, fixant les prélèvements applicables aux céréales et aux farines, gruaux et semoules de blé ou de seigle (Commission Regulation (EEC) No. 203/68 of 21 February 1968 fixing the levies on cereals and on wheat or rye flour, groats and meal) No. L 46, 22.2.68
- Règlement (CEE) n° 204/68 de la Commission, du 21 février 1968, portant fixation des primes s'ajoutant aux prélèvements pour les céréales et le malt (Commission Regulation (EEC) No. 204/68 of 21 February 1968 fixing the premiums to be added to levies on cereals and malt) No. L 46, 22.2.68
- Règlement (CEE) n° 205/68 de la Commission, du 21 février 1968, portant modification du correctif applicable à la restitution pour les céréales (Commission Regulation (EEC) No. 205/68 of 21 February 1968 amending the corrective factor applicable to the refund on cereals) No. L 46, 22.2.68
- Règlement (CEE) n° 206/68 du Conseil, du 20 février 1968, établissant des dispositions cadre pour les contrats et accords interprofessionnels concernant l'achat de betteraves (Council Regulation (EEC) No. 206/68 of 20 February 1968 laying down standardized terms for contracts and for agreements within the trade for the purchase of sugarbeet) No. L 47, 23.2.68
- Règlement (CEE) n° 207/68 de la Commission, du 22 février 1968, fixant les prélèvements applicables aux céréales et aux farines, gruaux et semoules de blé ou de seigle (Commission Regulation (EEC) No. 207/68 of 22 February 1968 fixing the levies on cereals and on wheat or rye flour, groats and meal) No. L 47, 23.2.68

Règlement (CEE) n° 208/68 de la Commission, du 22 février 1968, portant fixation des primes s'ajoutant aux prélèvements pour les céréales et le malt (Commission Regulation (EEC) No. 208/68 of 22 February 1968 fixing the premiums to be added to levies on cereals and malt)	No. L 47, 23.2.68
Règlement (CEE) n° 209/68 de la Commission, du 22 février 1968, portant fixation du correctif applicable à la restitution pour les céréales (Commission Regulation (EEC) No. 209/68 of 22 February 1968 fixing the corrective factor applicable to the refund on cereals)	No. L 47, 23.2.68
Règlement (CEE) n° 210/68 de la Commission, du 22 février 1968, fixant les restitutions pour les céréales et pour certaines catégories de farines, gruaux et semoules de blé ou de seigle (Commission Regulation (EEC) No. 210/68 of 22 February 1968 fixing the refunds on cereals and on certain categories of wheat or rye flour, groats and meal)	No. L 47, 23.2.68
Règlement (CEE) n° 211/68 de la Commission, du 22 février 1968, fixant les prélèvements applicables au riz et aux brisures (Commission Regulation (EEC) No. 211/68 of 22 February 1968 fixing the levies on rice and broken rice)	No. L 47, 23.2.68
Règlement (CEE) n° 212/68 de la Commission, du 22 février 1968, portant fixation des restitutions pour le riz et les brisures (Commission Regulation (EEC) No. 212/68 of 22 February 1968 fixing the refunds on rice and broken rice)	No. L 47, 23.2.68
Règlement (CEE) n° 213/68 de la Commission, du 22 février 1968, modifiant le règlement n° 158/67/CEE fixant les coefficients d'équivalence entre les diverses qualités de céréales (Commission Regulation (EEC) No. 213/68 of 22 February 1968 amending Regulation No. 158/67/CEE fixing coefficients of equivalence between various qualities of cereals)	No. L 47, 23.2.68
Règlement (CEE) n° 214/68 de la Commission, du 22 février 1968, modifiant le règlement n° 173/66/CEE en ce qui concerne la détermination du prix C.A.F. et du prix franco frontière des huiles d'olive n'ayant pas subi un processus de raffinage (Commission Regulation (EEC) No. 214/68 of 22 February 1968 amending Regulation No. 173/66/CEE with regard to the method of calculating cif and free-at-frontier prices for unrefined olive oils)	No. L 47, 23.2.68
Règlement (CEE) n° 215/68 de la Commission, du 23 février 1968, fixant les prélèvements applicables aux céréales et aux farines, gruaux et semoules de blé ou de seigle (Commission Regulation (EEC) No. 215/68 of 23 February 1968 fixing the levies on cereals and on wheat or rye flour, groats and meal)	No. L 48, 24.2.68
Règlement (CEE) n° 216/68 de la Commission, du 23 février 1968, portant fixation des primes s'ajoutant aux prélèvements pour les céréales et le malt (Commission Regulation (EEC) No. 216/68 of 23 February 1968 fixing the premiums to be added to levies on cereals and malt)	No. L 48, 24.2.68
Règlement (CEE) n° 217/68 de la Commission, du 23 février 1968, portant modification du correctif applicable à la restitution pour les céréales (Commission Regulation (EEC) No. 217/68 of 23 February 1968 amending the corrective factor applicable to the refund on cereals)	No. L 48, 24.2.68
Règlement (CEE) n° 218/68 de la Commission, du 23 février 1968, portant fixation du montant de l'aide dans le secteur des graines oléagineuses (Commission Regulation (EEC) No. 218/68 of 23 February 1968 fixing the amount of aid in the oilseeds sector)	No. L 48, 24.2.68
Règlement (CEE) n° 219/68 de la Commission, du 26 février 1968, fixant les prélèvements applicables aux céréales et aux farines, gruaux et semoules de blé ou de seigle (Commission Regulation (EEC) No. 219/68 of 26 February 1968 fixing the levies on cereals and on wheat or rye flour, groats and meal)	No. L 49, 27.2.68

Règlement (CEE) n° 220/68 de la Commission, du 26 février 1968, portant fixation des primes s'ajoutant aux prélèvements pour les céréales et le malt (Commission Regulation (EEC) No. 220/68 of 26 February 1968 fixing the premiums to be added to levies on cereals and malt)	No. L 49, 27.2.68
Règlement (CEE) n° 221/68 de la Commission, du 26 février 1968, portant modification du correctif applicable à la restitution pour les céréales (Commission Regulation (EEC) No. 221/68 of 26 February 1968 amending the corrective factor applicable to the refund on cereals)	No. L 49, 27.2.68
Règlement (CEE) n° 222/68 de la Commission, du 23 février 1968, fixant les restitutions dans le secteur de la viande de porc pour la période débutant le 27 février 1968 (Commission Regulation (EEC) No. 222/68 of 23 February 1968 fixing the refunds in the pigmeat sector for the period beginning 27 February 1968)	No. L 49, 27.2.68
Règlement (CEE) n° 223/68 de la Commission, du 27 février 1968, fixant les prélèvements applicables aux céréales et aux farines, gruaux et semoules de blé ou de seigle (Commission Regulation (EEC) No. 223/68 of 27 February 1968 fixing the levies on cereals and on wheat or rye flour, groats and meal)	No. L 50, 28.2.68
Règlement (CEE) n° 224/68 de la Commission, du 27 février 1968, portant fixation des primes s'ajoutant aux prélèvements pour les céréales et le malt (Commission Regulation (EEC) No. 224/68 of 27 February 1968 fixing the premiums to be added to levies on cereals and malt)	No. L 50, 28.2.68
Règlement (CEE) n° 225/68 de la Commission, du 27 février 1968, portant modification du correctif applicable à la restitution pour les céréales (Commission Regulation (EEC) No. 225/68 of 27 February 1968 amending the corrective factor applicable to the refund on cereals)	No. L 50, 28.2.68
Règlement (CEE) n° 226/68 de la Commission, du 26 février 1968, fixant la restitution pour les œufs en coquille exportés sous la forme de marchandises ne relevant pas de l'annexe II du Traité (Commission Regulation (EEC) No. 226/68 of 26 February 1968 fixing the refund for eggs in shell exported in the form of goods not covered by Annex II of the Treaty)	No. L 50, 28.2.68
Règlement (CEE) n° 227/68 de la Commission, du 28 février 1968, fixant les prélèvements applicables aux céréales et aux farines, gruaux et semoules de blé ou de seigle (Commission Regulation (EEC) No. 227/68 of 28 February 1968 fixing the levies on cereals and on wheat or rye flour, groats and meal)	No. L 51, 29.2.68
Règlement (CEE) n° 228/68 de la Commission, du 28 février 1968, portant fixation des primes s'ajoutant aux prélèvements pour les céréales et le malt (Commission Regulation (EEC) No. 228/68 of 28 February 1968 fixing the premiums to be added to levies on cereals and malt)	No. L 51, 29.2.68
Règlement (CEE) n° 229/68 de la Commission, du 28 février 1968, portant modification du correctif applicable à la restitution pour les céréales (Commission Regulation (EEC) No. 229/68 of 28 February 1968 amending the corrective factor applicable to the refund on cereals)	No. L 51, 29.2.68
Règlement (CEE) n° 230/68 de la Commission, du 28 février 1968, portant fixation des prélèvements dans le secteur de l'huile d'olive (Commission Regulation (EEC) No. 230/68 of 28 February 1968 fixing the levies in the olive oil sector)	No. L 51, 29.2.68
Règlement (CEE) n° 231/68 de la Commission, du 28 février 1968, fixant pour chaque Etat membre, la différence de prix du sucre blanc applicable pour le calcul du prélèvement et de la restitution dans le secteur des produits transformés à base de fruits et légumes (Commission Regulation (EEC) No. 231/68 of 28 February 1968 fixing for each Member State the difference in white sugar prices to be used in calculating the levy and the refund on processed products based on fruit and vegetables)	No. L 51, 29.2.68

Règlement (CEE) n° 232/68 de la Commission, du 28 février 1968, fixant la restitution à la production pour les huiles d'olive utilisées pour la fabrication de conserves de poissons et de légumes (Commission Regulation (EEC) No. 232/68 of 28 February 1968 fixing the refund to producers of olive oils used in fish and vegetable preserves)

No. L 51, 29.2.68

Règlement (CEE) n° 233/68 de la Commission, du 28 février 1968, modifiant le montant supplémentaire pour certains produits du secteur de la viande de porc (Commission Regulation (EEC) No. 233/68 of 28 February 1968 amending the supplementary amount for certain products in the pigmeat sector)

No. L 51, 29.2.68

### Delegations and missions to the Communities

Missions de pays tiers (Turquie) (Missions of non-member countries — Turkey)

No. C 13, 22.2.68

## THE COUNCIL

### Directives and Decisions

Directive du Conseil, du 23 janvier 1968, relative au rapprochement des législations des Etats membres concernant le classement des bois bruts (Council Directive of 23 January 1968 on the approximation of Member States' legislation concerning the classification of wood in the rough)

No. L 32, 6.2.68

Décision du Conseil, du 23 janvier 1968, portant approbation d'une modification des statuts de l'entreprise commune "Kernkraftwerk Obrigheim GmbH" (Council Decision of 23 January 1968 approving the amendment of the Articles of association of the joint undertaking "Kernkraftwerk Obrigheim GmbH")

No. L 32, 6.2.68

Décision du Conseil, du 27 février 1968, portant suspension totale des droits du tarif douanier commun applicables à certains matériels utilisés pour l'équipement des avions (année 1968) [Council Decision of 27 February 1968 suspending the common customs tariff duties applicable to certain equipment used to fit out aircraft (year 1968)]

No. L 52, 29.2.68

Décision du Conseil, du 27 février 1968, portant suspension partielle des droits du tarif douanier commun applicables aux saumons, de la position ex 03.01 A I b, et aux œufs de la lompe (*Cyclopterus lumpus*), des positions ex 03.01 C et ex 03.02 C [Council Decision of 27 February 1968 reducing the common customs tariff duties applicable to salmon (CCT heading ex. 03.01 A I b) and lump fish eggs (*Cyclopterus lumpus*) (CCT headings ex 03.01 C and ex 03.02 C)]

No. L 52, 29.2.68

Décision du Conseil, du 27 février 1968, portant suspension totale du droit du tarif douanier commun applicable au titane spongieux (éponge de titane) de la position ex 81.04 K I (Council Decision of 27 February 1968 suspending the CCT duty applicable to titanium sponge of CCT heading ex 81.04 K I)

No. L 52, 29.2.68

Décision du Conseil, du 27 février 1968, portant suspension totale ou partielle des droits du tarif douanier commun pour un certain nombre de produits (année 1968) [Council Decision of 27 February 1968 suspending in whole or in part the CCT duties on a certain number of products (year 1968)]

No. L 52, 29.2.68

## Consultations

Consultation et avis du Comité économique et social au sujet d'une proposition de règlement du Conseil portant prorogation du délai de non-application aux transports par chemin de fer, par route et par voie navigable du règlement n° 17 du Conseil (Reference to the Economic and Social Committee for its opinion of a proposal for a Council Regulation extending the period of non-application of Council Regulation No. 17 to transport by rail, road and inland waterway)

No. C 11, 17.2.68

Consultation et avis du Comité économique et social au sujet d'une proposition de directive du Conseil concernant le rapprochement des législations des Etats membres relatives à la publicité des spécialités pharmaceutiques et à la notice (Reference to the Economic and Social Committee for its opinion of a proposal for a Council Directive on the harmonization of the Member States' legislation on publicity for branded pharmaceuticals and the contents of package inserts)

No. C 12, 21.2.68

## Information

Prorogation de la validité de la liste d'aptitude établie à la suite du concours général n° 35/Conseil (Extension of the period of validity of the list of eligible candidates drawn up following Open Competition No. 35/Council)

No. C 9, 12.2.68

## THE COMMISSION

### Directives and Decisions

Décision de la Commission, du 30 janvier 1968, portant fixation du montant des restitutions à accorder pour les quantités de céréales contenues dans les aliments composés à base de produits laitiers exportés vers les pays tiers (Commission Decision of 30 January 1968 fixing the amount of the refunds to be granted on quantities of cereals contained in compound feedingstuffs based on milk products and exported to non-member countries)

No. L 32, 6.2.68

Décision de la Commission, du 30 janvier 1968, portant fixation du premier élément de l'élément mobile du prélèvement applicable aux aliments composés à base de produits laitiers (Commission Decision of 30 January 1968 fixing the first component of the variable component of the levy on compound animal feedingstuffs based on milk products)

No. L 32, 6.2.68

Décision de la Commission, du 12 janvier 1968, portant fixation du schéma uniforme et des modalités d'application concernant la transcription sur bandes magnétiques ou cartes perforées des données contenues dans le questionnaire de l'enquête de base sur la structure des exploitations agricoles (Commission Decision of 12 January 1968 fixing the uniform system and the implementing procedures for the transcription on to magnetic tapes or punched cards of the data contained in the questionnaire for the basic survey on the structure of agricultural holdings)

No. L 34, 7.2.68

Décision de la Commission, du 17 janvier 1968, relative aux modalités d'application en république fédérale d'Allemagne des mesures spéciales d'intervention dans le secteur de la viande bovine (Commission Decision of 17 January 1968 on implementing provisions in the Federal Republic of Germany for special intervention measures in the beef and veal sector)

No. L 34, 7.2.68



<p>Décision de la Commission, du 25 janvier 1968, autorisant la République française en vertu de l'article 115, alinéa 1, du Traité, à exclure du traitement communautaire les "instruments et appareils électriques ou électroniques de mesure, de vérification, de contrôle, de régulation ou d'analyse" de la position ex 90.28 B du tarif douanier commun originaires du Japon et mis en libre pratique dans d'autres Etats membres (Commission Decision of 25 January 1968 authorizing France, in pursuance of Article 115, first paragraph, of the Treaty, to exclude from Community treatment "electrical measuring, checking, analysing or automatic control instruments and apparatus" from CCT heading ex 90.28 B originating in Japan and in free circulation in other Member States)</p>	<p>No. L 34, 7.2.68</p>
<p>Décision de la Commission, du 26 janvier 1968, fixant les montants maxima de la restitution pour le sucre blanc exporté vers les pays tiers sous la forme de marchandises ne relevant pas de l'annexe II du traité (Commission Decision of 26 January 1968 fixing the maximum amounts of the refunds on white sugar exported to non-member countries in the form of goods not included in Annex II of the Treaty)</p>	<p>No. L 34, 7.2.68</p>
<p>Décision de la Commission, du 26 janvier 1968, fixant les montants maxima de la restitution à l'exportation du sucre vers les pays tiers (Commission Decision of 26 January 1968 fixing the maximum amounts of the refund on exports of sugar to non-member countries)</p>	<p>No. L 34, 7.2.68</p>
<p>Décision de la Commission, du 1<sup>er</sup> février 1968, portant fixation des prix servant au calcul du prélèvement envers les pays tiers dans le secteur de la viande bovine (Commission Decision of 1 February 1968 fixing the prices to be used when calculating the levy applicable to non-member countries in the beef and veal sector)</p>	<p>No. L 35, 8.2.68</p>
<p>Décision de la Commission, du 2 février 1968, portant fixation des prix franco frontière pour les échanges intracommunautaires dans le secteur du lait et des produits laitiers (Commission Decision of 2 February 1968 fixing free-at-frontier prices for intra-Community trade in the milk and milk products sector)</p>	<p>No. L 35, 8.2.68</p>
<p>Décision de la Commission, du 2 février 1968, portant fixation des prix franco frontière pour les échanges avec les pays tiers dans le secteur du lait et des produits laitiers (Commission Decision of 2 February 1968 fixing free-at-frontier prices for trade with non-member countries in the milk and milk products sector)</p>	<p>No. L 35, 8.2.68</p>
<p>Décision de la Commission, du 29 janvier 1968, fixant les montants maxima des restitutions pour certains produits laitiers exportés vers les pays tiers, sous la forme de marchandises ne relevant pas de l'annexe II du Traité (Commission Decision of 29 January 1968 fixing the maximum amounts of the refunds on certain milk products exported to non-member countries in the form of goods not included in Annex II of the Treaty)</p>	<p>No. L 37, 10.2.68</p>
<p>Décision de la Commission, du 30 janvier 1968, relative aux recours de la République italienne à l'article 115, alinéa 2, du Traité, concernant certains produits originaires de pays tiers et mis en libre pratique dans les autres Etats membres (cartons, machines à calculer, transistors et autres [Commission Decision of 30 January 1968 on recourse by Italy to Article 115, second paragraph, of the Treaty in connection with certain products originating in non-member countries and in free circulation in the other Member States (paperboard, calculating machines, transistors, etc.)])</p>	<p>No. L 38, 13.2.68</p>
<p>Décision de la Commission, du 26 janvier 1968, portant prorogation de la décision du 3 décembre 1965 autorisant la République française à appliquer des mesures de protection au titre de l'article 115, alinéa 1, du Traité, en ce qui concerne l'importation d'animaux vivants de l'espèce ovine et de viande ovine, originaires des pays tiers mis en libre pratique dans d'autres Etats membres (Commission Decision of 26 January 1968 extending the period of validity of the decision of 3 December 1965 authorizing France to adopt safeguard measures under</p>	

Article 115, first paragraph, of the Treaty with regard to imports of sheep and mutton originating in non-member countries and in free circulation in the other Member States)	No. L 39, 14.2.68
Décision de la Commission, du 9 février 1968, fixant les montants de la restitution à l'exportation du sucre vers les pays tiers (Commission Decision of 9 February 1968 fixing the amounts of the refund on exports of sugar to non-member countries)	No. L 39, 14.2.68
Décision de la Commission, du 8 février, portant fixation des prix servant au calcul du prélèvement envers les pays tiers dans le secteur de la viande bovine (Commission Decision of 8 February 1968 fixing prices to be used when calculating the levy applicable to non-member countries in the beef and veal sector)	No. L 40, 15.2.68
Décision de la Commission, du 9 février 1968, portant fixation des prix franco frontière pour les échanges intracommunautaires dans le secteur du lait et des produits laitiers (Commission Decision of 9 February 1968 fixing the free-at-frontier prices for intra-Community trade in the milk and milk products sector)	No. L 40, 15.2.68
Décision de la Commission, du 9 février 1968, portant fixation des prix franco frontière pour les échanges avec les pays tiers dans le secteur du lait et des produits laitiers (Commission Decision of 9 February 1968 fixing the free-at-frontier prices for trade with non-member countries in the milk and milk products sector)	No. L 40, 15.2.68
Décision de la Commission, du 14 février 1968, relative à la mise à jour de la liste des organismes de droit public prévue à l'article 18 du règlement n° 9 du Conseil concernant le FSE (Commission Decision of 14 February 1968 on keeping up to date the list of bodies under public law provided for in Article 18 of Council Regulation No. 9 on the European Social Fund)	No. L 44, 20.2.68
Décision de la Commission, du 14 février 1968, fixant le montant maximum de la restitution valable pour les exportations de bovins vivants vers les pays tiers (Commission Decision of 14 February 1968 fixing the maximum amount of the refund on exports of cattle on the hoof to non-member countries)	No. L 44, 20.2.68
Décision de la Commission, du 15 février 1968, portant fixation des prix servant au calcul du prélèvement envers les pays tiers dans le secteur de la viande bovine (Commission Decision of 15 February 1968 fixing prices to be used when calculating the levy applicable to non-member countries in the beef and veal sector)	No. L 45, 21.2.68
Décision de la Commission, du 16 février 1968, portant fixation des prix franco frontière pour les échanges intracommunautaires dans le secteur du lait et des produits laitiers (Commission Decision of 16 February 1968 fixing the free-at-frontier prices for intra-Community trade in the milk and milk products sector)	No. L 45, 21.2.68
Décision de la Commission, du 16 février 1968, portant fixation des prix franco frontière pour les échanges avec les pays tiers dans le secteur du lait et des produits laitiers (Commission Decision of 16 February 1968 fixing the free-at-frontier prices for trade with non-member countries in the milk and milk products sector)	No. L 45, 21.2.68
Décision de la Commission, du 13 février 1968, portant octroi d'un contingent tarifaire à la République italienne pour les mélasses de cannes à sucre, destinées à la fabrication du succédané du café (position tarifaire 17.03 B II) [Commission Decision of 13 February 1968 granting Italy tariff quotas for sugar-cane molasses for the manufacture of coffee substitutes (CCT heading 17.03 B II)]	No. L 46, 22.2.68
Décision de la Commission, du 23 février 1968, portant fixation des prix servant au calcul du prélèvement envers les pays tiers dans le secteur de la viande bovine (Commission Decision of 23 February 1968 fixing prices to be used when calculating the levy applicable to non-member countries in the beef and veal sector)	No. L 50, 28.2.68

Décision de la Commission, du 13 février 1968, autorisant la république fédérale d'Allemagne, en vertu de l'article 115, alinéa 1, du Traité, à exclure du traitement communautaire les "oxydes d'antimoine" de la position n° ex 28.28 M du tarif douanier commun, originaires des pays de l'Est et mis en libre pratique dans les autres Etats membres (Commission Decision of 13 February 1968 authorizing the Federal Republic of Germany, in pursuance of Article 115, first paragraph, of the Treaty, to exclude from Community treatment "antimony oxides" from CCT heading ex 28.28 M originating in east European countries and in free circulation in the other Member States)

No. L 50, 28.2.68

Décision de la Commission, du 13 février 1968, portant augmentation du volume du contingent tarifaire octroyé au royaume des Pays-Bas pour les harengs frais, réfrigérés ou congelés destinés à la transformation (position tarifaire ex 03.01 B I a) 2) [Commission Decision of 13 February 1968 increasing the volume of the tariff quota granted the Netherlands for fresh, chilled or frozen herrings for processing (CCT heading ex 03.01 B I a) 2)]

No. L 50, 28.2.68

Décision de la Commission, du 23 février 1968, portant fixation des prix franco frontière pour les échanges avec les pays tiers dans le secteur du lait et des produits laitiers (Commission Decision of 23 February 1968 fixing the free-at-frontier prices for trade with non-member countries in the milk and milk products sector)

No. L 50, 28.2.68

Décision de la Commission, du 23 février 1968, fixant les montants maxima de la restitution à l'exportation du sucre vers les pays tiers (Commission Decision of 23 February 1968 fixing the maximum amounts of the refund on exports of sugar to non-member countries)

No. L 51, 29.2.68

Décision de la Commission, du 19 février 1968, modifiant la décision de la Commission, du 22 décembre 1967, relative à l'écoulement en Belgique de beurre de stock privé à des industries transformatrices (Commission Decision of 19 February 1968 amending the Commission's Decision of 22 December 1967 on the sale in Belgium of butter from private stocks to processing industries)

No. L 51, 29.2.68

### Recommendations and opinions

Avis de la Commission, du 19 janvier 1968, adressé au gouvernement du royaume des Pays-Bas au sujet des mesures d'assainissement de la navigation intérieure (Commission Opinion of 19 January 1968 addressed to the Dutch Government on measures to place inland water transport on a sound footing)

No. L 34, 7.2.68

Recommandation de la Commission, du 31 janvier 1968, adressée à la république fédérale d'Allemagne au sujet des projets de loi : relative au régime fiscal des transports de marchandises par route; portant modification de la loi relative aux transports routiers de marchandises; portant modification de la loi sur la navigation intérieure professionnelle; portant modification de la loi sur les transports de voyageurs (Commission Recommendation of 31 January 1968 addressed to the Federal Republic of Germany concerning draft laws: a) on the fiscal system for road transport of goods; b) amending the law on road transport of goods; c) amending the law on inland water transport for hire or reward; d) amending the law on the transport of persons)

No. L 35, 8.2.68

Recommandation de la Commission, du 21 février 1968, à la république fédérale d'Allemagne et au grand-duché de Luxembourg relative à la ratification de l'accord européen concernant le transport international de marchandises dangereuses par route (ADR) [Commission Recommendation of 21 February 1968 to the Federal Republic of Germany and Luxembourg on the ratification of the European Agreement concerning the international carriage of dangerous goods by road (ADR)]

No. L 51, 29.2.68

## Commission proposals to the Council

Proposition de règlement du Conseil portant organisation commune des marchés dans le secteur du lait et des produits laitiers (Proposal for a Council Regulation on the common organization of the market in milk and milk products)	No. C 13, 22.2.68
Proposition de règlement du Conseil établissant les règles complémentaires de l'organisation commune des marchés dans le secteur du lait et des produits laitiers, en ce qui concerne les produits relevant de la position 04.01 du tarif douanier commun (Proposal for a Council Regulation laying down supplementary rules for the common organization of the market in milk and milk products to cover products coming under CCT heading 04.01)	No. C 13, 22.2.68
Proposition de règlement du Conseil portant organisation commune des marchés dans le secteur de la viande bovine (Proposal for a Council Regulation on the common organization of the market in beef and veal)	No. C 13, 22.2.68
Proposition d'une directive du Conseil concernant l'organisation du recensement général de l'agriculture recommandé par la FAO (Proposal for a Council Directive on the organization of the general agricultural census recommended by FAO)	No. C 14, 24.2.68
Proposition d'une troisième directive du Conseil concernant le rapprochement des législations des Etats membres relatives aux spécialités pharmaceutiques (Proposal for a third Council Directive on the approximation of Member States' legislation on branded pharmaceuticals)	No. C 14, 24.2.68
Proposition d'un règlement du Conseil relatif au financement par le FEOGA d'une aide à la production d'huile de pépins de raisins (Proposal for a Council Regulation on the financing by the EAGGF of aid to producers of grape pip oil)	No. C 14, 24.2.68

## European Development Fund

Information relative aux taux de parité retenus pour les opérations du FED (Exchange rates used for EDF operations)	No. C 6, 5.2.68
Avis d'appel d'offres n° 656 lancé par la république du Niger pour un projet financé par la CEE - FED (Call for tender No. 656 issued by Niger for a project financed by the EEC - EDF)	No. C 6, 5.2.68
Avis d'appel d'offres n° 660 (par consultation publique) de la République malgache (Centrale d'équipement agricole et de modernisation du paysannat — CEAMP) pour un programme financé par la CEE - FED [Call for tender No. 660 by Madagascar (Central Office for agricultural equipment and modernization of peasant holdings — CEAMP) for a programme financed by the EEC - EDF]	No. C 6, 5.2.68
Troisième additif à l'appel d'offres n° 615 (Third addendum to call for tender No. 615)	No. C 6, 5.2.68
Rectificatif à l'appel d'offres n° 653 (Amendment to call for tender No. 653)	No. C 6, 5.2.68
Avis d'appel d'offres n° 661 (par consultation publique) de la République centrafricaine pour un projet financé par la CEE - FED (Call for tender No. 661 by Central African Republic for a project financed by the EEC - EDF)	No. C 7, 7.2.68
Avis d'appel d'offres n° 662 lancé par la république du Sénégal pour un projet financé par la CEE - FED (Call for tender No. 662 issued by Senegal for a project financed by the EEC - EDF)	No. C 7, 7.2.68

Résultats d'appels d'offres (n° 513, 546, 548, 561, 571, 581, 598 et 606) (Results of calls for tender Nos. 513, 546, 548, 561, 571, 581, 598 and 606)	No. C 8, 10.2.68
Avis d'appel d'offres n° 663 (par consultation publique) de la République centrafricaine pour un programme financé partiellement par la CEE - FED (Call for tender No. 663 by the Central African Republic for a programme partially financed by the EEC - EDF)	No. C 9, 12.2.68
Avis d'appel d'offres n° 664 lancé par le Suriname pour un projet financé par la CEE - FED (Call for tender No. 664 issued by Surinam for a project financed by the EEC - EDF)	No. C 9, 12.2.68
Rectificatif à l'appel d'offres n° 658 (Amendment to call for tender No. 658)	No. C 9, 12.2.68
Rectificatif à l'appel d'offres n° 636 (Amendment to call for tender No. 636)	No. C 11, 17.2.68
Additif à l'appel d'offres n° 648 (Addendum to call for tender No. 648)	No. C 11, 17.2.68
Avis d'appel d'offres n° 665 (par consultation publique) de la République togolaise (ministère de l'économie rurale) pour un programme financé par la CEE - FED [Call for tender No. 665 by Togo (Ministry of Rural Economy) for a programme financed by the EEC - EDF]	No. C 11, 17.2.68
Avis d'appel d'offres n° 666 (par consultation publique) de la République centrafricaine pour un projet financé par la CEE - FED (Call for tender No. 666 by the Central African Republic for a project financed by the EEC - EDF)	No. C 11, 17.2.68
Avis d'appel d'offres n° 667 (par consultation publique) lancé par la république de Haute-Volta pour un projet financé par la CEE - FED (Call for tender No. 667 issued by Upper Volta for a project financed by the EEC - EDF)	No. C 12, 21.2.68
Résultats d'appels d'offres (n° 571, 575, 583, 596, 602 et 616) (Results of calls for tender Nos. 571, 575, 583, 596, 602 and 616)	No. C 13, 22.2.68
Avis d'appel d'offres n° 458 lancé par la république de Côte-d'Ivoire pour un projet financé par la CEE - FED (Call for tender No. 458 issued by the Ivory Coast for a project financed by the EEC - EDF)	No. C 13, 22.2.68
Rectificatif et additif à l'appel d'offres n° 651 (Addendum and amendment to call for tender No. 651)	No. C 13, 22.2.68
Avis d'appel d'offres n° 668 (par consultation publique) de la république du Togo pour un projet financé par la CEE - FED (Call for tender No. 668 by Togo for a project financed by the EEC - EDF)	No. C 14, 24.2.68
Avis d'appel d'offres n° 669 lancé par la République somalienne pour un projet financé par la CEE - FED (Call for tender No. 669 issued by Somalia for a project financed by the EEC - EDF)	No. C 14, 24.2.68
Avis d'appel d'offres n° 670 lancé par la république du Burundi pour un projet financé par la CEE - FED (Call for tender No. 670 issued by Burundi for a project financed by the EEC - EDF)	No. C 14, 24.2.68
Avis d'appel d'offres n° 671 lancé par la république de Haute-Volta pour un projet financé par la CEE - FED (Call for tender No. 671 issued by Upper Volta for a project financed by the EEC - EDF)	No. C 14, 24.2.68

## COURT OF JUSTICE OF THE EUROPEAN COMMUNITIES

### Judgments

Arrêt de la Cour de justice du 8 février 1968 annulant la décision n° 14-66 de la Haute Autorité de la CECA, du 20 juillet 1966, relative à l'autorisation de tarifs spéciaux de la "Deutsche Bundesbahn" applicable à certains transports de charbon et d'acier en provenance et à destination

de la Sarre (Judgment of the Court dated 8 February 1968 quashing Decision No. 14-66 of the High Authority of the ECSC dated 20 July 1966 authorizing special Deutsche Bundesbahn freight rates for certain consignments of coal and steel from and to the Saar)

No. I 48, 24.2.68

Arrêt de la Cour de justice, rendu le 12 décembre 1967, dans l'affaire 11-67 (demande de décision préjudicielle présentée par le Conseil d'Etat de Belgique) : Office national des pensions pour ouvriers contre Marcel Couture [Judgment of the Court pronounced on 12 December 1967 in Case 11-67 (request for a preliminary ruling by the Belgian Council of State): Office national des pensions pour ouvriers v. Marcel Couture]

No. C 7, 7.2.68

Arrêt de la Cour de justice, rendu le 13 décembre 1967, dans l'affaire 12-67 (demande de décision préjudicielle présentée par le Conseil d'Etat de Belgique) : Jules Guissart contre Etat belge [Judgment of the Court pronounced on 13 December 1967 in Case 12-67 (request for a preliminary ruling by the Belgian Council of State): Jules Guissart v. the Belgian State]

No. C 7, 7.2.68

Arrêt de la Cour de justice, rendu le 13 décembre 1967, dans l'affaire 17-67 (demande de décision préjudicielle présentée par le Bundesfinanzhof) : Firma Max Neumann contre Hauptzollamt Hof/Saale [Judgment of the Court pronounced on 13 December 1967 in Case 17-67 (request for a preliminary ruling by the Bundesfinanzhof): Firma Max Neumann v. Hauptzollamt Hof/Saale]

No. C 7, 7.2.68

Arrêt de la Cour de justice, rendu le 30 novembre 1967, dans l'affaire 18-67 (demande de décision préjudicielle présentée par le Conseil d'Etat de Belgique) : Argia Cossutta, veuve Giuseppe Pagotto contre Office national des pensions pour ouvriers, Bruxelles [Judgment of the Court pronounced on 30 November 1967 in Case 18-67 (request for a preliminary ruling by the Belgian Council of State): Argia Cossutta, widow of Giuseppe Pagotto v. Office national des pensions pour ouvriers, Brussels]

No. C 7, 7.2.68

Arrêt de la Cour de justice, rendu le 8 février 1968, dans l'affaire 28-66 : Gouvernement du royaume des Pays-Bas contre Commission des Communautés européennes se substituant à la Haute Autorité de la CECA (Judgment of the Court pronounced on 8 February 1968 in Case 28-66: Government of the Netherlands v. Commission of the European Communities replacing the High Authority of the ECSC)

No. C 14, 24.2.68

#### New cases, etc.

Affaire 1-68 : Recours introduit le 18 janvier 1968 par la Commission des Communautés européennes contre la République française (Case 1-68: Suit filed on 18 January 1968 by the Commission of the European Communities against the French Republic)

No. C 11, 17.2.68

Affaire 2-68 : Recours introduit le 25 janvier 1968 par l'Ufficio Imposte di Consumo, commune d'Ispra, contre la Commission des Communautés européennes (Case 2-68: Suit filed on 25 January 1968 by Ufficio Imposte di Consumo, commune of Ispra, against the Commission of the European Communities)

No. C 11, 17.2.68

Affaire 3-68 : Recours introduit le 29 janvier 1968 par M. Fernand De Schacht contre le Conseil des Communautés européennes (Case 3-68: Suit filed on 29 January 1968 by M. Fernand De Schacht against the Council of the European Communities)

No. C 11, 17.2.68

Affaire 4-68 : Demande de décision à titre préjudiciel présentée par ordonnance du tribunal administratif de Francfort-sur-le-Main dans l'affaire "Firma Schwarzwaldmilch GmbH", à Offenbourg, contre "Einfuhr- und Vorratsstelle für Fette" (Case 4-68: Request for a preliminary decision lodged by order of the administrative tribunal Frankfurt-on-Main in the Case "Firma Schwarzwaldmilch GmbH" Offenbourg against "Einfuhr- und Vorratsstelle für Fette")

No. C 11, 17.2.68

## ECONOMIC AND SOCIAL COMMITTEE

Règlement intérieur révisé (entré en vigueur le 1<sup>er</sup> janvier 1968) [Revised rules of procedure (applicable from 1 January 1968)]

No. L 42, 16.2.68

### Corrigenda

Rectificatif au règlement n° 1085/67/CEE de la Commission, du 29 décembre 1967, modifiant les prélèvements applicables à l'importation des produits transformés à base de céréales et de riz (JO n° 320 du 30-12-1967) (Corrigendum to Commission Regulation No. 1085/67/CEE of 29 December 1967 amending the levies on imports of processed products based on cereals and rice — Official gazette No. 320 of 30 December 1967)

No. L 45, 21.2.68

Rectificatif à la décision n° 68/27/CEE de la Commission, du 15 décembre 1967, fixant le montant d'un acompte à valoir sur le concours du FEOGA aux dépenses de la République française, remboursables au titre de la section garantie pour la période de comptabilisation 1965/66 (JO n° L 14 du 17-1-1968) (Corrigendum to Commission Decision No. 68/27/CEE of 15 December 1967 fixing the amount of an advance from the EAGGF towards meeting expenditure repayable under the Guarantee Section for the 1965/66 accounting period incurred by France — Official gazette No. L 14 of 17 January 1968)

No. L 45, 21.2.68

Rectificatif concernant la réponse à la question écrite n° 204 de M. Vredeling (JO n° C 1 du 12-1-1968) (Corrigendum to the reply to written question No. 204 from M. Vredeling — Official gazette No. C 1 of 12 January 1968)

No. C 6, 5.2.68

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