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BULLETIN OF THE EUROPEAN COMMUNITIES

**European Coal and Steel Community
European Economic Community
European Atomic Energy Community**

**Commission of the European Communities
Secretariat of the Commission
Brussels**

**no. 12
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contents

1ST PART DOCUMENTS, FACTS AND STUDIES

- | | |
|---|----|
| 1. The Copenhagen Summit Conference | 6 |
| 2. The EC generalized Preferences for 1974 | 13 |
| 3. Consumer protection : the Commission's programme | 15 |
| 4. Europe between the past and the future | 18 |

2ND PART COMMUNITY ACTIVITIES IN DECEMBER 1973

- | | |
|---|----|
| 1. Functioning of the Common Market | 28 |
| — Free circulation of goods | 28 |
| — Competition policy | 34 |
| — Fiscal policy and Financial Institutions | 39 |
| — Approximation of laws and creation by convention of European
law | 40 |
| 2. Economic and Monetary Union | 44 |
| — Economic, monetary and financial policy | 44 |
| — Regional policy | 47 |
| — Social policy | 49 |
| — Environment and Consumer Protection | 53 |
| — Agricultural policy | 54 |
| — Industrial and technological policy | 63 |
| — Science, research and development, education, scientific and
technical information | 66 |
| — Energy policy | 68 |
| — Transport policy | 70 |

3. External Relations	71
— Mediterranean countries	71
— Associated African States, Malagasy and Commonwealth countries to which the Community has offered Association	72
— Developing countries	75
— Other Third Countries	76
— Commercial policy	78
— International organizations	80
— Community diplomatic relations	81
4. Institutions and Organs of the Communities	82
— European Parliament	82
— Council	101
— Commission	106
— Court of Justice	106
— Economic and Social Committee	110
— ECSC Consultative Committee	111
— European Investment Bank	112
— Financing Community Activities	115
5. Political Cooperation	118

3RD PART INFORMATION AND SOURCES

1. From Day to Day	124
2. Published in the Official Journal	129

Supplements 1973

- 1/73** Renewal and enlargement of the association with the AASM and certain Commonwealth developing countries
- 2/73** Development of an overall approach to trade in view of the coming multilateral negotiations in GATT
- 3/73** Programme of environmental action of the European Communities
- 4/73** Guidelines for a social action programme
- 5/73** Attainment of the Economic and Monetary Union
- 6/73** Guidelines and priority actions under the Community Energy Policy
- 7/73** Towards the establishment of a European industrial base
- 8/73** Report on the regional problems in the enlarged Community
- 9/73** Strengthening of the budgetary powers of the European Parliament
- 10/73** For a Community Policy on Education
- 11/73** New proposal on the harmonization of VAT
- 12/73** Monetary organization of the Community
- 13/73** Draft Convention on the international merger of sociétés anonymes and Report on the draft
- 14/73** Scientific and Technological Policy Programme
- 15/73** Multinational undertakings and Community Regulations
- 16/73** Common Transport Policy: objectives and programme
- 17/73** Improvement of the Common Agricultural Policy



1ST PART

**DOCUMENTS, FACTS
AND STUDIES**

1. The Copenhagen Summit Conference

Summit Conference

1101. The second Summit Conference of the Heads of State or Government was held in Copenhagen on 14-15 December. It was called on the initiative of President Pompidou who, in the light of developments in the Near East, had proposed that the Heads of State or Government should meet before the end of 1973. Mr Jørgensen, the Prime Minister of Denmark, the country now holding the Presidency of the Council, then decided to convene the Conference.

The Commission made strenuous preparations for it, covering all aspects involving the authority of the Community. Two successive Communications were sent to the Heads of State or Government. In one of them which dealt with the general development of Community work, the Commission recommended that the process of European union, initiated at the Paris Summit, be speeded up. The Commission held that this matter was so important that it justified organizing and fostering the association of the quickening force of the European peoples, especially of the political forces, with the preparation of the report anticipated in the Paris Communiqué. The other Communication bore specifically on the Community's responsibilities with regard to energy.

The European Parliament took a position on the Copenhagen Conference in two Resolutions.¹

Resolution of the European Parliament

1102. During the sitting of 12 December the European Parliament passed the following Resolution² in view of the Conference of Heads of State or Government on 14-15 December in Copenhagen:

'The European Parliament,

On the eve of the Conference of Heads of State or Government on 14 and 15 December 1973:

— convinced that the present tensions in international relations, and their repercussions within the Community, make it even more essential to advance the deadlines for achieving European union,

— reaffirming the interdependence of economic and political integration,

— considering that the political identity of Community Europe should enable Europe to fulfil its world responsibilities and will facilitate more effective dialogue and cooperation with Europe's world partners and particularly with the United States of America,

Considers

1. That the Community's increased responsibilities in regard to both internal matters and international developments call more and more for the establishment of a Community centre of policy decision making capable of assuming the functions of a true and proper European Government backed up by a Parliament to which election by direct universal suffrage must be provided for straightaway and the strengthening of whose powers of control and decision must be decided on immediately;

2. That occasional conferences of Heads of State or Government can provide desirable opportunities for stimulus, and that, in this context, they should make use of existing Community institutions and their valuable experience, particularly that of the Commission whose participation is essential in matters directly or indirectly concerning Community powers;

3. That the political determination expressed and the decisions taken by the Heads of State

¹ The preparations for the Conference were described in a Chapter of the previous Bulletin. Bull. EC 11-1973, points 1401 - 1407.

² OJ C 2 of 9.1.1974, p. 41.

or Government on 19 and 20 October 1972 must be implemented in practical terms and that the Community must therefore assert its cohesion and adapt its institutional structure to the needs of its new dimension and the tasks devolving on it;

Requests

4. That procedures be established and more effective and binding forms of common action agreed in the field of external policy and security, to enable the nine Member States to adopt a united position in response to international events and to enable Community Europe to develop its own identity, which is a necessary condition of greater world stability;

5. That all necessary commitments be undertaken to make up for lost time within the coming months in the achievement of Economic and Monetary Union and that the programmes of regional policy, social policy and industrial, scientific and technological policy be implemented without delay;

6. That there be implemented immediately and in full solidarity a common energy policy which, by adapting the existing Community structures to provide the essential coordination of information and programmes in the Member States and the Community, will ensure within the framework of international cooperation a better supply position in the medium and long term;

7. That a plan of coordinated action be drawn up by the Community for a united fight against inflation and its negative effects, with particular reference to the policy of full employment which the Community must pursue;

8. That urgent measures be decided on to reinforce Community structures both in regard to decision-making procedures and to places of work and the conditions under which the

mandates entrusted to the individual institutions are exercised;

9. Instructs its President to forward this Resolution to the Heads of State or Government of the Member States and to the Council and Commission of the European Communities.'

The Conference Proceedings

1103. The Conference of Heads of State or Government opened on 14 December 1973 at the Bella Centret, Copenhagen with an address by the Danish Premier, Mr Anker Jørgensen: 'It is both a pleasure and an honour for me to extend a cordial welcome to the President of France and the heads of government of the seven other members of the European Community and their delegations at this Conference in Copenhagen. For our part, we in Denmark have looked forward to this meeting as a welcome opportunity to discuss a number of important issues on the minds of all of us, and it is my hope that in the course of today and tomorrow we shall have a frank and fruitful exchange of views. A feature peculiar to this summit gathering is that it had been planned as an opportunity for an interchange of views by the heads of state or government of the nine EEC members. It is not a decision-making body for the Nine. There already exist several established institutions and procedures within which the nine Member States can debate specific issues and arrive at the necessary decisions.

The purpose of this particular meeting is to attempt to inject new momentum and fresh inspiration into the future development of Europe. It was in this spirit that we took up President Pompidou's invitation and convened this conference. I am convinced that I reflect the views of my colleagues on this point.

My welcome also embraces the many news media representatives. We consider the interest

of the media to be an extremely positive sign—an expression of the concern surrounding the problems with which we shall be dealing. It is after all through the press and other mass media that ideas and views are channelled out to a wider public. The media have an important job to do in the process of developing European co-operation on the open and democratic lines we would like.

I trust and believe that the media representatives will approach their work in this spirit.

After my brief introduction we shall move directly to our talks, which will be continued tomorrow morning. Tomorrow afternoon there will be a briefing at which the media will have the opportunity to put questions. At 15.00 hours today the Danish Foreign Minister—in his capacity as chairman of the Danish Foreign Relations Committee—will give a brief account of the European Identity Paper, which it has been agreed will be published in conjunction with this Conference.

I am certain that the Conference will serve a very useful function with regard to the continued development of European co-operation and the sense of a common European bond. It takes place at a time when a series of issues calls for—indeed demands—co-operation within Europe. The problems faced by the European nations as a consequence of the Middle East conflict indicate very clearly the relationship between the various aspects of international development. Co-operation at every level must proceed in gradual stages—it would be a reckless policy to endeavour to force the adoption of decisions for which there is no solid working basis. The art of politics lies in seeking out areas of mutual contact—defining those mutual interests in the widest sense which can provide a basis for co-operation. It is our intention with our talks today and tomorrow to continue this process, which is the very heart of European relations.

Immense progress has been made in Europe over the past 25 years. In practical terms, European co-operation has produced results no one would have thought possible in the light of experiences in the first half of this century. But the process must go on—stagnation would be tantamount to a reversal.

In the past our problems have been chiefly those of an affluent society—the problems of growth. We must however realise that there is a constant risk that growth cannot continue—that instead we should direct our attention to the task of maintaining full employment and making our society fit for human living.

But the factor common to all our problems—whether inflation, monetary instability, security and détente, relations with our allies and major trading partners—is that they require our wider co-operation. But this process should not be contrary to the interests of other nations or parts of the world. I want to stress that point. Our aim must be to solve our own problems while at the same time playing our appointed role in the international community.'

1104. The discussions of the national leaders took place on Friday 14 and Saturday 15 December. Except for the Friday afternoon session concerning the organization of political cooperation, the President of the Commission, Mr François Xavier Ortoli was present at all the talks and working lunches. Alongside the Conference a meeting of the Foreign Ministers was also held.

The first day of the Conference was highlighted by the unexpected arrival of the Foreign Ministers of several Arab countries, namely Algeria, Tunisia, the Sudan and the Emirates. On the Friday night the Arab Ministers were received by the nine Foreign Ministers to whom the visitors gave a verbal message from the Arab countries for the Conference. The following day the Arab Ministers were received by

the Chairman of the Conference, Mr Jørgensen together with Mr Andersen, the Danish Foreign Minister who as President-in-Office for political cooperation, was briefed to inform the Arab Ministers of the Community's initial reactions to their message.

1105. The outcome of the deliberations of the Heads of State or Government emerged in a Declaration, made public at the close of the Conference by its Chairman, Mr Jørgensen, the Danish Premier. The Declaration on European identity, drawn up on the basis of political cooperation, was also published during the Conference.¹

Final Communiqué issued by the Conference Chairman

1106. *The Heads of State or Government of the Member States of the European Community met in Copenhagen on 14 and 15 December 1973 at the invitation of the Prime Minister of Denmark. The President of the Commission participated actively in their work on Community questions. They agreed as follows:*

1. The nine countries affirm their common will that Europe should speak with one voice in important world affairs. They adopted the declaration on the European identity, which defines, with the dynamic nature of the Community in mind, the principles which are to underlie their action.

2. They decided to speed up the work required to define the European Union which they had set themselves as their major objective at the Paris Summit. They asked the Presidency to make the necessary proposals without delay.

3. They decided to meet more frequently. These meetings will be held whenever justified

by the circumstances and when it appears necessary to provide a stimulus or to lay down further guidelines for the construction of a united Europe. They also agreed to meet whenever the international situation so requires.

It will be for the country providing the President to convene these meetings and to make detailed proposals concerning their preparation and organization.

The Heads of State or Government attach the greatest importance to the Institutions of the Community playing their full role and to the necessary decisions being taken there in good time.

4. It was agreed that the Foreign Ministers of the Member States should, at their next meeting, decide on the means by which a common position should be worked out quickly in times of crisis. The development of political cooperation will also enable them to make joint assessments of crisis situations, with the aim of foreseeing them and of taking the measures needed to deal with them.

5. They confirmed their support for the policy of international détente which respects the independence and security of each State and the rules laid down in the Charter of the United Nations for the prevention and settlement of conflicts.

They agreed that the growing unity of the Nine would strengthen the West as a whole and will be beneficial for the relationship between Europe and the United States.

6. The Heads of State or Government welcome the convening of a peace conference in Geneva and call on the participants to make every effort to achieve a just and lasting settle-

¹ Point 2501.

ment at an early date. The Nine Governments are ready to assist in the search for peace and in the guaranteeing of a settlement. They will inform the Secretary General of the UN thereof.

The Heads of State or Government reaffirmed the united stand of their Governments on the Middle East question embodied in the Declaration issued on 6 November. Recent events have strengthened them in their view that the security of all states in the area, whether it be Israel or her Arab neighbours, can only be based on the full implementation of Security Council Resolution 242 in all its parts taking into account also the legitimate rights of the Palestinians.

The Heads of State or Governments are convinced that the requirements of sovereignty and the requirements of security can be met by the conclusion of peace agreements including among other arrangements international guarantees and the establishment of demilitarized zones.

7. As regards the European Communities, the Heads of State or Government reaffirmed the importance they attach to what the Community has already achieved and their will to see it develop. After examining the progress already made in implementing earlier decisions they agreed:

- (i) to invite the Community institutions to take measures to achieve more rapid progress towards the full establishment of economic and monetary union building on the decisions already taken;
- (ii) to seek actively the definition of a common position on reform of the international money situation, to increase the instruments at the disposal of the European Monetary Cooperation Fund and to strengthen the coordination of their action to deal with de-stabilizing capital movements, in order to create an area of stability in Europe;

(iii) the Heads of State or Government agreed that the Regional Development Fund should be established on 1 January 1974. As an expression of their positive attitude to the establishment of the Fund agreed to recommend to their Foreign Ministers that the Council of the European Communities at its next session shall take the necessary decisions concerning the size and the distribution of the Fund and the criteria for the Fund's operations;

(iv) to implement a social action programme having as its aims the achievement of full and better employment in the Community, the improvement of living and working conditions in a way which makes possible their harmonization while the improvement is being maintained, and growing participation by the social partners in the Community's economic and social decisions and by workers in the activities of enterprises;

(v) to make the functioning of the Community's institutions more effective by improving cooperation between the Council, the Commission and the Parliament, by a more rapid procedure for the settlement of questions submitted to the Community authorities and by reinforcing its financial control, involving *inter alia* the establishment of an independent Community Audit Board and the strengthening of the role of the European Parliament in Budgetary matter;

(vi) that the Foreign Ministers at the next session of the Council of the European Communities find a solution to enable the Faroe Islands to postpone their decision concerning membership of the European Communities until the result of the Conference on the Law of the Sea is known;

(vii) the Heads of State or Government, mindful of the importance they attach to problems arising from international trade in primary products and raw materials, asked the Com-

mission to prepare a detailed study and to put proposals to the Council;

(viii) to develop more actively between them a common policy on industrial, scientific and technological cooperation in all fields.

8. The Heads of State or Government have considered the question of energy in a separate paper, attached to this declaration.

9. The Heads of State or Government are convinced that a united Europe will be able to play a role consonant with its history and its abilities in the service of economic and social progress in the Community, of the growth and industrialization of developing countries and of peace between all nations.

Annex to the Summit Conference Final Communiqué

Energy

The Heads of State or Government considered that the situation produced by the energy crisis is a threat to the world economy as a whole; affecting not only developed but also developing countries. A prolonged scarcity of energy resources would have grave effects on production, employment and balances of payment within the Community.

The Heads of State or Government therefore agreed on the necessity for the Community of taking immediate and effective action along the following lines.

The Council should adopt at its session of 17-18 December 1973, the Community instruments which will enable the Commission to establish by 15 January 1974, comprehensive energy balance sheets covering all relevant aspects of the energy situation in the Community.

The Commission should on this basis proceed to examine all present or foreseeable repercussions of the energy supply situation on production, employment, prices and balances of payments, as well as on the development of monetary reserves.

The Heads of State or Government ask the Commission to present by 31 January 1974, proposals on which the Council will be invited to decide as quickly as possible and in principle before 28 February 1974, to ensure the orderly functioning of the common market for energy.

In this context the Commission is asked to submit to the Council as quickly as possible for rapid decision proposals aimed at resolving in a concerted manner the problems raised by the developing energy crisis.

For the same reasons they asked the Council to adopt provisions to ensure that all Member States introduce on a concerted and equitable basis measures to limit energy consumption.

With a view to securing the energy supplies of the Community the Council will adopt a comprehensive Community programme on alternative sources of energy. This programme will be designed to promote a diversification of supplies by developing existing resources, accelerating research in new sources of energy and creating new capacities of production notably a European capacity for enrichment of uranium, seeking the concerted harmonious development of existing projects.

The Heads of State or Government confirmed the importance of entering into negotiations with oil-producing countries on comprehensive arrangements comprising cooperation on a wide scale for the economic and industrial development of these countries, industrial investments, and stable energy supplies to the member countries at reasonable prices.

They furthermore considered it useful to study with other oil-consuming countries within the

framework of the OECD ways of dealing with the common short and long term energy problems of consumer countries.

The Council should establish at its session of 17-18 December 1973 an Energy Committee of Senior Officials which is responsible for implementing the energy policy measures adopted by the Council.

The Commission's Reactions

1107. Immediately after the Conference of Heads of State and Government, Mr Ortoli, the President of the Commission made the following statement:

'The conclusions reached by the Heads of State or Government on the Community attitude towards the energy crisis are a significant step forward which I welcome.

The Commission has in the past worked unremittingly to promote a common energy policy. It has also submitted proposals for the creation of a European uranium enrichment capacity, by developing side by side the two existing projects. Since the beginning of the energy crisis, it has put before the Council proposals for maintaining the unity of the common market and the de facto solidarity developed by the Treaties between economies which are henceforward interdependent.

The conclusions reached by the Heads of State or Government clear the way for genuine Community action. On the two key points of 'ensuring the orderly functioning of the common energy market' and of 'solving by concerted action the problems raised by developments in the present energy crisis', the Commission intends to act with the greatest diligence in submitting the proposals requested; these will be largely based on the studies it has already carried out and the proposals it has already put before the Council.

The Commission also notes the will of the Heads of State or Government to develop a European uranium enrichment capacity which will help make the Community more independent as regards energy. The offer of cooperation agreements with oil-producing countries also corresponds to positions that the Commission has constantly upheld.

The Copenhagen Summit has given Europe, at a vital moment, the impulse for which it was waiting.'

1108. The Commission, meeting on 16 December to prepare for the action to be taken on the conclusions of the Copenhagen Summit Conference, issued the following Communiqué on 17 December:

'The conclusions which the Heads of State or Government have reached with the help of the Commission mark a significant progress which the Commission welcomes.

The Commission considers that the leaders of Europe at the highest level have clearly shown their will to continue to advance rapidly in the building of Europe.

In the energy field particularly, the conclusions of the Heads of State or Government open the way for a genuine community action in the direction that the Commission, both in the past and in recent weeks, has attempted to define and promote.

The 'Summit', as was its role, has laid down the principal guidelines and has provided the expected momentum. Now it is up to the Community Institutions to take the decisions which European opinion is awaiting.

The Council of 17 and 18 December will be the first opportunity to put into practice the political will expressed in Copenhagen.'

The Commission has in fact taken the necessary steps to initiate action on the Summit requirements concerning energy.

2. The EC generalized Preferences for 1974

1201. On the basis of Commission Proposals and Communications, the Council on 18 December 1973 approved the Regulations and Decisions required to authorize the 1974 generalized preferences in favour of semi-finished and manufactured products from the developing countries. On 13 December the European Parliament had issued a detailed Opinion on the Commission's Proposals to the Council.

The decisions taken are this year highly significant. In 1974 which will be a crucial year in the relations between the enlarged Community and the developing countries, improvement made to the scheme of generalized preferences as laid down in the directives from the Paris Summit Conference will make a vital contribution as a token of the greater responsibilities which the Community intends to bear with regard to those nations.

1202. The carefully thought out improvement which has been adopted will from 1 January 1974 help the three new Member States (Denmark, Ireland and the United Kingdom) in applying the Community scheme with respect to the current discrepancies between certain elements of the Community scheme and the schemes run by the new Members until the end of December 1973.

Moreover, for the bulk of the developing countries' products covered by the generalized preferences the improvements will help to wipe out the adverse effects of the initial alignment of the new Member States' national tariffs with the Common Customs Tariff of the Community.

Lastly, the improvements which allow for the need to protect the interests of the Associated or 'Associable' developing countries, are a token of the Community's resolve to preserve the vitally necessary balance in relations with the developing countries in Asia and Latin America when negotiations open with other

developing countries under Protocol 22 attached to the Treaty of Accession.

Generally speaking, the '1974 generalized preferences scheme' has been aligned with the constellation of improvement and balance.

Improvement

1203. For processed agricultural products the 1974 scheme means an expansion of current preferential margins and the inclusion of new products (194 items in 1974 as against 147 in 1973). The major products are: fishmeal, certain varieties of shrimp, coconut oil for industrial use, dehydrated coconut oil, cocoa-butter, soluble coffee, certain pineapple preserves and raw tobacco of the variety known as 'Virginia flue cured'. On the basis of 1971 statistics the volume of the products covered is estimated at 350 million u.a. of imports to the Nine from the non-Associated beneficiary countries, as against the value of 45 million u.a. imported by the Six in 1971.

For industrial semi-finished and manufactured products, the improvements consist mainly of:

- (i) a substantial rise in the ceilings for preferential imports;
- (ii) a shorter list of products subject to Community tariff quotas;
- (iii) tariff cuts for products manufactured from jute and coir;
- (iv) an appropriate procedure to be applied with the aim of better use by the beneficiaries of the available preferential benefits.

Firstly, with regard to the higher ceilings, where improved scope for preferential imports amounts to an overall volume of about 2 000 million u.a. for non-textile industrial products and about 73 000 tonnes of textile products with an estimated value of 500 million u.a., the

rate of expansion is about 40% compared with the overall volume which would have derived if the Nine had applied in 1973 the scheme running for the Six during that same year.

Secondly, in the case of the Community tariff quotas, the list of products subject to the quotas has been cut down as far as possible. In 1973 it included 60 non-textile industrial products and 32 textile products. The 1974 list has been cut to 51 non-textile and 30 textile products.

Thirdly, there will be a major drive to obtain a better use of benefits granted. During 1974 every possibility will be examined for putting a reserve portion into the Community tariff quotas and this may even be done during the year. Improvements to available statistics on preferential imports are also contemplated for the more effective administration and finer adjustment of advantages granted. Lastly, the drive on information and advice for the official authorities and economic agents of the beneficiary countries will be kept up and amplified, largely through seminars to be run there. Special attention will be paid to members of regional economic groups and to the least advanced countries.

Balance

1204. The Community considers that all these improvements brought in for 1974 amount to an initial effort which could be steadily developed in relation to the results of applying the Community scheme. For a number of products, mostly agricultural, the improvements are part of the overall context of implementing the Joint Declaration of Intent annexed to the Accession Treaty and concerning the developing countries in Asia.

But the constraints on the further development of these improvements must not be overlooked.

In the first place, the world oil crisis on top of the short-term economic problems is having repercussions difficult to assess now but which can be regarded as detrimental to the expansion of the world economy in at least a certain number of economic sectors.

For the Community whose creative and processing economy forms the best fillip for the growth of the developing countries' exports, this crisis might well put a hard brake on economic expansion and at any event make the battle against inflation tougher still. The import capacity of the Nine ($\pm 25\,000$ million u.a. per year from the developing countries) could well be cut down to the disadvantage of those countries and weigh more heavily on the economies of some of them.

Furthermore, it must be pointed out that the bulk of the effort agreed in favour of the developing countries by means of the generalized preferences is being borne by the Community. Indeed, the other major economic groups have not yet made a comparable contribution or have still to apply generalized preferences. Consequently it seems hard for the Community to commit itself much further in the way of enhancing its scheme.

Lastly, one of the chances for improvement lies in cutting down, if not abolishing, the list of products under Community tariff quotas. The list has to be retained, especially in the light of the short-term economic situation, to prevent the sensitive sectors of Community industry from being disrupted by certain beneficiary countries in a privileged position. This particular problem will be examined during 1974 to find appropriate solutions which moreover will have to reckon with the basic features of the Community scheme which will preserve their homogeneity.

At all events, we must stress the value of generalized preferences as a tool for coopera-

3. Consumer protection: the Commission's programme

tion and development, especially with the countries who do not enjoy privileged relations with the Community. But the preferences granted will not really reach their target unless efforts in other fields are followed up and intensified. It must be realized that many of the developing countries, especially in the present short-term world economic situation, will only be able to boost their industrial development and their exports with the help of increased technical and financial support on the part of the developed countries.

For the Community, its action in the department of generalized preferences should be consolidated by other even more carefully considered measures for trade promotion aid, for encouraging economic diversification and inducement to private investment in the third world, especially in the least advanced countries. Naturally, in this context, we should not overlook the particular interests of the developing countries now associated with the Community and of those who will be in future, a number of whom are in fact among the least advanced.

All these possibilities for action imply that the private sectors, especially the occupational organizations, in the Community will have to be brought into all this extensive policy and bear their share of responsibility.

1301. A 'preliminary Community programme for consumer advice and protection' was adopted on 5 December 1973 by the Commission and sent to the Council. After officially acknowledging it during the session of 17-18 December, the Council delegated the Committee of Permanent Representatives to study the programme so that the Council can rule on it as soon as possible and in any case before the summer recess.

The objectives of a common Community consumer policy are to guarantee the consumers better protection of their health and safety, a fair deal from the suppliers of goods and services, more detailed, accurate and objective information for obtaining goods and services at the best prices and the chance to have a say in the preparation of Community decisions which directly affect their interests.

The programme drawn up by the Commission is based on the fact that the Consumer is no longer regarded simply as a buyer of goods and services for personal, domestic or collective use, but as a person, in his capacity as a consumer, involved in the various aspects of social life.

The programme represents the first outline on a European scale of a consistent policy for the benefit of the consumer. Its initial guidelines will eventually be consolidated by proposals for practical measures. For the moment the Commission has simply put forward a broad basis for measures which will have to be taken and a plan of action to be regarded as a priority.

Respecting the Consumer's Rights

1302. The relatively recent emergence of the concept of 'consumer protection' is in answer to the perplexity and frustration caused by the

proliferation of choice in goods and services on an ever wider market.

The considerable growth of often misleading publicity, the development of certain doubtful trade practices, the existence of sometimes improper hire-purchase transactions, the appearance on the market of new products which anticipate the trend of demand rather than trying to satisfy it, have all created a more and more complicated social and economic environment where the consumer often finds himself utterly helpless.

Confronted with this development the public authorities will have to intervene more and more often to see that the consumer's rights are respected: The right to health, safety, information, education, the right to be heard, etc. Respecting these rights means allowing the consumer to satisfy his basic needs and to utilize his income with complete freedom.

For the Commission all these manifold factors make up the background against which measures must be taken in favour of the consumers.

Efforts already made by the Community

1303. The Community structure has already allowed the consumer's interests to be better served in a number of fields. Appreciable headway has been made in harmonizing the rules and regulations concerning products. Some measures taken were directly aimed at protecting the consumer. These cover for instance the Directives on colouring agents and preservatives in foodstuffs, the Directives on packaging and labelling dangerous substances, and those concerning detergents and cosmetic products.

Achieving the Common Market has also meant a wider choice for the consumer through a more varied and more consistent supply, due

to the free circulation of products. The application of a European policy for monitoring competition has helped in some sectors to bring down prices within the Community and to harmonize them in other sectors.

Lastly, the Commission has set up a Consumers Advisory Committee which met for the first time on 19 November 1973.¹

The preliminary programme put forward by the Commission is aimed at intensifying the effort in favour of the consumer and prescribes certain priority action to be taken in five particular fields within three years time.

The Health and Safety of Consumers

1304. The Commission feels that a vital objective of a Community action programme for the benefit of consumers should be to ensure their health and safety by taking a number of precautions in the production and distribution of products (especially foodstuffs) and in the use of pesticides and fertilizers. The Commission is therefore proposing that norms be defined for the makeup of food products (for instance, the positive list of permissible substances in food additives) and that safety standards be laid down for products containing toxic, inflammable, explosive or corrosive material.

Unfair and Deceitful Trade Practices

1305. The Commission intends to submit Proposals to the Council for protecting the consumer from improper trade practices. Priority action will have to be taken against

¹ OJ L 283 of 10.10.1973; Bull. EC 9-1973, point 2215 and 11-1973, point 2235.

dishonest publicity. Here, criteria will have to be established so that it can be evaluated how far any particular publicity can be deemed misleading or dishonest and so that effective means can be brought to bear in putting a swift end to such publicity.

Regarding hire-purchase and consumer credit, rules will have to be applied in the Community so that publicity material indicates clearly and comprehensively the terms involved, particularly the total cost of credit, including the real rate of interest. In the case of hire-purchase contracts, protection clauses should be brought in with regard to the return of goods bought by consumers.

Legal Redress without Complications

1306. For the other measures to have real effect, equitable, straight-forward and inexpensive means of redress should be instituted for the consumer. A service to deal with complaints and advice should be set up throughout the Community so that the consumer has an official channel for legitimate complaints over the goods and services offered him. To this end, the consumer associations should be consulted on the scope for non-legal arbitration and on the way to offer advice.

Information and Advice

1307. In the information department, the Commission wants to see support given to all the organizations which throughout the Community are already engaged in providing advice for the consumer in collaboration with the Member States. More specially, the Commission intends to propose practical measures in two priority areas:

(a) the labelling of products which should provide clear and comprehensive information;

in the case of foodstuffs, for example, this should cover the nature and composition of the product, its weight, the name of the seller or responsible party whoever he may be and if required the conditions for satisfactory preservation should be specified;

(b) pricing of products: the consumer should be able to know of price differences at Community level so that he may make the best use of his income.

The Commission holds that for this the Community policy on prices should be clearly explainable to the broadest possible public through the medium of European information services and consumer associations.

Consumer Opinion

1308. Another priority covered by the Commission's programme is the need to consult the consumer, especially when preparing measures which affect him. This should be done with sufficient time to consider the consumer's opinion. The Commission therefore plans to provide any assistance required for the Consumer Advisory Committee, to foster extensive consultation with all those organizations which can help in protecting the consumer and to sustain the exchange of information between Member States on the most appropriate vehicle for consumer representation.

4. Europe between the past and the future

Inauguration

Inauguration of the Paul-Henri Spaak Foundation

1401. From the events of the last 25 years, the construction of Europe looks like a long train of 'unfinished battles'. This remark was made by all the speakers at the inaugural ceremony of the Paul-Henri Spaak Foundation in Brussels on 3 December 1973.

This event as a public tribute to the memory of Belgium's eminent statesman who died on 31 July 1972 and who was one of the architects, one of the 'fathers' of Europe, naturally led each speaker to recall the origins and progress of the construction of Europe, its current problems and future prospects.

Intended to perpetuate the European work of Paul-Henri Spaak, the Foundation's objective is to foster 'any form of activity which helps towards a better understanding by the public of the European concept and towards a more effective association of the younger generations with the construction of Europe'. Among the leading figures present at the inauguration on 3 December were: Mr Ivar Nørgaard, President-in-Office of the Council, the Foreign Ministers of the Member States, the President of the Commission, Mr Ortoli, with the Members of the Commission, Mr Jean Monnet, former President of the High Authority and Chairman of the Action Committee for the United States of Europe, former Presidents, Mr Walter Hallstein, Mr Etienne Hirsch and Mr Jean Rey, Mr Joseph Luns, Secretary-General of NATO, Mr Giuseppe Vedovato, President of the Council of Europe Consultative Assembly, Members of the European Parliament and many other figures.

The five speeches dwelt on several ideas common to each but all of them particularly highlighted some of the problems Europe is facing or will have to face.

Mr Jean Rey Former President of the Commission

1402. The President of the Administrative Board of the Foundation, Mr Jean Rey, devoted part of his opening address to the European role of Paul-Henri Spaak.

Twenty Years of Struggle for the Integration of Europe

The former President of the Commission said:

'It is impossible to retrace in a few words those years of struggle for European integration from the Congress of The Hague in 1948 to his last speech in 1972... his twenty years of Parliamentary struggle, government initiative, diplomatic negotiations, presence and action within the Community institutions, his participation in so much public speaking.

Of all this action, the feature which should be best remembered is his Chairmanship of the inter-governmental Conference which drew up the Treaty of Rome and for which he was the unrivalled inspiration. Those of us who saw him at work then will never forget the talent he displayed, the understanding of situations, the art of grasping the essentials and finding straightforward solutions, his patience and his impatience whenever either was called for. Whether persuading delegations or hustling experts it is to him, to his creative drive and his faith in the project undertaken that we owe the happy conclusion of these vital negotiations for Europe, and had he done no more our generation would already be indebted to him.

But he achieved even greater things! How often did he fight for every cause he believed in: Community integration, the majority vote in the Council, the authority of the Commission, election by universal suffrage for Parliament, enlargement of the Community, with an

unrelenting perseverance, which gives the lie to those who claim that he easily changed his opinions, he fought wherever it was necessary with all the force of his convictions, oratory and political courage.

We are convinced that his name will remain, beside those of Robert Schuman, Conrad Adenauer and Alcide de Gasperi, to mention only those who have passed on, among the chief architects of Europe and that one day our grandchildren, studying the history of the European continent, will learn their names just as American youngsters learn those of George Washington, Thomas Jefferson and Abraham Lincoln.

But while awaiting this consecration of history and glory our generation still has problems, hurdles to be cleared, resistance to be overcome and unfinished battles to be fought.'

Building a Continent

Welcoming the presence of Mr Edward Heath, Mr Jean Rey spoke of the British Premier's role in the United Kingdom's accession to the Community and recalled at the same time the significance of the Community design. Mr Heath, a prominent statesman and a great European 'had put up an admirable political fight to convince his Parliament and public opinion that what we are doing in Europe, is much more than organizing a simple market, and that we are really engaged in building a continent, a factor for peace and progress in Europe and throughout the world, a continent which, were England not included, would lack something essential.'

Mr Van Elslande **The Belgian Minister for Foreign Affairs**

1403. Mr Van Elslande, the Belgian Foreign Minister, focussed his speech on three main

points: the 'supranational' European ideas of Paul-Henri Spaak, Europe and the Atlantic Alliance and lastly what he called 'Europe's political fragility.'

Limiting the Sovereignty of States

Mr Van Elslande recalled that already in 1941 at one of the hardest moments of the war, his predecessor in foreign affairs, 'already sensed what is still the aim, if not the dream of today.'

'In tomorrow's world,' he wrote, 'especially in tomorrow's Europe... the problems of security and prosperity will be inextricably bound together. The dictum of "solidarity in war but isolation in peace" did not work yesterday and has no chance of doing so tomorrow...'

I believe that in this sphere we have far to go and I contend that the principle of States' sovereignty as allowed up to now will have to be tempered. Tempered for both the small nations and the big. Tomorrow there will be international, regional, European or world organizations. What of it? They are already doomed to impotence if those involved cannot accept the idea that the collective body transcends the individual members. There is no system which offers nothing but benefits. To some extent, order will always include some limitation of freedom. We must be able to choose and above all accept the consequences of our choice.'

These reflections were still valid today, said Mr Van Elslande, who went on to speak of Paul-Henri Spaak's concepts regarding the Atlantic Alliance.

Europe and the Atlantic Alliance

When he was appointed General Secretary of NATO in December 1956 he declared that he did not feel as though he was abandoning

Europe: 'I feel that I am consolidating in another sphere and at a different level what I have been endeavouring to do. I have always felt that for the integrated Europe to live she needs a buckler and for a long time I have been convinced that this armour can be no other than the Atlantic Alliance.'

At the end of his life, the former General Secretary of NATO wrote that he realized two of his dreams: 'Through the Atlantic Alliance I had helped to ensure peace in Europe and I had contributed to the construction of Europe... Of all I have undertaken, the grand design of constituting an economically and politically united Europe was for me the most exciting venture into which I put most heart, time and will.' But, he added in concluding his Memoirs, 'I know I have left my battles unfinished.'

Economic Strength and Political Fragility

Lastly, in expressing his view of the current situation, Mr Van Elslande said: 'What can we see of this Europe which arises gradually before us? Problems which are a token of her existence, achievement which prove her necessity, a development which demonstrates her powers of attraction. What she lacks of course is not her being but a life according to the logic of her unity; what she still has to do is to take her place as a Community instead of acting as separate units and to be there as a European identity in the world, protecting her friendships and guarding against her adversaries by contributing herself to the organization of world peace. Where she loses her balance is between her economic strength and political frailty. All these problems of growth are taking on a tragic significance in the current short-term economic situation. This situation is an urgent challenge which Europe must meet or an immediate threat which could destroy her...'

Mr Giuseppe Vidovato
President of the Council
of Europe's Consultative Assembly

1404. The President in Office of the Council of Europe Consultative Assembly emphasized that 'both idealist and realist, European and Atlantist, responsible and adventurous, Paul-Henri Spaak was the man in all the experiments, all the bold strokes and all the battles,' of which the construction of Europe is an example and a permanent problem.

Europe: Solidarity or Division

'... freedom, progress, security, the influence of our culture and spirit can offer a powerful force in the international community and for civilization, provided that Europe accepts the solidarity of her members. Each time recent history has confronted Europe with the alternatives of solidarity or division, we have chosen solidarity even if unfortunately with a half-hearted impetus and with unhappily inadequate institutional objectives. Nevertheless each time Europe has been able to display a credibility has ensured security, freedom and progress.'

Europe at a Crossroads

'Today Europe is again at a crossroads, as she was in 1949, 1954 and 1956. But the compromises over policies, security and economy are no longer good enough: the danger of being overtaken by international reality is now looming before us. Partial unity or unity with reservations are too weak instruments. Spaak would surely have found the resources and initiative needed to propel Europe towards a solidarity which would give her the force to solve her basic problem: the problem of her credibility.'

'Europe's credibility must not only emerge in the eyes of the East and the political and military power of Russia, to whom Europe must propose a reliable détente; meaning a détente governed by the empire of law, the rights of man and nations. Europe's credibility must be able to propose to the Third World real and autonomous collaboration and partnership. With international reconstruction in mind, Europe's credibility must also apply to her ally America, on the basis of equality, of course, but even more on interdependence which every day is turning more and more into a reality to be faced in all spheres of our western societies.'

Mr François-Xavier Ortoli
President of the Commission

1405. Describing in his turn the 'unfinished battles', Mr François-Xavier Ortoli, the President of the Commission, remarked that they were 'stamped with too often called for but rarely practiced virtues: bold conception and determined action. In the face of new challenges we need the inspiration of those virtues more than ever...'

Twenty-five Years Ago

'Whatever the problems, a united Europe is henceforth part of our policies and thus of our future. But in 1948... just after the world-wide conflict, it took courage and clearmindedness to be among the first to take stock of the accumulated blunders and failures and to recognize the need to cease the bloodstained rivalries tearing apart our continent in order to preserve the quintessence of a civilization whose human message was for Paul-Henri Spaak irreplaceable. Crusading against self-centred inertia, timidity, the old grudges, he dreamed of a Europe where, to use one of his

most famous phrases, fear would no longer be the sole political motive. Should I say neither fear nor only common interests, although their fair assessment must be one of the keys of Europe's unity?'

Accomplishing the European Venture

'Twenty-five years ago we had to launch the European venture. Now we must accomplish it, meaning we must change the pace, extend the range and define the objectives in making the European union. Beyond economic and monetary union, on which attention has so far been concentrated, but where much remains to be done, we must know clearly what we expect from Europe.

We must expect her to evaluate accurately the various interests which must be regarded as common interests. Dependent on foreign parts for her supplies, she must nevertheless maintain her competitiveness. Despite her poverty or deficiencies in non-agricultural natural resources, she has to build a common policy on energy and on raw materials. We must expect her to improve her internal economic and social balance and therefore embark on a regional policy serving our true objectives, which are not commercial. We must expect her to attain the social objectives set by the Paris Summit and to be aware that she is working for the people of Europe. I know. It sounds banal! Perhaps! It might be banal to say it. But it will certainly not be banal if we do it! The Commission for its part has put aside incantations to do everything in its power so that progress can be seen at the end of the year in all these fields, including the institutions and economic and monetary union. The Commission has untiringly repeated that all this is necessary and possible.

It has, I hope, provided the elements of such progress. And that brings us back to Paul-

Henri Spaak. Firstly because the Commission will thus be playing fully the role assigned to it by the Treaty and secondly because the results we shall expect will be the fruits of political resolve which for him was all we needed. In the present circumstances this political resolve must be shown at all costs and for myself, despite the irritating delays, I am convinced that it is there and that it will find voice.'

Europe's Place in the World

'This is what we expect of Europe in the form in which she has already emerged. But we must move forward to another stage; this issue will be on the table of the next Summit. We expect Europe to take her place in the world, play her part fully there and that her political responsibilities and her image will match her economic stature and the richness of her civilization so that everything will no longer happen as if she did not exist and so that as Europe she will have her policy in the world.

I believe that Europe is missing not only for the Europeans, but also in the eyes of the world. It is this change of dimension that the Copenhagen Summit can bring about. Putting it another way, for things have changed, may we regain Spaak's dream and reach the sublime political success of achieving today the things which the future awaits.'

Mr Edward Heath
Prime Minister of Great Britain

1406. In his speech on 3 December in Brussels, Mr Heath highlighted the beginnings of the concept of European unity during the war. He also spoke of the United Kingdom's accession, the progress of political cooperation, the Summit Conferences, the oil crisis and EEC-USA relations.

For Western European Unity

Mr Heath recalled that it was the experiences of the war which caused Paul-Henri Spaak to become 'so fervent a champion of a united Europe. In 1941 he wrote to a Conservative Member of Parliament, Miss Irene Ward, that the unfolding of the war had shown that the countries of Europe must unite and were dependent on each other for their security. It is clear that from this time he believed in the need for Britain to take part in the construction of the new Europe. In spite of the disappointments of the post-war years, Spaak never wavered from his belief that a place must be found for Britain—and that Europe would never achieve its full stature without her. In this sense, then, Spaak's European mission started in London. For it was there, in 1941, that the idea of Benelux was born—a significant step towards European unity that finally came about in 1944. I recall the persistence and resourcefulness Spaak showed during the final negotiations leading up to the signature of the Treaty of Rome. And later, when the British Government had itself decided to join the Community which he had done so much to create, Spaak proved a loyal and effective supporter. Although deeply disappointed by the breakdown of the negotiations for Britain's entry into the Communities in 1963, his commitment to European cooperation was undiminished.

He saw unity as the only salvation for Europe. And the urgent need at that stage, he would add, was British entry into the Community. Were this chance to be missed again, Europe would condemn itself to impotence. And an impotent Europe would be unable to achieve the close cooperation with the United States which Spaak always thought essential for the West. For—as a Statesman—Spaak's ambitions for Europe were not parochial. His experience, in the United Nations and as Secretary-

General of NATO, had led him to understand the interdependence of Western Europe and North America. The wider concerns with which the Community is now involved would not have surprised him.'

Progress in Political Cooperation

1407. After mentioning the 'ambitious and exacting' programme laid down by the Paris Summit of October 1972, the British Premier held that solid progress had been achieved over 1973 in a number of departments of Community activity. He went on:

'In the field of political cooperation too, the progress made since enlargement is striking. The Nine members of the Community have adopted common policies: in the negotiations on European security, in the negotiations with the United States about the transatlantic relationship and, more recently, over the Middle East. As a result, the Nine have begun to take collective action with other Governments. Their work on the European identity is going well. As the Paris Communiqué said, the Nine must increasingly formulate common positions on foreign policy issues with the Community in mind: and that is what we are doing.

But no one at the Summit in October last year ever visualised that we could move so fast in this field. We then planned the next Summit for 1976—but, already, before the end of 1973 it is only ten days away.

We can see that the practice of proceeding by agreement on major issues of foreign policy is beginning to take root. As Western Europe establishes its unity, the Nine will be able to reach a joint position with increasing speed and effectiveness when the situation requires it, in response to any given international crisis: or better still, in anticipation of one.'

The Summit Conferences

1408. Speaking about the Summit Conference of Heads of State or Government in Copenhagen, Mr Heath said:

'I think we can see, throughout the Community, a general wish to move ahead as fast as we can. We want to consult with each other about the new opportunities and fresh problems which were not apparent at our last meeting. The conference last October gave us an agreed programme, and dates by which to achieve our targets. That is not in question: we are on course, and within our timetable. Copenhagen is a new kind of consultation, appropriate to the needs of the Community and its members, as our unity and common purpose develops.

I hope that the Copenhagen Summit will be the first in a regular series of such meetings. As I have suggested, these could take place twice a year, that is once during each Member Country's tenure of the office of Presidency. With the increasing cohesion of the Community, our relations with each other become less and less like those between other Heads of State or Governments.

So these meetings should be as informal as possible. They should enable Europe's leaders to consult as colleagues and friends, to exchange views, and agree on the broad lines of Europe's development, in an atmosphere of confidential and constructive discussion.

As well as giving further impetus to a common European foreign policy, these regular Summit meetings will I hope discuss the strategic development of the Community. But they will not, and cannot, replace the Council of Ministers. Nor will these be any substitute for the arduous and complicated task which the Paris Summit allocated to the Institutions of the Community, the preparation of a report on

European Union before the end of 1975. That report will need to be the result of a creative and cooperative effort by the Council, the Commission and the Parliament, if we are to go forward with the transformation of the whole complex of our relations into a union in accordance with the decision we have already taken. It seems to me that the full time allotted by the Paris Communiqué is likely to be required, if we are to accomplish this task properly.

All the Nine European leaders, and the President of the European Commission, will have their contribution to make. That is one of the great advantages I see in regular Summit meetings. Bilateral discussions between European leaders take place all the time and contribute to Community decisions taken by the Nine. But sometimes these bilateral contacts are suspected of producing an axis, or even worse a directorate. None of us believe, in axes or directorates. Regular Summit meetings will help us to demonstrate that this is not the kind of Community we are building. What we are creating will be based on collective action arrived at together.'

The Middle East and the Oil Crisis

1409. 'Perhaps I may here mention one topical point. We are now having to deal with the consequences of the reduction in oil supplies from the Middle East. This affects us all.

There have been criticisms of lack of solidarity in this or that corner of the Community. As far as the British Government is concerned, I do not accept them. It would be wrong for me to say a great deal on this subject. The difficult diplomacy which is needed in order to ease the situation is best carried out quietly, and not by way of public announcements by Prime Ministers. But I do want to say this.

The effects of this problem—economic, social, personal—go very wide. But its origins lie within the realm of foreign policy. The Community was, in my judgement, entirely correct in concentrating its efforts on a statement of foreign policy, made in the Declaration of 6 November. We can build on that substantial beginning, so that Europe can make the maximum possible contribution to the restoration of peace in the Middle East. It is only by using all the resources of foreign policy that we can hope to give Europe secure access to the oil it needs.

We are, all of us, thinking afresh about Europe's sources of energy in this critical situation. We have to make the best use of the supplies available at present: and to plan for our future needs. Our present difficulties must not lead any of us to take a narrow view. Certainly Britain will not. We want to see a Western Europe less dependent for its prosperity and social progress on external sources of energy supplies. We shall work together with our partners to this end. Leaving aside our immediate problems, which are serious enough in all conscience, this will not be an easy task, and while I look forward to discussing it with my colleagues in Copenhagen, I shall not be expecting us to identify quick or easy solutions.'

EEC-USA Relations

1410. 'One other general problem has been much discussed of late: Europe's relations with the United States. It is true that the gradual formation of a common foreign policy for Europe creates problems in our relationship with the United States. We always knew it would, and so did successive United States administrations.

We have recently seen an example of this in the Middle East. The Ministers of the Com-

munity based their declaration of policy on an analysis of how best in our view Israel and the Arab States could move towards a just and lasting settlement. The present British Government had set out in public its own very similar analysis as long ago as October 1970. We have in no way deviated from it since. The United States Government took its decisions during the crisis on a somewhat different analysis, and there followed a series of tactical misunderstandings between the different sides of the Atlantic.

Now in the old days this might not have happened. In the old days individual European countries might well have had a different analysis from that of the United States. But in the old days the predominance of the United States over any single one of its partners was such that in practice the voice of the United States almost automatically prevailed. Successive American Presidents and Secretaries of State saw that this situation would change as Europe became more united. They accepted as part of the price of European unity that the countries of Europe as they came together would wish to assert the voice of Europe in world affairs, and that this would not always be identical with the voice of United States. They asked in return, and it was a reasonable request, that Europe should in these circumstances take a fuller share of its own responsibilities in the fields of trade, help for the developing world, and defence.

The moral from these recent events is I think clear. Nothing is gained by mutual bickering or grumbling. If we are to avoid in future the tactical misunderstandings which I have mentioned, then we must make sure that we discuss together at an earlier stage our different judgements of a particular situation, and seek to reconcile them. For it is the reconciliation of genuinely differing judgements which is the real test of an alliance of free states.'



2ND PART
COMMUNITY
ACTIVITIES
IN DECEMBER 1973

1. Functioning of the Common Market

Free Circulation of Goods

Common Customs Tariffs

Tariff Applicable from 1 January 1974

2101. With the Regulation of 17 December 1973¹ the Council adopted the entire Common Customs Tariffs applicable from 1 January 1974. An up-to-date regulation text in all the official Community languages has been made available to utilizers at the same time that the CCT Nomenclature has been put into application by the two new Member States who were not as yet using it, namely, the United Kingdom and Denmark. In its amended form the new CCT takes account of certain adaptations stemming from Protocols 10, 14 and 15 of the Act of Accession as well as modifications stemming from certain Regulations on the joint organization of markets, which took effect during 1973. Some adjustments to the Nomenclature were made either to ensure its uniform application or to simplify it or again to ensure that the various versions tallied more closely.

Deferred Alignment with the CCT charges

2102. Under Art. 26 of the EEC Treaty, the Commission on 19 December 1973² authorized *Germany* (in the case of edible vinegars—sub-heading 22.10 B) and on 21 December³ *France* (in the case of seed-potatoes—sub-heading 07.01 AI) to go on applying customs charges in effect on 1 January 1957 and which according to Art. 23 para 1 c) of the Treaty were approximated to the CCT charges. The authorizations are valid until measures of joint market organization are applied to the products concerned and at the latest until 31 December 1974.

Tariff Economy

Suspensions

2103. On 17 December 1973⁴ the Council on a Commission Proposal adopted a Regulation covering the temporary suspension of autonomous CCT charges on a certain number of products: *raw materials or semi-finished products*, mainly chemicals, intended for Community user industries. The suspensions applicable from 1 January 1974 will run for six months, i.e. until 30 June 1974.

2104. Besides these suspensions the Council with its Regulation of 17 December 1973⁴ temporarily and partially suspended the autonomous CCT charges applicable to bitter or Seville *oranges* and saffron neither crushed nor ground for the period 1 January—30 June 1974 and the charges applicable to *dried apricots* for the period 1 December 1973—30 June 1974.

2105. The same day, the Council also adopted a Regulation⁴ on total suspension for 1974 of the autonomous CCT charges on aircraft with a structural weight of more than 15 000 kg.

2106. Furthermore, in connection with the generalized preferences, the Council on 18 December 1973 adopted a Regulation⁵ on suspending either for twelve or six months the CCT charges for certain *jute and coir products* originating from India or Bangladesh.

Community Tariff Quotas

2107. In December 1973, on a Proposal from the Commission, the Council adopted several

¹ OJ L 1 of 1.1.1974.

² OJ L 30 of 4.2.1974.

³ OJ L 33 of 6.2.1974.

⁴ OJ L 356 of 27.12.1973.

⁵ OJ L 358 of 28.12.1973.

Regulations concerning autonomous increases in the volume of certain Community tariff quotas granted for 1973 and concerning the opening, allocation and administration of Community tariff quotas or CCT suspensions for 1974.

For 1973 it is chiefly a question of additional Community tariff quotas:

- for certain eels: volume of 5 300 tonnes¹ raised by 2 500 tonnes;
- for newsprint: volume of 1 160 000 tonnes¹ raised by 183 500 tonnes;
- for ferro-silicon-manganese: the volume of 50 000 tonnes already free of charges¹ is raised by 25 000 tonnes at 4%;

— for ferro-silicon: the volume of 20 000 tonnes already free of charges² is raised by 7 000 tonnes at 7%;

— for crude zinc: volume of 20 000 tonnes² is autonomously raised by 700 tonnes.

2108. For 1974 it is a case of total or partial suspension of the CCT charges for a number of agricultural products originating from Turkey² and of opening, allocating and administering contractual or autonomous Community tariff quotas for the hereunder listed products:

¹ OJ L 356 of 27.12.1973.

² OJ L 359 of 28.12.1973.

Description of Goods	Quota Volume	Initial Allocation	Reserve
	(in tonnes) ¹	(in tonnes) ¹	
Ready-packed dried grapes in lots of 15 kg net or less ²	10 630	10 630	—
Newsprint ²	3 053 000	3 053 000	—
Ferro-silicon ²	20 000	20 000	—
Ferro-silicon-Manganese ²	50 000	48 000	2 000
Ferro-chromium with carbon content of 0.10% or less by weight of carbon etc. ²	3 000	3 000	—
Crude magnesium ² including:			
— non-alloyed (containing 99.8% or more by weight of pure magnesium)	1 000	850	150
— alloyed (containing less than 99.8% or less by weight of pure magnesium)	9 250	8 250	1 000
Silk cloth of floss (schappe) woven on hand looms ²	2 000 000 u.a.	1 400 000 u.a.	600 000 u.a.
Cotton cloths woven on hand looms ²	2 000 000 u.a.	1 400 000 u.a.	600 000 u.a.
Certain handmade products ²	10 000 000 u.a.	8 000 000 u.a.	2 000 000 u.a.

¹ Unless otherwise indicated.

² OJ L 365 of 31.12.1973.

Description of Goods	Quota Volume	Initial Allocation	Reserve
	(in tonnes) ¹	(in tonnes) ¹	
Coniferous plywood ²	500 000 m ³	500 000 m ³	—
Eels, fresh, (live or dead) refrigerated or deep-frozen for curing or for industrial production of products under heading 16.04 ³	6 100	5 100	1 000
Colophonies and rosins (inc. products known as 'resinous pitches') ²	20 765	20 765	—
Raw (unthrown) silk ³	2 570	1 990	580
Pure silk yarns not put up for retail sale ³	60	50	10
Yarns solely of silk floss (schappe) and not put up for retail sale ³	220	190	30
Crude lead ² including:			
— with minimum silver content of 0.02% by weight and intended for smelting (base bullion)	304 300	277 180	27 120
— other than base bullion	55 000	51 150	3 850
Crude zinc ²	20 000	18 000	2 000
<i>EEC-Turkey Agreement:</i>			
Hazelnuts fresh or dried, shelled or unshelled, of Turkish origin ⁴	21 700	17 700	4 000
<i>EEC-Portugal Agreement:</i>			
Port wines ²			
ex 22.05 C III a) 1	—		
C IV a) 1	—		
— in containers holding at least two litres	20 000 hl	18 000 hl	2 000 hl
Port wines ²			
ex 22.05 C III a) 2 aa)	—		
C IV a) 2 aa)	—		
— in containers holding more than two litres	285 000 hl	255 000 hl	30 000 hl

¹ Unless otherwise indicated.² OJ L 365 of 31.12.1973.³ OJ L 356 of 27.12.1973.⁴ OJ L 345 of 15.12.1973.

Description of Goods	Quota Volume	Initial Allocation	Reserve
	(in tonnes) ¹	(in tonnes) ²	
Madeira Wines ²			
ex 22.05 C III a) 1			
C III a) 2 aa)	—	15 000 hl	13 500 hl
C IV a) 1	—		1 500 hl
C IV a) 2 aa)	—		
Setubal Muscatel Wines ²			
ex 22.05 C III a) 1	—	3 000 hl	2 700 hl
C III a) 2 aa)			300 hl
C IV a) 1			
C IV a) 2 aa)	—		

¹ Unless otherwise indicated.

² OJ L 365 of 31.12.1973.

With the Regulation of 27 December 1973¹ the Council also decided to open a duty free tariff quota for the United Kingdom of 110 000 'long tons' for spring potatoes from Cyprus.

2109. On 21 December 1973² the Commission also decided under Art. 59, para 4 of the Act of Accession to authorize the United Kingdom to suspend totally for 1974 the customs duties on imports from other Member States of mackerel and horse-mackerel, asparagus, celery and dried onions. The United Kingdom was also authorized for each period from 1 July-31 January to suspend the duty on hothouse grapes down to the level of the duty applicable to open-grown dessert grapes for imports from the same sources.

Generalized Preferences

2110. In 1974 the Community will continue to apply in favour of the developing countries and territories the generalized preferences

which had been implemented from 1 July 1971. During the session of 18 December 1973³ the Council adopted to this end various Regulations bearing on the opening of these tariff preferences from 1 January 1974, together with:

(i) three Regulations on opening, allocating and administering Community tariff quotas for about 67 products under headings contained in Chaps. 25-99 of the CCT;

(ii) three Regulations on opening tariff preferences for all products of Chaps. 25-99 of the CCT other than those covered by tariff quotas;

(iii) a Regulation on opening, allocating and administering two Community tariff quotas for cocoa-butter and soluble coffee extract;

(iv) a Regulation on opening, allocating and administering a Community tariff quota for non-sliced pineapple preserves;

¹ OJ L 359 of 28.12.1973.

² OJ L 361 of 29.12.1973.

³ OJ L 358 of 28.12.1973.

(v) a Regulation on the total or partial suspension of charges or of the fixed element of the tax applied to certain products (processed agricultural products) under headings contained in Chaps. 1-24 of the CCT.

On 28 December 1973 the Council adopted two Regulations on opening, allocating and administering Community tariff quotas for certain textile products and on opening tariff preferences for certain textile products of Jugoslavian origin.¹

Community Monitoring of Imports

2111. Following Agreements made between the Community and the EFTA countries and to meet the Community's obligations towards them, the Council on 17 December 1973² adopted several Regulations for Community monitoring of certain imported products originating from Austria, Finland, Iceland, Norway, Portugal, Sweden and Switzerland. On the terms of these Regulations the Commission is assigned to control and monitor a large number of products or groups of products. For some of them, imports with cuts in duty are subject in 1974 to target ceilings under the Agreements with those countries, with the Agreements stipulating that collection of CCT charges can be revived. For other products the monitoring scheme has been brought in with an eye to setting other possible ceilings should abnormal growth of the imports be likely to provoke upheavals on the Community market.

Customs Systems covering the Circulation of Goods

Community Transit

2112. The contracting parties to the *EEC-Switzerland and EEC-Austria Agreements*, on

applying the rules of Community transit³ and signed on 23 and 30 November 1972 respectively, having advised one another that the necessary procedures had been completed for the Agreements to take effect,⁴ the EEC-Austria Agreement *duly came into force* on 1 January 1974 as scheduled.

During its first meeting held in Brussels on 4 December 1973, the *Joint EEC-Switzerland Committee* formed under the Agreement adopted four decisions on amending the Agreement and its Appendices, owing to the Community's enlargement and owing to amendments to the rules on Community transit made since signature. The contracting parties agreed to apply the provisions of these four decisions from 1 January 1974.

Trade within the Enlarged Community: Goods Obtained from Products Under Duty Scheme Suspensions

2113. On the basis of Article 45, para 2 of the Act of Accession, the Commission on 10 December adopted a Regulation⁵ specifying the provisions applicable from 1 January 1974 to the trade, within the Community, in goods obtained in the Community and whose manufacture includes:

- (i) products which have not been liable for customs duty or taxes of equivalent effect which were applicable in the EEC in its original form, or in a new Member State or which have benefited from a total or partial refund of those duties or taxes;
- (ii) agricultural products not fulfilling the required conditions for admission to free circu-

¹ OJ L 359 of 28.8.1973.

² OJ L 356 of 27.12.1973.

³ OJ L 294 of 29.12.1972.

⁴ OJ L 334 of 5.12.1973 and OJ L 337 of 6.12.1973.

⁵ OJ L 341 of 12.12.1973.

lation within the Community in its original form or in a new Member State.

The Commission has already had to settle this problem during the transitional period laid down by the Rome Treaty when the Six gradually eliminated the duties and equivalent effect taxes applying between them. The details of this problem are as follows:

(i) goods manufactured in processing traffic in the enlarged Community are to benefit from the removal of duties and equivalent effect taxes in trade between the Community in its original form and the new Member States and between the new Member States themselves, all the more in that such goods contain a sizable proportion of 'Community' components or ingredients;

(ii) components or ingredients imported from third countries and not in free circulation cannot solely by virtue of their incorporation into the finished product be eligible for this customs scheme. Since the tariff preference which Member States grant one another (the Community in its original form being regarded as one Member State) is to go on increasing this undue advantage would continue to grow towards eventual exemption for 'third' components and ingredients; to allow such an advantage could distort the competitive conditions between the Common Market processing industries.

The formula of a customs 'levy' already adopted by the Commission in 1960 during the above-mentioned transitional period, offers the optimum to this problem and it was this formula which was adopted by the Commission in its Regulation of 10 December.

This customs charge does in fact:

(a) ensure compensation against internal tariff cuts in duties (hence its name of 'compensating levy'), compensation required insofar as 'third' products and products originating or in free circulation in the Community must be treated differently;

(b) properly act as a compensation insofar as it is progressive and follows the pace of intra-Community duty cuts;

(c) offers the advantage of equality for all Community processors since it is computed on the CCT charges. Therefore, this equality also applies when the temporary measures expire; with a Customs union at that time completely achieved, all the 'third' components and ingredients brought into the Community to be consumed there will have to have been subjected to the CCT charges in their entirety.

Origin and Methods of Administrative Cooperation

2114. On 17 December the Commission sent the Council a proposed Regulation on defining the concept of 'products originating' for application by the new Member States of Arts. 109 and 119, paras 2 of the Act of Accession. This Proposal is intended to clarify the rules of origin applicable to imports into the new Member States of products from the AASM, OCT and East African States.

The Commission was also sent: a proposed Regulation on application of Recommendation 1/73 of the EEC-Cyprus Association Council setting the methods of customs administrative cooperation in applying the Agreement; six proposed Regulations on applying Decision 10/73 of the Joint EEC-EFTA Committees concerning certain streamlining of customs procedures in the Agreements and with particular reference to introducing a single 'EUR 1' circulation certificate for all the Agreements.

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2115. During the sitting of 10-14 December 1973, the *European Parliament* passed a number of Resolutions on: opening, allocating and administering Community tariff quotas for deep-frozen beef and veal, eels, dried grapes, bitter oranges, saffron and Portuguese wines;

suspension of CCT charges for certain agricultural products originating from Turkey, and the customs scheme applicable to certain fishery products of Norwegian origin.

Competition Policy

Restrictive Agreements, Dominant Positions, Concentrations: Specific Cases

Concentration Operations in the Iron and Steel Industry: Thyssen-Rheinstahl

2116. The Commission has authorized the firm, *August Thyssen-Hütte* AG of Duisburg-Hamborn, to acquire the majority of the shares of *Rheinstahl* AG, Essen. In the sense of Art. 66 § 1 of the ECSC Treaty, this operation amounts to a concentration between the Thyssen and *Rheinstahl* groups.

Thyssen's production is mainly geared to the steel sector. Its external turnover for the

financial year 1971/72 was 10.7 thousand million DM with steel accounting for 6.4 thousand million DM. The remainder covered cast and wrought ware, extruded products, cement and shipbuilding. *Rheinstahl's* activities lie mainly in the processing field (mechanical engineering, industrial plant and shipbuilding, transport and building techniques and thermal technique) which represents 4.3 thousand million DM of an external turnover of 5.1 thousand million DM. The volume of business in steel (0.8 thousand million DM) is thus comparatively low. With such a turnover the new group is a leader among the Community steel manufacturers. It is the sixth biggest industrial undertaking based in the Community and the eighteenth if one counts all the groups with headquarters in third countries but who operate in the Community.

The position of the Thyssen-Rheinstahl group on the common steel market is highlighted by its percentage share per product or group of products.

Product Group	%	Ranking Community Producers
Cast pig iron	14.0	3
Crude steel	10.3	2
Hot broad strip (total)	13.5	2
Railway track	7.4	6
Wire-rod	17.0	1
Merchant steel	4.2	8
Heavy sections	6.9	4
Hoops and bands	3.6	8
Medium and heavy sheet	14.3	2
Thin sheet	12.3	2
Tinplate	12.3	4

In view of the increasing interpenetration on the common steel market, (nearly a third of the Federal Republic's steel supply is provided by imports) the Commission considered that the new group is not in a position to hamper active competition.

The group's greater diversification and the resulting auto-consumption will not put it in a position where it can deploy an independent market strategy and thereby avoid the competition rules of the Treaty.

The Thyssen-Rheinstahl concentration could have been authorized without any special conditions if the Thyssen group had not been linked with the Mannesmann group through their joint control of Mannesmannröhren-Werke (MRW), which was authorized by the Commission Decision of 21 January 1970.

Thyssen holds one third of the MRW capital and with Mannesmann, who holds the other two thirds, shares a controlling contract (Beherrschungsvertrag) over MRW. Thyssen and Mannesmann have also signed a toll-contract for rolling under which about a sixth of MRW's supplies of pre-products for tubing comes from steel made by Mannesmann and rolled under contract by Thyssen (coils, heavy sheets and strips. These rights and contracts give Thyssen considerable influence over the Mannesmann group. In 1970 the Commission had regarded this situation as acceptable since Thyssen and Mannesmann were not competitors on the steel market with Mannesmann making almost entirely pre-products for the manufacture of MRW's tubing.

But conditions had changed. Mannesmann took over Demag, thus consolidating its diversification. Thyssen, in requesting authorization to take over Rheinstahl, was creating a new situation. The power relationships between

Thyssen and Rheinstahl and between Mannesmann and Demag had to be reappraised.

To maintain active competition in an industry structured as an oligopoly, it is vital to ensure the independence of groups and their non-interference in the affairs of others. The more powerful they are and the tighter the oligopoly the more effectively this must be done. The Commission held that this could be done if Thyssen's influence over Mannesmann was brought down to that of a minority shareholder to whom Mannesmann would still be tied by a trade and technical rolling contract which economically was not disputed but from which Mannesmann must, if it wished, be able to free itself.

The Commission therefore put certain conditions on its Decision to authorize the Thyssen-Rheinstahl concentration. Thyssen will be obliged to relinquish in favour of Mannesmann a minimum 8-1/3 % share of MRW's capital, so that Thyssen's share will not exceed 25 % which would amount to a blocking minority. Furthermore, Thyssen will not be allowed to share in any 'controlling contract' with Mannesmann over MRW. A time limit of one year was allowed to complete the operation.

The Decision also carried the following obligations:

- (a) by 1 April 1974 Thyssen and Rheinstahl must both drop out of the West and Westphalian rationalization groups for rolled products to which they now respectively belong¹;
- (b) Thyssen will have to obtain prior authorization from the Commission in order to acquire a 10 % or greater share in steel and steel processing companies;
- (c) interlocking directorates are prohibited, and in this case with no chance of exemption.

¹ OJ L 201 of 5.9.1971.

Banning of an Agreement on Sales Coordination

2117. The Commission of the European Communities has taken a decision prohibiting the only two German potash manufacturers, *Kali und Salz AG*, which belongs to the BASF Group, and *Kali Chemie AG*, which belongs to the Belgian Solvay Group, from cooperating in the distribution of simple potassic fertilizers.

Under an agreement in operation since 1971, *Kali Chemie*, which accounts for 13% of German potash production, entrusts the retailing of its simple potassic fertilizers to *Kali und Salz AG*. Thus the total supply of these products from German industry is controlled by a single company, and the position of *Kali und Salz AG*, the largest manufacturer of potash in the Community, is further strengthened. Since potash imports are insignificant there is practically no possibility of competition on the German market. As was previously the case with the *Verkaufsgemeinschaft Deutscher Kaliwerke* (Sales Association of German Potash Works), which was dissolved in 1970, this rule excludes quantities which *Kali Chemie* itself processes further into compound fertilizers (particularly RHE-KA-PHOS). Though these quantities have recently increased, the amounts allocated under the agreement are still large enough to provide considerable stimulation to competition within the Community, if they were distributed freely and independently of *Kali und Salz AG*.

The Commission considered that the agreement infringed the prohibition of cartels contained in Article 85 of the EEC Treaty. It did not allow the argument that, as is usually the case in sales cartels, the agreement does not expressly require its member to use only one marketing network. This the Commission regarded as purely nominal distinction. It found that *Kali*

Chemie does in fact market its entire production of simple potassic fertilizers through *Kali und Salz AG*, and thus cannot in any way be considered to be an independent supplier of the products in question.

The Commission could not exempt the companies concerned from the cartel prohibition, since it was unable to establish any improvements in the distribution of the products in question which might be regarded as favourable consequences of the agreement, and above all, because the agreement prevents any competition on the market, in German produced simple potassic fertilizers. The Commission has thus ordered the infringement to be brought to an end.

This decision should be taken together with two further measures which the Commission has adopted in an effort to remove restrictions on competition in the highly concentrated potash sector

1. Liberalisation of the French trading monopoly '*Société Commerciale des Potasses et de l'Azote (SCPA)*', the second-largest potash manufacturer in the Community, pursuant to the recommendation made under the terms of Article 37 of the EEC Treaty.¹
2. Termination of the cooperation between the two largest suppliers, *SCPA* and *Kali und Salz AG*, in marketing their products on the various Community markets, pursuant to the decision of 11 May 1973, which has not been contested by the parties involved, to prohibit this practice.²

¹ Bull. EC 2-1970, point 9.

² Bull. EC 5-1973, point 2109 and OJ L 217 of 6.8.1973

Extension of Validity Duration for a Cooperation Agreement

2118. The Transocean Marine Paint Association, a group of twenty medium-sized marine paint manufacturers established in twenty countries, either members or non-members of the EEC, had until 31 December 1972 been exempted from the application of provisions of Art. 85 of the EEC Treaty, under the Decision of 27 June 1967. On 21 December¹ the Commission decided to prolong this Decision, subject to certain reservations, until 1987.

The aim of the Association is to allow its members to be truly competitive on a world scale in the special market of marine paint. This means that marine paints of identical manufacture are stored in as many ports as possible. The members have therefore agreed to manufacture marine paint of equal quality according to standard formulae and to distribute them under the single make of Transocean. Each member is allotted a territory (the country where he is established) and, if need be, in other countries, where he is to concentrate his marketing campaigns.

When the members asked for the validity duration of the first Decision to be extended, the Commission reassessed the situation in the marine paint sector. It found that by and large this cooperation was still economically justifiable today. But to attain the objectives of the Association, the Commission held that it was no longer absolutely necessary to keep up certain export restrictions imposed by Transocean and which the Commission had authorized in its first Decision while expressly confining them to the start-up period. Extension of the exemption was therefore made subject to the abolition of those provisions.

Two members of Transocean, Astral (France) and Urruzola (Spain) were taken over by two

major company groups, AKSO and BASF, after the Commission's first Decision. The Commission refrained from demanding the dissolution of these close links or the withdrawal of the members in question only because of the minor role of AKSO and BASF in the marine paint sector.

The Commission stipulated that it would review its Decision if the situation should change in this respect and it put the members under the obligation of advising the Commission of all financial participation moves and all functional combinations occurring between members of Transocean and other paint manufacturers.

State Aid

Aid for Sectors

Shipbuilding

2119. The Council decided on 17 December 1973² on a six months extension of the second Directive on aid for shipbuilding.

In October the Commission had sent in Proposals on industrial policy guidelines for this sector and a proposed Council Directive covering aid for shipbuilding.³ In view of the time limits involved in consulting the European Parliament and the Economic and Social Committee, the Council was not in a position to rule on these Proposals before the end of the year, at which time the second 'shipbuilding' Directive expires. The Commission also submitted a Proposal for an extension of 6 months, i.e. until 30 June 1974, to the validity time of

¹ OJ L 19 of 23.1.1974.

² OJ L 38 of 11.2.1974.

³ Bull. EC 10-1973, point 2111 and 2245.

the second Directive. The extension, approved by the Council, will allow comprehensive discussion of the Commission's Proposals covering the guidelines for industrial policy and the Directive on aid.

Clocks and Watches, Hides and Skins

2120. The Commission asked the French Government to modify the existing aid schemes for the clock and watchmaking sector and the hides and skins sector. The proceeds from semifiscal taxes raised in France on the sales of clocks and watches, hides and skins are intended for 'sectoral technical centres' whose activity is mainly of benefit to the French industries. By its Decision of 17 December 1973¹ the Commission, by virtue of Art. 93, para 2 of the EEC Treaty, asked the French Government to adjust the relevant mechanisms so that wares imported from other Member States are no longer subject to the semifiscal taxes.

Iron and Steel

2121. Under Art. 88 of the ECSC Treaty, the Commission on 3 July 1972 had decided to invoke the infringement procedure against Italy, since she had not sent in the information requested by the Commission on aid granted to the Italian iron and steel industry.² During the ensuing months the Italian authorities supplied the required data but a full reply was not forthcoming until a bilateral meeting was held on 26 October 1973 between the Commission departments and the Italian authorities. Having obtained satisfaction, the Commission on 21 December 1973 decided not to follow up the infringement procedure.

Regional Aid Schemes

Italy

2122. With the Decision of 28 June 1972³ the Commission had ruled on aid introduced

by the Italian Law No 471 of 14 July 1969. The aid consisted of low-interest credit for the importing, either by public bodies or industrial companies, of scientific instruments and materials of advanced technology when the latter are not manufactured in Italy.⁴

While allowing that this aid could be deemed compatible with the common market if it was intended to promote research and development work, the Commission had held that this was not so when the aid covered the purchase of equipment for current company production. Because of this Decision, Italy was therefore required to stop granting aid when the second consideration applied and to submit its application for the benefit of research to a posteriori control by the Commission. Italy informed the Commission that she would conform with the Decision and would send in quarterly all the data of value to the Commission in following up the applications of this aid system.

State-trading Monopolies

France

2123. Since the French Government has taken various measures to adjust the French manufactured tobacco monopoly, the Commission decided to suspend the procedure of Article 169 of the EEC Treaty, which it had invoked against France on 23 February 1973.⁵

Italy

2124. Regarding the Italian manufactured tobacco monopoly, the Commission decided to

¹ OJ L 14 of 17.1.1974.

² Bull. EC 7-1971, point 8 and 9-1973, point 17.

³ OJ L 166 of 24.7.1972.

⁴ Bull. EC 8-1972, point 11.

⁵ Bull. EC 4-1973, point 2110.

invoke the procedure of Article 169 against the Italian Government, since the former considered that the existence and upholding of certain discriminatory practices contravened the conditions of Article 37, para 1 of the EEC Treaty. These policies involve: (i) measures to limit the introduction of new makes of foreign tobacco, (ii) compulsory routing of all imported products through the central warehouse in Bologna, (iii) the impossibility for foreign manufacturers to supply the depots regularly with manufactured tobaccos, (iv) the impossibility for the same manufacturers to request more than once a year any adjustments to the transfer prices of their products, and (v) the levying of a tariff of distribution charges which is too high in proportion to real costs.

2125. Regarding the Italian salt monopoly, the Law of 16 February 1973 put an end to this monopoly from 1 January 1974 as far as *table salt* is concerned. Imports of *industrial salt* are still subject to prior authorization by the monopoly. Since the monopoly is thus retaining the option of withholding its assent at any time and can consequently put quantitative restrictions on imports from other Member States, the Commission found that there was discrimination incompatible with Article 37, para 1 of the EEC Treaty and decided to invoke the infringement procedure against Italy as laid down in Article 169 of the Treaty.

Fiscal Policy and Financial Institutions

Financial Institutions

Insurance

Life Insurance

2126. On 12 December 1973 the Commission adopted a draft Council Directive on coordinat-

ing laws, regulations and administrative provisions concerning access to and the performance of the activity of direct life insurance.

It is the first time that the Commission has adopted a draft Directive in this major services sector; the annual turnover, i.e. the receipts of insurance houses in the Nine, were for 1971 in the region of 11 thousand million u.a.

2127. *Range of Draft Directive*—Its aim, throughout the Community, is to achieve equality in the conditions for establishment between insurers of a specific country and those coming in from other Community countries. The draft introduces coordinated rules for access and performance terms for all insurers, whether head offices, agencies or branches are concerned. This coordination is the prerequisite for attaining the right of establishment in the life insurance sector. This right will be dealt with by another proposed Directive to be submitted to the Commission forthwith.

The draft just adopted by the Commission has been sent to the Council who will officially adopt the text after consulting with the European Parliament and the Economic and Social Committee. The draft corresponds with the Directive for coordinating indemnity insurance adopted by the Council on 24 July 1973;¹ on many points they are identical which is likely to make the Council's discussion easier and allows the hope that the Directive will be permanently adopted by the end of 1974.

The common market in life insurance will only be completely achieved when the freedom to offer services in this sector has been secured. This will be covered by later Directives.

2128. *Main Provisions*—The Directive coordinating life insurance is aimed at achieving,

¹ OJ L 228 of 16.8.1973 and Bull. EC 7/8-1973, point 2122.

for any insurance company with its head office within the Community, identical access terms for the nine Member States.

Moreover, identical performance conditions are laid down for head offices, agencies and branches. They cover the following rules, already adopted in the coordinating Directive on indemnity insurance: a basically financial control is maintained by the head office authority aided by the controllers of agencies and branches established in other countries; all insurance companies, save for a few precisely defined exceptions, are subject to this control which covers the overall activity of the company.

Regarding coexistence within the Community of systems based on the *specialization* between life and indemnity and the systems authorizing companies to operate in these various branches, the Commission has proposed the following solution:

- (a) for companies to be formed in the future the activities of life insurance and indemnity insurance will be performed by legally distinct companies;
- (b) the existing multiactivity companies can go on performing both these two activities provided they adopt strict rules of separate administration and accounting.

The Commission is thus showing preference for the specialization system, by expressing its concern not to overturn existing positions.

But the Directive's main provisions also cover the *financial guarantees* required from insurers. They must prove that they possess technical and mathematical reserves matching their commitments and furthermore an additional reserve, called the solvency margin, composed of factors in the balance sheet and implicit factors offering equivalent security.

2129. *The Effect on Competition and the Position of Insurees*—The Commission thinks that introduction of the right of establishment

in life insurance and coordination of access and performance conditions, especially the crucial financial guarantees to be given by life insurance companies, cannot fail to yield favourable results for competition and will also be of benefit to the insurees.

Approximation of Laws and Creation by Convention of European Law

European Cooperation Grouping

2130. On 21 December the Commission sent the Council a proposed Regulation for setting up a 'European Cooperation Grouping'.¹ This is a new legal concept under Community law intended, while observing the rules for competition, to foster cooperations between companies of all sizes from the various Member States.

The purpose of the new concept is to allow Community companies to combine part of their activities or some of their functions so as to enhance the results of their own economic activity. The Grouping is therefore designed not as an economic entity separate from its members and living independently in a dedicated quest for profits. It both amplifies and complements the activity of its members.

In this spirit the Grouping is forbidden to aim for profit as such. But if profit happened to emerge, it would be taxed on the account of the members. The Grouping has been vested with judicial capacity so that it can participate to the full in the economic life of the Community.

¹ Supplement 1/74—Bull. EC and OJ C 14 of 15.2.1974.

The proposed Regulation on forming a European Cooperation Grouping follows on the Proposal concerning the Statute for the European Company.¹ The Proposals complement each other: the Grouping primarily intended to facilitate provisional alliances based on joint interests and made through very flexible procedures which can be swiftly adapted to developments in economic conditions, while the European Company will crystallize much closer and usually irrevocable groupings.

To illustrate its scope, by no means exhaustively, the Grouping may be used in carrying out the following activities and functions:

(i) joint purchasing office: the Grouping would put together the separate orders from its members for an identical product or similar products and acting from strength try to get better prices from suppliers;

(ii) joint sales office: manufacturers of an identical product or similar products would get together to study their market and perhaps develop a joint make which the Grouping would undertake to market by promoting publicity and circularizing the public on behalf of the Grouping members; the Grouping would collect orders which it would then redistribute between members according to procedures laid down by them;

(iii) managing specialized services: members, wishing to cut the costs of performing certain functions which as individuals they cannot do without: typical examples could be a joint wages office or installing mechanized accounting systems;

(iv) representing members in 'one-shot' operations: if a contract was on offer which owing to its size was too big for any one member to cope with, they would appoint a team to compete on their behalf and if the contract was secured the Grouping would then plan the allocation of work, coordinating and superintending it to completion;

(v) coordinating certain technical activities: members would decide to entrust the Grouping with the coordination of their research work on a new product, the prototype of a machine, etc.

The creation of the new legal instrument will provide Community businesses with a means for effective cooperation in a very flexible legal form, on a contractual basis, vested with a minimum of mandatory machinery and offering the necessary guarantees to third parties by means of an appropriate system of responsibility and publicity organization.

Removal of Technical Barriers to Trade

2131. During December 1973, the Council formally adopted two Directives affecting the motor vehicle sector (interior fittings of motor vehicles and the 'anti-theft' device); the Commission for its part sent in four new proposed Directives to the Council including one on the lead content of petrol.

Interior Fittings of Motor Vehicles

2132. On 17 December² the Council adopted the Directive on the interior fittings of motor vehicles, covering the external parts of the passenger compartment (except the driving mirror or mirrors) the layout of controls, roof or sunshine roof, backs and rear faces of seats. The proposed Directive had been submitted by the Commission in December 1971.³

The new Directive fits into the 'EEC acceptance procedure' covered by a Council Directive of 6 February 1970.⁴ This procedure stipulates that, in compliance with the Community rules

¹ Supplement 8/70 — Bull. EC.

² OJ L 38 of 11.2.1974.

³ Bull. EC 2-1972, point 18.

⁴ OJ L 42 of 23.2.1970.

rechecked by the authorities of a Member State, any motor vehicle will be saleable and utilizable throughout the Community. The manufacturers will only have to guarantee that every production vehicle matches the prototype which has obtained EEC acceptance.

The aim of the Directive adopted on 17 December 1973 by the Council is to ensure more effective road safety by cutting the risk of injuries or accidents and to facilitate the free movement of vehicles through the approximation of Member States laws. The technical provisions of the Directive are largely derived from 'Standard prescriptions on the homologation of vehicles with regard to interior fittings,' adopted by the United Nations Economic Commission for Europe (ECE). The application of the Directive is confined to private vehicles with a speed exceeding 25 km./hr.

Anti-theft Devices

2133. On the same date the Council adopted another Directive¹ on approximating Member States' laws on the protection device against non-authorized use of motor vehicles ('anti-theft'). The Proposal which the Council adopted as a Directive was sent in by the Commission in July 1972.²

Lead Content of Petrol

2134. The Commission adopted on 5 December a Proposal for a Directive on the maximum permissible lead content in petrol, which has been transmitted to the Council. The Proposal comes within the scope of the general programme for the elimination of technical barriers to trade, and is also an important part of the action programme for the environment.

This Directive is the result of a considerable period of work beginning with the convocation

of a group of experts by the Commission at the beginning of 1971. This group examined the sanitary, technical and economic aspects of the problem.

The problem was a particularly pressing one for the Community, because of the technical barriers to inter-Community trade caused by the widely differing national legislations on permissible lead content in petrol, which necessitated special production characteristics for the different Member States, and thus a correspondingly higher production cost. These barriers were in the process of being consolidated, as various Member States proceeded with their own separate anti-pollution measures in the field, in response to public pressure.

The Commission has of course taken into account this aspect of the problem and the larger consumption due to the somewhat reduced performance of lower lead-content petrols.

The main Proposals are:

- (i) to prohibit the marketing within the internal market of the Community of petrol with a lead content of greater than 0.40 grams/litre as from 1 January 1976;
- (ii) to prohibit such marketing of 'normal' petrol (with a 'research octane' index of not less than 90) with a lead content of greater than 0.15 g/l as from 1 January 1978.

The Commission is moreover aware that technical developments, the results of further research into the effects of lead in the atmosphere on people, and the fuel situation necessitate constant review of this problem. The proposed Directive therefore also provides that reports

¹ OJ L 38 of 11.2.1974.

² OJ C 94 of 9.9.1972.

shall be made every two years from the date of the adoption of the Directive, as to the development of the technical aspects of the problem. The results of these reports can be included in further Proposals, and in any event the Commission is to present proposals for a composite solution to the problem by 1 January 1980.

Motor Vehicles

2135. In December 1973 the Commission sent the Council three proposed Directives on approximation of Member States' laws in the motor vehicles sector. The first submitted on 10 December concerns the mounting of *lights* and *light signals* on motor vehicles and trailers. Originally, it was only a matter of updating a 1968 Proposal¹ concerning direction signals but technical developments and the other changes which have occurred since then have been such that an entirely new Proposal on all lighting has had to be worked out. This covers motor vehicles with a maximum speed of over 25 km./hr., other than caterpillars, tractors and public works machines. The proposed Directive incorporates in the Community acceptance procedure the regulations covering the mounting of lights and light signals. It also carries the clause on 'adaptation to technical progress,' laid down by the Council Directive of 6 February 1970² on acceptance of motor vehicles and their trailers.

The other two Proposals were sent to the Council on 21 December. One concerns the *outside projections* of motor vehicles. Its purpose is to reduce the extent of injuries to people struck or grazed by the body of a vehicle in a collision. The Proposal covers the following projections: ornamental work, headlights, grilles and gaps between parts, windscreen wipers, bumpers, the handles, hinges and push-buttons on doors, boots, the mouths and tops of petrol tanks, wheel nuts, hub caps, body edges, lateral air

and rain deflectors, etc... The other proposed Directive which covers *fog lights* interlocks like the rest into the Community acceptance procedure introduced in February 1970. It bears on the technical regulation for manufacture and trials with the rules for the mounting of fog lights being written into the above-mentioned Proposal on lights and light signals.

Campaign against Drug Addiction

2136. As an observer the Commission attended the proceedings of the Coordination Committee who are preparing the next meeting of Ministers on European cooperation in the campaign against the abuse of and illicit traffic in drugs. On the basis of Proposals to be submitted to ministers, the Commission will present a report on the scope for integrating the action envisaged within the Treaty of Rome.

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2137. During the sitting of 10-14 December, the *European Parliament* passed several Resolutions on the removal of technical barriers to trade and on: packaging and labelling of dangerous substances, cold-water meters, continuous totalizing weighing machines, pressure vessels, seamless steel gas cylinders and bread. The *Economic and Social Committee* meeting on 12-13 December issued an Opinion on a Commission Proposal concerning the approximation of Member States laws governing essences of coffee and tea and their edible substitutes.

¹ OJ C 125 of 28.11.1968.

² OJ L 42 of 23.2.1970.

2. Economic and Monetary Union

Economic, Monetary and Financial Policy

Transition to the Second Stage of Economic and Monetary Union

Council Decisions

2201. The various Proposals concerning transition to the second stage of Economic and Monetary Union, which the Commission had sent to the Council in mid-November¹ were initially reviewed during the Council meeting of 3-4 December 1973 with Mr Haekkerup, the Danish Minister for Economic Affairs in the Chair. The Proposals, some of which had meanwhile been amended by the Commission, mainly with respect to their form, were discussed on the basis of a report by the Committee of Permanent Representatives and the Coordination Group for Short-term Economic Policies in compliance with their mandate of 9 November 1973 from the Council.

At the early December meeting the Council assigned the Committee of Permanent Representatives and/or the Coordination Group to finalize, on the basis of Commission Proposals and the views expressed at that particular meeting, new texts regarding: the Resolution on accomplishing a second stage of economic and monetary union, the Directive on stability, growth and full employment and the Decision on achieving a high degree of convergence between economic policies. The Council had agreed to consider these texts during its meeting of 17 December 1973 when it would also review the Commission's new Proposals on the development of short-term monetary support. Regarding the pooling of reserves the Council expressed its intention of considering this issue by 30 June 1974 at the latest. With this in mind, the Council asked the Monetary Committee, the Central Bank's Governors Com-

mittee and the Administrative Board of the European Monetary Cooperation Fund to submit by 31 March 1974 reports on the outstanding technical problems. The Council also asked the Commission to amend, if need be, its previous Proposals during April 1974.

The Council session devoted to economic and monetary Union was held on 17 December 1973, with Mr Haekkerup, in the Chair. Several days earlier the Heads of State or Government had agreed in Copenhagen 'to ask the Community institutions to take the necessary steps to make swifter progress towards accomplishing economic and monetary union on the basis of decisions already taken' and 'to continue actively working out a joint position on reform of the international monetary system, to increase the resources available to the European Monetary Cooperation Fund and strengthen coordination of their action against disruptive movements of capital so as to create a zone of stability in Europe.'

On 17 December 1973, the Council agreed in principle the text of: a Directive on stability, growth and full employment in the Community, a Decision on achieving a high degree of convergence between Member States' economic policies, a Decision to set up an Economic Policy Committee and a Resolution on short-term monetary support. The last item corresponds to the proposed Regulation on amending the rules for managing short-term monetary support which the Commission had sent to the Council on 17 December 1973 in response to the Council's request made early in December. In the transmittal note the Commission explained that its new Proposal did not prejudice the permanent mechanisms to be brought in at the same time as the measures to be adopted to amplify progressively the assignments of the European Monetary Cooperation Fund.

¹ Bull. EC 11-1973, points 1101-1109.

The Council also agreed in principle the text of a Resolution on accomplishing a second stage of economic and monetary union in the Community. This concerns a new Proposal sent in by the Commission on 13 December in response to the Council's request made at its early December meeting. But the Council's agreement in principle on the Resolution is given subject to the rewording by the Council of the paragraphs covering structural policies, in the light of the deliberations on regional¹ and energy policy and the decisions taken on social and industrial policy.

As soon as the Council has approved the paragraphs in question, it will adopt the whole Resolution and at the same time the other Acts concerning economic and monetary union which it has already agreed in principle.

*Mr Haferkamp's Statement
to the European Parliament*

2202. Transition to a second stage of economic and monetary union was the subject of a statement by Mr Haferkamp, Vice-President of the Commission to the European Parliament on 13 December, in which he said:

The Council is at present considering the Commission's proposals for the further development of economic and monetary union. The conclusions they will reach must, in my opinion, be measured against the objectives of economic and monetary union which the Council itself has laid down and which the Heads of State or Government have confirmed.

Rather more than a year previously, in October 1972, the Heads of State or Government had stipulated that the conclusions must be reached in the course of 1973 which were necessary to facilitate the transition to the second phase of economic and monetary union on 1 January 1974 with a view, as specified in the Paris

Communiqué, to its completion not later than 31 December 1980.

The Heads of State or Government thereby confirmed a principle which the Council had put forward in its resolution of 22 March 1971: in this resolution the Council declared that, on the assumption of continued political support from governments, the achievement of economic and monetary union was possible within the present decade.

In this same resolution of the Council it was stated that these measures should ensure that, at the end of the process—that is to say, in 1980—

- the Community constitutes a zone within which people, goods, services and capital can move freely, without any distortion of competition and without creating any structural or regional inequalities, under conditions which allow economic transactors to develop their activities on the Community level.
- an independent economic area should be established within the international system, characterized by full and irreversible currency convertibility, the abolition of margins of exchange rate fluctuations and the irrevocable fixing of par values, which are an indispensable precondition for the creation of a common currency, and that a Community central bank system should operate in this field.
- the Community is vested with those powers and responsibilities in the economic and monetary sector which enable the institutions to ensure the management of the union. For this purpose the appropriate economic decisions will be taken at Community level and the institutions of the Community endowed with the necessary powers.

This means no more and no less than that it was then decided that the Community of 1980

¹ Point 2205.

should be a single zone. Since this declaration, one-third of the time allowed for the completion of this union has already run out. The Commission therefore stated in its report to the Council of 28 June 1973, which we have also discussed here, that the deadlines can be met only if the political commitments are followed up by speedy and specific action. The Commission has presented to the Council not only the reports but also the proposals necessary for this speedy and concrete action. The objects of these proposals are, first of all, to make up for the deficiencies of the first phase of economic and monetary union and, secondly, to make it clear that with the entry into the second phase the Community is taking a further and essential step on the road to economic and monetary union.

The discussions that have so far taken place on the proposals have shown that, as things stand, the Council is obviously prepared to accept only part of them namely,

- (i) the proposal to set up an Economic Policy Committee;
- (ii) the proposal for regular prior consultation on all major economic measures;
- (iii) and the directive for the promotion of stability, growth and full employment, with one major exception.

The Council is obviously not yet prepared to accept:

- (i) firstly, strict prior consultation in the event of a change in currency values, in the form proposed by the Commission;
- (ii) secondly, the inclusion in the directive for the promotion of stability, growth and full employment of some of the proposed measures in the field of fiscal and budgetary policy in all Member States;
- (iii) and thirdly, the whole of the measures proposed by the Commission which would make

the European Monetary Cooperation Fund an effective instrument of general monetary policy.

It must in particular be noted that the Council is not yet prepared to give the Fund the administrative structure it needs for its task, to begin the pooling in the Fund of the foreign exchange reserves of the Central Banks, or to decide on the changes in short-term monetary support recommended by the Commission.

The part of the Commission's proposals which has been accepted by the Council is certainly highly important; but it will represent a decisive qualitative step forward in the direction of economic and monetary union only when those proposals of the Commission which have not yet been accepted also become effective.

If it desired to achieve by 1980 the targets set by the Heads of State or Government and by the Council itself, then people must be prepared to transfer a substantial part of national economic and monetary policy to the Community or at least to orient it on Community policy. It is characteristic that people are now hesitating to accept just those proposals of the Commission which would put this principle into practice. An example is the exclusion of instruments of fiscal policy from the directive on stability; a further example is the hesitation about the proposals dealing with the Monetary Fund. But we cannot move into the second phase of economic and monetary union unless national cyclical, fiscal and budgetary policies are more closely and firmly oriented upon the Community. Neither can we make progress in the direction of a common monetary system and at the same time allow cooperation between the Central Banks to follow the old lines. To sum up, you cannot in the long run claim autonomy in economic policy and at the same time proclaim economic and monetary union.

We have only seven years left to the oft-repeated and solemnly-established target of 'economic and monetary union not later than

1980' It is impossible to postpone any longer the decisions calling for the inevitably necessary qualitative change from national to Community policy. At its sitting next week, the Council will not reach all the specific conclusions necessary for this purpose. It will, however, then have to enter into a policy commitment that it will arrive at these conclusions according to a fixed time-table in the course of next year. Only if it does this will the breakthrough to economic and monetary union be brought about: only then will it be possible to observe the deadline of 31 December 1980 for the completion of this union, and only then will there be any prospect that the projected European Union will be crowned with success.

Monetary Committee

2203. The Monetary Committee met on 7, 13 and 18 December 1973. During these meetings, it reviewed the proposed Council Decision on achieving a high degree of convergence between Member States' economic policies and the problem of developing the system of short-term monetary support. The Committee also discussed the international monetary problems with the special reference to the progress made in the projects of the 'Committee of Twenty'.

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2204. During its sitting of 10-14 December the *European Parliament* gave an Opinion on the Commission's Proposals to the Council concerning work on economic and monetary union. The *Economic and Social Committee* meeting on 12-13 December issued an Opinion on these Proposals and on the Communication sent by the Commission to the Council on 10 April 1973) concerning the 'balance sheet of progress made during the first stage of economic and monetary union, on the assignment of authority and responsibility between the

Community and Member States' institutions required for the smooth running of economic and monetary union and on measures to be adopted during the second stage of the union.'

Regional Policy

Preparation of a Community Regional Policy

2205. Despite lengthy Council discussions running over two sessions and in spite of the favourable attitude taken by the Heads of State or Government in Copenhagen on 14-15 December 1973, no agreement was reached on regional policy in December.

The conflicting opinions expressed by the delegations led the Council, in respecting the deadlines set by the Paris Summit, to 'stop the clock' as had already happened during certain year-end 'marathons' mostly concerned with the common agricultural policy. Because of this the decisions hoped for for early 1974 (during a Council session set for 7 January at the latest and deferred, still without results, until 14 and 15 January 1974) should be made within the time limits set by the Paris Summit of October 1972 and confirmed by the Copenhagen meeting of December 1973, thanks to the 'contrived break.'

No final decision could be reached on regional policy owing to the conflicting opinions of the national delegations. More than regional policy is involved since, for want of agreement there, the Decisions of principle taken in December by the Council on transition to a second stage of economic and monetary union and on energy policy could not be formally approved and are still 'hanging fire'.

Why has there been no agreement on the Proposals presented by the Commission in July

on forming a Regional Development Fund¹ and in October regarding regions eligible for Fund aid²? The conflicting views centred then and now on the volume of the Fund and on the regions entitled to benefit from its aid. In other words, whereas some Member States wanted a Fund vested with larger financial resources than those proposed by the Commission, others wanted a Fund of more modest means whose action would be confined solely to those regions with the most serious imbalances.

The Council had been unable to secure any results during its session of 3-4 December. But the Heads of State or Government had agreed in Copenhagen³ that, as stated in the final Declaration from the Conference, 'the Regional Development Fund should be in place on 1 January 1974'. In expressing 'their positive attitude towards setting up the Fund', they had also agreed to 'send recommendations to their Foreign Ministers so that during its next session the Council could take the necessary decisions on the volume and allocations of the Fund as well as on the criteria for determining its transactions'.

Despite this, the Council at its session of 17-18 December did not manage to overcome the divergence of view between Italy and Great Britain on one side and a very reluctant Germany on the other. The meeting finally broke up without taking a decision and deferring further proceedings until early 1974.

Financing New Activities

2206. Under Article 56 para. 2 (a) of the ECSC Treaty and subject to a confirmatory Opinion from the Council, the Commission decided to grant five redevelopment loans including two for the Netherlands, and one each for Belgium, France and Germany.

The Netherlands

2207. The firm of *Hermann Schmidt NV*, a metal products factory, will receive a low-interest loan of about 0.75 million u.a. and an interest rebate on a loan of about 0.4 million u.a. for putting up a new factory in south Limbourg. The investments envisaged will involve the creation of 90-130 new jobs of which at least 80 will be reserved for former miners

The firm of *NV Nederlandse Steenwolffabriek Lapinus* will benefit from a low-interest loan of about 0.9 million u.a. to extend its Roermond insulator plant in the Dutch Limbourg. 125 new jobs will be created, all to be offered to former miners.

Belgium

2208. The firm of *Bauknecht SA*, Genk, will receive a loan of about 7 million u.a., of which 5 million will be at low interest, to set up an aggregate panels plant and a kitchen furniture factory. The Genk works is designed to employ 764 workers; the company has undertaken to give priority engagement to 485 former miners

France

2209. The company to benefit is *Fasso France*, in the industrial complex of Champ sur-Drac (Isère) who will be granted a redevelopment loan of about 2.7 million u.a. to set up a plant manufacturing self-adhesive materials. Between now and 1977 the new plant

¹ Bull. EC 7/8-1973, point 1201: 'Regional Policy Practical Application Proposals'.

² Bull. EC 10-1973, points 1301-1304: 'Regional Policy Regions Eligible for Aid from the Fund'.

³ Point 1106.

offer about 450 new jobs including 430 for men. The number of jobs likely to suit former miners in the Dauphine is estimated at 250.

Germany

2210. The firm of *Deutsche Solvay Werke GmbH* of Rheinberg in the Saar will be loaned about 1.92 million u.a. to build a chemical works producing vinyl chloride. The new works in this redevelopment area will mean the creation of 180 new jobs. The firm has undertaken to reserve at least half of them for former ECSC employees.

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2211. During the sitting of 10-14 December 1973, the *European Parliament* passed a Resolution on the Commission's Proposals to the Council on the list of regions and areas eligible for benefit from interventions by the Regional Development Fund and the list of priority farming regions and zones eligible for EAGGF credit. In the Resolution the House 'considered that to be effective, the available resources must be concentrated on a limited number of regions whose development is a priority' and that 'by their very nature, the problems of developing the peripheral regions are the most urgent, substantial and complex'.

The House considered that 'the list proposed for the interventions of the European Regional Development Fund is very general and that priorities must be established', that 'all the regions must be classified according to the relative seriousness of the imbalances found in relation to the Community average' and lastly 'the regions and areas with the most serious imbalances and situated in Member States with the lowest relative intervention capacity should be assisted on a priority basis and should receive the bulk of the interventions from the Fund'.

Social Policy

Social Action Programme

2212. After a thorough review of the 'Social Action Programme'¹ presented by the Commission, the Council during its session of 11-12 December 1973 agreed the basic elements of a Resolution covering the objectives for a) achieving full and better employment in the Community b) improving living and working conditions so that with regard to progress they receive equal consideration, and c) greater participation by both sides of industry in the Community's economic and social decisions as well as greater participation by workers in company affairs. Within this Resolution² the Council also set a number of priorities for action to be taken in the near future. The Communiqué issued at the end of the meeting declared:

'With regard to the objective of *full and better employment* the Council has adopted the following priorities:

- (i) to start appropriate concertation of Member States' employment policies to promote closer cooperation between national employment services;
- (ii) to draw up an action programme for the benefit of migrant workers, subjects of Member States or third countries;
- (iii) to implement a common occupational training policy and create a European occupational training centre;
- (iv) to take action to achieve equality between men and women regarding job opportunities and occupational training as well as working conditions including pay.

¹ Bull. EC 10-1973, points 1201-1206 and Supplement 2/74 Bull. EC.

² Officially adopted on 21 January 1974: OJ C 13 of 12.2.1974.

For the objective of *improving living and working conditions*:

- (i) to start appropriate concertation of Member States' social protection policies;
- (ii) to draw up an initial action programme covering workers' safety and health and job improvement starting with the sectors of activity where working conditions seem to be the toughest;
- (iii) to bring in, in liaison with other Member States, specific measures against poverty through the preparation of pilot projects.

For the objective of *participation by both sides of industry*:

- (i) to promote steadily the participation of workers or their representatives in Community company life and develop the participation of both sides of industry in the Community's social and economic decisions.

The Council officially acknowledged the Commission's undertaking to submit the following Proposals *by 1 April 1974*:

- (i) an action programme regarding migrant workers;
- (ii) a project for creating a European occupational training centre;
- (iii) a Directive for harmonizing laws on the preservation of acquired rights when companies change hands and especially in the case of mergers.

The Council officially acknowledged the Commission's undertaking to submit *by the end of 1974* the necessary Proposals on the priorities set above and noted that the Commission had as from now submitted Proposals concerning:

- (a) an intervention by the European Social Fund in favour of migrant workers and handicapped workers;
- (b) an action programme concerning handicapped workers in a free economy;

(c) formation of a General European Committee on Job Safety and amplified powers for the Mines Safety and Health Commission;

(d) a Directive to approximate Member State laws on applying the principle of equal pay for equal work;

(e) as an immediate objective, the overall application between now and 1975 of the norm: 40 hour week and between now and 1976 a four weeks holiday with pay;

(f) formation of a European Foundation for improving the environment and living and working conditions;

(g) a Directive to approximate Member State laws governing collective lay-offs.

Lastly, the Council undertook to rule on the Commission's Proposals within at the latest five months after the latter has advised the Council of the outcome of its deliberations on the Opinions issued by the European Parliament and the Economic and Social Committee after they have been consulted, or, if they not been consulted, at the latest nine months from the date on which the Commission's Proposal were sent to the Council.

Vocational Training and Guidance

2213. Invited by the Commission, about sixty senior officers from occupational rehabilitation organizations attended from 10-14 December a *seminar for executives in the occupational rehabilitation of handicapped adults*, run at the Mulhouse rehabilitation centre. Based on analysis of the objectives of instructor training, the course helped to set out a common methodology and a series of proposals covering the development of an instructor training technology and the assessment of cooperative resources to be introduced for the purpose.

Free Movement of Workers and Social Security of Migrant Workers

2214. The *Technical Committee for the Free Movement of Workers*, meeting on 13 December, got down to a discussion on the possible short-term impact of recent employment developments on the situation of foreign labour and in particular of Community labour.

Several Member States have recently stopped recruiting workers from third countries and the others have taken measures to similar effect. During the meeting it was recalled that the Council Regulation of 15 October 1968¹ on the free movement of workers within the Community, included not only provisions to ensure Community workers the freedom to move about in looking for jobs, but also entailed guarantees for those workers regarding equal treatment in relation to national labour. Under these arrangements, workers from one Member State employed in another Member State are by the Regulation guaranteed a certain number of basic rights, including in particular:

- (a) the right to live in the country of employment, even if the worker is unemployed;
- (b) the right to register at labour exchanges as an unemployed person and claim unemployment allowances on the terms laid down by the Community provisions concerning unemployment insurance;
- (c) the right to the same assistance received by national workers from labour exchanges towards finding a job.

The Technical Committee then took a birds-eye view of problems involved in temporary employment. It agreed in principle that a programme be prepared pragmatically for stepping up the exchange of information and ensuring collaboration and mutual assistance between the Member States' administrations concerned. The aim of the programme is to ensure better

safeguards for workers when the temporary employment agencies are handling international labour availability. The Committee is to decide in early 1974 on the practical Proposals to be submitted by the Commission departments.

2215. The *Administrative Committee for the Social Security of Migrant Workers* having reviewed the problems arising in the application of Community Regulations from fluctuating exchange rates, the Audit Committee on 18 and 19 December started to vet relevant proposed amendments to the Council Regulation of 21 March 1972² concerning the terms for applying social security schemes to wage-earners and their families who relocate within the Community.

Social Fund, Retraining and Reemployment

Aid from the Fund

2216. After obtaining the Opinion of the Social Fund Committee, the Commission on 27 December 1973 decided to approve:

- (a) a series of applications for Fund aid filed under 'Article 4' concerning people leaving *the land* for another activity and people engaged in *textiles*. These Decisions cover a total sum of about 28 million u.a. for the financial year 1973 to which may be added authorized commitments of about 7.5 million u.a. for 1974 and 2.5 million u.a. for 1975;
- (b) a series of applications or part-applications for Fund aid filed under 'Article 5'. These cover regions and *adaptation to technical progress and*

¹ OJ L 257 of 19.10.1968.

² OJ L 74 of 27.3.1972.

have been graded into first and second priority by the Fund Committee. These Decisions cover a total sum of about 126.6 million u.a. for 1973 to which may be added authorized commitments of about 57.4 million u.a. for 1974 and 6.7 million u.a. for 1975;

(c) a series of applications, or part-applications for Fund aid with respect to *handicapped persons* and covering a total sum of about 31.3 million u.a. for 1973.

2217. Again, on 27 December the Commission adopted several Decisions on granting Fund aid (under Article 125 of the EEC Treaty) for expenditure connected with *occupational retraining and resettlement* projects. Of the sums granted which total 41 833 000 u.a., 1 585 434 u.a. go to Belgium, 22 561 671 u.a. to Germany, 7 752 144 u.a. to France, 8 187 126 u.a. to Italy and 1 746 634 u.a. to the Netherlands.

2218. Lastly, after obtaining the Opinion of the Fund Committee, the Commission sent the Council a proposed Decision concerning intervention of the European Social Fund in favour of people engaged in the *shipbuilding*¹ sector. This was established in application of Article 4 of the Council Decision of 1 February 1971 on remodelling the Fund.

Retraining Measures

2219. During December the Commission in applying Article 56, para. 2b) of the Paris Treaty decided to contribute in *Germany* up to a) DM 38 046 500 (or 10 408 879.78 u.a.) to the retraining expenses of 11 367 workers hit by the closures and reduced activity of 6 collieries and 2 pelletizing plants and b) DM 920 000 (or 251 366.12 u.a.) to the retraining expenses of 1 221 workers affected by the closing down and reduced activity of two steel companies.

For *France*, the Commission approved a contribution of 44 481 000 FFrs. (or 8 368 637.01 u.a.) for 4 134 workers hit by closures and reduced activity in French collieries and by the closing of a pelletizing works.

In the *United Kingdom*, the Commission decided to contribute up to £ 50 000 (or 120 000 u.a.) to the retraining expenses of 129 workers hit by the closure of a hot-rolling works in Sheffield.

The German, French and British Governments are contributing equal amounts towards the expenses incurred by retraining.

Social Security and Social Action

2220. On 3 December in Brussels the Commission called in the group of independent experts delegated to define the scope and methods of a study on the *'impact of social charges on consumer prices and competition conditions.'* From the discussion on the consumer prices front a guideline emerged with the aim of expanding the study to cover the effect of all *'social and fiscal charges'* and reckoning with the present situation and its changes (especially changes in the financing of social security).

2221. On 10 December the Commission called a meeting in Brussels of independent experts from the three new Member States to advise them of the work underway concerning *agricultural social security*. They were asked to undertake certain work before being able to join the group already formed by experts of the original Six. A second meeting for discussion and information on possible difficulties that might crop up for the newcomers was set for February.

¹ OJ C 13 of 12.2.1974.

2222. A European seminar run by the Commission for specialized social welfare officers specializing in *social action for migrant workers* and their families was held in Brussels on 4-5 December. The aim of the seminar, attended by 40 people, was to advise them of Community activities in this field and to compare experience between the welfare officers of the three new Member States and their counterparts in the Community.

2223. Under the first installment of the 7th 'standard Scheme of financial aid for housing intended for personnel of the original Community's mining and steel industries, the Commission on 18 December approved the financing of a project in Luxembourg involving 22 individual houses for steelworkers for a total of 13 607 000 LFr.

On 17 December the Commission decided to distribute a sum of 20 million u.a. between the ECSC industries of the nine Member States. The money which will come out of the special reserve of the financial years 1973/1974, is for completion of the second 'operational' installment of the programme of financial aid for building subsidized dwellings for ECSC industrial employees.

Industrial Health, Safety and Medicine

2224. On 17-19 December the Commission ran a colloquium in Luxembourg on public health and pollution of the environment by carbon monoxide. It was attended by some 65 specialists from the Member States and several other countries. The scientific reports and discussions yielded information which will help in establishing criteria for gauging the harmful effects of carbon monoxide.

Regarding the evaluation of human exposure to this gas, the discussions highlighted the need

to measure it in the atmosphere and also measure the amounts of carboxy-haemoglobin in the blood system.

The delegates hoped that a programme of comparative measurements of COHb would promptly be put in hand by the Commission. The practical methods for the programme were approved.

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2225. During the sitting of 10-14 December 1973, the *European Parliament* passed a Resolution on the 'Social Action Programme' laid before the Council by the Commission. The *Economic and Social Committee* meeting on 12-14 December adopted a study on occupational training which provides a general outline of existing schemes, trends and objectives to be reached in this field. The *ECSC Consultative Committee* gave its Opinion on the 'Social Action Programme' on 7 December.

Environment and Consumer Protection

Environment

Foundation for Improvement of Living and Working Conditions: Environment Problems

2226. On 7 December the Commission sent the Council a Communication on setting up a European Foundation for improving living and working conditions,¹ backed by a proposed Regulation. In this way it had combined two distinct ideas into one.

¹ Bull. EC 11-1973, point 2215.

In its two initial Communications on environment of July 1971¹ and March 1973,² the Commission had in fact advocated the creation of a European Environment Foundation responsible for developing and amplifying basic thinking on improving the living conditions of the future society. Then at the 1972 October Summit Conference, President Pompidou had wished to see created a European Foundation for the study of living and working conditions, a proposal since reiterated by the French Government within the EEC Council.

In its 'Environment Action Programme'³ of April 1973, the Commission proposed to combine both ideas into one project, namely, the European Foundation for the Improvement of Living and Working Conditions, which moreover forms one of the priority projects approved by the Council on 11 December 1973.⁴

The Foundation will be entrusted with the design of living and working conditions better befitting the aspirations of mankind; its activities will focus mainly on the study of long-term problems. This will primarily mean organizing and financing the required studies, promoting pilot experimental projects and helping to expand the exchange of information and cooperation with specialized institutions.

Consumer Protection

Programme for Consumer Advice and Protection

2227. A 'draft of a preliminary Community project for consumer advice and protection' adopted by the Commission was sent to the Council on 12 December 1973.⁵ The Commission had thus taken action, within the prescribed deadline, on the Point of the final Declaration of the October 1972 Summit which

required that by 31 December 1973 a report be submitted on the possibility of strengthening and coordinating action for consumer protection.

This preliminary programme represents the first outline of objectives and priorities for a Community consumer policy. It defines the main lines of such a policy and picks out a series of priority projects for the next three years concerned with consumer protection, advice and representation.

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2228. During the sitting of 10-14 December, the *European Parliament* passed a Resolution on the Community's participation in negotiations for an Agreement on preventing land-based ocean pollution.⁶ The negotiations opened in September in Paris and will be resumed in February 1974.

Agricultural Policy

Adjustment and Improvement of the Common Agricultural Policy

2229. Carrying on with its deliberations on the Commission's Memorandum on adjusting and improving the CAP,⁷ the Council on 11 December 1973 got down to a thorough discussion of measures proposed by the Commission

¹ Bull. EC 9/10-1971, first part, Chap. IV: The Community Policy on Environment.

² Supplement 5/72 — Bull. EC.

³ Supplement 3/73 — Bull. EC.

⁴ Point 2212.

⁵ Points 1301-1308 of current Bulletin.

⁶ Bull. EC 11-1973, point 2234.

⁷ Bull. EC 10-1973, points 1101-1105, and Supplement 17/73 — Bull. EC.

for the various farming markets, in particular those of milk, beef and veal, mutton and lamb, cereals and proteins. The Council was pleased to note that the Commission intended to submit very soon various Proposals for these products. It decided to resume the debate on the subject at its next session.

The Council also briefly discussed various issues raised by the Commission's report on the Community's protein supply.

Measures taken in connection with the Monetary Situation

2230. During December the Council adopted two Regulations to do with setting the representative conversion rate for the Italian Lira.

In its Regulation of 1 November 1973¹ the Council had set two representative rates for the Lira; the first took effect on 1 November and had repercussions on price levels in Italy causing from that date of a rise of about 4% in terms of Lira of prices and amounts from that date of set in u.a. in April by the Council. The second rate only took effect from 1 January 1974 and its economic impact, for products with a regular marketing year, should not be felt until the start of the 1974/1975 campaign. On 17 December 1973² the Council set the terms for the second representative rate for the Lira for agriculture in general and oilseeds in particular.

These Regulations establish that despite the new conversion rate which in principle would have led to another rise in Lire for prices and amounts set in u.a., these prices and amounts will, until the start of the next campaign, be kept at their level resulting from the provisions valid on 31 December 1973 and, in the case of sugar, 31 October 1973. The pegging at the former

level is equivalent to a drop in prices in Italy compared with the level deriving from the new conversion rate. In computing compensatory amounts and, in the case of oilseeds differential amounts, this drop in prices will henceforth be taken into account.

The 1% increase of prices applicable in Italy which came in at the outset of the 1973/1974 campaign³ was dovetailed into the new scheme so that the pegging of prices means no more than a theoretical cut of about 3.5% whilst the new representative rate involves a 4.5% 'devaluation' of the Lira.

2231. On 21 December 1973⁴ the Commission defined the application terms needed to implement the new scheme, which means keeping, wherever necessary, amounts other than prices at their previously valid level. Here again the 1% increase applied in some cases at the start of the 1973/1974 campaign was taken into account since the relevant individual Regulations have been rescinded. In computing differentials applicable to colza and rape seeds, the Commission Regulation of 23 August 1973⁵ had to be adapted to the new position.⁴

On 27 December 1973⁶ the Commission also amended its Regulation of 30 May 1973⁶ on the application terms of monetary compensatory amounts as a follow-up to the Italian Government's announcement that from 15 January 1974 it would grant the compensatory amounts applicable to Italian imports. By virtue of the Regulation of 12 May 1971⁷ all the other Member States had in fact up to

¹ Bull. EC 10-1973, point 2232.

² OJ L 353 of 22.12.1973 and L 357 of 28.12.1973.

³ Bull. EC 4-1973, point 2220.

⁴ OJ L 357 of 28.12.1973.

⁵ Bull. EC 7/8-1973, point 2229.

⁶ Bull. EC 6-1973, point 2228.

⁷ Bull. EC 7-1971, point 39.

now agreed with Italy that on exporting they would remit the compensatory amount applicable on import into Italy. Following Italy's above-mentioned decision and so as to make the change of scheme under the most satisfactory possible conditions, it has been laid down that the old scheme would still be applicable to any transaction covered by the formalities for exports to Italy, which were discharged before 15 January 1974.

2232. Some adjustments were made to the setting of *compensatory amounts*. In the milk and dairy produce sector, the computation method was changed¹ with effect from 3 December 1973. It was also changed with effect from 10 December 1973 in the sector of goods processed from agricultural products, so as to reckon more closely with the precise makeup of certain products.

The release prices for table wines valid from 16 December 1973 to 15 December 1974 applied from 16 December 1973.² Since these were the prices taken for computing compensatory amounts, the latter were consequently adjusted by the Commission Regulation of 21 December 1973.³

Developments in the Lira exchange rates led to the compensatory amounts and differentials applicable for Italy being replaced with effect from 24 December 1973.⁴ The new method of computing them, valid from 1 January 1974, did not entail any changes in the compensatory amounts themselves. Only the coefficient affecting 'Accession' levies, refunds and compensatory amounts had to be adjusted to the new conversion rates by the Commission Regulation of 21 December 1973⁵. Conversely, the differentials for colza and rape seeds also on 21 December 1973⁶ underwent an adjustment owing to the new computing method.

2233. Under the Regulation of 9 December 1969⁶ on agricultural measures to be taken in

the wake of the *DM revaluation*, Germany, at the time, had been authorized to make up the losses of her agricultural producers as far as 1.7 thousand million DM for each of the years 1970-1973. The compensation was granted partly through direct aid per hectare with the rest coming through VAT to the order of 3% of the sales prices of agricultural products.

This Regulation laid down that on the basis of a Commission report, the Council before end-1973 would review developments in the economic picture of German agriculture so as to bring in any additional measures which might be needed. After its review on 11 December 1973 the Council confirmed that direct aid per hectare would stop at the end of the current year. It would be followed up by social and structural measures. Conversely, with regard to aid through VAT, the Council, in view of the development of German farming incomes, set out a political guideline stipulating that Germany would be temporarily authorized to carry on with this aid, on the understanding that before end-1974 the Council would again review the economic situation of German agriculture and decide on suitable measures.

It was decided to consult the European Parliament forthwith so that the Council could take a decision very shortly.

Application in the Enlarged Community of Acts of the Common Agricultural Policy

2234. In the fishery sector the Council on 11 December 1973⁷ decided as from 1 January

¹ OJ L 332 of 3.12.1973 and L 339 of 8.12.1973.

² Point 2239.

³ OJ L 353 of 22.12.1973.

⁴ OJ L 354 of 24.12.1973 and L 352 of 21.12.1973.

⁵ OJ L 357 of 28.12.1973.

⁶ OJ L 312 of 12.12.1969 and Bull. EC 2-1970, point 30.

⁷ OJ L 349 of 19.12.1973.

1974, to abolish the scheme of 'Accession' compensatory amounts running for plaice in Ireland.¹ A common guide price valid for the whole Community was in fact specified for this produce when on 10 December 1973² guide prices for certain other fishery products were set for the 1974 campaign.

Conversely, on 4 December 1973³ the Commission set up an advance fixing scheme for the 'Accession' compensatory amounts for certain products in the cereal and rice sector. The scheme will allow operators to know in advance the 'Accession' compensatory amount to be applied to imports or exports in both intra-Community commerce and trade with third countries. This will dispel the insecurity deriving from the unstable levels of the amounts.

On 12 and 21 December 1973⁴ the Commission once again⁵ deferred the date laid down for application in Ireland and the United Kingdom and Denmark of the reference method for denaturing soft wheat. Since the current system of denaturation will no doubt have to be modified, it was decided with effect from 1 December 1973 to prolong this deferment until 31 July 1974. The duration of several other Regulations setting up a temporary system for the new Member States was also prolonged.

Joint Organization of the Markets

Milk and Dairy Produce

2235. In view of the Community butter market situation, the Council, on 3 December 1973,⁶ decided to extend for one year, i.e. until end-1974, its Regulation of 19 December 1973⁷ laying down the ground rules for measures to boost the use of butter by certain consumer

categories. This Regulation gave Member States the chance to grant aid to allow social assistance beneficiaries to buy cut-price butter. Seeing the development in the number of beneficiaries in 1973, the quantity of butter likely to benefit from aid in 1974 can be put at 40 000 tonnes including 20 000 tonnes in the United Kingdom.

In compliance with the Council Regulation of 29 June 1971⁸ only milk with a minimum fat content of 3.5% may be supplied as whole milk for direct consumption in the Community. But a temporary measure stipulated that Member States could until 31 December 1973 keep up the national arrangements applicable within their territory before the Community Regulation of 29 June 1971 took effect. On 17 December 1973⁹ the Council extended this temporary period until 31 March 1974, largely on short-term economic considerations aimed, following an increase in the fat content, at avoiding a rise in price of the milk in question which moreover could lead to a fall in consumption.

On 21 December 1973¹⁰ the Commission once again amended its Regulation of 13 September 1973¹¹ on the advance setting of refunds and the validity time of export certificates in the milk and dairy produce sector. The validity time for export certificates was extended from 1 to 6 months for skim milk powder and compound foods under heading 23.07.B11; and

¹ OJ L 29 of 1.2.1973 and Bull. EC 6-1973, point 2229.

² Point 2240.

³ OJ L 337 of 6.12.1973.

⁴ OJ L 342 of 13.12.1973 and OJ L 361 of 29.12.1973.

⁵ Bull. EC 5-1973, point 2221.

⁶ OJ L 334 of 5.12.1973.

⁷ Bull. EC 12-1972, point 51.

⁸ Bull. EC 8-1971, point 63.

⁹ OJ L 357 of 28.12.1973.

¹⁰ OJ L 361 of 29.12.1973.

¹¹ Bull. EC 9-1973, point 2220 and 11-1973, point 2241.

from 2 months to 6 months for compound foods under heading 23.07.BI of the Common Customs Tariff.

Olive Oil

2236. In line with the Decision in principle of 21 November last,¹ the Council on 11 December 1973² adopted a Regulation on forming an olive regulator stock.

This need has derived from the fact that over recent years Community olive harvests have been subject to substantial fluctuation which has had a detrimental effect on the market situation and the stability of consumer prices; the regulator stock will alleviate the result of such irregularities. Since a good harvest is expected for the 1973/74 campaign, this appears to be a good opportunity to allocate part of it for a Community regulator stock.

This stock will be formed of virgin olive oil. It will be entrusted to the Italian intervention agency who will make a start before April 1974. For 1973/74 quantities bought as part of the regulator stock may not exceed 75 000 tonnes. The oil bought from the producers will be paid for at the market target price and when the price is actually paid the producer will also collect for the whole of his crop, the amount of aid laid down by the basic Regulation. These terms should allow the producers to receive the income from this outlet as soon as possible.

On 18 December 1973² the Commission adopted the application terms of the Council Regulation of 27 November 1973¹ defining the principles of granting aid to olive oil producers for the 1973/74 campaign. Emphasis is laid on checking the target yields set for each production zone.

Moreover, the principle adopted by the Council on 10 May 1973⁸ of increasing the intervention

and purchase prices to be paid by Italy by a corrective amount equal to 1% is valid during the olive oil 1973/74 campaign. On 21 December 1973⁴ the Commission set the corrective amount of the intervention price (570 Lira/100 kg) and of the aid (274 Lira/100 kg) for olive oil in Italy.

Fruit and Vegetables

2237. On 7 December the Council received a Proposal to amend its Regulation of 9 December 1969⁵ laying down special measures for improving the production and marketing of Community citrus fruits. These modifications concern the discontinuance of provisions relating to contracts to be made for granting the marketing premium and raising the amounts of this premium.

The provisions are aimed at applying the compromise adopted by the Council during its session of 18-19 June 1973⁶ as part of the Community's economic relations with the Mediterranean countries, with regard to the fruit and vegetable sector.

On 6 December 1973⁷ the Commission added the 'Biondo Commune' variety of orange to the list of varieties likely to benefit from the 'penetration premium' introduced by the Council Regulation of 9 December 1969 to encourage the disposal of Community oranges and mandarines on the EEC markets. This variety which originally had not been envisaged has been added each year to boost its marketing pending the anticipated effect of agricul-

¹ Bull. EC 11-1973, point 2244.

² OJ L 351 of 20.12.1973.

³ Bull. EEC 5-1973, point 2220.

⁴ OJ L 353 of 22.12.1973.

⁵ OJ L 318 of 18.12.1969.

⁶ Bull. EC 6-1973, point 2240.

⁷ OJ L 338 of 7.12.1973.

tural redevelopment measures. Again on the same day the Commission set the reference prices for the 1973/74 campaign for sweet oranges and specified the coefficients to be applied to the rates for this imported produce to make them comparable with the reference prices. These reference prices show an increase of 4.7% as against those set for 1972/73 whilst the coefficients are exactly the same as last year's.

On 29 November 1973¹ the Commission, on the basis of the price of Community mandarines, set the valid reference price for mandarines, satsumas, clementines, tangerines and other kindred citrus hybrids, for the 1973/74 campaign, and also specified the coefficients to be applied to the rates for imported produce.

Owing to the reference price increase of 5.6% and the adjustments to the coefficients to be applied to certain citrus fruits other than mandarines, greater effective protection has been secured compared with the previous season for mandarines, with appreciably the same protection for clementines but weaker safeguards for the other produce.

Fruit and Vegetable Preparations

2238. On 7 December 1973 the Council received a proposed Regulation to introduce a production aid scheme for pineapple preserves.

This proposal was also drawn up on the basis of the compromise solution adopted by the Council during its session of 18-19 June 1973: a principle covering production aid for pineapple preserves to keep us this economic activity and ensure normal consumer prices.

Wine

2239. On 11 December 1973² the Council set the release prices for table wines for 16 De-

cember 1973 until 15 December 1974. These prices were raised by 1 to 4% according to the type of wine. On 18 December 1973³ the Commission set the 1973/74 reference prices for wines, which were up on the previous campaign save for dessert wines. Under this Decision a new reference price was brought in for dessert wines to be used in certain processing.

On December 1973⁴ the Commission adopted several Regulations on storage aid. The first one laid down a derogation until 30 April 1974 so that aid could be granted to quantities of wine under storage contract even if the guide prices are exceeded on the Community market. The second Regulation offers scope for making private storage contracts, with aid granted, between 1-15 December 1973 in certain Community wine producing areas where there is an imbalance between resources and scope for disposal due to an exceptionally heavy crop. A third Regulation covers the granting of aid for private long-term storage of certain table wines (availability registered at the outset of the current campaign appreciably exceeds forecast needs). The amount of aid for storage was raised to allow for higher costs.

Furthermore, on 27 December 1973⁵ the Commission set up aid for wine products similar to that exported under the name of 'Cyprus Sherry', produced in the original Community and shipped to Ireland and the United Kingdom between 1 February and 31 December 1973. The amount of aid is set at 24 u.c./hl in application of the Council Regulation of 14 May 1973.⁶

¹ OJ L 330 of 30.11.1973.

² OJ L 342 of 13.12.1973.

³ OJ L 349 of 19.12.1973.

⁴ OJ L 338 of 7.12.1973 and L 349 of 19.12.1973.

⁵ OJ L 360 of 29.12.1973.

⁶ Bull. EC 5-1973, point 2227.

Fishery Products

2240. On 11 December 1973,¹ the Council set the prices for the 1974 fishery campaign (1 January-31 December 1974) as part of the joint organization of the market in the fishery product sector. The following prices are involved:

(i) guide prices for certain fresh or refrigerated produce; the guide prices serve to set the withdrawal prices which are the basis for interventions on the market. The increase in guide prices was decided in consideration of the general picture on Community markets and the individual situation of each product concerned. Lastly, it should be noted that for plaice a joint guide price valid throughout the Community was set from 1 January 1974;

(ii) guide prices for certain deep-frozen fishery produce; the development of prices registered on the Community markets has led, for most products concerned, to a slight increase in these prices for the 1974 fishery campaign. If the rates recorded on the markets remain, for a significant period, below 85% of the guide prices, aid for private storage may be granted to the producers;

(iii) intervention prices for fresh or refrigerated sardines or anchovies; derived from the guide prices for the corresponding fresh produce, these prices are set at a level equal to 45% of the guide prices. As soon as it is found that the rates for these products remain for three successive market days below the intervention price, Member States will ensure that produce of Community origin is purchased;

(iv) Community production prices for tunny fish for the preserving industry; a review of the Community market situation necessitated a slight rise in these prices which represents one of the factors for granting, where need be, an allowance to tunny fish producers.

On the same day the Council amended the Regulation of 26 January 1971² to fix the joint marketing norms for grey 'Crangon' shrimps. In view of the scanty shrimp supply in the Community, marketing of small shrimps (size 2) is now authorized.

Tobacco

2241. The Commission on 13 December 1973³ adopted the procedures and terms for marketing tobaccos held by the intervention agencies. This will allow the various phases of the selling operation to be initiated either by tender or public auction and the disposal of stocks in the intervention agencies, particularly in Italy, will be facilitated.

Minimum Prices

2242. On 17 December 1973⁴ the Council decided to extend the current scheme of minimum prices until 31 December 1974. Initiated on 4 April 1962⁵ the scheme now applies only to potatoes, potato plantlings and vinegars with their edible substitutes, all of which do not yet come under the joint organization of markets.⁶

European Agriculture Guidance and Guarantee Fund*Guarantee Section*

2243. In December the Commission submitted to the Council proposals for two Regula-

¹ OJ L 349 of 19.12.1973.

² Bull. EC 3-1971, point 24.

³ OJ L 345 of 15.12.1973.

⁴ OJ L 360 of 29.12.1973.

⁵ OJ 30 of 20.4.1962.

⁶ Bull. EC 12-1972, point 63.

tions. One concerns the extension of current financing terms for public interventions, the other is to establish a clear distinction between expenditure deriving from the CAP and outlay connected with the food aid policy which would lead to the transfer of certain EAGGF credits to the Budget entry for 'food aid and other expenditure.' On 21 December 1973, the Commission also adopted five Decisions on the financing of Community projects in the 1969/70 programme of the 1967 cereal food aid Agreements.

Guidance Section

2244. During the first quarter of 1973 six requests for aid were filed with the Commission with a view to grants from the EAGGF, Guidance Section, as part of the provisions of the Council Regulation of 19 December 1972 concerning redevelopment of the cod-fishery sector.¹

Credit available for 1973 amounts to 2 million u.a. After receiving the favourable opinion of the Standing Committee on Fishery Structures and having consulted the Fund Committee, the Commission on 20 December 1973 decided to grant aid of 1 816 466 u.a. to three French boats (a deep-freeze tunny catcher and two deep-sea factory trawlers).²

On 21 December the Commission decided to refund Member States with expenses incurred under the following projects:

- (a) slaughter of cows and non-marketing of milk and dairy produce;
- (b) uprooting of fruit trees;
- (c) aid to fruit and vegetable producer associations;
- (d) survey on the yield potential of fruit trees.⁸

Structural Policy in Agriculture

2245. On 11 December 1973⁴ the Council adopted a Directive on certain measures laid down by the Directives of 17 April 1972.⁵ This text defines the general provisions within which Member States will have the option of differentiating or not applying regionally the inducements provided by the three Directives on reforming agriculture. Submitted in June 1972⁶ the Proposal had been the subject of a Parliamentary Opinion on 2 July 1972.⁷

On 21 December 1973 the Commission adopted Decisions on financial intervention by the Community in the expenses of the premium scheme for switching dairy herds over to meat production, expenses stemming from the premium for producers holding in certain regions, 5-10 dairy cows in Germany, France and Ireland. In compliance with the Council Regulation of 15 May 1973⁸ these States have in fact transmitted the list of regions which will be used in authorizing such a premium. The EAGGF Committee and the Standing Committee on Agricultural Structures had been consulted by the Commission.

Lastly, on 21 December 1973, the Commission issued two Opinions on the draft application provisions sent in by the *Irish* Government for two Council Directives of 17 April 1972. The first concerns the modernizing of farm holdings and the second covers inducements to withdraw from farming activities and the allocation of farming surface areas used for the purpose of structural improvement. On this last Direc-

¹ Bull. EC 12-1972, point 65.

² OJ C 6 of 22.1.1974.

³ OJ L 62 of 4.3.1974.

⁴ OJ L 356 of 27.12.1973.

⁵ Bull. EC 4-1972, Part 1, Chap. I.

⁶ OJ C 75 of 12.7.1972.

⁷ OJ C 82 of 26.7.1972.

⁸ Bull. EC 5-1973, point 2225.

tive, the Commission on 21 December 1973 also sent the Council a proposed Directive authorizing Denmark to put the necessary measures into effect by 31 December 1976.

Harmonization of Laws

2246. On 11 December 1973¹ the Council amended a number of Directives issued between 1966 and 1970 concerning *seeds and plantlings*: this covers the marketing of beetroot seeds, fodder, cereal and vegetable plantlings, potato plantlings, oil and fibre plant seeds and the catalogue of species and varieties of agricultural plants.

The newly adopted Directive takes account of a part of the Commission's Proposals of 23 May 1973. Its basic feature is the introduction of the principle whereby, from now on, amendments to the more or less technical Annexes of most of the Directives concerned will no longer solely be made by the Council but will come under the Standing Committee on Seeds and Agricultural, Horticultural and Forestry Plants and will therefore be by and large the responsibility of the Commission. These proceedings concern amendments necessitated by the development of scientific and technical knowledge.

The Directive also extends until 1 July 1975 the right of Member States to record that the on-the-spot inspections made in third countries and the seeds originating from those countries are equivalent to the Community inspections and the seeds officially recognized in the Community. But this right is valid only insofar as no equivalence is declared at Community level, under the various Directives, vis-à-vis a third country.

Regarding the Commission Proposals left out of the Directive, some of them (concerning

small packs of beetroot seeds and fodder plantlings) will be rescrutinized by the Council, whilst others (including the table of norms applying to fodder-plant seeds) will be decided under the new procedure of the Standing Committee.

2247. On the same day¹ the Council adopted a Directive on the approximation of Member States' laws concerning certain *sugars* for human consumption, since it considered that disparities between national provisions were apt to hamper the free circulation of these products and create uneven competition conditions.

2248. On 17 December 1973, the Council adopted another Directive on setting the maximum strength of undesirable substances and products in *animal feeds*, thus consolidating the Community provisions concerning analysis techniques² and additives.³ This measure covers substances and products which are dangerous to animal and human health but which cannot be completely eliminated from animal feeds.

2249. In the veterinary field, the Commission on 21 December 1973 adopted a Decision applying the Directive of 26 June 1964⁴ on *health policy* problems in intra-Community trading of beef-cattle and pigs. On the terms of this Decision, the Commission extended end-1974 the time limit within which Germany may apply certain guarantees on the imports of breeding and income animals with regard to leucosis.

¹ OJ L 356 of 27.12.1973.

² OJ L 170 of 3.8.1970 and L 171 of 29.7.1972.

³ OJ L 270 of 14.12.1970 and L 124 of 10.5.1973.

⁴ OJ 121 of 29.7.1964 and Bull. EC 4-1972, point 48.

Measures for the Benefit of Luxembourg Farming

2250. By the Regulation of 17 December 1973¹ the Council extended by one year exemption from levies for Luxembourg wines within Benelux² since Community harmonization of specific fiscal charges in wines is not yet complete and should it not be completed by 31 December 1974, the Council will decide how far these provisions must be upheld, amended or abolished.

*

2251. During its sitting of 10-14 December 1973, the *European Parliament* passed various Resolutions on Commission Proposals concerning: farming price levels in Italy following monetary developments, application of Community customs and farming Regulations, extension of the minimum prices scheme, imports of olive oil from Turkey, Tunisia and Morocco, the fat content of whole milk, aid for certain tobaccos, marketing vine reproductive materials and imports of 'Cyprus sherry.'

Industrial and Technological Policy

Adoption of an Action Programme

2252. The Action Programme for industrial and technological policy, submitted to the Council on 30 October 1973, and which was based on the Commission's Communication of May 1973³ (drawn up in line with the wishes of the Paris Summit) was adopted, with certain amendments, by the Council at its session of 17 December 1973.

The timetable adopted in the form of a Resolution⁴ covers the completion of an initial installment of the Action Programme prepared by the Commission. It has an 'evolutionary' character and can be amended by the Council, on Proposals by the Commission, to allow for changes in priorities which could prove necessary while the programme is being carried out. It has been arranged that the Commission will report annually to the Council on the implementation of the programme.

The timetable of action for the years ahead to 'provide a common industrial basis for the entire Community' covers the following points:

Removal of Technical Barriers to Trade — These barriers will be gradually eliminated between now and 1 January 1978; this will be done in five stages: 1 July 1974, 1 January 1975, 1 January 1976, 1 January 1977 and 1 January 1978.

Liberalization of Public Contracts — The Council will rule as promptly as possible and by 1 January 1975 at the latest on the draft Directive on coordinating procedures for awarding public supply contracts.

Removal of Fiscal Barriers blocking the closer Cooperation of Companies — The Council will take decisions, if possible by 1 January 1975, on the common fiscal system applicable to parent and subsidiary companies in the various Member States and by 1 January 1976 on the common fiscal system governing mergers, separations and asset contributions occurring between companies in different Member States.

¹ OJ L 361 of 29.12.1973.

² Bull. EC 5-1970, point 29.

³ Bull. EC 5-1973, points 1101-1105: Community Programme of Industrial and Technological Policy and Supplement 7/73 - Bull. EC.

⁴ OJ C 117 of 31.12.1973.

Removal of Legal Barriers against the closer Cooperation of Companies — The Council will rule:

- (i) by 1 January 1975 on the Directive covering the formation and capital of joint stock companies (*sociétés anonymes*);
- (ii) by 1 July 1975 on internal mergers of joint stock companies;
- (iii) by 1 January 1976 on the annual accounts of Community capital companies;
- (iv) on the statute of European joint stock company as soon as the Commission has submitted a fresh Proposal taking into account the Opinions of the European Parliament and the Economic and Social Committee;
- (v) as soon as possible on the formation of a 'European Cooperation Group.'

Promotion at European Level of Companies in Advanced Technology — A Council Decision is to be taken by 1 July 1974 on the Commission's Proposals concerning the setting up of joint companies and implementation of Community industrial development contracts. The Council will moreover adopt initial Decisions by 31 March 1974 for the aeronautics sector and by 1 October 1974 for the data-processing sector.

Adaptions and Redevelopment in Certain Industrial Branches — On the terms of the Resolution approved by the Council, the latter will rule on the Commission's Proposals for shipbuilding yards by 1 July 1974 and for the paper sector if possible nine months after receiving a Proposal from the Commission which is to be submitted by 31 March 1974.

Multinational Companies and Monitoring Concentrations — The Ministers undertook to debate the problems involved in the development of multinationals within the Community as soon as possible and by 1 May 1974 at the

latest; by 1 January 1975 they will decide on the draft Regulations for monitoring concentrations.

Credit Insurance — Between now and next July, the Council will draw up a list of priorities and a schedule of decisions outstanding on that date. Several proposed Regulations are now on the Council's desk covering minimal rates for export credits, investment guarantees, and the strengthening of concertation with regard to the Eastern bloc countries.

Raw Material Supplies — The Council will rule as soon as possible on Proposals which the Commission has undertaken to submit during the first half of 1974 on raw material supplies, especially non-ferrous scrap metal.

Industry

Iron and Steel

Application of the ECSC Treaty regarding prices

2253. After the Council on 4 December 1973¹ passed a Resolution 'on the battle against rising prices and on preserving a high level of employment in the Community' and which covered national action over prices, the Commission published a *Communication to companies under the jurisdiction of the ECSC Treaty*.² The Communication reiterated that regarding prices the Paris Treaty barred interventions by Member States and that companies were required to observe the provisions of the Treaty which directly committed them and to respect the Commission Decisions deriving from those

¹ Officially adopted on 17 December: OJ C 116 of 29.12.1973.

² OJ C 115 of 28.12.1973.

provisions; the Community was the only body authorized to handle interventions on prices. The Communication specified that without prejudice to the harmonization of its action and to the general economic policy of Member States, laid down in Art. 26, para 1 of the ECSC Treaty, the Commission intended to keep a close watch on price formation and price trends in coal and steel. If need be, the Commission could immediately use its scope for action provided by the Treaty, especially by Art. 61, and taking into account the Treaty's objectives. To this end, the Commission will keep itself informed of price developments and will undertake the required analyses in liaison with the companies and their associations. Furthermore, it will intensify its checks on companies regarding the observance of rules on prices.

2254. Acting in favour of a request from the Irish Government, the Commission on 19 December 1973¹ decided to authorize the Community *iron and steel companies to align their prices* with the more advantageous prices of a Community competitor for their *sales of certain products in Ireland*, which are not included in the production programme of Irish Steel Holdings Ltd., the sole Irish steel producer. It was found that the ban on alignment laid down by a provision of the Act of Accession (Art. 134) to protect Irish Steel, did in fact act to the disadvantage of the national user industries. They were having to pay the full scale prices of all the Community steelmakers plus the carriage charges even when the products sold could not be manufactured in Ireland.

Technical Research

2255. After consulting the ECSC Consultative Committee and with a confirmatory Opinion from the Council, the Commission

under Art. 55, paragraph 2 c) of the Treaty of Paris decided to allocate an overall sum of 5 416 267 u.a. (the proceeds of levies) as financial aid for research on production techniques, automatization of steel processes and the processing and uses of steel.

The 45 research projects to be thus financed will cover the following plant, products or problems: steelworks (pouring and solidification), rolling plants (transfer of sheets on air cushions), measurements, corrosion, weldability, fatigue phenomena in typical constructions, brittle fracture, heat-treatment steel. The projects either come under basic research often neglected by industry but which is vitally important to the development of applied research, or they are intended to perfect new processes likely to help in cutting production costs and especially in obtaining greater consistency in the various product idiosyncrasies throughout the manufacturing process; some projects are a follow-up, a consolidation or a practical application of Community research now going on and yielding encouraging results.

Technology

Use of Industrial Nuclear Heat

2556. On 13-14 December the Commission ran a meeting on the use of industrial nuclear heat generated by high temperature reactors. The meeting was attended by experts from 40 Community firms and organizations. With the aim of optional use of fossil fuel reserves and on the grounds of environmental protection (which requires, *inter alia*, that non-pollutant energy sources be brought on stream) the chemical and steel industries are now studying within the Community the prospects of replacing fossil fuels by industrial nuclear heat.

¹ OJ L 361 of 29.12.1973.

High temperature plant running at more than 600°C now accounts for about 10% of primary energy.

The aim of the meeting which followed an informative meeting, in June 1973, was to discuss in detail the various aspects of using industrial nuclear heat, especially from the technical and economic angles and to find a basis of agreement for eventual collaboration.

The solutions in which the Member countries were interested varied considerably, for instance, gasification of the sizable lignite and coal reserves by industrial nuclear heat so as to produce synthetic gas for industrial and domestic use (achievable in the medium-term) as against the use of nuclear heat for producing hydrogen through the thermal dissociation of water (envisaged in the long-term). In view of this divergent approach, the first thing was to examine jointly what was required:

- (a) to implement industrial nuclear heat as swiftly as possible by using the technology of HTR's running at temperatures reaching 950°C;
- (b) to make rapid progress in high temperature technology and exploit the broad scope for applications deriving from it.

Science, Research and Development, Education, Scientific and Technical Information

Action Programme for Scientific and Technological Policy

2257. The Action Programme for scientific and technological policy¹ drawn up by the Commission on the basis of the final Declaration from the Paris Summit Conference is likely to be approved by the Council in January 1974.²

The substantial progress made during the discussions by the qualified authorities within the Council meant that the Committee of Permanent Representatives was able to agree an Action Programme on 20 December. The four Resolutions underlying the text of the agreement cover all the Commission's Proposals, which were slightly amended during the discussions.

They cover the following points: coordination of national policies; promotion of basic research; joint execution of projects of Community interest and long-term studies on prospects and methodology.

Controlled Thermonuclear Fusion

2258. During the session of 17-18 December 1973³ the Council completed its Decision of 21 June 1971 on fusion and plasma physics activities carried on under the EAEC's five-year Research and Education Programme, a Decision which had already been amended on 18 June 1973.⁴

The new Decision raises by 16.9 million u.a. the endowment for the 'fusion' programme which in June 1973 the Council had set at 56 196 000 u.a. This increase includes:

- (a) 9 million u.a. to allow the Commission to raise to 44% its participation in financing projects regarded as priorities, to be completed in 1974 and 1975;
- (b) 1.6 million u.a. earmarked for completing prototype models needed to install a large apparatus of Tokamak type called JET (Joint European Torus); this is a project which all the associated institutions wish to see com-

¹ Supplement 14/73 Bull. EC.

² This official approval was given during the Council session of 14-15 January 1974.

³ OJ L 30 of 4.2.1974.

⁴ Bull. EC 6-1973, point 2243.

pleted jointly by more strenuous integration of the potentials within the Community;

(c) 800 000 u.a. for relocating about 40 research workers and technicians to share, as part of a joint team based in Culham, in the work for the detailed design of the JET project.

The Council also showed its intention of adopting an openminded attitude towards any request to take part in this programme which might be made by non-Member States, especially European countries.

European Research and Development Committee

2259. The European Research and Development Committee (ERDC) decided to set up an internal *Energy Sub-Committee* assigned to study the problem of energy research in the light of recent events, to ensure maximum Community independence regarding sources of supply. The Sub-Committee held its first meeting on 10-11 December with Mr Della Porta in the Chair and attended by Mr Casimir, the ERDC Chairman. The proceedings were also assisted by experts from Commission departments and outside bodies.

The Sub-Committee made an overall review of the various departments of energy research so as to assess its possible short, medium and long-term impact and chances of success. It also selected subjects to be adopted for more detailed study: ocean oil drilling, sulphur removal from fuels and smoke, chemical extraction of petrol from coal, lignite or heavy products from petroleum refining, boosting the thermal efficiency of electric power stations, mechanized coal winning, 'liquifying' coal, refuse burning satellite detection of terrestrial resource and problems arising from the extensive use of light water nuclear reactors.

These subjects will be the subject of an initial report describing their technological status and prospects. The report will be submitted on 7-8 February 1974 to the ERDC's Energy Sub-Committee who will select the most urgent subjects for detailed study to be made with the help of experts from specialist bodies.

Industrial Research

2260. Chaired by Lord Shannon, Chairman of the Committee of Directors of Research Associations of the United Kingdom (CDRA) a Working Party met in London on 3-4 December 1973 to prepare the formation of a European Federation of Industrial Research Organizations (FEIRCO). This meeting followed on another, organized by the CDRA in April 1973 in Rotterdam and attended by similar bodies in the Community, which had highlighted the value of creating such a Federation. The Working Party delegated to study the details is made up of one delegate from each country and the Commission, possibly supported by an observer. The Commission was represented at the first meeting when broad agreement emerged on the form and objectives of the future Federation. Another is scheduled for February in Paris.

Joint Research Centre

2261. The Commission embarked on the work of *revising the multiannual research programme* and submitting a new programme for the Petten Establishment. The Decisions on the JRC 1973-1976 programmes had been taken by the Council on 14 May¹ and on 18 June 1973² for the part known as List B.

¹ OJ L 153 of 9.6.1973.

² OJ L 189 of 11.7.1973.

The Decisions laid down that all the research objectives would be reappraised at the beginning of the second year.

At the session of 5 February 1973, the Council had voiced the wish that the Commission submit adequate Proposals for the Petten Establishment whose closure had been prescribed in the programme proposed by the Commission. At the Council meeting of 2-3 April 1973, it had therefore been confirmed that the Commission would avoid phasing out the Petten Establishment pending submission to the Council of new programme proposals.

To prepare the revision of the multiannual programme, the Commission set up an ad hoc Group including the Director General of the JRC and the Directors of the Geel, Karlsruhe and Petten Establishments. It was specified that revision of the programme will be largely based on the 1972 general guidelines which governed the preparation of the initial proposals. This revision will entail only minor adjustments between the various research objectives which are motivated by the lessons learned from the first year's performance of the programme.

Education

The European Joint Management Programme in three Leading Schools

2262. Three leading Community business management schools have agreed to prepare together the details of a joint post-graduate management study programme. They are the Bielefeld Fachhochschule, the Leeds Polytechnic and the Ecole supérieure de commerce et d'administration des entreprises (ESCA) of Amiens.

The programme meets the Community's objectives regarding a livelier interpenetration of

education and training at Community level and the Commission is supporting it by ensuring that its experts help to prepare and run the programme. On 20 December 1973 the Agreement was signed in Brussels to set up the European Management Programme (PEM) which had been adopted in principle in 1969.

The aim of the PEM is to internationalize as far as possible the training of executives to meet current needs. During the study cycle, set at two years, classes made up of an equal number of students of the three nationalities represented will be successively posted to the three schools for a period of 8 months. The programme thus offers an extended group experience rather than individual training. The idea of creating the PEM originated from the initiative of regional authorities and the Commission hopes to encourage other similar moves which could also develop into Community projects.

Energy Policy

Preparing and Implementing a Community Energy Policy

2263. The problems raised by the oil crisis remained the focus of concern for Community institutions throughout December. The oil crisis was also on the agenda for the meeting of Member States' *Heads of State or Government* who in a paper appended to the final statement from the Copenhagen Conference¹ defined the direction to be taken by measures whose swift adoption is regarded as imperative.

¹ Point 1106.

Working Schedule

2264. On the basis of this document the *Commission* promptly drew up a work programme which over the months ahead will have to be carried out within the Community institutions in the field of energy and on the lines laid down by the Heads of State or Government.

During the meeting of 18 December the *Council* reached basic agreement on the timetable for this programme and on two Commission Proposals for forming an Energy Committee and for gathering data intended for drawing up exhaustive balance sheets on the Community's energy situation. Owing to problems encountered in the sphere of regional policy¹ these Proposals have not yet been officially adopted.

The timetable prepared by the Commission scheduled the following projects for January 1974:

- (i) preparation of the Community's energy balance sheet;
- (ii) the Commission's report on the current or predictable impact of the oil supply situation on production, employment, prices and balances of payments and on the development of monetary reserves;
- (iii) proposals concerning a) joint solutions to problems arising from the present energy crisis and b) joint and equitable restrictions on the consumption of energy;
- (iv) the Commission's Proposals regarding cooperation with the oil producing countries in relation to Community policy.

Energy Committee

2265. The Energy Committee made up of Member States' representatives, will be chaired

by a Member of the Commission. The General Secretariat of the Council will act as Secretary assisted on technical matters by Commission experts. The Committee will have a three-fold task. It will ensure coordinated application by Member States of measures taken by the Community; it will effect mutual consultation between Member States and the Commission and will advise them on all conditions affecting the coverage of Community energy needs and on forecastable developments; it will assist the Commission in preparing the Proposals it intends to put forward.

Drawing up Balance Sheets

2266. The Regulation concerning data to be collated into exhaustive balance sheets will help to apprise Member States and Community institutions swiftly, in detail and on a standardized basis of all the essential information on energy for the period during which energy problems will arise. Pending formal approval of this Regulation by the Council, Member States have declared their willingness to supply the maximum necessary information temporarily a voluntary basis.

Coal

2267. In applying Decision 73/287/ECSC of 25 July 1973 on *coking coal and coke for the Community iron and steel industry*,² the Commission on 21 December 1973 authorized the German and Belgian Governments to disburse for 1973 *financial production aid* in favour of coal companies delivering coking coal and coke to feed Community blast furnaces.

¹ Point 2205.

² OJ L 259 of 15.9.1973.

2268. During the sitting of 10-14 December 1973, the *European Parliament* passed a Resolution on the 'imperative emergency measures to alleviate the energy supply crisis in the Community.'

Transport Policy

Market Access

2269. The Commission invoked the infringement procedure against Italy for failing in her obligation under the EEC Treaty. Despite several reminders the Italian Government has still not adopted the national provisions for enforcing the Council Regulations on laying down joint rules for intra-Community shuttle services and regular specialized services performed by buses and coaches. In line with the provisions of Art. 169 of the Treaty the Italian Government was asked to transmit to the Commission within thirty days its comments on this failure.

Transport Prices and Terms

2270. Following a Council request made during its session of 18-19 December 1972, the Commission on 6 December 1973 submitted a report on certain application problems of the Council's Regulation of 30 July 1968 on introducing a system of bracket rates for intra-Community road freight haulage. The report hears mainly on the terms for using private contracts, the publicity conditions for same and the harmonization of road tariffs. It was drawn up after consulting the ad hoc Working Party assigned to examine problems involved in possible improvements to the current tariff scheme and after discussions with haulier and

user representatives together with the specialized International Road Tariffs Committee.

2271. On the conclusions which it drew, the Commission when submitting the report on improving the current tariff system also laid before the Council a Proposal to amend the Council Regulation of 30 July 1968. This concerns the prerequisites for concluding private contracts, streamlining the publicity terms of the contracts and excluding the carriage of live animals from the Regulation's coverage.

2272. The specialized Committee on International Road Tariffs met on 11 December 1973 to review the question of technical methods for applying the road tariffs to *combined road and sea transport*. This review did not arrive at a joint solution which could be fitted into all the intra-Community road freight haulage which entails a sea crossing.

Tariffs for the Use of Infrastructures

2273. The Committee of government experts assigned to help the Commission in coordinating Member States' work in connection with the proposed first Council Directive on improving national tax schemes for utility vehicles met on 6-7 December 1973. The aim of the meeting was, as requested by the qualified Council authorities, to investigate the scope for evolving a methodology for computing the *marginal cost of the use of road infrastructures* which might meet with agreement from all Member States. At the close of the meeting it was decided to compile a questionnaire with aim of clarifying the position of delegations regarding the main problems involved in computing the various ingredients of the marginal cost of use. The synthesis of data to be transmitted should form a

3. External Relations

Transport Policy

valid basis of discussion for the Committee and help it to perform its assignment.

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2274. The *Economic and Social Committee*, meeting in plenary session on 12-13 December 1973, issued an Opinion on a Proposal worked out by the Commission to back up the Council Regulation of 25 March 1969 'on harmonizing certain social provisions in road transport.'

Mediterranean Countries

Negotiations with the Mediterranean Countries

2301. In following up the first phase of negotiations with five Mediterranean countries, namely Spain, Israel, Morocco, Tunisia, and Algeria which wound up in October 1973, the Commission sent the Council a Communication on their status. The Communication was followed by recommended Decisions amending and consolidating the negotiation Directives given to the Commission in June 1973 by the Council.

It will not be possible to finish the negotiations underway by the end of 1973. Moreover, the Protocols determining certain provisions related to the EEC's Agreements with Spain and Israel, owing to the Accession in January 1973 of new Member States, should expire on 31 December 1973. Therefore, the Commission early in December proposed to the Council that temporary Protocols be signed with Spain, Israel, Malta, Morocco and Tunisia. The trade schemes laid down in the Protocols would expire when the new Agreements took effect and by 30 June 1974 at the latest.

Greece

2302. Under the EEC-Greece Association Agreement, the Council on 3 December 1973¹ amended the Regulation in force on application of *Art. 8 of the Athens Agreement* (the Art. covering the countervailing levy). This has to do with the provisions for the circulation of goods, the manufacture of which uses products from third countries, which are not in free

¹ OJ L 338 of 7.12.1973.

circulation either in the Community or in Greece. The new Regulation following on a decision by the EEC-Greece Association Council¹ took effect on 1 January 1974.

2303. During a debate on 12 December in the European Parliament, *Sir Christopher Soames*, Vice-President of the Commission once again reiterated the Commission's position with regard to the Association between the Community and Greece.²

Turkey

2304. Since the required procedures had been completed and the required notification instruments exchanged on 7 December 1973 in Brussels for the temporary Agreement signed in Ankara on 30 June 1973³ between the EEC, including the three new Member States, and Turkey, to come into force, the Agreement duly took effect on 1 January 1974.⁴

Portugal

2305. During the session of 17-18 December 1973, the Council approved the content of correspondence between the EEC and Portugal bringing in certain *amendments to the text of the EEC-Portugal Agreement*. The amendments stem from sundry technical adjustments related to the phasing out of tariffs by the Community with regard to four agricultural products.

2306. During the sitting of 10-14 December 1973, the *European Parliament* passed several Resolutions on Commission Proposals concerning the Mediterranean countries: Turkey (amendment of the Additional Protocol to the Ankara Agreement, imports of Turkish olive oil, suspension of CCT charges on certain

agricultural products), Morocco and Tunisia (olive oil imports and amendments to the Appendixes of the Association Agreements).

Associated African States, Malagasy and Commonwealth Countries to which the Community has offered Association

Negotiations for Renewing and Expanding the Association

2307. After arrangements made at the organizational meeting of 22-23 October 1973, a first round of negotiations took place from 21 November-14 December 1973. It was run over 5 meetings within the Committee of Ambassadors and Plenipotentiaries who meet under a Chairmanship which rotates monthly between the four groups (EEC, Africa, the Caribbean, the Pacific); for this initial stage the African Group took the Chair, the Chairman having been the single spokesman of the 43 partner States (Mr Olu Sanu, Ambassador of Nigeria, and in his absence, Mr Nzeyimana, Ambassador of Burundi). The full Committee decided to form two Working Parties to deal with the two key features of the negotiations: trade (2 meetings) and financial and technical cooperation (1 meeting).

During this first stage, the two parties put forward their respective positions on the basic guidelines for the two features of the negotiations; in the main they identified points of

¹ Bull. EC 11-1973, point 2305.

² The report on this debate is to be found under the heading European Parliament.

³ OJ L 277 of 3.10.1973.

⁴ OJ L 348 of 18.12.1973.

agreements and reserved the issues requiring more detail for later discussion.

Regarding *trade* the first phase of the negotiations was devoted to questions involving access of the partner States' products to the Community market. Agreement was found here and there on several points: the aims to be laid down for the trade system are the effective growth and diversification of partner States' exports to the Community market; at the same time their relations with third countries should not be hampered; moreover, the need was recognized to find positive solutions to foster regional integration.

The methods for attaining these objectives were the subject of proposals now under study. To this end and following the wishes of the partner States, the Working Party has embarked on a review of the questions involving origin and non-tariff barriers.

Regarding *financial and technical cooperation*, the delegations of the partner States and the Community made parallel statements on the basic objectives: economic and social advancement of the partner States, their economic independence, support for their efforts towards regional integration with the final objective being to make this cooperation eventually superfluous.

Regarding the size of the future EDF, it seemed premature to both parties to try and set a figure at this stage of the proceedings; but the Community confirmed that it was aiming to ensure, on a global basis, advantages for the Associated States equivalent to those which they already enjoy and to put the new partner States on an equal footing.

Both sides stressed that in this cooperation the responsibility of partner States was essential; it called for frank and continuous dialogue between them and the Community. The

Working Party tackled a review of aid programming and administration.

Both sides insisted on the need to speed up the proceedings as from the second stage, which was scheduled to begin in mid-January 1974.

The Yaoundé Convention

Emergency Aid for Drought Victims in the Sahel

2308. The very grim situation of the Sahel countries, six members of the AASM, led the Community in December to take emergency measures for the population suffering from prolonged drought.

The Council, on a Proposal from the European Parliament, supported by the Commission, decided on 10 December to write an additional sum of 40 million u.a. into the 1974 Budget. This will go to emergency *financial aid* for the people of these countries, and for Ethiopia. Out of this total, 5 million u.a. will form a reserve against contingent transport and storage charges deriving from food aid. 36 million u.a. will go to financing short-term structural measures to: (a) make food aid as effective and as easy to handle as possible (renovation of access routes, permanent storage facilities, expansion of lorry fleets); (b) revive, protect and improve farming and livestock production (projects akin to those completed in 1973). The plans for usage were drawn up by the Community in liaison with the Standing Sahel Interstate Committee and the Governments concerned as well as in liaison with the other sources of bilateral and multilateral aid.

Moreover, on a Commission Proposal, the Council on 28 December 1973 adopted a programme of *food aid* for the same countries. This programme provides for supplying the

Sahel (Upper Volta, Mali, Mauretania, Niger, Senegal, Chad) with 110 000 tonnes of cereals, 12 000 tonnes of skim milk powder and 4 700 tonnes of butteroil.

The European Development Fund

New Financing Decisions

2309. Following the favourable Opinion of the EDF Committee, the Commission on 3 December 1973 took four new financing Decisions¹ out of non-refundable aid (including 11 504 000 u.a. under the 3rd EDF and 2 556 000 u.a. representing a balance from the 2nd EDF) as well as five financing Decisions² for a sum of 3 493 000 u.a., on 20 December 1973.

Ivory Coast—Social Hydraulic Programme: 310 million CAFrs. or about 1 116 000 u.a. (2nd EDF). The project covers the sinking of 200 hand-pump wells in 200 villages in the northern region who have no regular drinking water supply. It also includes the equipping of three maintenance teams and the two-year posting of a mechanic instructor to the project.

Niger—Development of Rice in the Niger Valley: 400 million CAFrs. or about 1 440 000 u.a. (2nd EDF) and 350 million CAFrs. or about 1 260 000 u.a. (3rd EDF). This intervention aims to provide a lasting remedy against results of drought by developing the Toula basin in the Valley of the Niger river. The development of 330 hectares through artificial submersion will yield two paddy crops per year.

Madagascar—Tea Plantation at Sahambavy: 1 200 million Madagascan Frs., or about 4 321 000 u.a. The aim of this project is to introduce tea cultivation as a new agricultural venture in the economy, based on experiments carried out in a research station. 500 hectares

of tea plantation are contemplated including 150 hectares in the shape of a pilot plot and 350 as peasant holdings. It is also planned to set up a small tea mill with an initial capacity of 40 tonnes.

Central Africa—Bangui Water Supply: 1 645 million CAFrs. or about 5 923 000 u.a. The aim of this financing is to repair, improve and extend the drinking water supply system of the town of Bangui. In the short term an emergency operation will be carried out to cover immediate needs; this will be followed by a programme to ensure the proper supply of the town, allowing for future developments up to 1985.

Mali—Development of the cultivation of 'dah': 1 040 million Mali Frs. or about 1 872 000 u.a. This is an extension of the 'dah' production project now underway which was started with credit from the 2nd EDF in 1968. It is aimed to meet the current needs of the national market in bags, cord and cloth assessed at 2 000 tonnes. A 'dah' output of about 3 200 tonnes will be reached in about 5 years from now.

Central Africa—Additional Financing of the Combined Development Plan for the Cotton Belt: 289 million CAFrs. or about 1 041 000 u.a. This additional financing concerns the supply of vitally necessary fertilizers and insecticides to complete the overall cotton programme for the 1974/75 crop year. Partial cost bearing of these production factors was anticipated by the Stabilization Fund for Cotton Prices which owing to treasury problems was unable to intervene at the pace expected by the financing plan.

Congo—Extension to Brazzaville Port: 55 million CAFrs. or about 198 000 u.a. (adjustment

¹ OJ C 116 of 29.12.1973.

² OJ C 5 of 17.1.1974.

of credit). The credit of 2 056 000 u.a. committed for this project in July 1971 has in fact proved inadequate owing to the development of prices which has occurred since approval of the project. So as not to delay its completion it is planned to allocate a balance of 198 000 u.a. to it and to hold up some parts of the project which will be proposed for a 2nd stage.

All of the AASM: 121 000 u.a.

This financing covers eighteen colloquia, a training seminar in Europe and several informative colloquia in Africa between January 1973 and January 1974. As previously these colloquia are organized for subjects of the Associated or 'Associable' States of Africa and the Caribbean or Indian Ocean. Their purpose is to provide scholarship holders with general information on existing relationships between the European Community and the AASM.

Senegal, Mauritania, Upper Volta, Niger, Ivory Coast—Technical Assistance in forming the CEAO (West African Economic Community): 72.3 million CAFrs. or about 261 000 u.a. This financing is to prolong a technical assistance mission of 4 experts by 15 months from 1 January 1974 when the CEAO Treaty took effect. The CEAO whose purpose is to facilitate regional cooperation between these six Associated States was formed on 3 June 1972. The task of the technical assistance is to prepare the setting up of institutions and the cooperative tax system required to supply the basis of regional projects.

Following these latest Decisions, the total commitments of the 3rd EDF amount to 641 975 000 u.a. for 238 financing Decisions since the Fund became operational on 1 January 1971.

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2310. During the sitting of 10-14 December, the *European Parliament* passed a Resolution

on aid to the Sahel countries stricken by the drought. The Resolution asked that 'the Community and Member States take the required initiative to implement short, medium and long-term measures to limit the consequences of the present crisis and prevent the recurrence of such catastrophes.'

Developing Countries

Generalized Preferences

2311. During the meeting of 17-18 December 1973, the Council adopted the Regulations and Decisions on applying, *for 1974*, generalized tariff preferences in favour of semi-finished and manufactured products exported by the developing countries.¹

The scheme of generalized preferences for 1974 has two important features. In the first place, this is the first year when the three new Member States (Denmark, Ireland and the United Kingdom) who up to now applied their own systems, have been included in the Community system.

Secondly, the 1974 programme of Community generalized preferences carries substantial improvements. This is in compliance with the Directives of the October 1972 Summit Conference which are aimed at improving generalized preferences in order to achieve a steady growth in imports of manufactured products from the developing countries.

The possibilities for preferential exports from the developing countries to the Community amount to about 2 thousand million u.a. for industrial products other than textiles and

¹ Points 1201-1204 EC Generalized Preferences for 1974.

about 500 million u.a. for textiles. This growth matches a rate of increase to the order of 40% compared with the global volume which would have resulted if for 1973 the programme for the original six had been applied by the nine Member States. Furthermore, with regard to processed agricultural products, the improvements involve a volume of trade of about 350 million u.a.

Food Aid

2312. A programme of food aid for the Sahel countries and Ethiopia stricken by the drought was adopted on 28 December by the Council.¹ It covers the supply of 130 000 tonnes of skim milk powder and 6 000 tonnes of butteroil. The programme runs to about 43 million u.a. It supplements the emergency financial aid of 40 million u.a. for the same financial aid of 40 million UA for the same countries² approved by the Council on 10 December.

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2313. During the sitting of 10-14 December the *European Parliament* passed a Resolution on the Commission Proposals concerning the application in 1974 of generalized preferences for the benefit of developing countries, and another Resolution on aid to the Sahel countries ravaged by drought.

Other Third Countries

Japan

Trade Relations between Japan and the Community

2314. During its session of 3-4 December 1973, the Council agreed general guidelines for

the swift preparation on a pragmatic basis of a Community approach meeting as appropriately as possible the problems involved in the trade relations between Japan and the Community and which should help in completing the common commercial policy which the Community should reach by the end of 1974.

India

Conclusion of a Trade Cooperation Agreement

2315. On 17 December in Brussels a Trade Cooperation Agreement, valid for five years and tacitly renewable was concluded between the EEC and India. Mr I. Nørgaard, President-in-Office of the Council and Sir Christopher Soames, Vice-President of the Commission, signed the text on behalf of the Community while Professor Chattopadhyaya, the Minister of Trade, signed for India.

This is incidentally the first overall trade agreement made by the Nine with an Asian developing country. Of new design, it provides an appropriate basis for the growth of trade and the development of economic cooperation between both parties. It is also a token of the increasing value which the enlarged Community puts on its relations with Asia, just as it anticipates in some respects the overall policy of cooperation and development urged by the October 1972 Conference of Heads of State or Government, as vital support for the Association policy. Lastly, the conclusion of this Agreement is part of the forward view outlined in the Joint Declaration of Intent attached to

¹ OJ L 359 of 28.12.1973.

² Point 2308.

the Act of Accession with regard to the strengthening of trade relations with Commonwealth countries of Asia.

The Negotiations. India, the first developing country to establish diplomatic relations with the Community in 1962, has customarily enjoyed close relationships with Europe, particularly with Great Britain. The enlargement has led the Community to put these relationships on a broader basis, especially since the loss of tariff preferences on the British market could well aggravate the serious disproportion of India's trade balance with the EEC. After the Council had in December 1972 approved in principle the negotiations with India, it gave the Commission a negotiation mandate early in April 1973. Opened immediately afterwards, the negotiations were resumed in June, July and October.

Content of the Agreement—In the preamble both sides found that trade was not an end in itself but a means of advancing towards more ambitious social and economic goals. Besides the customary clauses, the body of the text carries the commitment of both sides to foster cooperation between their economic organizations, particularly in the realm of export promotion. The Appendixes to the Agreement also cover: consolidation of some tariff suspensions agreed earlier by the Community; scope for drawing up proposals for possible amendments to the system of generalized preferences (without compromising the principle of Community decision autonomy in this field) and from the administrative angle, the linking to the central agreement of sectoral agreements made or to be made with India concerning jute and coir products and cotton textiles.¹

Meanwhile, the Joint Committee is the main instrument provided by the agreement. The Committee is assigned to ensure the smooth running of the Agreement and investigate any problems which might thwart the development

or diversification of trade. It will also be required to:

- (i) look for ways to develop economic and commercial development;
- (ii) study ways and means to surmount non-tariff and semi-tariff barriers to trade;
- (iii) recommend any measures to facilitate the gradual adjustment of trade movements and marketing structures.

Iran

Non-renewal of the 1963 Agreement

2316. The Iranian authorities advised the Commission that they were not planning to renew the October 1963 Trade Agreement which after its latest renewal, expired on 1 December 1973. The Iranian authorities took the view that the Agreement was now out of line with the current status of EEC-Iran relations. They were, however, contemplating negotiations for a new Agreement. The Commission intends to obtain more details of the type of agreement desired and to report to the Council at the same time submitting any required Proposals. With this in mind, the Commission suggested to the Iranian authorities that exploratory talks be organized.

Brazil

Conclusion of the Trade Agreement

2317. The EEC-Brazil Agreement, finalized at the close of negotiations begun in March

¹ Points 2320 and 2322.

1973¹ was signed on 19 December 1973 in Brussels.

Of a non-preferential nature, the Agreement is to run for three years and can be renewed from year to year. Its main purpose is to develop trade and economic relations on an institutional basis between both sides; it represents a further stage in accomplishing the common commercial policy.

Besides the usual general provisions concerning trade, like for instance, the most favoured nation clause or the non-discrimination over liberalization, the Agreement carries more specific provisions intended to facilitate Community imports of cocoa-butter, soluble coffee extract and beef and veal. The conditions concerning beef and veal resemble those in the EEC's Agreements with Uruguay and the Argentine. Regarding cocoa-butter and soluble coffee extract, these products will be included in the scheme of generalized preferences to be applied in 1974 by the Community in favour of the developing countries.

For Community exports to Brazil, certain provisions in the Declaration attached to the Agreement are aimed at easing shipment conditions; this involves mainly the provisions concerning the fixing of customs values in Brazil and the running of Brazilian ocean transport.

The Agreement also provides for both sides to get cooperation underway in agriculture and the marketing of products enjoying concessions. Stewardship of the Agreement rests with a Joint Committee one of whose tasks will be to look for ways and means to foster the development of economic cooperation between the EEC and Brazil. Optimum use of the scope of the Agreement will obviously hinge on the reciprocal goodwill of both parties.

Commercial Policy

Preparing and Implementing the Common Commercial Policy

Protection Measures

2318. On 17 December 1973, the Commission laid a Communication before the Council stating that there were no grounds for extending, beyond 31 December 1973, the authorization system set up in Italy for tape-recorders imported from third countries. On 18 June 1973² the Council had authorized Italy to make these imports subject to prior approval as a protection measure applicable until the end of 1973. Since the Japanese Government has said it is prepared to limit its exports of tape-recorders to Italy in 1974, the Commission has considered that the reasons leading the Community to take this step could now be regarded as no longer applicable.

But on 27 December 1973 Italy, contending that the non-renewal of restrictive measures would not be adequate protection for an already sorely tried national industry, advised the Commission that from 31 December 1973 she would subject tape recorders imported from third countries to prior authorization. The basic Regulations of 19 December 1969³ and 25 May 1970⁴ covering joint import schemes do in fact allow a Member State to modify, as a conservatory measure, its import scheme when Community producers might be exposed to serious disadvantages.

¹ Bull. EC 2-1973, point 2321, 3-1973, point 2331, 5-1973, point 2328 and 7/8-1973 point 2322.

² OJ L 164 of 21.6.1973 and Bull. EC 6-1973, point 2329.

³ OJ L 19 of 25.1.1970.

⁴ OJ L 124 of 8.6.1970.

Since no new factor has appeared since 19 December 1973, the Commission decided not to change its position.

Particular Measures of Commercial Policy

Textiles

The Multilateral 'All-fibres' Arrangement

2319. The negotiations within GATT running in Geneva since July 1973 resulted in a multilateral arrangement on the textile trade which will be submitted to the interested parties for approval.

The arrangement covers cottons, wools, artificial and synthetic fibres and mixtures including yarns, worsteds, wovens, made-up wares, clothes and other manufactured textile products. Valid for four years the basic objective of the arrangement is expansion of the textile trade, removal of barriers to trade and the gradual and widespread liberation of world trade in this sector, ensuring at the same time an orderly and equitable development of trade in these products and avoiding confusion on the markets. Special attention will be given to the importance of this sector in the economies of developing countries.

The arrangement also provides a programme for eliminating quantitative restrictions, scope for concluding bilateral agreements, a protection clause, the formation of a Textiles Committee and a monitoring agency. One year before the arrangement expires, the Textiles Committee will assess whether it should be extended, amended or terminated.

Agreements on Cotton Textiles with Third Countries

2320. The third countries with whom the Community has made cotton trade Agreements

which expire at the end of September or December 1973, were notified that the Community was prepared to extend the arrangements until 30 June 1974 so as to avoid upsets in the flow of trade pending fresh negotiations. The countries involved are: *India, Pakistan, Japan, Korea, Hong Kong and Egypt.*

The EEC-*Jugoslavia* Agreement made in 1973 and valid for that year, has been automatically renewed until 31 December 1974.

Jute and Coir Products

2321. On 21 December negotiations were opened with *Bangladesh* for an Agreement on jute and coir products which will allow that country to enjoy tariff preferences for the products in question. In the first stage of the negotiations both sides put forward their points of view. Fresh discussions will follow very shortly. Pending the outcome of the negotiations and to let *Bangladesh* benefit from tariff preferences as from 1 January 1974, the provisions of the earlier Agreement (which ran out at the end of 1972) and which had been kept in de facto application until the end of 1973, have been extended again until 30 June 1974.

2322. Two EEC-*India* Agreements on trade in jute and coir products respectively were initialled on 6 and 9 November¹ and finally signed on 17 December 1973. The Agreements which supercede the previous ones running with *India*, represent 'particular measures to be adopted with exporting third countries' which will allow *India* to enjoy generalized tariff preferences for the products concerned.

¹ Bull. EC 11-1973, point 2328.

Handicraft Wares and Cloths woven on Handlooms

2323. On 28 December 1973 the Council adopted two Regulations for 1974 on opening, allocating and administering duty free tariff quotas on certain handicraft wares and certain cloths woven on handlooms.¹ So as to allow for the developments in trade flow and the Accession of three new Member States, the respective sums of each tariff quota expressed in u.a. have been doubled in relation to the sums prescribed in earlier years. The quota for handicraft wares, the list of which has been amended to include certain products of 'batik' design, now involves a sum of 10 million u.a. The quota for handloom cloths was raised to 4 million u.a.

Steel

2324. The Commission took a batch of Decisions on derogation from the ECSC High Authority's Recommendation 164 of 15 January 1964² which laid down minimum duties on Community imports of steel products.

On 21 December 1973 the Commission also granted a derogation allowing the Agreement between the EEC and *Switzerland* and *Liechtenstein* to come into force on 1 January 1974. On 20 December it also authorized the first tariff cuts laid down by the EEC-*Finland* Agreement.³ These are autonomous cuts pending ratification of the Agreement.

Again on the same day the Commission issued the *half-yearly dutyfree tariff quota* to the six original Member States. Amounting to 65 000 tonnes, it consisted mainly of wire-rod and worn rails.

Scrap Metal

2325. In December 1973, the Member States Government Representatives decided to auto-

size, for the first quarter of 1974, the export of 110 000 tonnes of scrap metal to third countries. But in view of the persistent supply problems in this market, it was agreed not to authorize the exports unless 80% of the tonnages consisted of low grade material and unless the consignments were shipped in monthly slices. The Decisions on temporary imports and exports of scrap metal and the Decisions authorizing the export of worn rolling cylinders and alloyed steel scrap were extended until 30 June 1974.

Non-ferrous Metals

2326. On 14 December 1973⁴ the Commission decided to authorize an exceptional increase in the Community export quantity quotas for certain copper ash and residues. These were raised to 15 995 tonnes for 1973 the quota for *Germany* going up by 3 000 tonnes and that for the *Netherlands* by 200 tonnes. Moreover, the import quota for copper waste and scrap was raised to allow the *Benelux* quota to be swelled by 250 tonnes, as requested by the Dutch Government.

International Organizations**General Agreement on Tariffs and Trade**

2327. The Working Party set up by GATT in accordance with the procedures of Art. XXIV, to examine the Free Trade Area

¹ OJ L 365 of 31.12.1973.

² OJ 8 of 22.1.1964.

³ OJ L 352 of 21.12.1973.

⁴ OJ L 345 of 15.12.1973.

Agreement made between the EEC and Norway, held an initial meeting on 4 December. The group completed its review of the questionnaire compiled by the contracting parties and of the answers from the Community and Norway. As was the case for the previous Agreements with the non-acceding EFTA States,¹ both the trade coverage of the Agreement and the timetable for achieving free trade gave little ground for argument about the compatibility of this Agreement with the provisions of the General Agreement.

Considering the United States' proposal to the GATT Council on the issue of rules of origin, the delegates this time agreed to confine themselves to discussing particular problems arising within the Agreement with Norway in this sector.

2328. On this same subject, rules of origin, the United States' delegation reiterated the problems set by all the Agreements with the non-acceding EFTA countries, when the Working Parties' reports were presented at the GATT Council meeting on 19 October. In this connection, the United States asked for a Working Party to be formed with the task of: making a detailed review and analysis of the diversion of trade stemming from the rules of origin in a free trade area with special reference to the rules of origin in the EEC-EFTA Agreements and to report to the Council on the subject.

The EEC and the EFTA countries party to the Agreements declared that they did not consider it timely to form a Working Party to review the question of rules of origin thus embarking on an extensive exercise, especially since this problem had been tackled by various Working Parties under the activities of GATT.

Because of these conflicting views, the Council agreed that the issue should be reexamined at a later date.

Diplomatic Relations of the Community

2329. On 18 December 1973² the President-in-Office of the Council and the President of the Commission received H. E. Ambassador T. M. J. Zwane who presented his credentials as Head of the *Swaziland* Mission to the European Communities (EEC, ECSC, EAEC).

Since the Ambassador is the first Head of Mission from his country to the European Communities, the accredited Missions at the end of 1973 now number 97.

¹ See Bull. EC 6-1973, points 2301 and 2302.

² OJ C 115 of 28.12.1973.

4. Community institutions

European Parliament

European Parliament

December Sitting

2401. The main features of the 10-14 December 1973 sitting of the European Parliament in Strasbourg¹ were:

- (i) social, financial and agricultural questions
- (ii) Question Time
- (iii) implementation of decisions taken at the October 1972 Summit Conference
- (iv) the Copenhagen Summit Conference
- (v) energy policy
- (vi) economic and monetary union
- (vii) regional policy.

Other matters on the agenda² were:

- (i) mutual assistance in the application of Community law
- (ii) publicity given to certain suspected infringements of Articles 85 and 86
- (iii) changing the Rules of Procedure
- (iv) aid for the Sahel countries
- (v) action taken by the Commission on Opinions issued by Parliament
- (vi) generalized preferences
- (vii) credit aid for State-trading countries and admission of Eastern Europe countries to the generalized preferences scheme
- (viii) cold water meters
- (ix) weighing apparatus
- (x) public health
- (xi) the environment
- (xii) external economy.

The Commission also presented a report on action taken on Opinions issued by Parliament.

As the sitting opened, the House ratified the appointment of the Marquess of Lothian (C) the member from the British House of Lords.

Social Policy

Social Policy Action Programme (10 December)

2402. The rapporteur, Mr *Girardin* (C-D, Italy) regretted that the Social Action Programme presented by the Commission did not match up either to the spirit or the letter of the undertakings made at the Paris Summit Conference. He endorsed the objectives to be attained; namely, full and optimal employment improving living and working conditions, ensuring balanced progress and stronger participation by both sides of industry in economic and social decision making.

Dr Hillery, Vice-President of the Commission responsible for social policy, pointed out that jobs in the Community were being threatened by the inflationary trends and especially by the oil supply crisis. The effects of the crisis on jobs and living standards must be examined in consultation with both sides of industry. The Commission therefore felt that the Standing Committee on Employment should early in the

¹ The report on the sitting of the House was prepared from the German edition of 'Information' published by the General Secretariat of the European Parliament. The Political Group and nationality of members speaking in the debates are indicated in brackets after their names. The Group abbreviations are: C-D: Christian Democrat, S: Socialist, L: Liberal and Allied, C: European Conservatives, EPD: European Progressive Democrats, COM: Communist and Allied (SF, Ind, Sin).

² The full text of Resolutions passed during the December sitting as reproduced in OJ C 2 of 9.1.1974 and the verbatim reports of the sitting are contained in OJ, Annex 169.

new year get to grips with the problems arising from the oil embargo. The latest developments on the energy front added urgency to the need for fundamental changes in the social structure of the Community.

The proposal of the Action Programme for 1974/76 on which the Council must promptly decide included, inter alia, measures for attaining and ensuring full employment, improving living and working conditions and achieving co-management in companies. The President-in-Office of the Council, *Mr Dinesen*, the Danish Minister of Labour, said that implementing the Social Action Programme would represent a milestone in Community history. He reminded the House that such a programme could only work in harmony with the other Community policies, in particular regional policy. The key task of the programme was to improve individual living conditions within the Community.

Mr Bertrand (C-D, Belgium), Chairman of the Social Affairs and Employment Committee, endorsed this view. What counted was social justice and not charity. Solidarity had to underlie every social policy. He declared: 'Hopefully the Social Action Programme will not be blocked by the Council just as everything in the Community has been blocked for two years through the unfortunate principle of unanimity.' For the Socialists *Mr Wieldraaijer* (Netherlands) urged that social policy be made the focal point of Community action.

Mr Walkhoff (S, Germany) draughtsman of the Opinion of the Committee on Public Health and the Environment, said that his Committee welcomed the formation of a General Industrial Safety Commission and the creation of a European Foundation for the Improvement of the Environment and Living and working Conditions. But the Committee, he said, noted the lack of any substantial content and concrete aims which would certainly make clear that

what was to be consistently pursued was improvement of working conditions and the quality of life. For the Christian Democrats, *Mr Pètre* (Belgium) pointed to the significance of the Commission's Proposals and emphasized the urgency of a European social policy. The Programme presented could be regarded as no more than a minimum. For the Liberals and Allied Group, *Mr Durieux* (France) described the delays in achieving the social policy as one of the major disappointments for the people of the Community. *Lady Elles* (C, Great Britain) said that her Group would support any moves for advancing and achieving the social policy Programme. She pleaded eloquently for the abolition of discrimination against female labour. For the EPD Group, *Mr Laudrin* (France) urged that delays in the European Social Policy be avoided. He supported the idea of equal pay for equal work and the alignment of individual States' social and legal provisions concluding with a plea to endow the European Social Fund with greater resources. For the Communist and Allied Group, *Mr Marras* (Italy) criticized the social policy as it now stood and contended that regional disparities and discrimination between workers were sharpening even further.

Nothing of any significance had happened for the younger generation and equal pay for men and women had until now amounted to no more than a pious wish. For the Socialists, *Mr Della Briotta* (Italy) asked for Europe to be given a social identity. Up to now Member States had dealt with national needs largely on short-term economic considerations, but now it was a case of creating social security for Europe. Council Member, *Mr Glinne*, the Belgian Minister of Labour and Employment, referred to the previous Council sitting. The Belgian Government felt that the Council must take decisions forthwith and should not put off these current problems until the Copenhagen Summit.

Lord O'Hagan (Non-affiliated, Great Britain) welcomed Mr Glinne's statements and in his speech dealt primarily with the discriminatory practices still afflicting migrant workers. Miss Lulling (S, Luxembourg) endorsed the previous speakers' criticisms and asked when would the Member States be finally prepared to hand over some of their responsibility for social policy to the Community institutions.

Mr Bersani (C-D, Italy) welcomed the Commission's Proposals and urged that a list of priorities be drawn up for implementing the Social Action Programme. Mr McDonald (C-D, Ireland) said he was disappointed with the scanty financial resources of the European Social Fund. Mr Bermani (C-D, Italy) pleaded for greater and directly purposeful funds for social policy and Mr Dunne (C-D, Ireland) asked in particular for aid for the handicapped. Mr Yeats (EPD, Ireland) spoke of the social imbalances in the Community and expressed agreement over the migrant workers' problems. Mr Härzchel (C-D, Germany) stressed that economic, social and financial policy could not be regarded as divorced from one another. He welcomed the fact that the Paris Conference had put social policy on an equal footing with economic and monetary policy. Mr Kavanagh (S, Ireland) emphasized that in implementing the Action Programme the necessary resources would have to be prepared and he urged the Commission to give special attention to eliminating problems in the underfavoured regions of the Community.

In its Resolution the House found that compared with the first document submitted by the Commission the final Proposals contained in the Programme are, particularly with regard to the financial resources to be provided, less in accord with the undertakings of the Paris Summit. The House fully supported the Commission's listed aims: full and better employment; improvement of living and working conditions within the framework of upward har-

monization; greater participation of both sides of industry in the economic and social decisions of the Community. Parliament also considered that a more equitable distribution of income and the recognition of a worker's right to participate in decisions of the firm should also be regarded as objectives of Community social policy. The Council was also invited, in view of the inadequate powers conferred by the Treaties for action in the field of social policy, to provide also for the possibility of resorting to Article 235 of the Treaty in order to achieve the programme's social objectives.

Social Conference (12 December)

2403. Mr Ansart (COM, France) spoke to the Oral Question with debate on the social conference which he had put to the Council together with his colleagues, Mr Bordu, Mr Cipolla, Mr Lemoine, Mr Marras, Mrs Carrettoni Romagnoli and Mrs Iotti. Mr Ansart referred to the decisions of the Paris Summit Conference and to the abandoned social conference. The Commission's Social Action Programme was now before us. It partially considered the wishes voiced by the trade unions and workers political associations; unhappily inflation had fateful consequences, especially for the low-income groups, the pensioners and the youngsters. It was workers who footed the bill for anti-inflation policy. This did not help to make the Community's reputation credible. Therefore the Questioner was urging that a social conference be convened forthwith.

The President-in-Office of the Council, Mr Fitzgerald, in replying, reminded the House that the social conference scheduled for June 1973 could not be held because certain organizations could not agree on various points. But the Council had decided to lead off consultations with both sides of industry and to hold

a social conference with the aim of defining a broader Action Programme. For the Socialist Group, Mr *Frehsee* (S, Germany) described the social policy Action Programme of the Commission as a first, if tentative step in the direction of a social Europe; his Group would welcome it if the tripartite conference on social affairs was called in the very near future. But it should not be regarded as a prerequisite for the adoption of the Programme by the Council.

Rights of Community Seasonal Workers in Switzerland (10 December)

2404. Mr *Della Briotta* (S, Italy) spoke to the Oral Question with debate on the rights of seasonal workers from the Community operating in Switzerland, a Question which he had put to the Commission on behalf of his Group. He dealt with the situation of Community migrant workers in Switzerland and observed that the Swiss Government had always tried to limit the influx of foreign workers. He asked whether the latest Decree of the Swiss Federal Council could be compatible with the EEC-Switzerland Agreement in that it prevented the recognition of certain seasonal workers as yearly workers by not allowing them to attain the required minimum continuous working period of nine months. Mr *Marras* (COM, Italy) urged the Commission to specify what measures it had in mind under the EEC-Switzerland Agreement for the conversion of seasonal residence permits into yearly residence permits. Dr *Hillery*, Vice-President of the Commission replied that the Commission hoped that the Italian and Swiss Governments would examine this question as soon as possible, in order to reach an agreement. Moreover, the Commission was also reviewing the compatibility of the Swiss Federal Council's Decree limiting the number of foreign workers with Switzerland's commitments under the free trade Agreement with the Community.

Community Energy Supplies

2405. The Chairman of the Energy, Research and Technology Committee, Mr *Springorum* (C-D, Germany) spoke to the Amendment tabled by his Committee on the immediate measures to alleviate the energy supply crisis in the Community. Mr Springorum said that the use of all energy sources in the Community would have to be taxed in order to gain optimum utilization. In some sectors oil was a vital necessity; but where it was replaceable other more reliable sources such as natural gas, nuclear energy and coal should be utilized. The Community was dependent on Near East oil but political pressure should be reduced to a minimum. The future policy was not to turn into a free-for-all.

Mr *Flämig* (S, Germany) for his Group said that what was required were practical, immediately realizable, technical, industrial, trade and overall economic measures which would serve to alleviate the crisis right now. Under the present conditions political measures might become necessary which did not necessarily fit in with the free market economy. Rationing on a national scale was, in his view, the last resort. For the Liberals and Allied Group, Lord *Gladwyn* (Great Britain) called for solidarity between the Member States. If the action of the Arabs had served to strengthen European unity in promoting swifter research into other energy sources, then the crisis would have had at least one beneficial result. Lord *Bessborough* (C, Great Britain) emphasized that in such crises the Member States must not react separately but define a common approach. For the Communist and Allied Group, Mr *Leonardi* (Italy welcomed the proposed priority measures, but pointed out that they did not extinguish the crisis. Mr *Van der Sanden* (C-D, Netherlands) expressed his agreement with the proposed measures and emphasized their Community character. He saw no grounds in the present

energy crisis for narrowing the scope of private industry. Mr *Bordu* (COM, France) complained that the costs of this crisis were being loaded onto the backs of the worker and the consumer. This was a crisis which was shaking the whole capitalist system.

Lord *Reay* (C, Great Britain) asked for a unified policy with regard to the Near East; Mr *Patiijn* (S, Netherlands) described the Arabs boycott against the Netherlands as a boycott against Europe. There was a need to examine the relationships between the producer and consumer countries. Mr *Brewis* (C, Great Britain) pointed out the need for the Community to develop new energy sources for the future and Sir Brandon *Rhys Williams* (C, Great Britain) thought that if we believed that the energy crisis would be overcome in a few months we were deceiving ourselves; oil prices would never again fall to the pre-crisis levels. Lord *St. Oswald* (C, Great Britain) contended that the crisis had been artificially set off by the Arabs who were using oil as a political weapon. Their ultimate goal was to get the Europeans to abandon Israel and divide them politically. Therefore, Europe must show her unity to meet the challenge. This did not rule out negotiations with the Arab countries to find a political solution to the Near East conflict.

Vice-President *Simonet*, responsible for energy policy, speaking for the Commission, put forward the following proposals for measures to resist the oil supply crisis caused by the Arab boycott: (i) measures to secure oil supply and an equitable sharing of available quantities by setting up a Community 'crisis directorate', (ii) information on oil movements (iii) consultation with electricity producers with the aim of replacing oil as far as possible in the electricity producing sector; (iv) measures to cut the consumption of oil products by harmonizing national economy drives; (v) harmonization of Community price systems. The fact that some States were applying maximum prices while

others were not was already a major inconsistency.

Mr *Simonet* emphatically pointed out that short-term measures to be taken by the Community to ensure energy supplies must be incorporated into urgently needed common energy policy. The Community must revise its policy with regard to the international oil companies; energy production in the Community must be reoriented and public resources be brought in. Verbal solidarity in the Community was not enough; basic decisions had to be taken immediately on the Commission's Proposals and then put into practical effect.

In the Resolution Parliament strongly urged the Council and Commission to take all required measures to secure a better supply of energy. The House considered that the energy crisis and the manner in which Member States were responding had serious political implications for the future of the Community and therefore urged the Commission and Council to coordinate national measures with the objective of maintaining and strengthening solidarity between all Member States of the Community. The House called for the presentation at an early date of an energy plan adapted to the new situation and in conclusion proposed a number of practical measures to alleviate the crisis.

Economic and Monetary Union (13 December)

2406. Sir Brandon *Rhys Williams* (C, Great Britain) spoke to the Resolution motion of the Economic and Monetary Affairs Committee on the Commission's five Proposals concerning work on Economic and Monetary Union.

He referred to the energy crisis which was affecting the whole economic picture; in some eco-

economic sectors there were problems which would lead to increased unemployment. He then dealt with the monetary insecurity and market uncertainty, the dwindling confidence in money and the price of gold; all these factors tended to sharpen the inflationary trends. The challenge to the Community now called for the ensurance of full employment and the guarantee of a common economic balance. Vice-President Haferkamp of the Commission expressed his dissatisfaction with the Council's decisions for implementing the Commission's Proposals on transition to the second stage of Economic and Monetary Union. The parts of the Proposals accepted by the Council were admittedly of considerable importance, but did not suffice for decisive qualitative progress towards achievement of Economic and Monetary Union; moreover, the Commission's Proposals still to be approved should be urgently ratified. Member States had to be prepared to surrender major sections of national economic and monetary policies to the Community or at least to orientate themselves with Community policy, if the 1980 objectives of the Heads of State or Government and the Council were to be attained. It was characteristic that the Council was now hesitating to accept just those Proposals of the Commission which would put this principle into practice. An example was the exclusion of instruments of fiscal policy from the Directive on stability and another was the hesitation over the Proposals for the Monetary Fund. But we could not move into the second phase of Economic and Monetary Union unless national cyclical, fiscal and budgetary policies were more closely firmly orientated onto the Community.

Mr Haferkamp contended that in the long run it was impossible to claim autonomy in economic policy and at the same time proclaim Economic and Monetary Union. Among the measures which the Council was obviously not

yet prepared to accept were: strict prior consultation in the event of a change in currency values, in the form prepared by the Commission; measures in the field of fiscal and budgetary policy in all Member States; extension of the European Monetary Cooperation Fund into an effective instrument of general monetary policy. Here it must be particularly noted that the Council was not yet prepared to give the Fund the administrative structure it needed to begin pooling in the Fund of the foreign exchange reserves of the Central Banks or to decide on the changes in short-term monetary support recommended by the Commission.

In the brief debate after Mr *Haferkamp's* statement, Mr *Artzinger* (Germany) for the Christian Democrats urged that to achieve economic and monetary union Member States must decide to surrender some sovereignty to the Community. He also advised the Council to 'stop muddling through without having a prior objective.' He said that besides a political decision-making centre an economic policy decision centre should be set up. For the Socialists, Mr *Lange* (Germany) supported the Commission Proposal to set up a Committee on Economic Policy.

In the Resolution Parliament looked to the Council to take decisions facilitating transition to a further phase of European Economic and Monetary Union and requested it to consider the Commission's Proposals and the Resolutions passed by the House. The House was also gravely concerned over the threat of a setback to Community prosperity and economic activity in 1974. It also insisted that Member States must accelerate the convergence of their economic and monetary systems and strengthen the Community's solidarity as an urgent response to the present threats to stability, growth, full employment and external economic equilibrium.

**Implementation of the Decisions taken
by Heads of State or Government
on 19-20 October 1972**

(12 December)

2407. Mr *Terrenoire* (EPD, France) spoke to the Oral Question with debate which he had put to the Commission on behalf of his Group and which concerned action taken on the decisions of the Heads of State or Government on 19-20 October 1972. Mr *Terrenoire* wanted to know what the Commission and Council had undertaken vis-à-vis the recommendations of the Paris Summit, especially since in the opinion of the Questioner we were only a few days away from a new Summit which could provide fresh hopes for Europe's future. The President-in-Office of the Council, Mr *Fitzgerald*, replied with a summary of the Council's action for keeping to the timetable laid down by the Summit regarding monetary matters, external relations (the Nixon Round and development aid), extension of Parliament's budgetary powers and social policy. The Council President said that the solid and steady work by the institutions in carrying out the tasks set by the Summit was to be praised. President *Ortoli* said that the Commission had respected the deadlines of the commitments undertaken in Paris. The interim 'balance sheet' which could now be inspected showed that effective results had been gained despite loudly expressed dissatisfaction here and there. The lengthy discussions often masked the positive results and gave the impression that Europe was moving forward only very slowly and reluctantly. Regarding the Summit he said the Commission expected much from Copenhagen; it should there become clear that the Community was prepared for the radical changes which the Paris Conference had indicated.

**Conference of Heads of State
or Government of 14-15 December 1973
(12 December)**

2408. The Chairman of the Political Committee, Mr *Giraud* (C-D, Italy) submitted a report on the Copenhagen Summit Conference of 14-15 December 1973.

He stressed the significance of this meeting and said that the Heads of Government must find specific answers to issues such as Economic and Monetary Union. Achievement of European union was urgently needed. Mr *Giraud* described a common decision-making centre and an effective unified external and security policy as basic political requirements.

The Chairman of the EPD Group, Mr *Bourges* (France), asked that the Copenhagen Summit define clearly and distinctly the priorities of energy policy, Economic and Monetary Union, the Social Action Programme and political co-operation. Mr *Bordu* (France) for the Communist and Allied Group disapproved of the form and content of the Summit Meeting. Lord *Gladwyn* (L, Great Britain) spoke of a serious crisis facing Europe. Individual moves were doomed to failure and only unity could lead to success. Furthermore, all the institutions should be located in Brussels for only in this way could a real European decision-making centre materialize. Mr *Romualdi* (Non-affiliated, MSI-DN, Italy) described Europe's political unity as just as important as her economic unity; an economic Europe without political unity was impossible. The President of the Commission, Mr *Ortoli*, declared that he approved many points of the Resolution. It was vital that the Summit took place 'for it must prove that the Community exists and will exist'.

The House expressed its expectations of the Summit Conference in a Resolution.

The Chairman of the Conservatives, Mr *Kirk* (Great Britain) said that the crisis now besetting the Community was the gravest in its history. Mr *Bertrand* (C-D, Belgium) endorsed this view on behalf of his Group. He said that the Council had for months now seemed to be paralysed; instead of Community solidarity national egoism was the order of the day. Mr *Bertrand* described the oil crisis as the acid test for the Copenhagen Conference. Mr *Kirk* said he was convinced that the Summit Conferences were and must continue to be the driving force of the Community. Too much was left in the hands of the Council. Mr *Kirk* strongly urged that a Community political secretariat be set up. The continual shifting of decision-making centres through the rotating Presidencies were in the long run ill suited to facilitate the continuity of political decisions. Mr *Radoux* (Belgium) for the Socialists said that Summit Conferences should be held only when serious internal and external crises arose. He deplored that the Council was no longer the decision-making centre of the Community and urged that it be given new political dimensions. The Chairman of the Liberal and Allied Group, Mr *Durieux*, pointed out that Europe's very existence was now at stake. Up to now we had heard nothing but statements. No practical and firm decisions had been taken. Europe must at last act in solidarity and take specific action.

Question Time
(12 December)

Questions to the Council

*Public Sessions of the Council
when acting as a legislature*

2409a. The Council did not intend to hold its future sessions in public. This was again confirmed by the President-in-Office of the

Council, Mr *Garret Fitzgerald*, the Irish Foreign Minister, in reply to the Question from Lord *O'Hagan* (Non-affiliated, Independent, Great Britain). Mr *Fitzgerald* pointed out that in its sessions the Council was acting both legislatively and executively. Its function was partly comparable with the activities of a national cabinet which, however, did not meet in public. Various MP's (Sir *Derek Walker-Smith*, Mr *Radoux* and Mr *Dewulf*) expressed disappointment over the Council's attitude. The Council President explained that the dual legislative and executive function of the Council made it impossible to admit the public even in future.

Contacts with Comecon

2409b. The Council took the view that the Commission should lead the negotiations with the Council for Mutual Economic Assistance (COMECON). This was the reply from Council President *Fitzgerald* to the Question from Mr *Jahn* (C-D, Germany). He went on to say that up to now COMECON had not addressed any offer of negotiations to the Community.

Questions to the Commission

*Second Ministerial Conference of States represented
on the International Commission for the Protection
of the Waters of the Rhine*

2409c. Mr *Müller* (S, Germany) asked the Commission whether it felt that the second Ministerial Conference of States represented on the International Commission for the Protection of the Waters of the Rhine, held in Bonn on 4-5 December had yielded encouraging results or did the Commission intend to take action itself. Mr *Scarascia Mugnozza*, Vice-President of the Commission, said that the Commission would review the results and would inform the House whether it was going to submit Pro-

posals before 31 March 1974. But the Conference would enable the States taking part to enter into a general commitment, which was encouraging.

Aid to Member States of the Andean Group

2409d. Mr D'Angelosante (COM, Italy) asked the Commission whether it would intimate to the Ambassadors of the Andean Group countries that there could be no question of granting them tariff preferences or financial aid as long as the Nazi hangman Klaus Barbie had not been extradited by Bolivia to France. Sir Christopher Soames replied that problems of extradition did not fall within the competence of the Commission. The UNCTAD Resolution laid down that such aid measures were not to be made subject to political preconditions.

Setting up a Consumers Advisory Committee and defining its Tasks

2409d. Mr D'Angelosante (COM, Italy) the Commission why the House had not been consulted on the formation of a Consumers Advisory Committee. Mr Laban (S, Netherlands) asked for information on the scope of the terms of reference for the Committee. Vice-President Scarascia Mugnozza assured the House that the Commission was not thinking of curtailing the authority of the Committee which would represent the consumer vis-a-vis the Commission and would issue Opinions. The concepts of 'protection' and 'information' for the consumer were to be understood in the widest sense. He added that the appropriate Parliamentary Committee would be kept informed on the formation of the Consumer Advisory Committee.

Abolition of Passport Control within the Community

2409f. Lord Reay (C, Great Britain) asked the Commission to identify the main obstacles

preventing the abolition of passport controls for persons travelling between Member States. Mr Thomson for the Commission said that the Commission had always attached great importance to the abolition of controls at the Community's internal frontiers. This also applied to passports. After a transitional period the Commission would submit Proposals for the abolition of border controls.

Recent Events in Greece and the EEC-Greece Association Council

2409g. Mrs Caretoni Romagnoli (COM, Italy) asked the Commission whether it thought it should take a clear-cut attitude over recent events in Greece. Mr Vals (S, France) asked about Commission measures related to events in Greece and Mr Fellermaier (S, Germany) asked whether the activities of the EEC-Greece Association Council ought not to be totally suspended. To all three Questions, Vice-President Sir Christopher Soames replied that the Commission's position had not changed.

In the present circumstances the Commission could not consider any further development of the Association. It had no intention of changing its 1967 position. Regarding the activities of the Association Council, this body met once a year in an administrative and not a political capacity to deal with the day-to-day running of the Association. But the Commission was firm in its opinion that all possibilities for the Association should be developed as soon as Greece returned to a democratic regime.

Debate after Question Time

2410. On a motion from Mr Vals (France) on behalf of the Socialists, the House debated the situation in Greece.

Many speakers condemned the political regime in Greece which was moving further and further away from democracy and freedom, and yet still enjoyed the benefits of the Association Agreement. Mr *Vals*, Mr *Fellermaier*, Mr *Broeksz*, Mr *Patijn*, Mr *Bersani*, Mr *Lemoine* and Mrs *Carettoni Romagnoli* urged the Commission to go further than freezing the Agreement by invalidating the Association Council or at least proposing that the Agreement be dissolved.

Mr *Aigner* (C-D, Germany) did not share this view. Member States of the EEC were maintaining relations with Communist States where there was no more free democracy than in Greece. In judging political regimes dictatorships of the right or left should be measured with the same yardstick. This was opposed by the Socialists. There was a basic difference between the two problems since the Community was maintaining special relationships within the Association Agreement. Mr *Schulz* (C-D, Germany) also condemned the Greek regime but advised caution; it would be preferable for the Community to preserve the last contacts which she was maintaining with Greece. Moreover, experience had shown that sanctions had never led any dictatorship back on the road to democracy.

For the Commission Sir Christopher *Soames* confirmed that the Association with Greece could in any case not be developed further as long as a dictatorship was in power there. The Agreement would remain frozen. Sir Christopher reminded the House that in June the President of the Council had told Parliament that the Association Agreement was a reality and contained no dissolution clause. At the last meeting of the Association Council the Community representatives had dealt with technical administrative matters.

Financial Matters

(11-12 December)

Council Statement on the 1974 Community Budget

2411. The President-in-Office of the Council, Mr *Fitzgerald*, made a statement on the 1974 Community Budget and commented on the conclusions of the Council's financial meeting of 10 December. The Council had not been able to accept certain requests by Parliament since the financing of projects which were still undecided could not be planned. The Council President welcomed the consultation procedure on these issues which had been introduced between the Council and the House.

Mr *Spénale* (S, France), Chairman of the Budgets Committee, deplored the numerous anticipated Additional Budgets for the coming year and the fact that there had been no communication on the answer to the question of Parliament's budgetary powers which the Council had promised to President Berkhouwer.

The rapporteur of the Budgets Committee, Mr *Pounder* (C, Great Britain) spoke of the headway made in cooperation between the Parliament and the Council. But further efforts were required to strengthen and develop this dialogue. He asked for a swift decision from the Council on the Regional Development Fund. The Chairman of the Social Affairs and Employment Committee, Mr *Bertrand* (C-D, Belgium), regretted that the Council had not adopted the Commission's Proposals for the remodelled Social Fund. But he welcomed the Council's positive Opinion on the Commission's Social Action Programme. Mr *Aigner* (C-D, Germany) spoke of a better atmosphere between the Council and Parliament, but expressed his concern over the Social Fund. Mr *Cheysson*,

Member of the Commission, who is known to be against the practice of additional Budgets, regretted that the basic decision accepted by the Council and Parliament to drop additional budgets had been followed almost immediately in the next Council meeting on the Budget by contrary decisions. The Commission also regretted that its Proposals on the Social Fund had not got any further. Nevertheless the Commission was pleased with the inception of a real dialogue between the Council and Parliament on budget policy matters.

Estimates of Receipts and Expenditures for the 1974, 1975 and 1976 Community Budgets

2412. The rapporteur dealing with the estimates of receipts and expenditures for the 1974, 1975 and 1976 Community Budgets, Mr Rossi (L, France) noted a considerable improvement in the multi-annual estimates as compared with a year ago. But the paper still did not meet with Parliament's wish to transpose the totality of the anticipated programme for the period in question into the Budget. This was all the more urgently needed when the Community institutions following the Regulation on own resources was having to lay down a policy on receipts as well as on expenditure which was based on steady and carefully programmed percentage increases. This was a major prerequisite for the raising of taxation throughout the Community.

Mr Cheysson, Member of the Commission, endorsed the rapporteur's conclusions and announced that in future a three-year forecast drawn up with scrupulous care would support the draft Budget. Mr Cheysson asked the House to give all possible attention to this three-year forecast.

In its Resolution the House welcomed the fact that the document drawn up by the Commission was more detailed than that presented last

year and that the Commission submitted it to Parliament during the part session on the Budget. The House declared, however, that the document was still inadequate as a whole, either because the Commission, in accordance with the Council Decision of 21 April 1970, had confined itself to submitting estimates showing the financial implications of Regulations and Decisions already in force, and of Proposals it had already submitted formally to the Council, or because the Commission had merely given minimum estimates (agricultural prices) or estimates not based on properly substantiated figures (Regional Fund; Social Action Programme). The House considered that when it delivered an Opinion on the Annual Budget it required multi-annual financial estimates enabling it to assess the impact of the package of Community programmes in terms of the Community's financial autonomy.

ECSC Auditors Report for 1971 and 1972

2413. In a further report on the ECSC Auditors Report for the financial years 1971 and 1972, Mr Rossi expressed his satisfaction with the spirit of cooperation between the Budgets Committee and the relevant Commission departments with regard to the stewardship of ECSC activities. He particularly praised the care which the Auditor had devoted to substantiating recovery and collection of the levy. Like the Auditor, Mr Rossi considered that research projects should be improved and that the beneficiaries of subsidies should also be subject to external auditing operations. Mr Cheysson also praised the good cooperation between the auditors and the responsible ECSC departments.

In the Resolution, Parliament in the light of the Auditor's findings approved the ECSC accounts for the financial years 1971 and 1972. The House also considered it necessary to coordinate all activities of the ECSC at present spread over

seven General Directorates, and to provide a uniform impetus. Lastly, the House asked that beneficiaries of subsidies be subject to external audits.

ECSC Levy Rate

2414. Mr *Pisoni* (C-D, Italy) submitted a report on the Commission's Memorandum on the fixing of the ECSC levies and the setting of the ECSC operating budget for 1974.

Mr *Cheysson*, Member of the Commission, responsible for budget policy, told the House that the Commission intended to raise the levy to 0.30%. To keep it at 0.29% would inevitably mean a reduction in low interest credit for redevelopment investments, since in other areas such as administration and research savings could scarcely be made. This could generate problems in the steel industry in particular. Some members endorsed the Commission's arguments and advocated raising the levy. Mr *Aigner* (C-D, Germany) who pleaded for keeping the old rate asked for swift implementation of the common energy policy.

The majority of the House came out in favour of retaining the current levy of 0.29% for 1974. It was pointed out in the Resolution that the ECSC levy should be regarded as a damper on prices in terms of the anti-inflation campaign. Moreover, the Commission had in the past always underestimated the revenue from the levy.

Agricultural affairs

(11, 12, 13 and 14 December)

Regulations on the List of Priority Agricultural Regions (13 December)

2415. Mr *Delmotte* (S, Belgium) submitted a report on the Commission's Proposals for

(i) a Regulation on the list of priority agricultural regions referred to in the Regulation (EEC) on finance from the EAGGF, Guidance Section for projects falling within development programmes and (ii) a Regulation on the list of regions and areas referred to in the Regulation (EEC) establishing a Regional Development Fund.

The rapporteur recalled the Resolution on the Regional Fund in which the House had asked that the Fund should promote infrastructure measures in the widest sense if they were required for the development of a region and if they were incorporated in a regional development programme, and secondly that aid should be centred on overall projects and that it should favour regions where the imbalances exceed the national intervention capacity. He considered that the publication of the list drawn up by the Commission was not so urgent but thought that it was a suitable means for achieving an even distribution of European intervention resources.

Mr *Vetrone* (C-D, Italy) draftsman of the Opinion of the Committee on Agriculture, said that the lists must meet clearly specified criteria for the various sub-regions. He welcomed action on priority regions but some of the gradings in the Commission list did not seem to him to be reasonable. Mr *Mitterdorfer* (C-D, Italy) for the Christian Democrats, thought that the list of priority regions must also consider the political aspects. Special attention had to be given to the regions with the greatest disparities. The list was so long that priority criteria would have to be reestablished. He opposed too much diffusion of the Community effort and asked for the energetic application of resources to the most impoverished regions. For the Liberal and Allied Group, Mr *Johnston* (Great Britain) asked for changes in infrastructures and also advocated that the allocation of Fund aid be clearly defined. The money must be spent in such a way that the results were

immediately apparent. For the European Conservatives, Mr *James Hill* (Great Britain) asked for priorities to be determined and suggested certain criteria for this. Mr *Liogier* (EPD, France) for his Group recommended that aid be focussed on certain areas, allowing for available resources. The main job was to attenuate the exodus from the land. Approving the Resolution for the Communist and Allied Group, Mr *Fabbrini* (Italy) asked for aid to be concentrated on areas with the greatest imbalances. Mr *Schwabe* (Germany) for the Socialists stressed that European regional policy was in fact supra-national regional policy. We need a policy of common sense and human solidarity. Mr *Herbert* (EPD, Ireland) stressed that the regional policy did not involve charity and begging, but the elimination of disparities in Europe.

Mr *Della Briotta* (S, Italy) described the regional policy as a consolidation of the other Community policies and called for the setting of up to date and effective criteria for the most underfavoured areas.

Mr *Thomson*, Member of the Commission, responsible for regional policy, stressed in the debate that the 'rich' Member States according to the Commission's ideas would in no case receive as much from the Fund as they paid into it. On the basis of the Commission's Proposals, Ireland would be entitled to claim about 30 u.a. per head of population, Italy about 15 u.a., the United Kingdom about 10 u.a. and Germany about 3.3 u.a. Ireland for instance would receive about nine times as much as she paid in, and Germany would provide three times her share of the Development Fund. Mr Thomson stressed the Commission's intention to set the Regional Fund priorities in favour of the poorest regions. At all events the political acceptability of such measures within the Council was limited. Parliament's intention to rule out some 'affluent' Member States from

the allocation of Fund resources contradicted, in his view, the Community spirit, for then we should have a Community divided into 'haves' and 'have-nots'. This would result in permanent pressure from donor States to reduce the Fund and counter pressure from the beneficiary countries to see it increased. Mr Thomson warned against shortening the list of regions because this would automatically result in a reduced Fund.

In the Resolution the House considered that the resources available must be concentrated on a limited number of regions whose development was a priority. The House pointed out that the cutting down of the major arrears in regional development was the decisive prerequisite for the solidarity of economic and monetary union. Parliament was convinced that the Fund being at the service of European solidarity the principle of fair returns was excluded.

The House recalled that the list of regions and areas eligible for support from the Fund should be established by the Council acting by a qualified majority. Parliament also took the view that the proposed list for Fund interventions was very general and that priorities must be established. It believed that all the regions should be graded according to the relative gravity of the imbalances found in relation to the Community average. Therefore, the regions and areas with the most serious imbalances and situated in Member States with the lowest intervention capacity should be assisted on a priority basis and should receive the bulk of the Fund interventions.

Regulation on the Price Level of Agricultural Products in Italy

2416. Mr *Héger* (C-D, Belgium) submitted a report on a proposed Regulation amending Regulation (EEC) 974/71 concerning price

levels of agricultural products in Italy following monetary developments. The House approved the Commission's proposed Regulation necessitated by the floating of the Lira and the gap between the Lira and the official conversion rate which was causing imbalances on the Italian agricultural market and distortion of the price structure. In the Resolution, Parliament stressed once again that it was imperative to achieve economic and monetary union.

The Common Agricultural Policy

2417. Mr James M. Gibbons (EPD, Ireland) spoke to the Oral Question with debate on the common agricultural policy which on behalf of his Group he had put to the Commission. He expressed concern over the latest Commission Proposals on the CAP and asked why the Commission had not provided for the introduction of an intervention price for sheepmeat as was the case for beef and veal and pigmeat.

Referring to the Commission's Memorandum on the CAP, Mr Lardinois, Member of the Commission responsible for agriculture, announced that the Commission was preparing a market organization for mutton and lamb, etc. But in introducing a market organization for these products, we had to avoid the elimination of the free market in sheepmeat which obtained in the former Community of Six. The Commission did not want to cause this sort of anomaly. Mr Kavanagh (S, Ireland) asked for a more balanced market for fish in the Community and Mr Scott-Hopkins (C, Great Britain) did not think that the introduction of an intervention price was so urgent. Mr Brewis (C, Great Britain) said that cattle breeding conditions in the Community should be so ordered that the population could enjoy the best possible prices for sheepmeat.

Fat Content of Whole Milk

2418. On the basis of a report by Mr Martens (C-D, Belgium) Parliament approved without debate the Commission's Proposal to extend validity of Regulation 1411/71 on the fat content of whole milk until 31 May 1974. But the House considered that the effects on consumer prices, marketing and public health of the increased fat content of whole milk should be closely scrutinized. This could be done in connection with action on the Commission's Memorandum concerning adaptations to the CAP.

Decision extending the Minimum Price System

2419. The Chairman of the Committee on Agriculture, Mr Houdet (L, France) acting for the rapporteur, Mr Durieux, submitted a report on a proposed Decision to extend the minimum price system for certain agricultural products. These price regulations cover seed potatoes in France, edible vinegars, apart from wine vinegars, in Germany, storage potatoes in France, and spring potatoes in Germany, France, Belgium and Luxembourg.

The House agreed the Commission's Proposal to extend the minimum price system until 31 May 1974.

Frozen Beef

2420. Mr Vetrone (C-D, Italy) submitted a report on a proposed Regulation for opening, allocating and administering the Community tariff quota for frozen beef under heading 02.01 AII a) 2 of the CCT (1974).

Mr Bourdelles (L, France) pointed out that increased imports of frozen beef were occurring in a period of crisis for French agriculture. Mr Gundelach said he thought the situation was

not as gloomy as described. Parliament approved the Commission Proposal in its entirety.

Propagation Material of the Vine

2421. On the basis of a report by Mr Vals (S, France) Parliament approved without debate the Commission's proposed Directive amending the Directive of 9 April 1968 on the marketing of vegetable vine propagating material.

Regulations for certain Tobaccos

2422. On the basis of a report from Miss Lulling (S, Luxembourg) the House approved without debate the Commission's proposed Regulation on the granting of special aid for certain types of tobaccos used for wrapping cigars. But it was strongly urged that the grant of special aid be limited to the quantities which were marketed at non-profit-making prices by associated producers and manufacturers. In the Resolution, the House also recognized that the production of outer wrapper leaf tobacco in the Community had not only required heavy investments financed by associated producers, but also represented in those regions where it was carried out an indispensable element of general economic development and was an essential source of employment for male and female labour which it would be difficult to replace.

Bitter Oranges and Saffron

2423. Following a report from Mr Ligios (C-D, Italy) Parliament passed a Resolution approving the Commission Proposal for a Regulation on the temporary and partial suspension of the autonomous CCT charges for bitter oranges (ex. 08.02 AII a) and for saffron neither crushed nor ground (09.10 C1).

Levies for Certain Agricultural Products

2424. Parliament approved on the basis of Mr Spénale's report the Commission Proposal for a Regulation on the rate of import charges collected on small non-commercial consignments of agricultural products and products under Regulation (EEC) 1059/69.

Application of the Generalized Preferences System and Admission of East European Countries to the System (13 December)

2425. Mr Dewulf (C-D, Belgium) submitted a report on the Commission Proposals for Regulations on applying the generalized preferences to developing countries in 1974.

Mr Dewulf complained about the Commission's inadequate consultations with Parliament. He also criticized the Council because it had advised the developing countries more comprehensively than Parliament. Mr Dewulf recommended the House to approve the Commission's Proposals, but asked for consideration to be given to the Joint Association Committee's conclusions of 31 October 1973 in Lomé.

Mr Harmegnies (S, Belgium) for his Group favoured the expansion of the preferences scheme, but the results of the Association had to be maintained. Sir John Peel (C, Great Britain) draftsman of the Opinion of the External Economic Relations Committee, said that the submitted arrangements would lead to improvements in trade with Third World countries. Lord St. Oswald who drew up the Opinion of the Committee on Agriculture dealt with the criteria by which a country was deemed a developing country. Sir Douglas Dodds-Parker (Great Britain) for the Conservatives advocated further development of the preferences scheme. For the EPD Group, Mr

Bourges (France) endorsed the criticism that the House had been advised inadequately and belatedly. The Community had committed itself at the New Delhi Santiago Conferences to a policy of generalized preferences. But unfortunately this good example had not been emulated by the United States and Japan. Lord *Reay* (C, Great Britain) said the preferences policy was a sound policy. He tabled an amendment whereby the criteria for determining the status of 'developing country' should be reviewed.

On the Proposal of the President, the House decided simultaneously with the Dewulf report to deal with the Oral Question from Mr *van der Hek* and other members on the admission of East European countries to the preferences scheme. Mr *Patijn* (S, Netherlands) who spoke to the Question recalled that when Rumania was admitted it was expressly stated that this did not mean that all COMECON countries would automatically be brought in. He wanted to know from the Commission what criteria led to the decision to admit or bar a country from the scheme. Mr *Dewulf* (Belgium) for the Christian Democrats, expressed agreement with Mr *Patijn's* comments. Sir *Christopher Soames*, Vice-President of the Commission, regretted that the House had been advised too late of the terms of the preferences scheme and of the Commission's Proposals. The Commission had tried in 1973 to improve the scheme for the developing countries. Application of the scheme for 1974 was of prime concern for the ASEAN countries and the Commission would make every effort to see that the trade relations were maintained with these countries. The preferences scheme was altogether of great importance for the Third World countries. Sir *Christopher* regretted that the USA had not ratified her relevant legislation. Moreover, the advantages granted to the developing countries were not to accrue to some multinational companies. The Community was developing two

policies with regard to the Third World, namely, the Association policy and a general development policy. To the Oral Question he replied that it was primarily a political problem and the Community must examine every case with maximum objectivity. At any event the system must be so applied that any openings for the Eastern bloc countries did not involve injury for the Third World countries. The Commission had taken precautions to see that the '77 Group' countries did not suffer because of preferences granted to Rumania.

The House was pleased to note in the Resolution that the Commission's Proposals for applying the generalized preferences scheme in favour of the developing countries in 1974 meant a considerable improvement on the previous year's arrangements. The House supported the Commission's opinion on the need for a Community reserve, since the lack of such a reserve was incompatible with the concept of customs union and moreover resulted in insufficient utilization of the tariff quotas. Parliament felt that all countries associated with the Community should benefit from the system of generalized preferences if this system brought with it advantages for these countries which they did not already enjoy as a result of association with the Community. The Commission was urged to keep up its efforts for improving the preferences system.

Aid for the Sahel Countries

(11 December)

2426. Mr *Spénale* (S, France) submitted a report on aid for the Sahel countries suffering from the draught. He stressed the responsibilities of nations with foods surpluses vis-à-vis the dearth of food in the ravaged countries and urged the Community and Member States to take the required action, and the emergency

short, medium and long-term measures to alleviate the consequences of the drought disaster.

In the Resolution passed unanimously emergency action (food aid, transport of foodstuffs and storage facility improvements) as well as short, medium and long-term action (agricultural research projects and health and irrigation projects) were urged. The House also hoped that the rich African States would show solidarity with the Sahel countries.

Mr *Cheysson*, Member of the Commission, responsible for development aid, told the House that the Community's 1974 food aid programme was now running at 221 million u.a. (with the bulk of it going to Bangladesh) to which could be added the 40 million u.a. of emergency Sahel aid. The total sum amounted to 5% of the Community Budget. Mr *Cheysson* illustrated the significance of the Community's effort, but was aware that it was still inadequate in view of the population development of the countries concerned.

Competition

Publicity of Infringements before the Commission's Decision (11 December)

2427. Mr *Hougardy* (L, Belgium) spoke to the Oral Question with debate on publicity given to certain infringements of Arts. 85 and 86 of the EEC Treaty before the Commission handed down its Decision. The Question was put to the Commission on behalf of his Group.

Mr *Hougardy* recalled that in the realm of competition the Commission was performing both an administrative and legal function. The basic principle of the modern constitutional State, that no information may be published on current procedures, must also apply in European competition law. He therefore asked

the Commission to issue no kind of information on procedures on which no final decision had been reached.

Mr *Borschette*, Member of the Commission, stressed that the Commission had the duty to inform the public on the overall activities of the Community and therefore on competition policy. It was difficult to compare the national legal systems and the system of the EEC Treaty; in the realism of competition the Commission had a decision authority but not the function of a judge; the only judges at European level were those of the Court of Justice. The opening of investigations into infringements devolved on the Commission; when grounds for complaint against companies were communicated, the Commission was obliged to publish them so that third parties were advised of the case. Mr *Borschette* made it clear that the interests of companies were still legally safeguarded and the Commission had always maintained fair play in this field. The Commission's information was objective but it could not be responsible for other publications.

Mutual Assistance in applying Community Regulations (11 December)

2428. Mr *Artzinger* (C-D, Germany) submitted a report on a proposed Regulation concerning mutual assistance between competent authorities of Member States and between the latter and the Commission for ensuring the correct application of Community customs and agriculture Regulations.

The rapporteur pointed out that it was here a case of preventing frauds in agricultural produce trading in the Community. He recommended the House to approve the Resolution motion.

Mr *Pounder* (C, Great Britain) draftsman for the Opinion of the Committee on Agriculture, pointed out that frauds in the agricultural sector were borne by the Community Budget and damaged the Community's image.

In the Resolution the House approved the draft Regulation on mutual assistance between Member States' authorities and between the latter and the Commission with regard to the orderly application of Community customs and agricultural legislation. The House regretted that the Commission had not made these Proposals much earlier. Parliament viewed the proposed Regulation as the minimum action necessary and asked the Council to adopt it without toning it down.

Technical trade matters

Cold-Water Meters and Totalizing Weighing Machines

2429. On reports from Mr *Krall* and Mr *Kater*, Parliament passed two Resolutions approving the Commission's Proposals but regretting that the Council and Commission had taken too long in following up the assignment of the Paris Summit Conference which asked for technical barriers to intra-Community trade to be eliminated. Both bodies were urged to prepare the way for total harmonization of legal provisions as swiftly as possible.

Classification, Packaging and Labeling of Dangerous Substances

2430. Mr *Bourdelles* (L, France) acting for the rapporteur, Mr *Premoli*, presented a report on the Commission's proposed Directive for a fifth amendment to the Directive of 27 June 1967 on aligning legal provisions for the classi-

fication, packaging and labeling of dangerous substances.

Mr *Bordelles* stressed the need for the labeling of dangerous substances to be done in the language of the country of sale. Mr *Gundelach*, for the Commission, said he thought this was too strict a requirement and that the matter could be left to the Member States to decide.

The House approved the Commission's Proposal, but requested the Commission to carefully review the entire Directive of 27 June 1967 with a view to improving it, particularly with regard to the safety of users of these dangerous substances. The newly submitted Commission Proposal only made it obligatory for all packaging of the goods in question to be clearly legibly and indelibly labeled.

Pressure Vessels and Gas Cylinders

2431. Mr *Bro* (C, Denmark) submitted a report on the Commission's Proposals for a Directive on approximating Member States' laws covering regulations for pressure vessels and methods for controlling them. Parliament approved the proposed Directive and welcomed the Commission's moves to harmonize the confusing divergent national provisions and requirements by setting up a legislative framework. But in the Resolution the House doubted whether the inspection authorities were viable. The Commission should in principle press forward towards total harmonization.

Legal Provisions on Bread

2432. Mr *Walkhoff* (S, Germany) submitted a report on a proposed Directive for approximating Member States' laws on bread.

The rapporteur welcomed the fact that in its Proposal the Commission had applied the 'optional' method meaning that it had decided on partial harmonization of the relevant legal

provisions. This would prevent undesirable standardization of bread production and ensure a very varied supply of bread throughout the Community. Mr *Gundelach*, Member of the Commission, announced that the Commission would rescrutinize the text since part of it had been drawn up before the Community was enlarged.

In its Resolution the House approved the proposed Directive and endorsed the optional method in the present instance since it would allow the Community's population to retain its existing eating habits whilst at the same time substantially extending the variety of bread offered to consumers. The House noted with satisfaction that the proposed Directive contained fairly strict provisions on additives and also requirements relating to weights and labelling that ensure transparency of the market and a well-informed consumer public.

Public Health and the Environment

(14 December)

Sea Pollution

2433. Mr *Martens* (C-D, Belgium) presented a report on the Commission's Proposal to the Council for a Decision on the participation of the EEC in an agreement for the prevention of sea pollution from land-based sources.

In the Resolution the House urged the Council to give the Commission a mandate for negotiating at the Paris Conference on the prevention of sea pollution. The Commission would sign the Paris agreement on behalf of the Community.

External Economic Relations

(14 December)

2434. Parliament passed several Resolutions on external trade, including:

— Fishery products from Norway (Knud *Thomsen* report)

— Wines from Portugal (*de Koning* report)

— Raising quota quantities for certain eels (*Thornley* report)

— Community tariff quotas for certain eels (*Thornley* report)

— Dried grapes (*Baas* report)

— Regulation on the EEC-Morocco and EEC-Tunisia Associations; amendment to Art. 5 of Annex 1 of the Association Agreement (*de la Malène* report)

— Imports of olive oil from Morocco and Tunisia (*de la Malène* report)

— Regulation on the EEC-Turkey Association; amendment of Art. 7, Annex 6 of the (*Beamish* report)

— Imports of olive oil from Turkey (*Beamish* report)

— Agricultural products from Turkey; total or partial suspension of CCT charges for certain products (*Boano* report)

— Wines from Cyprus (*Klepsch* report).

Amendment to Art. 21 of Parliament's Rules of Procedure (11 December)

2435. Mr *Memmel* (C-D, Germany) presented a report for the Liberals and Allied Group made by Mr *Durieux* concerning the motion for an amendment to Art. 21 of Parliament's procedural rules on the *tabling of motions of censure*.

The rapporteur reminded the House that under Art. 21 of the Rules of Procedure any individual member could table a censure motion. This condition which had nothing to do with the coverage of a censure motion had to be

amended. Mr Durieux proposed that a Group or a tenth of the House's total head count could table such a motion.

Mr Durieux (L, France), Mr Broeks (S, Netherlands), Sir Derek Walker-Smith (C, Great Britain) and Mr Cousté (EPD, France) all speaking for their Groups recommended that a censure motion be allowed only if it was tabled by a tenth of all members. Lord O'Hagan (Non-affiliated, Great Britain, Independent) stressed that all members must have the same rights and he would therefore vote against the motion.

Mr Brugger (C-D, Italy) approved the Resolution and at the same time suggested that a Subcommittee of the Legal Committee should review the whole of the Rules of Procedure. Mr Romualdi (Non-affiliated, Italy, MSI-DN) endorsed Lord O'Hagan comments. Mr Duval (EPD, France) agreed the amendment but remarked that the conditions for censure motions had never been misused in the past.

In its Resolution the House decided to amend Art. 21, 1) of its Rules of Procedure to read as follows: 'A Group or a tenth of actual sitting members can lay before the President of Parliament a motion of censure against the Commission of the Communities.'

Council

During December the Council held seven sessions covering general matters, economic and financial affairs, budget questions, agriculture and social issues. The sessions scheduled for 7 December on scientific and technological research was cancelled.¹

265th Session—General Matters
(Brussels, 3-4 December 1973)

2436. *President*: Mr Nørgaard, Danish Minister for External Economic Affairs.

From the Commission: Mr Ortoli, President, Mr Haferkamp, Mr Scarascia Mugnozza, Sir Christopher Soames and Dr Hillery, Vice-Presidents.

Mr Cheysson, Mr Spinelli, Mr Borschette, Mr Dahrendorf, Mr Thomson, Mr Lardinois, Mr Gundelach, Members.

Member States Governments were represented by: Mr Van Elslande, Foreign Minister (Belgium); Mr Nørgaard, Minister for External Economic Affairs, Mr Christensen, Secretary of State for External Economic Affairs (Denmark); Mr Apel, Parliamentary Secretary of State for Foreign Affairs (Germany); Mr Jobert, Foreign Minister, Mr de Lipkowski, Secretary of State for Foreign Affairs (France); Mr Fitzgerald, Minister for External Affairs, Mr Keating, Minister for Industry and Trade (Ireland); Mr Moro, Foreign Minister, Mr Pedini, Under-Secretary of State for Foreign Affairs (Italy); Mr Thorn, Foreign Minister (Luxembourg); Mr van der Stoep, Foreign Minister (Netherlands); Mr Davies, Chancellor of the Duchy of Lancaster, Mr Chataway, Minister of Industrial Development, Mr Amery, Minister of State (United Kingdom).

The Council got down to a detailed review of the main problems involved in establishing the Community *regional policy*. The debate focused on the criteria to be met by regions eligible for interventions from the European Regional Development Fund. After the debate the Council agreed to resume its deliberations at the next session.

The Council reviewed the last outstanding problems regarding the *generalized preferences scheme* in favour of the developing countries

¹ For the various issues dealt with during Council sessions, see the relevant Chapters of this number of the Bulletin.

which will be applied by the Community as from 1 January 1974. It was agreed to approve at the next session all the application Regulations required to implement the new scheme on 1 January 1974.

The Council studied the action to be taken on the recent AASM discussion within the Association Committee and which concerned the 1974 generalized preferences and negotiations with Brazil. After this review the Council agreed to make various adjustments to the application plans of the 1974 generalized preferences.

The Council approved the additional Directive covering cocoa-butter and soluble coffee extract, which should enable the Commission to wind up the *trade negotiations with Brazil*.

Regarding the *Trade Cooperation Agreement with India*, the Council investigated the last outstanding problems in the negotiations and was pleased to find that the talks were drawing to a close. For the *Trade Agreement with Iran*, the Council officially acknowledged a Commission Communication indicating that the Iranian authorities had advised the Commission that they were not planning to renew the 1963 Trade Agreement but were contemplating negotiations for a new Agreement.

Practically speaking a solution was reached on compiling the list of additional Community concessions in order to conclude the *re-negotiations under Art. XXIV/6 of GATT*.

Concerning *trade relations with Japan*, the Council agreed the general guidelines for preparing a Community approach suitably fashioned to overcome the problems involved in EEC-Japan trade relations and which should help to complete the common commercial policy which the Community should do by the end of 1974.

Regarding the negotiations for an *all-fibres arrangement* under GATT, the Council drew up

the Directives to guide the Commission in this operation.

266th Session—Economic and Financial Affairs

(Brussels, 3-4 December 1973)

2437. *President: Mr Haekkerup*, Danish Minister for Economic Affairs

From the Commission: Mr Ortoli, President; *Mr Haferkamp*, *Mr Simonet*, Vice-Presidents.

Member States' Governments were represented by: *Mr De Clercq*, Finance Minister, *Mr Claes*, Minister for Economic Affairs, *Mr Van de Putte*, Governor of the Banque Nationale (Belgium); *Mr Haekkerup*, Minister for Economic Affairs, *Mr Heinesen*, Secretary of State for Economic Affairs (Denmark); *Mr Schmidt*, Finance Minister, *Mr Friderichs*, Minister for Economic Affairs, *Mr Klasen*, President of the Bundesbank, *Mr Pohl*, Financial Secretary of State, *Mr Schlecht*, Secretary of State for Economic Affairs (Germany); *Mr Giscard d'Estaing*, Minister of Economy and Finance, *Mr Wormser*, Governor of the Banque de France (France); *Mr Murray*, General Secretary at the Finance Ministry, *Mr Whitaker*, Governor of the Central Bank (Ireland); *Mr La Malfa*, Minister of the Treasury, *Mr Carli*, Governor of the Banque d'Italie (Italy); *Mr Werner*, President of the Government, Minister of Finance, *Mr Mart*, Minister of National Economy (Luxembourg); *Mr Duisenberg*, Finance Minister (Netherlands); *Mr Barber*, Chancellor of the Exchequer, *Mr Macmillan*, Paymaster General, *Mr Richardson*, Governor of the Bank of England (United Kingdom).

The Council went ahead with the review of measures intended for further progress towards *achieving economic and monetary union*. After the debate it was seen that operations were sufficiently far advanced for decisions to be taken at the session of 17 December.

Regarding the *battle against inflation and the preservation of a high level of employment* in the Community, the Council agreed a Resolution.

267th Session—Budget Questions
(Brussels, 10 December 1973)

2438. President: Mr Nørgaard, Danish Minister for External Economic Affairs.

From the Commission: Mr Cheysson, Member Member States' Governments were represented by: Mr Humblet, Secretary of State for Budgets (Belgium); Mr Nørgaard, Minister for External Economic Affairs, Mr Christensen, Secretary of State for External Economic Affairs, (Denmark), Mr Schüler, Secretary of State for Finance (Germany); Mr Cazimajou, Deputy Permanent Representative (France); Mr Dillon, Permanent Representative (Ireland); Mr Picardi, Under-Secretary of State to the Treasury (Italy); Mr Dondelinger, Permanent Representative (Luxembourg); Mr Korthals Altes, Deputy Permanent Representative (Netherlands); Mr Jenkin, Chief Secretary to the Treasury (United Kingdom).

During the meeting *the Council met a delegation from the European Parliament* led by Mr Dewulf and made up of Mr Spénale, Chairman of the Budgets Committee, Mr Pounder, the Budget rapporteur and Mr Gerlach. In application of the agreements between the Council and the Parliament following the decisions of 20 April 1970, the Parliamentary delegation spoke of the reasons which led the House to propose amendments to the draft Budget. Having reviewed the various proposed amendments submitted by Parliament the Council ruled on the Budget.

The Council adopted ten of the twenty-three amendments proposed by Parliament. They

cover the inclusion of 35 million u.a. of credit for the structural projects in the Sahel region and Etiopia ravaged by drought and a further five million u.a. to finance the special transport for the food aid operations in the most remote areas of this stricken region. The Council also agreed to write in a sum of 1 million u.a. to finance the programmed projects in scientific and technological policy. But these funds will remain frozen until the Council has decided on the programme. The other Parliamentary proposals were not taken up. They included the Proposal to regulate the credits of the European Social Fund. After the debate the Council adopted the General Budget of the Communities for the financial year 1974.

268th Session—Agriculture
(Brussels, 10-11 December 1973)

2439. President: Mr Frederiksen, Danish Minister of Agriculture.

From the Commission: Mr Lardinois, Member Member States' Governments were represented by: Mr Lavens, Minister of Agriculture (Belgium); Mr Frederiksen, Minister of Agriculture (Denmark); Mr Ertl, Minister of Agriculture, Mr Rohr, Secretary of State for Agriculture (Germany); Mr Chirac, Minister of Agriculture and Rural Development (France); Mr Clinton, Minister of Agriculture and Fisheries (Ireland); Mr Ferrari-Aggradi, Minister of Agriculture, Mr Cifarelli, Under-Secretary for Agriculture (Italy); Mr Ney, Minister of Agriculture (Luxembourg); Mr Van der Stee, Minister of Agriculture and Fisheries (Netherlands); Mr Godber, Minister of Agriculture, Fisheries and Food (United Kingdom).

Regarding the *compensations granted to German farmers after revaluation of the Deutsch Mark in 1969*, the Council reviewed

developments in the economic situation of agriculture in Germany. The Council confirmed that direct aid per hectare would cease at the end of 1973. Concerning aid effected through VAT, the Council set out a political guideline whereby Germany will be temporarily authorized to continue this aid with the understanding that by the end of 1974 the Council will again review the economic situation of German agriculture and decide on suitable measures.

In the vine-wine sector the Council officially adopted the Regulation setting the *release prices for table wines* for the period 15 December 1973 to 15 December 1974.

Regarding the extension of the *minimum price schemes* and countervailing taxes still running in some Member States for certain products not covered by a joint organization of the market, the Council found that the situation had not changed in relation to previous years and that without prejudice to Parliament's Opinion, the application of the rules for one more year was justified.

For olive oil the Council in line with the decision of principle on 21 November, adopted the Regulation on forming an olive oil regulator stock.

The Council went on with its work on the Commission's Memorandum on the CAP. The Commission's report on the Community protein supply was discussed as was a 1974 Community quota for deep-frozen beef and veal. The Council was till unable to reach agreement on those matters.

269th Session—Social Issues
(Brussels, 11-12 December 1973)

2440. *President: Mr Dinesen, Danish Minister of Labour.*

From the Commission: Mr Ortoli, President, Dr Hillery, Vice-President.

Member States' Governments were represented by: Mr *Glinne*, Minister of Labour and Employment (Belgium); Mr *Dinesen*, Minister of Labour, Mrs *Gredal*, Minister of Social Affairs (Denmark); Mr *Arendt*, Minister of Labour and Social Affairs (Germany); Mr *Gorse*, Minister of Labour, Employment and Population (France); Mr *O'Leary*, Minister of Labour (Ireland); Mr *Bertoldi*, Minister of Labour and Social Security, Mr *Granelli*, Under-Secretary of State for Labour (Italy); Mr *Santer*, Secretary of State for Labour and Social Security (Luxembourg); Mr *Mertens*, Secretary of State for Social Affairs (Netherlands); Mr *Chichester-Clark*, Minister of State for the Department of Employment (United Kingdom).

After a detailed review of the *Social Action Programme* presented by the Commission, the Council agreed the basic elements of a Resolution embodying the objectives for achieving full and better employment in the Community, improving living and working conditions so that they get equal consideration from the point of view of progress, and the greater participation by both sides of industry in the economic and social decisions of the Community together with an increased share for workers in company life. Within this Resolution the Council also set a number of priorities for action in the near future. It officially acknowledged the Commission's pledge to submit by the end of 1974 the necessary Proposals regarding these priorities and undertook to rule on the Proposals within at the latest five months after the Commission had advised the Council of the outcome of its deliberations on the Opinions issued by the European Parliament and the Economic and Social Committee, if they have been consulted or failing that within at the latest nine months of the presentation of the Proposals by the Commission.

270th Session—Economic and Financial Affairs

(Brussels, 10 December 1973)

2441. *President:* Mr *Haekkerup*, Danish Minister for Economic Affairs.

From the Commission: Mr *Ortoli*, President, Mr *Haferkamp*, Vice-President.

Member States' Governments were represented by: Mr *De Clercq*, Finance Minister, Mr *Claes*, Minister of Economic Affairs, Mr *Van de Putte*, Governor of the Banque Nationale (Belgium); Mr *Haekkerup*, Minister for Economic Affairs, Mr *Heinesen*, Minister for Budgets, Mr *Andersen*, Governor of the National Bank, Mr *Hansen*, Secretary of State for Economic Affairs (Denmark); Mr *Pohl*, Secretary of State for Finance, Mr *Schlecht*, Secretary of State for Economic Affairs (Germany); Mr *Giscard d'Estaing*, Minister of Economy and Finance (France); Mr *Ryan*, Finance Minister, Mr *Whitaker*, Governor of the Central Bank (Ireland); Mr *La Malfa*, Minister of the Treasury (Italy); Mr *Werner*, President of the Government and Finance Minister (Luxembourg); Mr *Brinkhorst*, Secretary of State for Foreign Affairs (Netherlands); Mr *Macmillan*, Paymaster General (United Kingdom).

During this meeting the Council agreed (a) *the Directive on stability, growth and full employment in the Community*, (b) *the Decision to achieve a high degree of convergence in Member States' economic policies*, (c) *the Decision to set up an Economic Policy Committee* and (d) *the Resolution on short-term monetary support*.

It also agreed the text of the Resolution on completing a second stage of economic and monetary union except for paras. 9 and 10 which cover regional, social, industrial and energy policy issues. The Resolution cannot be passed in its entirety until these paragraphs have been approved.

271st Session—General Matters

(Brussels, 17-18 December 1973)

2442. *President:* Mr *Nørgaard*, Danish Minister for External Economic Affairs.

From the Commission: Mr *Ortoli*, President; Mr *Scarascia Mugnozza*, Sir *Christopher Soames*, Dr *Hillery*, Vice-Presidents; Mr *Cheysson*, Mr *Spinelli*, Mr *Borschette*, Mr *Dahrendorf*, Mr *Thomson*, Mr *Lardinois*, Mr *Gundelach*, Members.

Member States' Governments were represented by: Mr *Van Elslande*, Foreign Minister (Belgium); Mr *Nørgaard*, Minister for External Economic Affairs, Mr *Christensen*, Secretary of State for External Economic Affairs (Denmark); Mr *Apel*, Parliamentary Secretary of State for Foreign Affairs, Mr *Schlecht*, Secretary of State for Economic Affairs (Germany); Mr *Jobert*, Foreign Minister, Mr *Guichard*, Minister of Equipment and Land Development, Mr *de Lipkowski*, Secretary of State for Foreign Affairs (France); Mr *Fitzgerald*, Minister for External Affairs, Mr *Keating*, Minister for Industry and Trade (Ireland); Mr *Moro*, Foreign Minister, Mr *Donat Cattin*, Minister for Special Investments in the Mezzogiorno, Mr *Pedini*, Under-Secretary of State for Foreign Affairs (Italy); Mr *Thorn*, Foreign Minister (Luxembourg); Mr *van der Stoep*, Foreign Minister, Mr *Brinkhorst*, Secretary of State for Foreign Affairs (Netherlands); Sir *Alec Douglas Home*, Foreign and Commonwealth Secretary, Mr *Davies*, Chancellor of the Duchy of Lancaster, Mr *Chataway*, Minister of industrial Development (United Kingdom).

At this last meeting for 1973 held the day after the Copenhagen Summit Conference, the Council did not manage to reach agreement on the Community *regional policy*. It was agreed to resume the proceedings at a meeting in the first week of January 1974.

Regarding energy the Council agreed on a work schedule for the Commission with respect to *energy*. It also agreed to set up an Energy Committee and that Member States should provide the Commission with the data required for drawing up exhaustive Community energy balance sheets.

The Council also officially passed a Resolution on *industrial policy* and on the Regulations and Decisions concerning application for 1974 of the *generalized preferences* in favour of the developing countries.

A Commission Communication was also acknowledged concerning the action programme for consumer protection.

Regarding external relations the Council approved the content of the cooperation Agreements with India and Brazil. The question of strengthening the European Parliament's budgetary powers was also discussed. The Council also reviewed the question of the Community's affiliation to the 1973 *International Sugar Agreement*, as well as the question of the scheme to be applied to a number of processed farm products which had not been dealt with in the Agreements with the EFTA countries not joining the Community. No agreement could be reached on these matters.

Commission

Official Visit of President Ortoli to Paris

2443. The President of the Commission, Mr *François-Xavier Ortoli*, made an official visit to Paris on 6 December. During his stay which was part of the round of official visits made by the President of the Commission to the Member States, Mr Ortoli met *President Pompidou*, the Prime Minister Mr *Messmer* and the Foreign Minister, Mr *Jobert*, as well as

several other Ministers and leading figures. Apart from its official nature, President Ortoli's visit provided an opportunity for useful talks on the construction of the Community, particularly in anticipation of the Conference of Heads of State or Government.

Research Scholarships

2444. As part of its policy of fostering and supporting university research on European integration, the Commission has awarded thirteen research scholarships. The winners were selected from a field of 162 candidates.

Court of Justice

New cases

Case 185/73—Hauptzollamt Bielefeld v OHG in Firma H. C. König, Steinhagen/Westphalia

2445. In a legal action concerning imports of aromatized alcohol from Belgium, the Bundesfinanzhof filed a request with the Court on 3 December 1973 for a preliminary ruling on the validity of Regulation 7(a) concerning the inclusion of certain products in the list of Annex II of the EEC Treaty and on the boundaries of tariff headings 22.09 AII and 22.09 CVb.

Case 186/73—Firma Norddeutsches Vieh- und Fleishkontor GmbH, Hamburg, v Einfuhr- und Vorratsstelle für Schlachtvieh, Fleisch und Fleischerzeugnisse, Frankfurt/Main

2446. Dealing with litigation over imports of beef and veal into Germany, the Frankfurt Verwaltungsgericht asked the Court on 5 December for a preliminary ruling on interpretation of Article 5(a) of Regulation 1373/70. This con-

cerns joint application terms for import, export and prefixing certificates for agricultural products subject to a single price system (the problem of discharging customs import formalities).

Case 187/73—Mrs Odette Callemeyn, ep. Verbeke, Mouscron, v the Belgian State represented by the Service des Allocations pour handicapés of the Ministère de la Prévoyance sociale

2447. On 7 December 1973, the Tournai Labour Tribunal which had received an appeal concerning the award of disablement allowance, had filed a request with the Court for a preliminary ruling on the question of whether the Belgian disablement allowance scheme fell, with regard to workers, within the application scope of Regulation 1408/71 governing the application of social security schemes to wage-earners and their families who relocate.

The Labour Tribunal also wanted to know whether Regulation 1408/71 superceded the interim European Agreement on social security schemes for old age, invalidity and survivors, which was signed in Paris on 11 December 1953 and which was valid in Article 7 of the said Regulation, if it was more favourable for the claimant.

Case 189/73—Commission Official v the Commission

2448. This is an appeal to annul rejection by the Commission of a request for classification in Grade A and of payment of an indemnity against moral and material injury.

Case 190/73—Officier van Justitie in the Arrondissement Haarlem v Mr Johannes W. J. van Haaster, Hillegom

2449. Dealing with a case of infringement of the Dutch 1971 regulation on the cultivation of hyacinths, the Haarlem Arrondissementsrecht-

bank filed a request with the Court on 17 December 1973 for a preliminary ruling on whether such a regulation was compatible with Article 10 of Regulation 234/68 concerning the establishment of a joint organization of the market in the sector of live plants and garden produce.

Case 191/73—Mr Rudolf Niemann, Mullheim, v Bundesversicherungsanstalt für Angestellte, Berlin

2450. The Freiburg Sozialgericht which has to rule in a case concerning voluntary and compulsory old age and invalidity pension subscriptions filed a request with the Court on 17 December 1973 for a preliminary ruling on whether Article 28, §3, first sentence of Regulation and Article 13, §1(b) and §5 of Regulation 4 concerning migrant workers social security were compatible with Article 51 of the EEC Treaty.

Case 192/73—Société Van Zuylen Frères, Liège, v Société Hag AG, Bremen

2451. The Luxembourg Tribunal d'arrondissement having received an appeal concerning an exclusivity contract, asked the Court of Justice on 28 December 1973 for a preliminary ruling on whether Article 85 of the EEC Treaty and/or the rules laying down the free circulation of goods within the EEC, in particular Articles 5 and 30 and especially Article 36 of the Treaty authorized the owner of a brand to oppose, by invoking his rights to the brand, the importing of products of the same brand from another Member State.

Judgements

Case 24/66—Gesellschaft für Getreidehandel AG, Dusseldorf, v the Commission

2452. Having received on 31 August 1973 a request for details of interpretation of Decrees

106 and 107/63 and Decrees 5, 7 and 13-24/66 by virtue of Article 40 of the Protocol on the Statute of the Court of Justice, the latter by its Decree of 13 December rejected the request as non-suited.

Joined Cases 37 and 38/73—*Sociaal Fonds voor de Diamantarbeiders, Antwerp, v N.V. Indiamex and others, Antwerp*

2453. The Arbeidsrechtbank of Antwerp having to rule in legal actions over the payment of a contribution claimed for diamond workers from the importers of uncut diamonds by the diamond worker's Social Fund, had filed requests with the Court of Justice on 7 March 1973 for preliminary rulings on whether this contribution was compatible with the EEC Treaty or with Regulation 950/68 of the CCT.

By its Decree of 13 December 1973, the Court ruled that, once the common customs tariff is set up, Member States may not bring in unilateral taxation on imports directly from third countries or raise the level of the taxes existing on that date, since the reduction or abolition of the said taxation devolved on the Community institutions.

Joined Cases 119 and 124-126/73—*Firma Deutsche Getreide und Futtermittel Handelsgesellschaft mbH, Hamburg, and other, v Einfuhr- und Vorratsstelle für Getreide und Futtermittel, Frankfurt/Main and others*

2454. During May 1973 the Court of Justice had received a series of request for preliminary rulings from the Hamburg and Hessen Finanzgericht. The requests concerned the terms for computing the rate of the import levies on certain cereals and poultry.

In the Decrees of 5 December 1973, the Court ruled on the levy system and method of computing the levies.

Joined Cases 120-122 and 141/73—*Firma Gebr. Lorenz GmbH, Kaiserslautern, and others, v Bundesrepublik Deutschland, represented by the Bundesamt für gewerbliche Wirtschaft, Frankfurt/Main*

2455. In four legal actions over the granting of subsidies for investment, the Frankfurt Verwaltungsgesicht had applied to the Court in May and June 1973 for preliminary rulings on interpretation of Article 93 of the EEC Treaty regarding aid granted by the States.

By the Decrees of 11 December 1973, the Court confirmed that Member States were free to implement a notified aid project whenever the Commission within two months from the date of notification had not invoked the procedure laid down in Article 93, (3), second sentence. But Member States were required to inform the Commission.

For the rest of the matter, the Court recognized that the bans prescribed in both Article 93, (3), third sentence and the first sentence of the same paragraph had a direct effect. The direct effect for the Member State of the ban on implementing planned aid covers any aid which would have been implemented without notification and which if notified, occurs during the preliminary stage and, if the Commission invokes the contrary procedure, until the end of that procedure.

Case 131/73—*Procuratore della Repubblica, Trento, v Giulio Grosoli, Cadoneghe, and Adriano Grosoli, Cadoneghe*

2456. The Court had applied to the Tribunale di Trento for a preliminary ruling on interpretation of Article 3 of Regulation 92/68 and Article 2 of Regulation 110/69 (the tariff quota for deep-frozen beef and veal) with special reference to the rules on the destination of the quota allocated.

By its Decree of 12 December 1973 the Court ruled that the said Articles must be interpreted in the sense that in entrusting Member States with the administration of their share of a quota the Articles did not authorize Member States to enact provisions determining the destination of the goods.

Case 140/73—(1) General Directorate of Social Security for the Parisian region, (2) Regional Sickness Insurance Fund, Paris, v Mrs Carmela Mancuso, Caltanissetta-Bompensiere

2457. The Paris Court of Appeal has asked the Court of Justice on 13 June 1973 to give a preliminary ruling on whether Articles 27 and 28 of Regulation 3 on the social security of migrant workers, as defined for old age, are to be obligatorily applied for invalidity.

By its Decree of 6 December 1973, the Court ruled that the parallel application of the said Articles in the cases covered by Article 26, §2 of the same Regulation implied that the benefits cannot be issued *pro rata* unless in order for entitlement to begin it is necessary to totalize in advance the periods under different legislations.

Case 142/73—Firma Hugo Mathes & Schurr KG i.L., Munich, v Einfuhr- und Vorratsstelle für Getreide und Futtermittel, Frankfurt/Main

2458. The Hessen Finanzgericht had asked the Court on 15 June 1973 for a preliminary ruling on Article 20 of Regulation 19 concerning the joint organization of the markets in the cereal sector with reference to the payment of export refunds when fraud was involved.

By its Decree of 12 December 1973, the Court ruled that in cases where the goods actually exported did not match the information on the export documents, the above-mentioned Article obliged the national authorities to cut down the

refund granted so that it did not exceed the top limits laid down for the products actually exported, leaving it up to the national authorities to decide whether to take further action under national law.

Case 143/73—Société de produits alimentaires et diététiques (SOPAD), Courbevoie, v (1) Fonds d'orientation et de régularisation des marchés agricoles (FORMA) and (2) Fonds d'intervention et de régularisation du marché du sucre (FIRS)

2459. On 20 June 1973 the Paris Administrative Tribunal had asked the Court of Justice for a preliminary ruling on the system governing the refund rates for sugar exports.

In its Decree of December the Court ruled that the new system brought in under Regulations 951 and 1048/71 applied not only to prefixation certificates issued after the latter Regulation took effect but also covered those issued before that date insofar as the particular export had not been made. The application of the said Regulations has necessitated an Act adopted by the Community authorities so that national bodies can proceed with the payment of sums which would result from adjustments to the amount of the refunds.

Case 147/73—Carlheinz Lensing Kaffee-Tee-Import KG, Berlin, v Hauptzollamt Berlin-Packhof

2460. By order of the Hamburg Finanzgericht the Court of Justice had received on 26 June 1973 a request for a preliminary ruling on whether Article 131 of the EEC Treaty combined with Annex IV and with the EEC-AASM Association Agreement of 29 July 1969 could be interpreted in the sense that imports of coffee into the Federal Republic including West Berlin

from Guinea were to be regarded in 1971 as imported products originating from the Associated States, meaning that they should if necessary be treated as duty-free products.

By the Decree of 11 December 1973, the Court decided that these provisions were to be interpreted in the sense that imports from Guinea in 1971 were to be regarded as coming from an Associated State or territory to the EEC and on this score were not to benefit from customs exemption in the Member States.

Case 149/73—Firma Otto Witt KG, Stelle, v Hauptzollamt Hamburg-Ericus

2461. On 11 July 1973 the Hamburg Finanzgericht had filed a request with the Court for a preliminary ruling on interpreting the concept of 'game' in the sense of the 1970 CCT sub-heading 02.04B with regard to the classification of 'caribou meat'.

In the Decree of 12 December 1973 the Court ruled that the term 'game' in the above-mentioned sub-heading covered animals living in the wild state and which were hunted.

Case 150/73—Hollandse Melksuikerfabriek, Uitgeest, v Hoofdproduktschap voor Akkerbouwprodukten, The Hague

2462. In a legal action over a claim for refunds on exports to third country lactoalbumen buyers, the College van Beroep voor het Bedrijfsleven has asked the Court on 16 July 1973 for a preliminary ruling on interpreting the provisions of Annex C of Regulation 204/69 which for certain farming products exported in the form of goods not covered by Annex II of the Treaty, lays down the general rules for granting export refunds and the criteria for setting the amount.

By the Decree of 13 December 1973, the Court ruled that even if the criteria for computing the refund for exports of ovoalbumen were based, by virtue of Regulation 204/69 and in particular Annex C thereof, on lactoalbumen this did not imply that the award of an export refund for ovoalbumen could be extended to exports of lactoalbumen, since there was no special provision in a Commission Regulation adopted to apply Article 17 of Regulation 804/68 on the joint organization of the markets in the milk and dairy produce sectors.

Economic and Social Committee

The Economic and Social Committee held its 116th plenary session at the Palais d'Egmont, Brussels, on 12-13 December 1973 with the Chairman, Mr Lappas, in the Chair. At this meeting four Opinions and a study were approved.

Opinions on (a) the '*Commission Proposals on the work in connection with economic and monetary union*' and (b) '*the Commission's Communication to the Council concerning the balance sheet of progress made during the first stage of economic and monetary union, on the assignment of responsibilities and authority between the Community institutions and the Member States for the proper running of economic and monetary union and on the measures to be adopted during its second stage*'.

2463. The two above Opinions were prepared on the basis of a report by Mr Marmert (France, General Interests Group). The first was adopted by 67 votes against 7 with 21 abstentions and the second by 73 votes against 14 with 14 abstentions. In both Opinions the Committee held that the sluggish movement

towards economic and monetary union was caused partly to monetary setbacks and failures stemming from a lack of political resolve. The Committee also contended that during the first stage the lack of priorities for the objectives to be attained was also a contributing factor. Priority guidelines should therefore be set in future for the monetary sector. The Committee thus held that it was vital to concentrate on monetary union. The unifying force of a common currency would enable a real economic union to be achieved more swiftly. In the Committee's view, the gradual alignment of Community State currencies entailed a joint battle against inflation and the convergence of short-term economic policies together with harmonization of budget and monetary policies and the creation of a real European goods and capital market. The setting up of the European Monetary Cooperation Fund and the presence of short and medium-term monetary support machinery represented the starting point of monetary cooperation which must lead to the pooling of exchange reserves. This was a prerequisite for the achievement of monetary union. The strengthening of monetary solidarity implied transpositions of authority at national and Community level. The Committee also thought that the European Parliament should be vested with authority to approve and control the Community Budget.

Opinion on the *'proposed Council Regulation consolidating Council Regulation (EEC) 543/69 of 25 March 1969 on harmonizing certain social provisions in road transport'*

2464. The Committee approved this Opinion based on the report from Mr *de Vries Reilingh* (Netherlands, Workers Group) by 35 votes against 31 with 2 abstentions. Although it expressed some reservations, the Committee approved the Commission's Proposal in principle. The Committee urged the Council to

take the required action to adapt as promptly as possible the current social conditions in road transport and those already in practice in other sectors of economic life.

Opinion on the *'proposed Council Directive concerning the approximation of Member States' laws on extracts of coffee and tea and their substitutes, including chicory, and mixtures based on those extracts'*

2465. This Opinion based on the report by Mr *Bourel* (France, Employers Group) was unanimously adopted. The Committee proposed a number of amendments to the proposed Directive which mainly covers the definitions of coffee extracts and tea extracts.

Study on Vocational Training and Training Schemes

2466. On the report by Mrs *Weber* (Germany, Workers Group), the Committee unanimously approved the study on vocational training and training schemes in the Community countries.

In this study, the Committee had examined Member States' training schemes and had endeavoured to provide an outline of existing schemes, current trends and objectives to be reached in this field.

ECSC Consultative Committee

2467. The Consultative Committee held its 160th session on 7 December 1973 in Luxembourg, with the Chairman, Sir David Davies in the Chair.

2468. There was a general debate on the draft Opinion prepared by Mr *Mayr* on behalf of the Sub-Committee for Labour Problems,

concerning the Commission's Social Action Programme. Mr Mayr contended that the draft Opinion represented a compromise solution and reflected a positive verdict on the Programme. The Committee members for the most part approved the draft which was finally adopted by a big majority (with three abstentions) thus approving the Social Action Programme presented by the Commission.

During the discussion on the ECSC operational budget submitted by a Commission representative, several members of the Committee, in particular the representatives of the Coal Producers and Coal Workers regretted that the credit allocated to coal research was too modest. They contended that coal would be required to play a reamplified role. There was therefore a need for research projects both for raising output and promoting use of coal.

2469. The last matter on the agenda was a review of the forward programme for steel for 1974. The Committee took the view that it was not the right moment to publish the paper on steel forecasts. The Committee held that it was not yet in possession of valid data for making any decisions on the forecasts in question. But it most strongly urged that the immediate action imperatively needed be not foregone, especially in the case of coal output levels and supplies of coke and coking coal for the iron and steel industry.

European Investment Bank

Loans Issued

2470. The EIB has concluded a contract in Luxembourg for a 30 million dollar (24.9 million u.a.) bond issue.

The bonds will have a maximum term of 15 years and will bear interest at 8.5% payable annually. They will be offered to the public at 98.5% and will have a yield of 8.68%, calculated on the basis of their total lifetime.

Redemption will be in 15 annual instalments by purchase on the market at prices not exceeding par. Bonds not purchased will be redeemed at par at term. Advance redemption of the entire issue is authorized as from 1978 at a decreasing premium. Application has been made to list the bonds on the Luxembourg, Milan and New York stock exchanges.

Loans Granted

Denmark

2471. The EIB has concluded two loan contracts with the Danish Government for a total amount of 51.2 million Danish crowns (6.8 million u.a.). The loans, running for 20 years at 8.5% a year, will be used to finance the improvement of *harbour facilities at Frederikshaab, Narssaq and Julianehaab* on the south-west Coast and a thermal-electric power station of Godthaab, the administrative capital of Greenland. These are the first EIB loans concerning projects in the Kingdom of Denmark.

The main activities are fishing and fish processing, which employ about 5 000 people. Sales of fish and fish products are Greenland's main source of earnings and account for over 80% of exports.

The improvement of harbour installations on the south-west coast of Greenland is particularly urgent because almost all Greenland's trade and its supplies in particular are dependent on sea transport. The plan for the three ports in question is to build and lengthen quays to enable ocean-going vessels to be handled

and to provide more covered conservation and storage accommodation. The investment is planned to cost 59.5 million Dkr. The EIB's loan is for 26.2 million Dkr.

The electric supply for Godthaab (population 8 000) is provided at present by two Diesel power units with an output of 6 200 kW. The commissioning of the new power station will increase this to 11 900 kW. It is estimated that Godthaab's electricity consumption will increase at an annual rate of about 10.5% during the present decade, a rate which is well above those recorded in industrialized countries. The total cost of the project is estimated at 57 million Dkr. The EIB is contributing with a loan of 25 million Dkr.

The investment financed by the two loans is part of the plan for the long-term development of Greenland, which is concentrating on telecommunications, electricity, sea transports and housing. The EIB is thus helping to improve the living conditions and standards of the inhabitants of an extremely isolated and sparsely populated region with a weak economy which depends heavily on primary activities.

France

2472. The EIB has granted a loan to Electricité de France for the equivalent of 83.3 million French francs (15 million u.a.) for 20 years at 8.50% a year.

This amount will help to finance the construction at Saint Vulbas, on the Rhône (Ain) of the second phase of the *Bugey nuclear power station*, consisting of a pressure water reactor with a net power rating of 925 MW. A first unit has been in service on the Bugey site since April 1972.

This is the fourth nuclear power station that the EIB has financed in Community countries

this year. The total finance it has provided in this sector in 1973 has thus reached 135 million u.a. In 1972 the EIB helped to finance four nuclear power stations in the Community by providing a total of 100.6 million u.a.

2473. The EIB has granted a loan to *Cerabilia*, a wholly-owned subsidiary of *Cerabati* for the equivalent of 12 million FFrs, (2.2 million u.a.) for 13 years at 8.50% a year. The loan will be used to finance the construction of a new *sanitary ware factory* at Bischwiller (Bas-Rhin).

Bischwiller is in one of the frontier areas which are affected by the disparity in growth rates between Alsace and outlying regions in Germany and that of the Basel complex. By granting this loan for a project that will create about 200 jobs, the EIB is contributing to the industrialization effort.

2474. The EIB has granted a loan to the value of 138.8 million FFrs. (25 million u.a.) to the Caisse Nationale des Télécommunications. It will be repayable over 20 years at 8.75 p.a. The amount of the loan will be placed at the disposal of the French Ministry of Posts and Telecommunications to contribute, in parallel with other sources to the financing of investment in modernizing and expanding telecommunications in Poitou-Charentes.

This is one of the underprivileged regions of France. Manufacturing and service industries do not at present play a significant enough part in the local economy. If they are to develop, adequate infrastructure especially telecommunications will have to be provided.

In the latter field, the region is backward like most other French regions as is shown by the figure of 7.6 main telephone lines per 100 inhabitants at the end of 1972, which is well below the European Community average of about 15.5.

The new investment which the EIB is supporting will enable the number of telephone subscribers to be increased by about 78 000, or 60% and by 1976 the system will be 99% automatic, compared with 81% at present. In addition, an extra 600 telex installations will be provided. This is the eighth loan granted by the EIB for the development of telecommunications in underprivileged regions in France. The total finance provided by the EIB in this sector in France has now reached 885 million FFrs. (159.3 million u.a.).

Ireland

2475. The EIB has granted a loan equivalent to 800 000 Irish pounds (1 633 000 u.a.) to the Agricultural Credit Corporation Ltd. (ACC) Dublin. ACC will relend the funds to the Irish Agricultural Wholesale Society Limited (IAWS) which will use them to set up at Cork a *protein concentrate* mill with ancillary services. IAWS, whose ordinary shares are held by cooperative societies, is one of the main suppliers in this sector in Ireland. The Agricultural Credit Corporation, which is state-owned, specializes in lending to agriculture and the agricultural cooperative movement.

Livestock farming, which is the most important constituent of the agricultural economy in Ireland, accounted for 16% of the gross national product in 1971, including dairy production. In the same year, livestock products accounted for 36% of exports. Now that Ireland has joined the EEC, her agriculture has access to a huge market in which the prices prevailing, particularly for animal products, are higher than those she could obtain previously. The country is also turning to intensive rearing methods so that the export of carcasses and processed meat products is expanding.

The project aided by the EIB will help Irish agriculture to adapt to conditions in the Com-

mon Market. It is also of regional interest because, in the 1973-77 industrialization plan drawn up by the Industrial Development Authority, the Cork area is designated a principal area of development acting as a counterweight to the attraction of Dublin.

Italy

2476. The EIB has granted a loan equivalent to 22 000 million Lire (29.7 million u.a.) to the Società Italiana per l'Esercizio Telefonico (SIP) of Turin. It is to be used to help finance a telephone development programme in Calabria which is to be carried out between 1973 and 1975.

The aim of the programme is to continue the expansion of telephone installations in Calabria, boost the quality of communications and extend and improve the automatic trunk dialing service that has been operating since the end of 1970. In all, 58 000 new subscribers will be connected.

This is the tenth loan granted by the EIB to SIP for telecommunications development in Italy. The total amount made available by these loans has now reached 221 million u.a.

2477. The EIB has granted two loans with a total value of 25 000 million Lire (33.8 million u.a.) to the Cassa per il Mezzogiorno. They are in the form of global loans for 15 000 million Lire and 10 000 million respectively, which the Cassa will relend to ISVEIMER (Istituto per lo Sviluppo Economico dell'Italia Meridionale) and CIS (Credito Industriale Sardo). With these loans, the EIB is contributing to the finance which these two regional institutes are providing for *small- and medium - scale industrial ventures on the Mezzogiorno mainland* and in Sardinia.

2478. The EIB has granted two loans to the Cassa per il Mezzogiorno for a total amount

equivalent to some 5 000 million Lire (6.7 million u.a.) to contribute to finance provided by IRFIS for two industrial ventures which will enable over 1 000 new jobs to be created in Sicily.

The first loan is connected with the *enlargement of a cement works at Porto Empedocle* (Agrigente) belonging to Cementerie Siciliane S.p.A., of the Italcementi group. Fixed investment in the project amounts to 9 500 million Lire. The EIB is participating by granting a loan equivalent to 2 950 million Lire (4.0 million u.a.). The second loan will contribute towards the construction by SIT-Siemens S.p.A. of the IRI/STET group, of a *factory producing telephone equipment* at Carini (Palermo). Fixed investment amounts to 4 900 million Lire. The EIB is participating by granting a loan equivalent to 2 000 million Lire (2.7 million u.a.).

United Kingdom

2479. The EIB has just granted¹ a second loan of £14.7 million (30 million u.a.) for the British Steel Corporation's development programme. Under the terms of an agreement signed in Luxembourg on Thursday, December 6, the loan is being made available for a period of 18 years at an interest rate of 8½% as a contribution to the financing of new plant in BSC's steel works at Llanwern, South Wales.

The project for which the second loan is intended includes the construction of a third blast furnace and other supporting plant at the Llanwern works to enable output of hot rolled coil at the existing mill to be increased. The new installations are due to be commissioned during 1974/75 and should become operational in 1975/76.

Cameroon

2480. The Commission of the EEC and the EIB have concluded a contract on 13 Decem-

ber 1973 with the Société Camerounaise de Palmeraies (SOCAPALM) for the granting of a loan on special terms to the value of 8 850 000 u.a. (about 2 457.5 million CAFrs.). SOCAPALM is a development company under Cameroon law. The state is the largest shareholder.

The loan will be used to finance *an agro-industrial complex producing palm oil at Didombari* (Department of Mungo). The complex includes a 6 000 hectare plantation of selected palms and an oil production unit with an annual capacity of 20 000 tonnes. The project, which will cost 3 740 million CAFrs., will provide 1 000 permanent jobs.

This special loan has been granted from the resources of the 3rd EDF for a duration of 25 years, including a 9-year grace period. The annual interest rate is 2%. The EIB is also contributing to the financing of the project by granting a subsidy to the value of 808.9 million CAFrs. (about 2.9 million u.a.).

Financing Community Activities

Formal Adoption of the 1974 General Budget

2481. During the meeting of 10 December 1973 the Council considered the amendments proposed by the European Parliament when it reviewed the draft Budget.² The Council then formally adopted the General Budget of the European Community for the financial year 1974.

¹ The first EIB loan to the British Steel Corporation was granted at the end of October and is meeting part of the cost of installing new load preparation plant at Redcar, on Teesside, see Bull. EC 10-1973, point 2462.

² Bull. EC 11-1973, point 2407.

Financing Community Activities

Financing Community Activities

The balance of receipts and expenditure amounts to 5 079 465 923 u.a.

The major headings of expenditure for the 1974 Budget are shown compared with 1973 as under:

	1973	1974
Administrative, operational and miscellaneous expenditure of the four Institutions	398 373 333	311 666 200
European Social Fund	327 800 000	282 950 000
European Regional Development Fund	p.m.	p.m.
EAGGF, Guarantee Section	3 513 100 000	3 806 546 000
EAGGF, Guidance Section	325 000 000	350 000 000
Food aid	135 000 000	48 177 000
Euratom Research and Investment expenditure	85 823 819	74 686 830
Repayment to Member States of 10% of own resources	294 368 771	260 467 841
	5 079 465 923	5 134 493 871

This expenditure is financed by the following receipts

Own resources	2 943 687 712
Member States' contribution	2 086 708 381
Miscellaneous receipts	49 069 830
	5 079 465 923

The Council was unable to reach agreement at its meeting of 18 December 1973 concerning creation of the European Regional Development Fund. It was agreed to resume these proceedings in January 1974.

As soon as a decision is taken the financial details will emerge in a preliminary draft Additional Budget for 1974.

Financial Estimates for 1974-1976

2482. During the sitting of 11 December 1973, the European Parliament reviewed the 1974-1976 financial estimates drawn up by the Commission.

In the Resolution passed at the close of the debate, the House welcomed the fact that the document drawn up by the Commission was more detailed than that presented last year. But it is also found that the document did not enable the House to assess precisely the impact of the package of Community programmes in terms of the Community's financial autonomy.

In his statement to the House, Mr Cheysson, Member of the Commission, summarized the new guidelines adopted by the Commission in preparing multiannual estimates¹ and expressed the hope that this document would be continually improved over the years ahead so that the multiannual estimates would be a true reflection in figures of the Community's multiannual action programme in the same way as the Budget reflected policy for the year.

ECSC Levy Rate and Operational Budget

2483. After consulting the European Parliament who decided that the ECSC levy rate should be kept at 0.29%,² the Commission decided on 19 December 1973³ to follow Parliament's Opinion and set the rate for 1974 at 0.29%.

This allows the proceeds of levies to be estimated at about 69.3 million u.a. Swelled by interest income from deposits, non-loaned funds and cancelled commitments no longer required (about 21.3 million u.a.) they will be used to meet the following needs:

- administrative expenditures: 18 million u.a.;
- aid to readaptation: 41 million u.a.;

- aid to research: 21.5 million u.a.;
- aid for coking coal: 5 million u.a.;
- interest allowances on loans for investment and redevelopment: 5.11 million u.a.

The Commission also decided that if resources exceeded the estimate figures, the endowment of 5.11 million u.a. for interest allowances would be raised.

Definition of the ECSC Unit of Account: Conversion Rates

2484. On 19 December 1973 the Commission made a fresh definition of the ECSC unit of account and introduced for 1974 a new system for converting the unit of account into the national currencies.

The purpose of redefining the unit of account was simply to preserve its former gold value (0.88867088 gm. of fine gold) previously defined in the European Monetary Agreement which has since lapsed.

The main result of the new conversion system is the computation, each half calendar year, of amounts due under the levies on the basis of the latest exchange rates and no longer on gold parities declared in the IMF. This change has therefore no impact on aid expressed in national currency, but the new provisions will be applied in drawing up the ECSC balance sheet and to the aid scheme for coking coal, which are set in units of account.

ECSC Loans

2485. In December 1973 the Commission made two loan transactions:

¹ Bull. EC 11-1973, point 2459.

² Point 2414.

³ OJ L 361 of 29.12.1973.

5. Political cooperation

Financing Community Activities

— a loan of 500 million LFr. i.e. the equivalent value of 10 million u.a. This is a bond issue over 15 years underwritten by a consortium of Luxembourg Banks. It carries interest at 7.25% p.a. and was offered to the public at an issue price of 98.50%;

— a loan of 250 million LFr. i.e. the equivalent value of 5 million u.a. This is a private issue over 8 years at 7.50% p.a.

With these transactions the total sum of loans contracted by the ECSC since it started activities now amounts to the equivalent value of 1 505.6 million u.a.

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2486. During its sitting of 11 December 1973, the *European Parliament* passed a Resolution on the ECSC Auditor's report for the financial years 1971 and 1972 in which it approved the ECSC accounts for 1971 and 1972.

The European Identity

2501. Following the Paris Summit Conference¹ the Member States of the Community agreed in July 1973 to define the European identity in a Declaration based on the principles of the unity of the Nine, on their position and responsibilities with regard to the rest of the world and on the dynamic nature of the construction of Europe.²

The paper on the European identity, prepared on the basis of political cooperation, was finalized and approved by the Foreign Ministers at their Copenhagen meeting of 20 November 1973.³

The Declaration, the full text of which is reproduced in the following pages, was published in Copenhagen, on 14 December 1973, during the Conference of Heads of State or Government.

Declaration on European identity

The Nine member countries of the European Communities have decided that the time has come to draw up a document on the European Identity. This will enable them to achieve a better definition of their relations with other countries and of their responsibilities and the place which they occupy in world affairs. They have decided to define the European Identity with the dynamic nature of the Community in mind. They have the intention of carrying the work further in the future in the light of the progress made in the construction of a United Europe.

¹ Cf. the Paris Declaration, Bull. EC 10-1972, Part 1, Chap. I.

² Bull. EC 9-1973, point 1202.

³ Bull. EC 11-1973, point 2505.

Defining the European Identity involves:

- (a) reviewing the common heritage, interests and special obligations of the Nine, as well as the degree of unity so far achieved within the Community,
- (b) assessing the extent to which the Nine are already acting together in relation to the rest of the world and the responsibilities which result from this,
- (c) taking into consideration the dynamic nature of European unification.

I. The Unity of the Nine Member Countries of the Community

1. The Nine European states might have been pushed towards disunity by their history and by selfishly defending misjudged interests. But they have overcome their past enmities and have decided that unity is a basic European necessity to ensure the survival of the civilization which they have in common.

The Nine wish to ensure that the cherished values of their legal, political and moral order are respected, and to preserve the rich variety of their national cultures. Sharing as they do the same attitudes to life, based on a determination to build a society which measures up to the needs of the individual, they are determined to defend the principles of representative democracy, of the rule of law, of social justice—which is the ultimate goal of economic progress—and of respect for human rights. All of these are fundamental elements of the European Identity. The Nine believe that this enterprise corresponds to the deepest aspirations of their peoples who should participate in its realization, particularly through their elected representatives.

2. The Nine have the political will to succeed in the construction of a United Europe. On the

basis of the Treaties of Paris and Rome setting up the European Communities and of subsequent decisions, they have created a common market, based on a customs union, and have established institutions, common policies and machinery for cooperation. All these are an essential part of the European Identity. The Nine are determined to safeguard the elements which make up the unity they have achieved so far and the fundamental objectives laid down for future development at the Summit Conferences in The Hague and Paris. On the basis of the Luxembourg and Copenhagen reports, the Nine Governments have established a system of political cooperation with a view to determining common attitudes and, where possible and desirable, common action. They propose to develop this further. In accordance with the decision taken at the Paris conference, the Nine reaffirm their intention of transforming the whole complex of their relations into a European Union before the end of the present decade.

3. The diversity of cultures within the framework of common European civilization, the attachment to common values and principles, the increasing convergence of attitudes to life, the awareness of having specific interests in common and the determination to take part in the construction of a united Europe, all give the European Identity its originality and its own dynamism.

4. The construction of a United Europe, which the Nine member countries of the Community are undertaking, is open to other European nations who share the same ideals and objectives.

5. The European countries have, in the course of their history, developed close ties with many other parts of the world. These relationships, which will continue to evolve, constitute an

assurance of progress and international equilibrium.

6. Although in the past the European countries were individually able to play a major role on the international scene, present international problems are difficult for any of the Nine to solve alone. International developments and the growing concentration of power and responsibility in the hands of a very small number of great powers mean that Europe must unite and speak increasingly with a single voice if it wants to make itself heard and play its proper role in the world.

7. The Community, the world's largest trading group, could not be a closed economic entity. It has close links with the rest of the world as regards its supplies and market outlets. For this reason the Community, while remaining in control of its own trading policies, intends to exert a positive influence on world economic relations with a view to the greater well-being of all.

8. The Nine, one of whose essential aims is to maintain peace, will never succeed in doing so if they neglect their own security. Those of them who are members of the Atlantic Alliance consider that in present circumstances there is no alternative to the security provided by the nuclear weapons of the United States and by the presence of North American forces in Europe; and they agree that in the light of the relative military vulnerability of Europe, the Europeans should, if they wish to preserve their independence, hold to their commitments and make constant efforts to ensure that they have adequate means of defence at their disposal.

II. *The European Identity in relation to the world*

9. The Europe of the Nine is aware that, as it unites, it takes on new international obli-

gations. European unification is not directed against anyone, nor is it inspired by a desire for power. On the contrary, the Nine are convinced that their union will benefit the whole international community since it will constitute an element of equilibrium and a basis for co-operation with all countries, whatever their size, culture or social system. The Nine intend to play an active role in world affairs and thus to contribute, in accordance with the purposes and principles of the United Nations Charter, to ensuring that international relations have a more just basis; that the independence and equality of states are better preserved; that prosperity is more equitably shared; and that the security of each country is more effectively guaranteed. In pursuit of these objectives the Nine should progressively define common positions in the sphere of foreign policy.

10. As the Community progresses towards a common policy in relation to third countries, it will act in accordance with the following principles:

(a) The Nine, acting as a single entity, will strive to promote harmonious and constructive relations with these countries. This should not however jeopardize, hold back or affect the will of the Nine to progress towards European Union within the time limits laid down.

(b) In future when the Nine negotiate collectively with other countries, the institutions and procedures chosen should enable the distinct character of the European entity to be respected.

(c) In bilateral contacts with other countries, the Member States of the Community will increasingly act on the basis of agreed common positions.

11. The Nine intend to strengthen their links, in the present institutional framework, with the member countries of the Council of Europe,

and with other European countries with whom they already have friendly relations and close cooperation.

12. The Nine attach essential importance to the Community's policy of association. Without diminishing the advantages enjoyed by the countries with which it has special relations, the Community intends progressively to put into operation a policy for development aid in a worldwide scale in accordance with the principles and aims set out in the Paris Summit Declaration.

13. The Community will implement its undertakings towards the Mediterranean and African countries in order to reinforce its long-standing links with these countries. The Nine intend to preserve their historic links with the countries of the Middle East and to cooperate over the establishment and maintenance of peace, stability and progress in the region.

14. The close ties between the United States and Europe of the Nine—who share values and aspirations based on a common heritage—are mutually beneficial and must be preserved. These ties do not conflict with the determination of the Nine to establish themselves as a distinct and original entity. The Nine intend to maintain their constructive dialogue and to develop their cooperation with the United States on the basis of equality and in a spirit of friendship.

15. The Nine also remain determined to engage in close cooperation and to pursue a constructive dialogue with the other industrialized countries, such as Japan and Canada, which have an essential role in maintaining an open and balanced world economic system. They appreciate the existing fruitful cooperation with these countries, particularly in OECD.

16. The Nine have contributed, both individually and collectively to the first results of a policy of detente and cooperation with the USSR and the East European countries. They are determined to carry this policy further forward on a reciprocal basis.

17. Conscious of the major role played by China in international affairs, the Nine intend to intensify their relations with the Chinese Government and to promote exchanges in various fields as well as contacts between European and Chinese leaders.

18. The Nine are also aware of the important role played by other Asian countries. They are determined to develop their relations with these countries as is demonstrated as far as commercial relations are concerned, by the Declaration of Intent made by the Community at the time of its enlargement.

19. The Nine are traditionally bound to the Latin American countries by friendly links and many other contacts; they intend to develop these. In this context they attach great importance to the agreements concluded between the European Community and certain Latin American countries.

20. There can be no real peace if the developed countries do not pay more heed to the less favoured nations. Convinced of this fact, and conscious of their responsibilities and particular obligations, the Nine attach very great importance to the struggle against underdevelopment. They are, therefore, resolved to intensify their efforts in the fields of trade and development aid and to strengthen international cooperation to these ends.

21. The Nine will participate in international negotiations in an outward-looking spirit, while preserving the fundamental elements of their

Political Cooperation

unity and their basic aims. They are also resolved to contribute to international progress, both through their relations with third countries and by adopting common positions wherever possible in international organizations, notably the United Nations and the specialized agencies.

III. *The dynamic nature of the construction of a United Europe*

22. The European identity will evolve as a function of the dynamic of the construction of a united Europe. In their external relations, the Nine propose progressively to undertake the definition of their identity in relation to other countries or groups of countries. They believe that in so doing they will strengthen their own cohesion and contribute to the framing of a genuinely European foreign policy. They are convinced that building up this policy will help them to tackle with confidence and realism further stages in the construction of a united Europe thus making easier the proposed transformation of the whole complex of their relations into a European Union.



3RD PART

**INFORMATION
AND SOURCES**

1. From Day to Day

From Day to Day

3 November 1973

3101. On Ventotene, an islet in the Tyrrhenian Sea, a plaque was unveiled to commemorate the 'Ventotene Manifesto' which in 1943 was to be the inspiration of the founders of the European Federalist Movement. The inscription reads: 'On this island where they had been confined by the fascist regime, the first Italian Federalists, Eugenio Colorini, Ernesto Rossi and Altiero Spinelli, meditating on the tragedy of war, on the crimes of totalitarianism and on the crisis of national sovereignties, drew up in 1941 the appeal which today still bears the name of the "Ventotene Manifesto." They hoped that others with them in drawing the same lesson from common ideals would take up the struggle for a free and united Europe. After the ceremony a public debate was held on the theme of 'the message of Ventotene to Europe in search of her unity.' Mr Altiero Spinelli of the Commission was declared an honorary citizen of Ventotene.

6 November 1973

3102. In an interview with 'Europa' the European Supplement to the Monde, La Stampa, the Times and Die Welt, Mr *Helmut Schmidt*, the Finance Minister of the Federal Republic, speaking on the common agricultural market, said: 'I think that at any event the three basic principles of the common agricultural policy must be upheld for the future; namely: the free circulation of goods, Community preference, and financial solidarity. But, having said that, I must also emphasize that the long demanded reappraisal of common market agricultural practice must be made. This means in the first place examining the function of the common agricultural market up to now and the results gained. As a Finance

Minister one result which bothers me is the Community agricultural budget which is constantly swelling and which up to now cannot be worked out reliably. The needs of this market have not been expressed as clearly and systematically enough as is normally the case in the forward budgets of each Member State. Under the present system the expenditure of the CAP is not limited. Our experiences must oblige us to set up a Common Market Finance Ministry.' Asked whether he feared that the future common regional policy would entail unlimited financing obligations, Mr Schmidt replied: 'No, I do not think so. Moreover, if we are actually to achieve it in 1974, it must necessarily work from the start on the customary principle in western Europe, meaning the provision of available resources without reciprocal obligation to unlimited deposit.'

8 November 1973

3103. Mr *Max Van der Stoel*, the Dutch Foreign Minister, went to Paris where he met his counterpart Mr Jobert, Mr Van der Stoel was also received by President Pompidou. The talks bore mainly on the construction of Europe, the Summit Conference and the oil crisis.

3104. Mr *Jean Monnet*, one of the pioneers of European unification, has just celebrated his 85th birthday. Mr Monnet was the first President of the ECSC. After his resignation in 1955 he became President of the Action Committee for the United States of Europe which he himself founded.

9 November 1973

3105. Mr *Maurice Schumann*, the former French Foreign Minister, has launched a European revitalization plan. Regarding the

European Parliament, Mr Schumann thinks that, without solving the basic problem, the French Government could propose a new method of election, i.e. by direct choice from national lists, on the proportional representation system and with elections on the same day throughout Europe. On the monetary side, Mr Schumann favours a more extensive use of the Euro, the unit of account consisting of an amalgam of Community currencies which the ECU had created for loan purposes. If the Community countries agreed to allow their debts, their commitments and their treasury notes to be marked in Euros or indexed as such and to allow their banks to use them in accounting and the travel agencies and airlines in settling transactions, we might not come up with a European currency but the gesture would be appreciated by the public and a European plan against inflation would have been prepared.

Mr Schumann also suggested that the European Armaments Agency set up by the WEU be revived. It would oblige us to coordinate efforts and have a policy.

12 November 1973

3106. The European Union of Christian Democrats (EUCD) held its 19th Congress in Bonn. Mr *Kai-Uwe von Hassel*, the Defence Minister of the Federal Republic and former President of the Bundestag, was elected President of the Union for a period of three years. He succeeds Mr *Mariano Rumor*, President of the Italian Council. Mr *Forlani* was elected General Secretary of the EUCD.

3107. During a budget debate in the French National Assembly, Mr *Jobert*, the Foreign Minister, said concerning the construction of Europe:

'The untiring pursuit of European construction! How much ground has been covered since

1 January last and yet I hear all too often the same views on the subjects as if nothing had changed. It will be the enthusiastic description of a marvelous paradise, the recommendation of a miracle drug, the unfounded demonstration that theory rules the daily round. But in all truth, despite the dashing expression, and the festoons of words it will be no more than a morose relish in denying progress for only the ideal is desired.'

'The Near East conflict has shown up the frailty of European cooperation. It has highlighted the urgency of activating what the President of the Republic had suggested, even before the struggle, in his conference of 27 September 1973; namely: that regular meetings be called between Heads of State or Government which might foster the growth of a genuine European policy looking towards European union in 1980.'

17 November 1973

3108. Mr *Georges Pompidou*, the French President, met the British Premier, Mr *Edward Heath*, on 16-17 November at Chequers. The talks focussed mainly on European policy with special reference to the forthcoming Summit Conference, the problems of European defence and the Near East crisis. The agreement concerning the Channel Tunnel was signed in the presence of Mr Heath and Mr Pompidou.

3109. At the national congress of the UDR, Mr *Jacques Chaban-Delmas*, the former French Premier, stressed the need to define a 'European policy in the full sense of the term.' Mr *Chaban-Delmas* had this to say, 'Current events can leave us in no doubt of the vital need to take a new step forward in the construction of Europe. The mountain of technical factors must not hide the need for political drive to overcome the constantly developing hazards.'

Even a global economic policy is not enough. We must define a European policy in the full sense of the term. The initiative of the President of the Republic can thus be seen in its full significance and full value. Imagination and clear-mindedness are imperative. Imagination so that the Nine can find the means to enjoy together the independence so dearly bought by each one in a world moving directly away from our aspirations of universal, unlimited, if not uncontrolled disarmament. No European policy can exist unless it is based on a proper and autonomous defence even within an alliance.'

3110. In an interview with the *Stuttgarter Zeitung*, Professor *Dahrendorf*, Member of the Commission, was asked if he supported Chancellor Brandt who during the Near East crisis had said that the unification of Europe was a question of survival between giants. Mr Dahrendorf said, 'the thesis that Europe must unite to assert herself has always had many champions who believe that the countries of free Europe cannot assert themselves separately. This has become increasingly clear recently. Even when, like myself, one does not share the same view of the world as the American Foreign Minister for whom only a few major protagonists still count, it is obvious that the direct alliance of the super-powers obliges us Europeans to work together, if we want to play any role at all.'

21 November 1973

3111. The Parliamentary Group of the *British Labour Party* decided to continue their boycott of the European Parliament.

3112. Meeting in Addis Ababa, the Foreign Minister of the Organization for African Unity (OAU) 'appealed to Europe to throw her sup-

port behind the efforts of Africa and the Arab world to make good the rights of the Africa and Arab peoples and to speed up valuable cooperation between Africa, Europe and the Near East.'

23 November 1973

3113. At the colloquium on 'A Programme for Europe' run in Rome by the Istituto Affari Internazionali, Mr *Altiero Spinelli*, Member of the Commission, made a speech in which he stressed the need to give Europe her own personality or identity, meaning a European Government. Mr Spinelli asked the Heads of State or Government to activate a 'constituent procedure for European identity' which should mainly consist of giving the European Parliament a mandate to draw up a draft treaty creating the political union which would incorporate the present Communities.

27 November 1973

3114. The 23rd Franco-German Summit between President Pompidou and Chancellor Brandt took place in Paris on 26-27 November. The two leaders discussed various Community issues, especially the question of a European energy policy, economic and monetary unity and the regional social and agricultural policies. They also dealt with issues of European defence.

28 November 1973

3115. After their Conference in Algiers on 26-28 November, the Kings and Heads of Arab States adopted a declaration. There follows that part which concerns western Europe:

'The world which is keenly following the developments in the Middle East situation is entitled to know the aims of the Arab peoples and their vision of the future for their region for the world.

The Arab countries solemnly reaffirm their resolve to promote a just and lasting peace based on the recovery of their occupied territories and re-establishment of the national rights of the Palestinian people. Such a peace is aimed at preserving both the interests of the Arab countries and those of all the other countries. This attitude which derives from the Arab countries' devotion to the principles of the United Nations Charter and the principles of non-alignment represents a factor for warding off the risks of a world confrontation.

In expressing their deep gratitude for the positive and constructive contribution made on behalf of their struggle by the brother and allied countries in Africa and Asia as well as by the non-aligned and socialist countries, the Kings and Heads of State have noted carefully and with interest the first signs of a better understanding by the western European countries of the Arab cause.

The Arab countries are prepared to make their contribution to the efforts made within the United Nations towards establishing a just peace in the region.

Europe is linked with the Arab countries through the Mediterranean, by the affinities of civilization and by vital interests which can only develop within trusting and mutually beneficial cooperation. By adopting clear and equitable positions, especially by undertaking all available means to work for the evacuation by Israel of all the occupied Arab territories, particularly Jerusalem, and for the restoration of the Palestinian people to its national rights, Europe would strengthen both her resolve to be independent and her role in world affairs.

The Arab peoples, anxious to preserve their friendships with all peoples of the world and to institute with them valuable cooperation on a basis guaranteeing their legitimate rights and protecting their basic interests, wish to contribute towards the overall prosperity insofar as the international community, will work for justice and security in their region.'

4 December 1973

3116. Mr *Mahmoud Riad*, General Secretary of the Arab League, in a press interview criticized the attitude of the Nine in the Near East crisis. Mr Riad declared: 'We have read the Declaration of the Nine. We liked it, but it is a piece of paper. I said in Algiers that action must match fine words... We are not asking Europe to sever her relations with Israel, as we have asked the African States and Japan. What we feel entitled to expect from Europe is that she act in harmony with the principles she herself has affirmed and affirms... We therefore feel entitled to ask Europe to formally undertake not to supply arms to a country like Israel who for six years now has occupied territories taken by war and who defies the Resolutions of the United Nations.' On relations between Europe and the Arab countries, Mr Riad added: 'The Arab world does not need capital but needs technology and industrial "know-how" for her industrial development. Europe can provide us with them. This is why we are seeking cooperation with her once a just peace is achieved.'

9 December 1973

3117. At the close of their talks on 8-9 December at Chequers, Mr *Edward Heath*, the British Prime Minister, and Mr *Mariano Rumor*, the Italian Prime Minister, found they

were in complete agreement on all the European and International problems.

10 December 1973

3118. In an article published by *Le Figaro*, Mr *Jean Rey*, former President of the Commission, warned against the tendency to distinguish between Community and non-Community European policies. He wrote: 'What I would like to underline here is the need not to differentiate between two Europes, i.e. a Community Europe. This trend is unfortunately hardening these days and finds expression in really strange ways. Foreign Ministers have been seen meeting in the morning in Copenhagen and the same evening in Brussels so as to distinguish between political cooperation and Community procedures. Even in Brussels, Ministers change locations on the same day, meeting at the Palais d'Egmont to talk about European policy and in the Charlemagne building to attend Council meetings.'

It is frankly ridiculous, and to use one of Mr Brandt's expressions, it harks back to an outdated concept. Do our Chancelleries believe they are still living with the precedences of the Vienna Congress by wasting their time with such childish behaviour? There are not two Europes; there is but one. Of course, there is not the same degree of integration in all spheres. Foreign policy and military policy have not reached the same stage of integration as economic policy and this justifies differences of method for the time being. But there is only one Europe moving towards unity and gradually achieving it sector by sector. Nothing would be more pointless if not fatal than to set up rival and rapidly antagonistic institutions. European policy must be formed round one table. The best way to materialize this unity is to ensure that the Commission or at least its President is present every time.'

11 December 1973

3119. In the margin of the Atlantic Council the *Community Foreign Ministers* and Dr *Henry Kissinger*, the United States Secretary of State met in Brussels. This was the first Ministerial meeting between the Nine and the USA.

12 December 1973

1320. The United States Secretary of State Dr *Henry Kissinger*, who was addressing the Pilgrim's Society in London, gave a warning that 'Europe's unity must not be at the expense of the Atlantic community, or both sides of the Atlantic will suffer.'

Dr Kissinger complained: 'It is not that we are impatient with the cumbersome machinery of the emerging Europe. It is the tendency to highlight division rather than unity with us which concerns us. I would be less than frank were I to conceal our uneasiness about some of the recent practices of the European Community in the political field.'

'To present the decisions of a unifying Europe to us as a fait accompli not subject to effective discussion is alien to the tradition of United States-European relations,' he declared. 'The attitude of the unifying Europe seems to attempt to elevate refusal to consult into a principle defining European identity.'

'To judge from recent experience, consultation with us before a decision is precluded and consultation after the fact has been drained of content,' Dr Kissinger said. 'For then Europe appoints a spokesman who is empowered to inform us of the decisions taken but who has no authority to negotiate.'

13 December 1973

3121. The President of the French National Assembly, Mr *Edgar Faure*, on a visit to Bonn,

2. Published in the Official Journal

From Day to Day

advocated the creation of a European institute for research on Parliamentary democracy, economic planning and international relations. Set up and run by the joint initiative of the national Parliaments, in association with the universities and the European Parliament, the institute would 'stimulate public opinion on Europe, which must not be monopolized by one or a few parties.'

20 December 1973

3122. In a joint statement the Movement for the Independence of Europe and the French Committee for Pan-European Union held that 'it is important to give a clear and definitive interpretation of the Luxembourg Agreements thus allowing the unanimity rule to be kept for basic issues.' Commenting on these words, Mr *Schumann* and Mr *Habib-Deloncle*, the former Foreign Minister and Secretary of State for Foreign Affairs, stressed that the concept of 'vital interests' (i.e. the use of the 'veto') had been 'abused' in the Council of the Communities. In the statement both movements, with the aim of maintaining 'permanent concertation,' proposed that the Permanent Representatives to the Community should have the rank of Minister or Secretary of State for Foreign Affairs.

This tabulation covers the numbers of the Official Journal during December 1973

The European Parliament

1973-1974 Session

Report of proceedings
from 12-16 November 1973
Annex 168
November 1973

*Minutes of proceedings of the sitting of Monday,
12 November 1973*
C 108, 10.12.1973

*Minutes of proceedings of the sitting of Tuesday,
13 November 1973*
C 108, 10.12.1973

Address by Mr Brandt, Chancellor of the Federal Republic of Germany
C 108, 10.12.1973

Question Time

Questions put to the Council of the European Communities:

— 119/73 by Mr Noè: Community production of aero-engines

— 135/73 by Lord O'Hagan: Social Policy of the Community

— 144/73 by Mr Bordu: Release of political prisoners in South Africa

— 145/73 by Mr Dewulf: Global development aid policy

Questions put to the Commission of the European Communities:

— 123/73 by Mr Johnston: Reply procedure for Written Questions

— 126/73 by Mr Brewis: 1974 International Conference on the Law of the Sea

— 132/73 by Mr Premoli: Concerted control of the activities of multi-national companies

— 133/73 by Mr Fellermaier: Belgian decree on languages to be used in labour relations

— 146/73 by Mr Gibbons: EEC levies on exports of Irish cattle

— 147/73 by Mr Scott-Hopkins: Review of the Common Agricultural Policy

— 150/73 by Mr Terrenoire: Protective measures for Europe's textile industry

— 151/73 by Mr Jahn: Common commercial policy and economic and technical cooperation

Oral Question 115/73 with debate by the Committee on Social Affairs and Employment to the Commission of the European Communities: Operation of the new European Social Fund

Oral Question 116/73 with debate by the Committee on Social Affairs and Employment to the Council of the European Communities: Operation of the new European Social Fund

Resolution on the Summit Conference of Heads of State or Government to be held in Copenhagen on 15 and 16 December 1973

Oral Question 149/73 with debate by Mr Flämig, Mr Delmotte, Mr Giraud, Mr van der Hek and Mr Jakobsen to the Commission of the European Communities: Petroleum supplies in the European Community

Opinion on the communication on initial implementation on the 'Guidelines and Priorities for a Community Energy Policy'

Resolution on certain prerequisites for future guidelines concerning the supply and use of gas in the Community

Resolution on the current situation in the move towards economic and monetary union

Minutes of proceedings of the sitting of Wednesday, 14 November 1973
C 108, 10.12.1973

Opinion on the proposals for a Regulation extending for the years 1972, 1973 and 1974 certain time limits for granting aid from the Guidance Section of the European Agricultural Guidance and Guarantee Fund

Opinion on the proposal for a Regulation fixing the target price and the intervention price for olive oil for the 1973/74 marketing year

Opinion on the proposal for a second Directive amending the Council Directive of 14 June 1966 on the marketing of forest reproductive material

Opinion on the proposal for a Directive on a ninth amendment to the Directive on the approximation of the laws of the Member States concerning the preservatives authorized for use in foodstuffs intended for human consumption

Oral Question 148/73 with debate on behalf of the Committee on Public Health and the Environment to the Commission of the European Communities: Limitation of lead content in petrol

Minutes of proceedings of the sitting of Thursday, 15 November 1973
C 108, 10.12.1973

Resolution on modifications to the European Parliament's estimates of revenue and expenditure for the 1974 financial year (Section I of the draft general budget of the Communities)

Resolution on the draft general budget of the European Communities for 1974

Opinion on the proposals for:

I. a Decision on the creation of a Committee for Regional Policy

II. a financial Regulation relating to special provisions to be applied to the European Regional Development Fund

III. a Regulation establishing a Regional Development Fund

Resolution on the progress necessary in Community research, embodying the Opinion of the European Parliament on the proposals from the Commission of the European Communities to the Council for a scientific and technological policy programme

Resolution on the need for a common policy on technology

Minutes of proceedings of the sitting of Friday, 16 November 1973
C 108, 10.12.1973

Opinion on the proposal for a Regulation amending Council Regulation (EEC) 1496/68 of 27 September 1968 on the definition of the customs territory of the Community

Resolution on the Recommendation adopted on 10 September 1973 in Istanbul by the Joint Committee of the Association with Turkey

Resolution:

— on the communication from the Commission to the Council on the outcome of the negotiations with Turkey consequent on the enlargement of the Community,

— on the recommendation for a Council Regulation on the conclusion of the Supplementary Protocol to the Association Agreement between the European Economic Community and Turkey consequent on the accession of new Member States to the European Economic Community,

— on the recommendation for a Council Decision concerning the opening of negotiations with Turkey on an Interim Agreement consequent on the Accession of new Member States to the European Economic Community

Opinion on the proposal for a Regulation opening, allocating and providing for the administration of a Community tariff quota for fresh or dried hazelnuts, shelled or not, falling within subheading ex 08.05 G of the Common Customs Tariff

Opinion on the proposal for a Decision on the introduction of a common system of rates to be charged for the use of transport infrastructures

Opinion on the proposal for a Regulation supplementing Council Regulation (EEC) 543/69 of 25 March 1969 on the harmonization of certain social legislation relating to road transport

Opinion on the proposal for a Directive on the approximation of Member States' laws on the interior fittings of motor vehicles (strength of seats and their anchorages)

Annex to the minutes of the sitting of 15 November 1973
— *Draft general budget of the European Communities for the financial year 1974 modified by the European Parliament on 15 November 1973*
C 108, 10.12.1973

Written questions with replies

Written Question 453/72 by Mr Vredeling to the Commission of the European Communities
Subject: German contract placed with the Dutch construction company 'Verenigde Bedrijven Bredero' (supplementary answer)
C 106, 6.12.1973

Written Question 556/72 by Mr Cousté to the Commission of the European Communities
Subject: Establishment of American banks in the Community (supplementary answer)
C 106, 6.12.1973

Written Question 187/73 by Mr Vetrone to the Commission of the European Communities

Subject: Negotiations on citrus fruit between the EEC and the Mediterranean countries
C 106, 6.12.1973

Written Question 197/73 by Mr Girardin to the Commission of the European Communities
Subject: Social benefits for pensioned miners resident in the Grand Duchy of Luxembourg
C 106, 6.12.1973

Written Question 222/73 by Mr Müller to the Commission of the European Communities
Subject: Threat to the environment by laser beams
C 106, 6.12.1973

Written Question 255/73 by Mr Seefeld to the Commission of the European Communities
Subject: Rest periods and driving times for long-distance lorry drivers
C 106, 6.12.1973

Written Question 272/73 by Mr Taverne to the Commission of the European Communities
Subject: Pollution of the Mediterranean
C 106, 6.12.1973

Written Question 275/73 by Mr Cousté to the Commission of the European Communities
Subject: Rate of price increases in the nine Member States between January/June 1972 and 1973
C 106, 6.12.1973

Written Question 276/73 by Lord O'Hagan to the Commission of the European Communities
Subject: Length of stay of migrant workers
C 106, 6.12.1973

Written Question 280/73 by Lord O'Hagan to the Commission of the European Communities
Subject: Transfer of capital by migrant workers
C 106, 6.12.1973

Written Question 282/73 by Mr Müller to the Commission of the European Communities
Subject: Importance of a European ruling on safety regulations of a technical nature for oil pipelines
C 106, 6.12.1973

Written Question 283/73 by Mr Müller to the Commission of the European Communities
Subject: Preparation of comparative documentation for use in the further development of Community measures for protection of the environment
C 106, 6.12.1973

Written Question 285/73 by Mr Müller to the Commission of the European Communities

Subject: Marking of Commission proposals to indicate their environmental relevance
C 106, 6.12.1973

Written Question 288/73 by Mr Cousté to the Commission of the European Communities
Subject: Principles on which contracts drawn up by the European Investment Bank are based
C 106, 6.12.1973

Written Question 289/73 by Mr Taverne to the Commission of the European Communities
Subject: Recommendations of the Vedel Committee
C 106, 6.12.1973

Written Question 294/73 by Mr van der Hek to the Commission of the European Communities
Subject: Community policy towards the developing countries
C 106, 6.12.1973

Written Question 296/73 by Mr Van der Hek to the Commission of the European Communities
Subject: Livestock situation in Africa's drought-stricken areas
C 106, 6.12.1973

Written Question 306/73 by Mr Patijn to the Commission of the European Communities
Subject: Mutual recognition of diplomas in the European Community
C 106, 6.12.1973

Written Question 310/73 by Mr Cousté to the Commission of the European Communities
Subject: The monetary situation
C 106, 6.12.1973

Written Question 320/73 by Mr Bousch to the Commission of the European Communities
Subject: Consequences of exchange rate fluctuations in Community frontier areas
C 106, 6.12.1973

Written Question 327/73 by Mr Seefeld to the Commission of the European Communities
Subject: Introduction of automatic coupling for railways
C 106, 6.12.1973

Written Question 337/73 by Mr Jahn to the Commission of the European Communities
Subject: Obstacles to the movement of poultrymeat within the Community
C 106, 6.12.1973

Written Question 606/72 by Mr Vredeling to the Commission of the European Communities

Subject: Working and living conditions of three million foreign workers in the Federal Republic of Germany
C 110, 13.12.1973

Written Question 677/72 by Lord O'Hagan to the Council of the European Communities
Subject: The European Parliament and the French Radio and Television Service (ORTF)
C 110, 13.12.1973

Written Question 21/73 by Lord O'Hagan to the Commission of the European Communities
Subject: Lead in petrol
C 110, 13.12.1973

Written Question 136/73 by Sir Tufton Beamish to the Commission of the European Communities
Subject: Unsold butter stocks
C 110, 13.12.1973

Written Question 143/73 by Mr Duval to the Commission of the European Communities
Subject: Situation in respect of fruit and vegetables from the French overseas departments *vis-a-vis* duty-free imports from the AASM
C 110, 13.12.1973

Written Question 182/73 by Mr Jahn to the Commission of the European Communities
Subject: Textiles agreement between the Community and Hong Kong
C 110, 13.12.1973

Written Question 190/73 by Sir Douglas Dodds-Parker to the Commission of the European Communities
Subject: Controls by wine producing countries
C 110, 13.12.1973

Written Question 193/73 by Lord O'Hagan to the Commission of the European Communities
Subject: Governors of Central Banks
C 110, 13.12.1973

Written Question 194/73 by Lord O'Hagan to the Council of the European Communities
Subject: Governors of Central Banks
C 110, 13.12.1973

Written Question 202/73 by Lord O'Hagan to the Commission of the European Communities
Subject: Cruelty to animals on French-Italian border
C 110, 13.12.1973

Written Question 214/73 by Lord O'Hagan to the Commission of the European Communities
Subject: Re-employment of former officials
C 110, 13.12.1973

Written Question 216/73 by Mr Houdet and Mr Brégère to the Commission of the European Communities
Subject: European shortage of the 'raw' proteins—particularly vegetable proteins—used for animal feed purposes
C 110, 13.12.1973

Written Question 218/73 by Mr Bro to the Commission of the European Communities
Subject: Improvement of possibilities for young people to study within the Communities
C 110, 13.12.1973

Written Question 220/73 by Mr Patijn and Mr Wieldraaijer to the Commission of the European Communities
Subject: Dutch contributions to the European Communities' Budget for 1973
C 110, 13.12.1973

Written Question 224/73 by Mr Fellermaier to the Commission of the European Communities
Subject: Additional national measures on the basis of Community regulations for the prevention of irregularities in market organizations for agricultural products
C 110, 13.12.1973

Written Question 229/73 by Mr Wieldraaijer to the Commission of the European Communities
Subject: Postponement of the Social Conference to be organized by the European Communities
C 110, 13.12.1973

Written Question 231/73 by Mr Seefeld to the Commission of the European Communities
Subject: Classification of engineers
C 110, 13.12.1973

Written Question 253/73 by Mr Girardin to the Commission of the European Communities
Subject: Discrimination against the Italian language within the European Communities
C 110, 13.12.1973

Written Question 254/73 by Mr Schuijt to the Commission of the European Communities
Subject: Livestock population of the six drought-stricken Associated States
C 110, 13.12.1973

Written Question 264/73 by Lord O'Hagan to the Commission of the European Communities
Subject: Management Committees
C 110, 13.12.1973

Written Question 269/73 by Mr Cousté to the Commission of the European Communities
Subject: Characteristics of the Treaty between the Caribbean countries and their participation in the renewal of the Yaoundé Convention
C 110, 13.12.1973

Written Question 273/73 by Lord O'Hagan to the Commission of the European Communities
Subject: Social security for migrant workers
C 110, 13.12.1973

Written Question 281/73 by Mr Vals and Mr Della Briotta to the Council of the European Communities
Subject: French interference in the internal affairs of Chad
C 110, 13.12.1973

Written Question 287/73 by Mr Spénales to the Council of the European Communities
Subject: Budgetary correctness of butter exports to the USSR
C 110, 13.12.1973

Written Question 290/73 by Mr Taverne to the Commission of the European Communities
Subject: Massacres committed by Portuguese troops in Mozambique and Angola
C 110, 13.12.1973

Written Question 298/73 by Mr Taverne to the Council of the European Communities
Subject: Damaging statements by the French Minister for Agriculture
C 110, 13.12.1973

Written Question 304/73 by Mr Jahn to the Council of the European Communities
Subject: Independence of the Members of the Commission of the European Communities
C 110, 13.12.1973

Written Question 301/73 by Mr Willi Müller to the Commission of the European Communities
Subject: Reduction of pollutants in motor-vehicle exhaust gases
C 110, 13.12.1973

Written Question 305/73 by Mr Laban to the Commission of the European Communities
Subject: Importation of meat from the People's Republic of China
C 110, 13.12.1973

Written Question 308/73 by Mr Früh to the Commission of the European Communities
Subject: Price differences on the cattle market in Italy
C 110, 13.12.1973

Written Question 309/73 by Mr Van der Hek to the Commission of the European Communities
Subject: European development cooperation
C 110, 13.12.1973

Written Question 311/73 by Mr Eisma to the Commission of the European Communities
Subject: Articles intended for consumption by diabetics
C 110, 13.12.1973

Written Question 312/73 by Mr Eisma to the Commission of the European Communities
Subject: Flammability of clothing
C 110, 13.12.1973

Written Question 316/73 by Mrs Caretoni Romagnoli to the Commission of the European Communities
Subject: Equal pay for men and women
C 110, 13.12.1973

Written Question 322/73 by Lord O'Hagan to the Council of the European Communities
Subject: Migrant birds
C 110, 13.12.1973

Written Question 323/73 by Mr Bro to the Council of the European Communities
Subject: Regional problems facing small islands
C 110, 13.12.1973

Written Question 329/73 by Mr Willi Müller to the Commission of the European Communities
Subject: Member States' technological and research plans
C 110, 13.12.1973

Written Question 334/73 by Lord O'Hagan to the Council of the European Communities
Subject: Failure of Council to meet a deadline in Paris
Communiqué of Heads of State or Government
C 110, 13.12.1973

Written Question 335/73 by Lord O'Hagan to the Council of the European Communities
Subject: Progress of Economic and Monetary Union
C 110, 13.12.1973

Written Question 336/73 by Mrs Walz to the Council of the European Communities
Subject: European medium-range weather forecasting centre
C 110, 13.12.1973

Written Question 341/73 by Mr Willi Müller to the Commission of the European Communities
Subject: Uniform quality standards for drinking water
C 110, 13.12.1973

Written Question 342/73 by Mr Willi Müller to the Commission of the European Communities
Subject: Disposal of pressure vessels
C 110, 13.12.1973

Written Question 349/73 by Mr Kater and Mr Willi Müller to the Commission of the European Communities

Subject: Marketing tie-ups between French perfume manufacturers
C 110, 13.12.1973

Written Question 350/73 by Mr Seefeld to the Commission of the European Communities
Subject: Community seaports
C 110, 13.12.1973

Written Question 353/73 by Mr Antoniozzi to the Commission of the European Communities
Subject: Regional policy
C 110, 13.12.1973

Written Question 367/73 by Lord O'Hagan to the Commission of the European Communities
Subject: Assistance to Amnesty International
C 110, 13.12.1973

Written Question 369/73 by Mr Laban to the Commission of the European Communities
Subject: Tightening of rules governing imports of poultry for slaughter into the German Federal Republic
C 110, 13.12.1973

Written Question 378/73 by Lord O'Hagan to the Commission of the European Communities
Subject: Possibility of Renegotiating the Treaty of Accession of the UK
C 110, 13.12.1973

Written Question 380/73 by Lord O'Hagan to the Commission of the European Communities
Subject: Cooperation of the Commission with national Parliaments
C 110, 13.12.1973

Written Question 381/73 by Lord O'Hagan to the Commission of the European Communities
Subject: Statement on action taken by the Commission on texts adopted by the Parliament
C 110, 13.12.1973

Written Question 408/73 by Mr Schuijt to the Commission of the European Communities
Subject: Assignment of responsibility for information policy to a single member of the Commission
C 110, 13.12.1973

Written Question 333/72 by Mr Berkhouwer to the Commission of the European Communities
Subject: Coordination of special measures concerning the movement and residence of foreign nationals
C 111, 18.12.1973

Written Question 225/73 by Mr Taverne to the Commission of the European Communities
Subject: Xenophobia and racialism in the Community
C 111, 18.12.1973

Written Question 303/73 by Mr Jahn to the Council of the European Communities
 Subject: Economic Assistance (COMECON) to negotiate with the Communities
 C 111, 18.12.1973

Written Question 314/73 by Mr Seefeld to the Commission of the European Communities
 Subject: International Conference on Maritime Law in Santiago de Chile
 C 111, 18.12.1973

Written Question 352/73 by Mr Antoniozzi to the Commission of the European Communities
 Subject: European Investment Bank
 C 111, 18.12.1973

Written Question 356/73 by Mr Antoniozzi to the Commission of the European Communities
 Subject: Information on the European Agricultural Guidance and Guarantee Fund
 C 111, 18.12.1973

Written Question 362/73 by Mr Jahn to the Commission of the European Communities
 Subject: Delayed consultation of the European Parliament on the Communities' programme of action for protection of the environment
 C 111, 18.12.1973

Written Question 366/73 by Mr Seefeld to the Commission of the European Communities
 Subject: Customs regulations on carrying foreign currency
 C 111, 18.12.1973

Written Question 241/73 by Mr Dewulf to the Council of the European Communities
 Subject: World Sugar Agreement
 C 114, 27.12.1973

Written Question 252/73 by Mr Van der Hek to the Council of the European Communities
 Subject: Generalized Preferences System
 C 114, 27.12.1973

Written Question 257/73 by Mr Fellermaier to the Commission of the European Communities
 Subject: Application of Article 115 of the EEC Treaty to the energy industry
 C 114, 27.12.1973

Written Question 295/73 by Mr Cousté to the Council of the European Communities
 Subject: Economic and monetary union in the field of taxation
 C 114, 27.12.1973

Written Question 307/73 by Mr Patijn to the Council of the European Communities
 Subject: Exploratory talks between COMECON and the European Community on questions of trade policy
 C 114, 27.12.1973

Written Question 313/73 by Mr Eisma to the Commission of the European Communities
 Subject: Safety regulations for nuclear materials and installations
 C 114, 27.12.1973

Written Question 330/73 by Mr Flämig to the Commission of the European Communities
 Subject: Position in the petroleum sector
 C 114, 27.12.1973

Written Question 347/73 by Mr Bro to the Council of the European Communities
 Subject: Public access to administrative records
 C 114, 27.12.1973

Written Question 351/73 by Mr Antoniozzi to the Commission of the European Communities
 Subject: Regional policy
 C 114, 27.12.1973

Written Question 361/73 by Mr Lagorce to the Council of the European Communities
 Subject: Customs controls and the free movement of ideas and persons within the Community
 C 114, 27.12.1973

Written Question 363/73 by Mr Jahn to the Commission of the European Communities
 Subject: Practical use of scientific knowledge and newly developed processes in the field of environmental protection
 C 114, 27.12.1973

Written Question 364/73 by Mr Jahn to the Council of the European Communities
 Subject: Double taxation of imported goods sent in small parcels to private individuals
 C 114, 27.12.1973

Written Question 370/73 by Mr Laban to the Council of the European Communities
 Subject: Meeting of the Council in Tokyo
 C 114, 27.12.1973

Written Question 379/73 by Lord O'Hagan to the Council of the European Communities
 Subject: Possibility of renegotiating the Treaty of Accession of the United Kingdom
 C 114, 27.12.1973

Written Question 394/73 by Lord O'Hagan to the Council of the European Communities
Subject: Social Policy of the EEC
C 114, 27.12.1973

Written Question 395/73 by Lord O'Hagan to the Council of the European Communities
Subject: Reduction in Draft Community Budget of 1974
C 114, 27.12.1973

Written Question 475/73 by Mr Leonardi to the Commission of the European Communities
Subject: Presentation of the Community's economic situation in EIB annual reports
C 114, 27.12.1973

Written Question 477/73 by Mr Pounder to the Commission of the European Communities
Subject: Transport of dangerous materials
C 114, 27.12.1973

Written Question 479/73 by Lord Reay to the Commission of the European Communities
Subject: Financing of the Communities global Development Policy
C 114, 27.12.1973

Written Question 480/73 by Mr Seefeld to the Commission of the European Communities
Subject: Production of non-polluting petrol in the Community
C 114, 27.12.1973

Written Question 481/73 by Mr Kater to the Commission of the European Communities
Subject: Increased production of non-polluting petrol
C 114, 27.12.1973

Written Question 482/73 by Mr Willi Müller to the Commission of the European Communities
Subject: Political effects on the non-polluting petrol production sector
C 114, 27.12.1973

Answer to Written Question 480, 481 and 482 by Messrs Seefeld, Kater and Müller
C 114, 27.12.1973

Written Question 64/73 by Mr Johnston to the Commission of the European Communities
Subject: Reciprocal arrangements for the collection of maintenance payments
C 116, 29.12.1973

Written Question 169/73 by Mr Cousté to the Commission of the European Communities
Subject: Charges equivalent to taxes
C 116, 29.12.1973

Written Question 262/73 by Mr Cousté to the Commission of the European Communities
Subject: USSR/France-Italy gas pipeline project
C 116, 29.12.1973

Written Question 263/73 by Mr Cousté to the Commission of the European Communities
Subject: Aid to the countries of the Third World affected by drought
C 116, 29.12.1973

Written Question 266/73 by Mr Cousté to the Commission of the European Communities
Subject: Countries participating in the breeder reactor construction programme and the state of studies in the Soviet Union and Japan
C 116, 29.12.1973

Written Question 284/73 by Mr Willi Müller to the Commission of the European Communities
Subject: Introduction of a system of plebiscites on environmental problems
C 116, 29.12.1973

Written Question 286/73 by Mr Spénale to the Commission of the European Communities
Subject: Budgetary correctness of butter exports to the USSR
C 116, 29.12.1973

Written Question 293/73 by Mr Spénale to the Council of the European Communities
Subject: Petroleum crisis and position of independent undertakings
C 116, 29.12.1973

Written Question 321/73 by Lord O'Hagan to the Commission of the European Communities
Subject: Migrant birds
C 116, 29.12.1973

Written Question 348/73 by Mr Kater and Mr Willi Müller to the Commission of the European Communities
Subject: Standardization of basic and advanced managerial training
C 116, 29.12.1973

Written Question 354/73 by Mr Antoniozzi to the Commission of the European Communities
Subject: Radio and television programmes on the European institutions in EEC Member States
C 116, 29.12.1973

Written Question 358/73 by Mr Cousté to the Commission of the European Communities
Subject: Abolition of the American Selling Price system
C 116, 29.12.1973

Written Question 374/73 by Mr Bluménfeld to the Commission of the European Communities
 Subject: Survey of general, professional and vocational education
 C 116, 29.12.1973

Written Question 376/73 by Mr Vals to the Commission of the European Communities
 Subject: Selling price of telephonic equipment
 C 116, 29.12.1973

Written Question 382/73 by Lord O'Hagan to the Commission of the European Communities
 Subject: Information Bureau of the EEC—Santiago, Chile
 C 116, 29.12.1973

Written Question 384/73 by Mr Cousté to the Commission of the European Communities
 Subject: Direct investment by the Federal Republic of Germany in France and vice versa
 C 116, 29.12.1973

Written Question 388/73 by Mr Vals to the Commission of the European Communities
 Subject: The Commission's Information Office in Chile
 C 116, 29.12.1973

Written Question 402/73 by Mr Kater and Mr Willi Müller to the Commission of the European Communities
 Subject: Consumer product testing
 C 116, 29.12.1973

Written Question 412/73 by Mr Willi Müller and Mr Kater to the Commission of the European Communities
 Subject: The Commission's public relations activities
 C 116, 29.12.1973

Written Question 417/73 by Mr Johnston to the Commission of the European Communities
 Subject: EDF expenditure in the Six for 1969, 1970, 1971 and 1972
 C 116, 29.12.1973

Written Question 463/73 by Lord O'Hagan to the Council of the European Communities
 Subject: Meetings of the Council of Social Affairs Ministers
 C 116, 29.12.1973

Written Question 478/73 by Mr James Hill to the Commission of the European Communities
 Subject: Community Research Centre on Road Safety
 C 116, 29.12.1973

Council and Commission

Regulations

Regulation (EEC) 3236/73 of the Commission of 30 November 1973 fixing the import levies on cereals and on wheat or rye flour, groats and meal
 L 331, 1.12.1973

Regulation (EEC) 3237/73 of the Commission of 30 November 1973 fixing the premiums to be added to the import levies on cereals, flour and malt
 L 331, 1.12.1973

Regulation (EEC) 3238/73 of the Commission of 30 November 1973 altering the corrective amount applicable to the refund on cereals
 L 331, 1.12.1973

Regulation (EEC) 3239/73 of the Commission of 28 November 1973 fixing the import levies on products processed from cereals and rice
 L 331, 1.12.1973

Regulation (EEC) 3240/73 of the Commission of 28 November 1973 fixing the import levies on compound feedingstuffs
 L 331, 1.12.1973

Regulation (EEC) 3241/73 of the Commission of 30 November 1973 fixing the export refunds on products processed from cereals and rice
 L 331, 1.12.1973

Regulation (EEC) 3242/73 of the Commission of 30 November 1973 fixing the export funds on cereal-based compound feedingstuffs
 L 331, 1.12.1973

Regulation (EEC) 3243/73 of the Commission of 30 November 1973 fixing the import levies on white sugar and raw sugar
 L 331, 1.12.1973

Regulation (EEC) 3244/73 of the Commission of 30 November 1973 fixing the rates of the refunds applicable from 1 December 1973 to certain cereals and rice products exported in the form of goods not covered by Annex II to the Treaty
 L 331, 1.12.1973

Regulation (EEC) 3245/73 of the Commission of 30 November 1973 fixing the basic amount of the import levy on syrups and certain other sugar products
 L 331, 1.12.1973

Regulation (EEC) 3246/73 of the Commission of 30 November 1973 fixing the export refunds on molasses, syrups and certain other sugar products exported in the natural state
L 331, 1.12.1973

Regulation (EEC) 3247/73 of the Commission of 30 November 1973 fixing the export levies on starch products
L 331, 1.12.1973

Regulation (EEC) 3248/73 of the Commission of 30 November 1973 fixing compensatory amounts in the beef and veal sector
L 331, 1.12.1973

Regulation (EEC) 3249/73 of the Commission of 30 November 1973 fixing the amounts applicable as compensatory amounts for cereals and rice
L 331, 1.12.1973

Regulation (EEC) 3250/73 of the Commission of 30 November 1973 fixing the amount of the subsidy on oil seeds
L 331, 1.12.1973

Regulation (EEC) 3251/73 of the Commission of 30 November 1973 determining the world market price for colza and rape seed
L 331, 1.12.1973

Regulation (EEC) 3252/73 of the Commission of 29 November 1973 fixing the rates of the refunds applicable from 1 December 1973 to certain milk products exported in the form of goods not covered by Annex II to the Treaty
L 331, 1.12.1973

Regulation (EEC) 3253/73 of the Commission of 30 November 1973 fixing the export refund on oil seeds
L 331, 1.12.1973

Regulation (EEC) 3254/73 of the Commission of 30 November 1973 fixing the export refund on olive oil
L 331, 1.12.1973

Regulation (EEC) 3255/73 of the Commission of 30 November 1973 fixing the import levies on olive oil
L 331, 1.12.1973

Regulation (EEC) 3256/73 of the Commission of 30 November 1973 fixing the export levies on olive oil
L 331, 1.12.1973

Regulation (EEC) 3257/73 of the Commission of 29 November 1973 amending Regulation (EEC) 1463/73 laying down detailed rules for the application of monetary compensatory amounts
L 331, 1.12.1973

Regulation (EEC) 3258/73 of the Commission of 30 November 1973 fixing the basic amount of the import levy on syrups and certain other sugar products
L 331, 1.12.1973

Regulation (EEC) 3259/73 of the Commission of 30 November 1973 altering the monetary compensatory amounts for milk and milk products
L 332, 3.12.1973

Regulation (EEC) 3260/73 of the Council of 6 November 1973 on the conclusion of the Trade Agreement between the European Economic Community and the Eastern Republic of Uruguay
L 333, 4.12.1973

— Trade Agreement between the European Economic Community and the Eastern Republic of Uruguay
L 333, 4.12.1973

Regulation (EEC) 3261/73 of the Commission of 3 December 1973 fixing the import levies on cereals and on wheat or rye flour, groats and meal
L 333, 4.12.1973

Regulation (EEC) 3262/73 of the Commission of 3 December 1973 fixing the premiums to be added to the import levies on cereals, flour and malt
L 333, 4.12.1973

Regulation (EEC) 3263/73 of the Commission of 3 December 1973 altering the corrective amount applicable to the refund on cereals
L 333, 4.12.1973

Regulation (EEC) 3264/73 of the Commission of 3 December 1973 fixing the import levies on white sugar and raw sugar
L 333, 4.12.1973

Regulation (EEC) 3265/73 of the Commission of 30 November 1973 opening an invitation to tender for the mobilization of grain sorghum, maize and common wheat as food aid for the Republic of Chad
L 333, 4.12.1973

Regulation (EEC) 3266/73 of the Commission of 3 December 1973 fixing for the 1972/73 sugar marketing year the amount of the production levy and the amount to be paid by sugar manufacturers to beet sellers
L 333, 4.12.1973

Regulation (EEC) 3267/73 of the Council of 3 December 1973 extending the period of validity of Regulation (EEC) 2716/72 laying down general rules for measures to increase the use of butter by certain classes of consumers
L 334, 5.12.1973

Regulation (EEC) 3268/73 of the Commission of 4 December 1973 fixing the import levies on cereals and on wheat or rye flour, groats and meal
L 334, 5.12.1973

Regulation (EEC) 3269/73 of the Commission of 4 December 1973 fixing the premiums to be added to the import levies on cereals, flour and malt
L 334, 5.12.1973

Regulation (EEC) 3270/73 of the Commission of 4 December 1973 altering the corrective amount applicable to the refund on cereals
L 334, 5.12.1973

Regulation (EEC) 3271/73 of the Commission of 4 December 1973 fixing the import levies on white sugar and raw sugar
L 334, 5.12.1973

Regulation (EEC) 3272/73 of the Commission of 4 December 1973 fixing the average producer prices for wine
L 334, 5.12.1973

Regulation (EEC) 3273/73 of the Commission of 4 December 1973 fixing the special import levy on olive oil
L 334, 5.12.1973

Information concerning the date of entry into force of the Agreement between the European Economic Community and the Swiss Confederation on the application of the Community transit Regulations
L 334, 5.12.1973

Information concerning the date of entry into force of the Agreement between the European Economic Community and Finland
L 334, 5.12.1973

Regulation (EEC) 3274/73 of the Commission of 5 December 1973 fixing the import levies on cereals and on wheat or rye flour, groats and meal
L 337, 6.12.1973

Regulation (EEC) 3275/73 of the Commission of 5 December 1973 fixing the premiums to be added to the import levies on cereals, flour and malt
L 337, 6.12.1973

Regulation (EEC) 3276/73 of the Commission of 5 December 1973 altering the corrective amount applicable to the refund on cereals
L 337, 6.12.1973

Regulation (EEC) 3277/73 of the Commission of 5 December 1973 fixing the import levies on white sugar and raw sugar
L 337, 6.12.1973

Regulation (EEC) 3278/73 of the Commission of 5 December 1973 fixing the import levy on molasses
L 337, 6.12.1973

Regulation (EEC) 3279/73 of the Commission of 5 December 1973 fixing the refunds on white sugar and raw sugar exported in the natural state
L 337, 6.12.1973

Regulation (EEC) 3280/73 of the Commission of 5 December 1973 introducing a system for the advance fixing of 'accession' compensatory amounts and laying down detailed rules for its application in respect of cereals and rice products
L 337, 6.12.1973

Regulation (EEC) 3281/73 of the Commission of 5 December 1973 on an invitation to tender for the export levy for common wheat
L 337, 6.12.1973

Regulation (EEC) 3282/73 of the Commission of 5 December 1973 defining the terms 'coupage' and 'the turning into wine'
L 337, 6.12.1973

Regulation (EEC) 3283/73 of the Commission of 5 December 1973 fixing the basic amount of the import levy on syrups and certain other sugar products
L 337, 6.12.1973

Regulation (EEC) 3284/73 of the Commission of 5 December 1973 altering the amount of the subsidy on colza and rape seed
L 337, 6.12.1973

Regulation (EEC) 3285/73 of the Commission of 5 December 1973 determining the world market price for colza and rape seed
L 337, 6.12.1973

Regulation (EEC) 3286/73 of the Commission of 5 December 1973 amending the export levies on cereals
L 337, 6.12.1973

Regulation (EEC) 3287/73 of the Council of 3 December 1973 amending Regulation (EEC) 610/72 on the application of the provisions adopted within the framework of the Association established between the European Economic Community and Greece relating to the movement of goods in the manufacture of which are used products which come from third countries and are not in free circulation either in the Community or in Greece
L 338, 7.12.1973

Regulation (EEC) 3288/73 of the Council of 3 December 1973 on the safeguard measures provided for in the

Agreement between the European Economic Community and the Republic of Finland
L 338, 7.12.1973

Regulation (EEC) 3289/73 of the Commission of 6 December 1973 fixing the import levies on cereals and on wheat or rye flour, groats and meal
L 338, 7.12.1973

Regulation (EEC) 3290/73 of the Commission of 6 December 1973 fixing the premiums to be added to the import levies on cereals, flour and malt
L 338, 7.12.1973

Regulation (EEC) 3291/73 of the Commission of 6 December 1973 fixing the corrective amount applicable to the refund on cereals
L 338, 7.12.1973

Regulation (EEC) 3292/73 of the Commission of 6 December 1973 fixing the refunds applicable to cereals and wheat or rye flour, groats and meal
L 338, 7.12.1973

Regulation (EEC) 3293/73 of the Commission of 6 December 1973 fixing the levies on rice and broken rice
L 338, 7.12.1973

Regulation (EEC) 3294/73 of the Commission of 6 December 1973 fixing the premiums to be added to the levies on rice and broken rice
L 338, 7.12.1973

Regulation (EEC) 3295/73 of the Commission of 6 December 1973 fixing the export refunds on rice and broken rice
L 338, 7.12.1973

Regulation (EEC) 3296/73 of the Commission of 6 December 1973 fixing the corrective amount applicable to the refund on rice and broken rice
L 338, 7.12.1973

Regulation (EEC) 3297/73 of the Commission of 6 December 1973 fixing the import levies on white sugar and raw sugar
L 338, 7.12.1973

Regulation (EEC) 3298/73 of the Commission of 6 December 1973 fixing the import levies on calves and adult bovine animals and on beef and veal other than frozen
L 338, 7.12.1973

Regulation (EEC) 3299/73 of the Commission of 6 December 1973 fixing the export levies on cereals
L 338, 7.12.1973

Regulation (EEC) 3300/73 of the Commission of 6 December 1973 fixing the export levies on rice
L 338, 7.12.1973

Regulation (EEC) 3301/73 of the Commission of 6 December 1973 amending Regulation (EEC) 2637/70 on the establishment of a common organization of the market in oils and fats as regards the duration of validity of import licences with advance fixing in the olive oil market
L 338, 7.12.1973

Regulation (EEC) 3302/73 of the Commission of 6 December 1973 amending Regulation (EEC) 193/70 establishing the procedure for giving effect to measures to promote the marketing of oranges and mandarins in the Community
L 338, 7.12.1973

Regulation (EEC) 3303/73 of the Commission of 6 December 1973 fixing the reference prices for sweet oranges for the 1973/74 marketing year
L 338, 7.12.1973

Regulation (EEC) 3304/73 of the Commission of 6 December 1973 derogating to Regulation (EEC) 1437/70 on storage contracts for table wine
L 338, 7.12.1973

Regulation (EEC) 3305/73 of the Commission of 6 December 1973 on the grant of private storage aids for certain wine-growing areas
L 338, 7.12.1973

Regulation (EEC) 3306/73 of the Commission of 6 December 1973 amending the amounts applicable as compensatory amounts for cereals and rice
L 338, 7.12.1973

Regulation (EEC) 3307/73 of the Commission of 7 December 1973 fixing the import levies on cereals and on wheat or rye flour, groats and meal
L 339, 8.12.1973

Regulation (EEC) 3308/73 of the Commission of 7 December 1973 fixing the premiums to be added to the import levies on cereals, flour and malt
L 339, 8.12.1973

Regulation (EEC) 3309/73 of the Commission of 7 December 1973 altering the corrective amount applicable to the refund on cereals
L 339, 8.12.1973

Regulation (EEC) 3310/73 of the Commission of 7 December 1973 fixing the import levies on white sugar and raw sugar
L 339, 8.12.1973

Regulation (EEC) 3310/73 of the Commission of 7 December 1973 fixing the import levies on white sugar and raw sugar
L 339, 8.12.1973

Regulation (EEC) 3311/73 of the Commission of 7 December 1973 fixing the export levies on starch products
L 339, 8.12.1973

Regulation (EEC) 3312/73 of the Commission of 7 December 1973 fixing the amount of the subsidy on oil seeds
L 339, 8.12.1973

Regulation (EEC) 3313/73 of the Commission of 7 December 1973 determining the world market price for colza and rape seed
L 339, 8.12.1973

Regulation (EEC) 3314/73 of the Commission of 7 December 1973 fixing the export levies on olive oil
L 339, 8.12.1973

Regulation (EEC) 3315/73 of the Commission of 6 December 1973 re-establishing Common Customs Tariff duties on sheep- and lamb-skin leather, falling within subheading 41.03 B II, originating in developing countries to which the preferential tariff arrangements set out in Council Regulation (EEC) 2762/72 of 19 December 1972 apply
L 339, 8.12.1973

Regulation (EEC) 3316/73 of the Commission of 6 December 1973 re-establishing Common Customs Tariff duties on reconstituted wood, being wood shavings, falling within heading 44.18, originating in Yugoslavia, to which the preferential tariff arrangements set out in Council Regulation (EEC) 2762/72 of 19 December 1972 apply
L 339, 8.12.1973

Regulation (EEC) 3317/73 of the Commission of 6 December 1973 re-establishing Common Customs Tariff duties on other articles of iron or steel, falling within heading 73.40, originating in Yugoslavia, to which the preferential tariff arrangements set out in Council Regulation (EEC) 2762/72 of 19 December 1972 apply
L 339, 8.12.1973

Regulation (EEC) 3318/73 of the Commission of 6 December 1973 re-establishing Common Customs Tariff duties on women's, girls' and infants' outer garments, falling within heading ex 61.02, originating in developing countries to which the preferential tariff arrangements set out in Council Regulation (EEC) 2629/73 of 26 September 1973 apply
L 339, 8.12.1973

Regulation (EEC) 3319/73 of the Commission of 6 December 1973 re-establishing Common Customs Tariff duties on handkerchiefs, of cotton, falling within heading ex 61.05, originating in South Korea, to which the preferential tariff arrangements set out in Council Regulation (EEC) 2629/73 of 26 September 1973 apply
L 339, 8.12.1973

Regulation (EEC) 3320/70 of the Commission of 7 December 1973 opening an invitation to tender for the mobilization of common wheat flour as aid for the Republic of Sri Lanka
L 339, 8.12.1973

Regulation (EEC) 3321/73 of the Commission of 7 December 1973 altering the monetary compensatory amounts for products to which Commission Regulation (EEC) 1059/69 relates
L 339, 8.12.1973

Regulation (EEC) 3322/73 of the Commission of 7 December 1973 fixing the basic amount of the import levy on syrups and certain other sugar products
L 339, 8.12.1973

Regulation (EEC) 3323/73 of the Commission of 7 December 1973 altering the special export levy on white sugar and raw sugar
L 339, 8.12.1973

Regulation (EEC) 3324/73 of the Commission of 10 December 1973 fixing the import levies on cereals and on wheat or rye flour, groats and meal
L 340, 11.12.1973

Regulation (EEC) 3325/73 of the Commission of 10 December 1973 fixing the premiums to be added to the import levies on cereals, flour and malt
L 340, 11.12.1973

Regulation (EEC) 3326/73 of the Commission of 10 December 1973 altering the corrective amount applicable to the refund on cereals
L 340, 11.12.1973

Regulation (EEC) 3327/73 of the Commission of 10 December 1973 fixing the import levies on white sugar and raw sugar
L 340, 11.12.1973

Regulation (EEC) 3328/73 of the Commission of 10 December 1973 fixing the basic amount of the import levy on syrups and certain other sugar products
L 340, 11.12.1973

Regulation (EEC) 3329/73 of the Commission of 10 December 1973 altering the export levies on cereals
L 340, 11.12.1973

Regulation (EEC) 3330/73 of the Commission of 11 December 1973 fixing the import levies on cereals and on wheat or rye flour, groats and meal
L 341, 12.12.1973

Regulation (EEC) 3331/73 of the Commission of 11 December 1973 fixing the premiums to be added to the import levies on cereals, flour and malt
L 341, 12.12.1973

Regulation (EEC) 3332/73 of the Commission of 11 December 1973 altering the corrective amount applicable to the refund on cereals
L 341, 12.12.1973

Regulation (EEC) 3333/73 of the Commission of 11 December 1973 fixing the import levies on white sugar and raw sugar
L 341, 12.12.1973

Regulation (EEC) 3334/73 of the Commission of 11 December 1973 fixing the average producer prices for wine
L 341, 12.12.1973

Regulation (EEC) 3335/73 of the Commission of 10 December 1973 on the movement of goods obtained in the Community under a procedure for the suspension or drawback of customs duties or other import charges
L 341, 12.12.1973

Regulation (EEC) 3336/73 of the Commission of 11 December 1973 fixing the basic amount of the import levy on syrups and certain other sugar products
L 341, 12.12.1973

Regulation (EEC) 3337/73 of the Commission of 11 December 1973 altering the export levies on cereals
L 341, 12.12.1973

Regulation (EEC) 3338/73 of the Commission of 11 December 1973 altering the export refund on products processed from cereals and rice
L 341, 12.12.1973

Regulation (EEC) 3339/73 of the Council of 11 December 1973 fixing the activating prices for table wines for the period from 16 December 1973 to 15 December 1974
L 342, 13.12.1973

Regulation (EEC) 3340/73 of the Commission of 12 December 1973 fixing the import levies on cereals and on wheat or rye flour, groats and meal
L 342, 13.12.1973

Regulation (EEC) 3341/73 of the Commission of 12 December 1973 fixing the premiums to be added to the import levies on cereals, flour and malt
L 342, 13.12.1973

Regulation (EEC) 3342/73 of the Commission of 12 December 1973 altering the corrective amount applicable to the refund on cereals
L 342, 13.12.1973

Regulation (EEC) 3343/73 of the Commission of 12 December 1973 fixing the import levies on white sugar and raw sugar
L 342, 13.12.1973

Regulation (EEC) 3344/73 of the Commission of 12 December 1973 fixing the import levy on molasses
L 342, 13.12.1973

Regulation (EEC) 3345/73 of the Commission of 11 December 1973 establishing the standard average values for the valuation of imported citrus fruits
L 342, 13.12.1973

Regulation (EEC) 3346/73 of the Commission of 12 December 1973 fixing additional amounts for egg products
L 342, 13.12.1973

Regulation (EEC) 3347/73 of the Commission of 12 December 1973 fixing additional amounts for live and slaughtered poultry
L 342, 13.12.1973

Regulation (EEC) 3348/73 of the Commission of 12 December 1973 concerning the levying of a tax on the exportation of certain goods covered by Regulation (EEC) 1059/69
L 342, 13.12.1973

Regulation (EEC) 3349/73 of the Commission of 12 December 1973 extending Regulation (EEC) 368/73 as regards the standard method of denaturing common wheat in Ireland and the United Kingdom
L 342, 13.12.1973

Regulation (EEC) 3350/73 of the Commission of 12 December 1973 amending the amounts applicable as compensatory amounts for cereals and rice
L 342, 13.12.1973

Regulation (EEC) 3351/73 of the Commission of 12 December 1973 altering the export levies on cereals
L 342, 13.12.1973

Regulation (EEC) 3359/73 of the Commission of 13 December 1973 fixing the import levies on cereals and on wheat or rye flour, groats and meal
L 344, 14.12.1973

Regulation (EEC) 3360/73 of the Commission of 13 December 1973 fixing the premiums to be added to the import levies on cereals, flour and malt
L 344, 14.12.1973

Regulation (EEC) 3361/73 of the Commission of 13 December 1973 fixing the corrective amount applicable to the refund on cereals
L 344, 14.12.1973

Regulation (EEC) 3362/73 of the Commission of 13 December 1973 fixing the refunds applicable to cereals and wheat or rye flour, groats and meal
L 344, 14.12.1973

Regulation (EEC) 3363/73 of the Commission of 13 December 1973 fixing the levies on rice and broken rice
L 344, 14.12.1973

Regulation (EEC) 3364/73 of the Commission of 13 December 1973 fixing the premiums to be added to the levies on rice and broken rice
L 344, 14.12.1973

Regulation (EEC) 3365/73 of the Commission of 13 December 1973 fixing the export refunds on rice and broken rice
L 344, 14.12.1973

Regulation (EEC) 3366/73 of the Commission of 13 December 1973 fixing the corrective amount applicable to the refund on rice and broken rice
L 344, 14.12.1973

Regulation (EEC) 3367/73 of the Commission of 13 December 1973 fixing the import levies on white sugar and raw sugar
L 344, 14.12.1973

Regulation (EEC) 3368/73 of the Commission of 13 December 1973 fixing the import levies on calves and adult bovine animals and on beef and veal other than frozen
L 344, 14.12.1973

Regulation (EEC) 3369/73 of the Commission of 13 December 1973 fixing the export levies on cereals
L 344, 14.12.1973

Regulation (EEC) 3370/73 of the Commission of 13 December 1973 fixing the export levies on rice
L 344, 14.12.1973

Regulation (EEC) 3371/73 of the Commission of 13 December 1973 fixing the export refunds on beef and veal for the period beginning 1 January 1974
L 344, 14.12.1973

Regulation (EEC) 3372/73 of the Commission of 13 December 1973 fixing the basic amount of the import levy on syrups and certain other sugar products
L 344, 14.12.1973

Regulation (EEC) 3373/73 of the Commission of 13 December 1973 altering the special export levy on white sugar and raw sugar
L 344, 14.12.1973

Regulation (EEC) 3374/73 of the Commission of 13 December 1973 amending the amounts applicable as compensatory amounts for cereals and rice
L 344, 14.12.1973

Regulation (EEC) 3375/73 of the Council of 10 December 1973 on the importation into the Community of certain agricultural products originating in Turkey
L 345, 15.12.1973

Regulation (EEC) 3376/73 of the Council of 10 December 1973 on the opening, allocation, and administration of a Community tariff quota for hazelnuts, falling within subheading ex 08.05 G of the Common Customs Tariff and originating in Turkey
L 345, 15.12.1973

Regulation (EEC) 3377/73 of the Commission of 14 December 1973 fixing the import levies on cereals and on wheat or rye flour, groats and meal
L 345, 15.12.1973

Regulation (EEC) 3378/73 of the Commission of 14 December 1973 fixing the premiums to be added to the imports levies on cereals, flour and malt
L 345, 15.12.1973

Regulation (EEC) 3379/73 of the Commission of 14 December 1973 altering the corrective amount applicable to the refund on cereals
L 345, 15.12.1973

Regulation (EEC) 3380/73 of the Commission of 14 December 1973 fixing the import levies on white sugar and raw sugar
L 345, 15.12.1973

Regulation (EEC) 3381/73 of the Commission of 14 December 1973 fixing the export levies on starch products
L 345, 15.12.1973

Regulation (EEC) 3382/73 of the Commission of 14 December 1973 fixing the import levies on milk and milk products
L 345, 15.12.1973

Regulation (EEC) 3383/73 of the Commission of 14 December 1973 fixing the refunds on milk and milk products exported in the natural state
L 345, 15.12.1973

Regulation (EEC) 3384/73 of the Commission of 14 December 1973 fixing the amount of the subsidy on oil seeds
L 345, 15.12.1973

Regulation (EEC) 3385/73 of the Commission of 14 December 1973 determining the world market price for colza rape seed
L 345, 15.12.1973

Regulation (EEC) 3386/73 of the Commission of 14 December 1973 fixing the export levies on olive oil
L 345, 15.12.1973

Regulation (EEC) 3387/73 of the Commission of 14 December 1973 amending Regulation (EEC) 2637/70 as regards export licences issued for products falling within subheading 04.02 B of the Common Customs Tariff
L 345, 15.12.1973

Regulation (EEC) 3388/73 of the Commission of 14 December 1973 opening an invitation to tender for the mobilization of common wheat flour as aid for the Arab Republic of Egypt
L 345, 15.12.1973

Regulation (EEC) 3389/73 of the Commission of 13 December 1973 laying down the procedure and conditions for the sale of tobacco held by intervention agencies
L 345, 15.12.1973

Regulation (EEC) 3390/73 of the Commission of 14 December 1973 increasing the Community quantitative export quotas for certain types of copper ash and residues and for certain types of copper waste and scrap
L 345, 15.12.1973

Regulation (EEC) 3352/73 of the Council of 22 November 1973 on the application of Decision 3/73, 4/73 and 5/73 of the EEC/Norway Joint Committee on customs matters
L 347, 17.12.1973

Annex

Decision 3/73 of the Joint Committee laying down the methods of administrative cooperation in the customs field for the purpose of implementing the Agreement between the European Economic Community and the Kingdom of Norway
L 347, 17.12.1973

Decision 4/73 of the Joint Committee on Protocol 3 concerning the definition of the concept of 'originating products' and methods of administrative cooperation
L 347, 17.12.1973

Decision 5/73 of the Joint Committee on A.W.1 certificates contained in Annex VI to Protocol 3
L 347, 17.12.1973

Regulation (EEC) 3353/73 of the Council of 26 November 1973 on the implementation of Decision 9/73 of the EEC/Austria Joint Committee supplementing and amending Articles 24 and 25 of Protocol 3 concerning the definition of the concept of 'originating products' and methods of administrative cooperation
L 347, 17.12.1973

Decision 9/73 of the Joint Committee supplementing and amending Articles 24 and 25 of Protocol 3 concerning the definition of the concept of 'originating products' and methods of administrative cooperation
L 347, 17.12.1973

Regulation (EEC) 3354/73 of the Council of 26 November 1973 on the implementation of Decision 9/73 of the EEC/Iceland Joint Committee supplementing and amending Articles 24 and 25 of Protocol 3 concerning the definition of the concept of 'originating products' and methods of administrative cooperation
L 347, 17.12.1973

Decision 9/73 of the Joint Committee supplementing and amending Articles 24 and 25 of Protocol 3 concerning the definition of the concept of 'originating products' and methods of administrative cooperation
L 347, 17.12.1973

Regulation (EEC) 3355/73 of the Council of 26 November 1973 on the implementation of Decision 9/73 of the EEC/Portugal Joint Committee supplementing and amending Articles 24 and 25 of Protocol 3 concerning the definition of the concept of 'originating products' and methods of administrative cooperation

Decision 9/73 of the Joint Committee supplementing and amending Articles 24 and 25 of Protocol 3 concerning the definition of the concept of 'originating products' and methods of administrative cooperation
L 347, 17.12.1973

Regulation (EEC) 3356/73 of the Council of 26 November 1973 on the implementation of Decision 9/73 of the EEC/Sweden Joint Committee supplementing and amending Articles 24 and 25 of Protocol 3 concerning the definition of the concept of 'originating products' and methods of administrative cooperation
L 347, 17.12.1973

Decision 9/73 of the Joint Committee supplementing and amending Articles 24 and 25 of Protocol 3 concerning the definition of the concept of 'originating products' and methods of administrative cooperation
L 347, 17.12.1973

Regulation (EEC) 3357/73 of the Council of 26 November 1973 on the implementation of Decision 9/73 of the EEC/Switzerland Joint Committee supplementing and amending Articles 24 and 25 of Protocol 3 concerning the definition of the concept of 'originating products' and methods of administrative cooperation
L 347, 17.12.1973

Decision 9/73 of the Joint Committee supplementing and amending Articles 24 and 25 of Protocol 3 concerning the definition of the concept of 'originating products' and methods of administrative cooperation
L 347, 17.12.1973

Regulation (EEC) 3358/73 of the Council of 26 November 1973 on the implementation of Decision 6/73 of the EEC/Norway Joint Committee supplementing and amending Articles 24 and 25 of Protocol 3 concerning the definition of the concept of 'originating products' and methods of administrative cooperation
L 347, 17.12.1973

Decision 6/73 of the Joint Committee supplementing and amending Articles 24 and 25 of Protocol 3 concerning the definition of the concept of 'originating products' and methods of administrative cooperation
L 347, 17.12.1973

Regulation (EEC) 3391/73 of the Commission of 17 December 1973 fixing the import levies on cereals and on wheat or rye flour, groats and meal
L 348, 18.12.1973

Regulation (EEC) 3392/73 of the Commission of 17 December 1973 fixing the premiums to be added to the import levies on cereals, flour and malt
L 348, 18.12.1973

Regulation (EEC) 3393/73 of the Commission of 17 December 1973 altering the corrective amount applicable to the refund on cereals
L 348, 18.12.1973

Regulation (EEC) 3394/73 of the Commission of 17 December 1973 fixing the import levies on white sugar and raw sugar
L 348, 18.12.1973

Regulation (EEC) 3395/73 of the Council of 11 December 1973 fixing the guide prices for the fishery products listed in Annex I (A) and (C) of Regulation (EEC) 2142/70 for the 1974 fishing year
L 349, 19.12.1973

Regulation (EEC) 3396/73 of the Council of 11 December 1973 fixing the Community producer prices of tunny intended for the canning industry for the 1974 fishing year
L 349, 19.12.1973

Regulation (EEC) 3397/73 of the Council of 11 December 1973 fixing intervention prices for fresh or chilled sardines and anchovies for the 1974 fishing year
L 349, 19.12.1973

Regulation (EEC) 3398/73 of the Council of 11 December 1973 fixing the guide prices for fishery products listed in Annex II to Regulation (EEC) 2142/70 for the 1974 fishing year
L 349, 19.12.1973

Regulation (EEC) 3399/73 of the Council of 11 December 1973 repealing Regulation (EEC) 240/73 laying down general rules for the system of compensatory amounts for plaice
L 349, 19.12.1973

Regulation (EEC) 3400/73 of the Council of 11 December 1973 amending Council Regulation (EEC) 166/71 laying down common market standards for shrimps of the genus 'Crangon' sp.p.
L 349, 19.12.1973

Regulation (EEC) 3401/73 of the Commission of 18 December 1973 fixing the import levies on cereals and on wheat or rye flour, groats and meal
L 349, 19.12.1973

Regulation (EEC) 3402/73 of the Commission of 18 December 1973 fixing the premiums to be added to the import levies on cereals, flour and malt
L 349, 19.12.1973

Regulation (EEC) 3403/73 of the Commission of 18 December 1973 altering the corrective amount applicable to the refund on cereals
L 349, 19.12.1973

Regulation (EEC) 3404/73 of the Commission of 18 December 1973 fixing the import levies on white sugar and raw sugar
L 349, 19.12.1973

Regulation (EEC) 3405/73 of the Commission of 18 December 1973 fixing the average producer prices for wine
L 349, 19.12.1973

Regulation (EEC) 3406/73 of the Commission of 17 December 1973 amending Regulation 204/67/EEC fixing coefficients for calculating levies on pigmeat products other than pig carcasses
L 349, 19.12.1973

Regulation (EEC) 3407/73 of the Commission of 17 December 1973 derogating from Regulation (EEC) 1259/72 on the disposal of butter at a reduced price to

certain Community processing undertakings, as regards the individual invitation to tender for the end of 1973
L 349, 19.12.1973

Regulation (EEC) 3408/73 of the Commission of 17 December 1973 amending Regulation (EEC) 71/73 on the sale of butter from public stocks
L 349, 19.12.1973

Regulation (EEC) 3409/73 of the Commission of 17 December 1973 amending Regulation (EEC) 2673/70 concerning the period of validity of advance fixing certificates for certain agricultural products exported in the form of goods not covered by Annex II of the Treaty
L 349, 19.12.1973

Regulation (EEC) 3410/73 of the Commission of 18 December 1973 on longterm private storage aid of certain table wine
L 349, 19.12.1973

Regulation (EEC) 3411/73 of the Commission of 18 December 1973 altering the amount of aid provided for in Regulation (EEC) 1437/70 on storage contracts for table wine
L 349, 19.12.1973

Regulation (EEC) 3412/73 of the Commission of 18 December 1973 fixing the reference prices for wines for the period from 16 December 1973 to 15 December 1974
L 349, 19.12.1973

Regulation (EEC) 3413/73 of the Commission of 18 December 1973 altering the special export levy on white sugar and raw sugar
L 349, 19.12.1973

Regulation (EEC) 3414/73 of the Council of 11 December 1973 on the formation of a buffer stock of olive oil
L 351, 20.12.1973

Regulation (EEC) 3415/73 of the Commission of 19 December 1973 fixing the import levies on cereals and on wheat or rye flour, groats and meal
L 351, 20.12.1973

Regulation (EEC) 3416/73 of the Commission of 19 December 1973 fixing the premiums to be added to the import levies on cereals, flour and malt
L 351, 20.12.1973

Regulation (EEC) 3417/73 of the Commission of 19 December 1973 altering the corrective amount applicable to the refund on cereals
L 351, 20.12.1973

Regulation (EEC) 3418/73 of the Commission of 19 December 1973 fixing the import levies on white sugar and raw sugar
L 351, 20.12.1973

Regulation (EEC) 3419/73 of the Commission of 19 December 1973 fixing the import levy on molasses
L 351, 20.12.1973

Regulation (EEC) 3420/73 of the Commission of 19 December 1973 fixing the refunds on white sugar and raw sugar exported in the natural state
L 351, 20.12.1973

Regulation (EEC) 3421/73 of the Commission of 17 December 1973 on invitations to tender for the costs of delivery of skimmed-milk powder to the World Food Programme
L 351, 20.12.1973

Regulation (EEC) 3422/73 of the Commission of 18 December 1973 completing Regulation (EEC) 1821/73 on the method of calculation of the premium for the conversion of dairy herds to meat production
L 351, 20.12.1973

Regulation (EEC) 3423/73 of the Commission of 18 December 1973 on detailed rules for granting subsidies for olive oil
L 351, 20.12.1973

Regulation (EEC) 3424/73 of the Commission of 20 December 1973 fixing the import levies on cereals and on wheat or rye flour, groats and meal
L 352, 21.12.1973

Regulation (EEC) 3425/73 of the Commission of 20 December 1973 fixing the premiums to be added to the import levies on cereals, flour and malt
L 352, 21.12.1973

Regulation (EEC) 3426/73 of the Commission of 20 December 1973 fixing the corrective amount applicable to the refund on cereals
L 352, 21.12.1973

Regulation (EEC) 3427/73 of the Commission of 20 December 1973 fixing the refunds applicable to cereals and wheat or rye flour, groats and meal
L 352, 21.12.1973

Regulation (EEC) 3428/73 of the Commission of 20 December 1973 fixing the levies on rice and broken rice
L 352, 21.12.1973

Regulation (EEC) 3429/73 of the Commission of 20 December 1973 fixing the premiums to be added to the levies on rice and broken rice
L 352, 21.12.1973

Regulation (EEC) 3430/73 of the Commission of 20 December 1973 fixing the export refunds on rice and broken rice
L 352, 21.12.1973

Regulation (EEC) 3431/73 of the Commission of 20 December 1973 fixing the corrective amount applicable to the refund on rice and broken rice
L 352, 21.12.1973

Regulation (EEC) 3432/73 of the Commission of 20 December 1973 fixing the import levies on white sugar and raw sugar
L 352, 21.12.1973

Regulation (EEC) 3433/73 of the Commission of 20 December 1973 fixing the import levies on calves and adult bovine animals and on beef and veal other than frozen
L 352, 21.12.1973

Regulation (EEC) 3434/73 of the Commission of 20 December 1973 fixing the export levies on cereals
L 352, 21.12.1973

Regulation (EEC) 3435/73 of the Commission of 20 December 1973 fixing the export levies on rice
L 352, 21.12.1973

Regulation (EEC) 3436/73 of the Commission of 20 December 1973 altering components used to calculate the differential amounts for colza and rape seed
L 352, 21.12.1973

Regulation (EEC) 3437/73 of the Commission of 20 December 1973 altering the special export levy on white sugar and raw sugar
L 352, 21.12.1973

Regulation (EEC) 3438/73 of the Commission of 21 December 1973 fixing the import levies on cereals and on wheat or rye flour, groats and meal
L 353, 22.12.1973

Regulation (EEC) 3439/73 of the Commission of 21 December 1973 fixing the premiums to be added to the import levies on cereals, flour and malt
L 353, 22.12.1973

Regulation (EEC) 3440/73 of the Commission of 21 December 1973 altering the corrective amount applicable to the refund on cereals
L 353, 22.12.1973

Regulation (EEC) 3441/73 of the Commission of 21 December 1973 fixing the import levies on white sugar and raw sugar
L 353, 22.12.1973

Regulation (EEC) 3442/73 of the Commission of 21 December 1973 fixing the export levies on starch products
L 353, 22.12.1973

Regulation (EEC) 3443/73 of the Commission of 21 December 1973 fixing the amount of the subsidy on oil seeds
L 353, 22.12.1973

Regulation (EEC) 3444/73 of the Commission of 21 December 1973 determining the world market price for colza and rape seed
L 353, 22.12.1973

Regulation (EEC) 3445/73 of the Commission of 21 December 1973 fixing the export levies on olive oil
L 353, 22.12.1973

Regulation (EEC) 3446/73 of the Commission of 21 December 1973 fixing the import levies on frozen beef and veal
L 353, 22.12.1973

Regulation (EEC) 3447/73 of the Commission of 21 December 1973 opening an invitation to tender for the mobilization of common wheat flour as food aid for the United Nations Relief and Works Agency for Palestine (UNRWA)
L 353, 22.12.1973

Regulation (EEC) 3448/73 of the Commission of 21 December 1973 laying down detailed rules for the application of Article 4b of Regulation (EEC) 974/71 in the olive oil sector
L 353, 22.12.1973

Regulation (EEC) 3449/73 of the Commission of 21 December 1973 extending the provision under which import and export licences, advance fixing certificates, and applications for and extracts from such licences and certificates, may be drawn up on the forms in use before accession
L 353, 22.12.1973

Regulation (EEC) 3450/73 of the Council of 17 December 1973 amending Regulation (EEC) 974/71 as regards the level of prices for agricultural products in Italy following developments in the monetary situation
L 353, 22.12.1973

Regulation (EEC) 3451/73 of the Commission of 21 December 1973 amending Regulation (EEC) 133/73 as regards the period of validity of export licences for cereals
L 353, 22.12.1973

Regulation (EEC) 3452/73 of the Commission of 21 December 1973 fixing the monetary compensatory amounts applicable in the wine sector from 16 December 1973

L 353, 22.12.1973

Regulation (EEC) 3453/73 of the Commission of 21 December 1973 altering the special export levy on white sugar and raw sugar

L 353, 22.12.1973

Regulation (EEC) 3454/73 of the Commission of 21 December 1973 altering export refunds on beef and veal for the period beginning 22 December 1973

L 353, 22.12.1973

Regulation (EEC) 3455/73 of the Commission of 20 December 1973 altering the monetary compensatory amounts

L 354, 24.12.1973

Regulation (EEC) 3456/73 of the Council of 17 December 1973 amending Regulation (EEC) 1496/68 on the definition of the customs territory of the Community

L 356, 27.12.1973

Regulation (EEC) 3457/73 of the Council of 17 December 1973 increasing the Community tariff quota for certain eels falling within subheading ex 03.01 A II of the Common Customs Tariff

L 356, 27.12.1973

Regulation (EEC) 3458/73 of the Council of 17 December 1973 on the increase in the Community tariff quota for newsprint falling within subheading 48.01 A of the Common Customs Tariff for 1973

L 356, 27.12.1973

Regulation (EEC) 3459/73 of the Council of 17 December 1973 on the opening allocation and administration of a supplementary Community tariff quota for ferro-silico-manganese falling within subheading 73.02 D of the Common Customs Tariff for 1973

L 356, 27.12.1973

Regulation (EEC) 3460/73 of the Council of 17 December 1973 on the opening, allocating and administration of a Community tariff quota for raw silk (not thrown) falling within heading 50.02 of the Common Customs Tariff for 1974

L 356, 27.12.1973

Regulation (EEC) 3461/73 of the Council of 17 December 1973 on the opening, allocation and administration of a Community tariff quota for yarn entirely of silk, other than yarn of noil or other waste silk, not put up for retail sale, falling within heading ex 50.04 of the Common Customs Tariff for 1974

L 356, 27.12.1973

Regulation (EEC) 3462/73 of the Council of 17 December 1973 on the opening, allocation and administration of a Community tariff quota for yarn spun entirely from silk waste other than noil, not put up for retail sale, falling within heading ex 50.05 of the Common Customs Tariff for 1974

L 356, 27.12.1973

Regulation (EEC) 3463/73 of the Council of 17 December 1973 on the opening, allocation and administration of a Community tariff quota for certain eels falling within subheading ex 03.01 A II of the Common Customs Tariff for 1974

L 356, 27.12.1973

Regulation (EEC) 3464/73 of the Council of 17 December 1973 on the opening, allocation and administration of a Community tariff quota for rosin, including 'brais résineux' falling within subheading 38.08 A of the Common Customs Tariff for 1974

L 356, 27.12.1973

Regulation (EEC) 3465/73 of the Council of 17 December 1973 on the temporary and partial suspension of the autonomous duties in the Common Customs Tariff for dried apricots falling within subheading 08.12 A, bitter or Seville oranges falling within subheading ex 08.02 A II a) and b) and saffron, neither crushed or ground, falling within subheading 09.10 C I

L 356, 27.12.1973

Regulation (EEC) 3466/73 of the Council of 17 December 1973 on the temporary suspension of the autonomous duties in the Common Customs Tariff for certain products

L 356, 27.12.1973

Regulation (EEC) 3467/73 of the Council of 17 December 1973 on the temporary suspension of the autonomous Common Customs Tariff duty for mechanically propelled aircraft of an unladen weight exceeding 15 000 kg falling within subheading ex 88.02 B II c)

L 356, 27.12.1973

Regulation (EEC) 3468/73 of the Council of 17 December 1973 amending Regulation (EEC) 2798/73 concluding the Association Agreement with Mauritius

L 356, 27.12.1973

Regulation (EEC) 3469/73 of the Council of 17 December 1973 establishing Community supervision of imports of certain products originating in Austria

L 356, 27.12.1973

Regulation (EEC) 3470/73 of the Council of 17 December 1973 establishing Community supervision of imports of certain products originating in Finland

L 356, 27.12.1973

Regulation (EEC) 3471/73 of the Council of 17 December 1973 establishing Community supervision of imports of certain products originating in Iceland
L 356, 27.12.1973

Regulation (EEC) 3472/73 of the Council of 17 December 1973 establishing Community supervision of imports of certain products originating in Norway
L 356, 27.12.1973

Regulation (EEC) 3473/73 of the Council of 17 December 1973 establishing Community supervision of imports of certain products originating in Portugal
L 356, 27.12.1973

Regulation (EEC) 3474/73 of the Council of 17 December 1973 establishing Community supervision of imports of certain products originating in Sweden
L 356, 27.12.1973

Regulation (EEC) 3475/73 of the Council of 17 December 1973 establishing Community supervision of imports of certain products originating in Switzerland
L 356, 27.12.1973

Regulation (EEC) 3476/73 of the Council of 3 December 1973 approving the exchange of letters rectifying Article 3 of Protocol 1 to the Agreement between the European Economic Community and the Kingdom of Norway
L 357, 28.12.1973

Regulation (EEC) 3477/73 of the Council of 17 December 1973 amending Regulation (EEC) 1569/72 as regards the level of prices of colza and rape seed in Italy in consequence of developments in the monetary situation
L 357, 28.12.1973

Regulation (EEC) 3478/73 of the Council of 17 December 1973 amending Regulation (EEC) 1411/71 as regards the fat content of whole milk
L 357, 28.12.1973

Regulation (EEC) 3479/73 of the Commission of 27 December 1973 fixing the import levies on cereals and on wheat or rye flour, groats and meal
L 357, 28.12.1973

Regulation (EEC) 3480/73 of the Commission of 27 December 1973 fixing the premiums to be added to the import levies on cereals, flour and malt
L 357, 28.12.1973

Regulation (EEC) 3481/73 of the Commission of 27 December 1973 altering the corrective amount applicable to the refund on cereals
L 357, 28.12.1973

Regulation (EEC) 3482/73 of the Commission of 27 December 1973 completing Regulation (EEC) 1463/73 as regards the measures to be taken in respect of the abandonment of the application by a Member State of Article 2 (a) of Regulation (EEC) 974/71
L 357, 28.12.1973

Regulation (EEC) 3483/73 of the Commission of 27 December 1973 altering the special export levy on white sugar and raw sugar
L 357, 28.12.1973

Regulation (EEC) 3484/73 of the Commission of 27 December 1973 fixing the import levies on white sugar and raw sugar
L 357, 28.12.1973

Regulation (EEC) 3485/73 of the Commission of 27 December 1973 fixing the import levy on molasses
L 357, 28.12.1973

Regulation (EEC) 3486/73 of the Commission of 27 December 1973 fixing the average producer prices for wine
L 357, 28.12.1973

Regulation (EEC) 3487/73 of the Commission of 27 December 1973 fixing the import levies on calves and adult bovine animals and on beef and veal other than frozen
L 357, 28.12.1973

Regulation (EEC) 3488/73 of the Commission of 27 December 1973 fixing the export refund on olive oil
L 357, 28.12.1973

Regulation (EEC) 3489/73 of the Commission of 27 December 1973 fixing the export refund on oil seeds
L 357, 28.12.1973

Regulation (EEC) 3490/73 of the Commission of 21 December 1973 establishing the standard average values for the valuation of imported citrus fruits
L 357, 28.12.1973

Regulation (EEC) 3491/73 of the Commission of 20 December 1973 amending Regulation (EEC) 2300/73 on differential amounts for colza and rape seed
L 357, 28.12.1973

Regulation (EEC) 3492/73 of the Commission of 21 December 1973 supplementing Regulations (EEC) 2182/73 and 2823/73 laying down detailed rules on export levies to be applied respectively on the cereals market and in the rice market in the event of disturbances thereon
L 357, 28.12.1973

Regulation (EEC) 3493/73 of the Commission of 21 December 1973 repealing Regulation (EEC) 1411/71 concerning the establishment of a uniform fat content for whole milk
L 357, 28.12.1973

Regulation (EEC) 3494/73 of the Commission of 21 December 1973 defining additional measures to be taken in agriculture following the fixing, with effect from 1 January 1974, of a new representative rate for the Italian lira
L 357, 28.12.1973

Regulation (EEC) 3495/73 of the Commission of 21 December 1973 on the buying-in of olive oil for a buffer stock
L 357, 28.12.1973

Regulation (EEC) 3496/73 of the Commission of 21 December 1973 on the monetary compensatory amounts applicable in Italy
L 357, 28.12.1973

Regulation (EEC) 3497/73 of the Commission of 21 December 1973 fixing the production refund on olive oil in the manufacture of certain preserved fish and vegetables
L 357, 28.12.1973

Regulation (EEC) 3498/73 of the Commission of 21 December 1973 fixing the components to be used to calculate the differential amounts for colza and rape seed
L 357, 28.12.1973

Regulation (EEC) 3499/73 of the Commission of 21 December 1973 authorizing the United Kingdom to suspend temporarily customs duties on hachled or otherwise processed but not spun flax or flax tow imported from other Member States
L 357, 28.12.1973

Regulation (EEC) 3510/73 of the Commission of 28 December 1973 fixing the import levies on cereals and on wheat or rye flour, groats and meal
L 360, 29.12.1973

Regulation (EEC) 3511/73 of the Commission of 28 December 1973 fixing the premiums to be added to the import levies on cereals, flour and malt
L 360, 29.12.1973

Regulation (EEC) 3512/73 of the Commission of 28 December 1973 fixing the corrective amount applicable to the refund on cereals
L 360, 29.12.1973

Regulation (EEC) 3513/73 of the Commission of 28 December 1973 fixing the refunds applicable to cereals and wheat or rye flour, groats and meal
L 360, 29.12.1973

Regulation (EEC) 3514/73 of the Commission of 28 December 1973 fixing the export levies on cereals
L 360, 29.12.1973

Regulation (EEC) 3515/73 of the Commission of 28 December 1973 fixing the levies on rice and broken rice
L 360, 29.12.1973

Regulation (EEC) 3516/73 of the Commission of 28 December 1973 fixing the premiums to be added to the levies on rice and broken rice
L 360, 29.12.1973

Regulation (EEC) 3517/73 of the Commission of 28 December 1973 fixing the export refunds on rice and broken rice
L 360, 29.12.1973

Regulation (EEC) 3518/73 of the Commission of 28 December 1973 fixing the corrective amount applicable to the refund on rice and broken rice
L 360, 29.12.1973

Regulation (EEC) 3519/73 of the Commission of 28 December 1973 fixing the export levies on rice
L 360, 29.12.1973

Regulation (EEC) 3520/73 of the Commission of 27 December 1973 fixing the import levies on products processed from cereals and rice
L 360, 29.12.1973

Regulation (EEC) 3521/73 of the Commission of 27 December 1973 fixing the import levies on compound feedstuffs
L 360, 29.12.1973

Regulation (EEC) 3522/73 of the Commission of 28 December 1973 fixing the export levies on starch products
L 360, 29.12.1973

Regulation (EEC) 3523/73 of the Commission of 28 December 1973 fixing the import levies on milk and milk products
L 360, 29.12.1973

Regulation (EEC) 3524/73 of the Commission of 28 December 1973 fixing the special import levy on olive oil
L 360, 29.12.1973

Regulation (EEC) 3525/73 of the Commission of 28 December 1973 fixing the export levies on olive oil
L 360, 29.12.1973

Regulation (EEC) 3526/73 of the Commission of 28 December 1973 fixing the amount of the subsidy on oil seeds
L 360, 29.12.1973

Regulation (EEC) 3527/73 of the Commission of 28 December 1973 determining the world market price for colza and rape seed
L 360, 29.12.1973

Regulation (EEC) 3528/73 of the Commission of 28 December 1973 fixing the import levies on white sugar and raw sugar
L 360, 29.12.1973

Regulation (EEC) 3529/73 of the Commission of 28 December 1973 fixing the basic amount of the import levy on syrups and certain other sugar products
L 360, 29.12.1973

Regulation (EEC) 3530/73 of the Commission of 28 December 1973 fixing the export refunds on molasses, syrups and certain other sugar products exported in the natural state
L 360, 29.12.1973

Regulation (EEC) 3531/73 of the Commission of 28 December 1973 fixing the rates of the refunds applicable from 1 January 1974 to certain cereals and rice products exported in the form of goods not covered by Annex II to the Treaty
L 360, 29.12.1973

Regulation (EEC) 3532/73 of the Commission of 28 December 1973 fixing the rates of the refunds applicable from 1 January 1974 to sugar and molasses exported in the form of goods not covered by the Annex II to the Treaty
L 360, 29.12.1973

Regulation (EEC) 3533/73 of the Commission of 28 December 1973 fixing the rates of the refunds applicable from 1 January 1974 to certain milk products exported in the form of goods not covered by Annex II to the Treaty
L 360, 29.12.1973

Regulation (EEC) 3534/73 of the Commission of 27 December 1973 introducing subsidies for viticultural products similar to the viticultural product exported as 'Cyprus sherry' produced in the Community as originally constituted and shipped to Ireland and the United Kingdom
L 360, 29.12.1973

Regulation (EEC) 3566/73 of the Commission of 20 December 1973 determining the amounts of the variable components and compensatory amounts, and the additional duties applicable, during the first quarter of 1974 on importation of goods covered by Regulation (EEC) 1059/69
L 362, 30.12.1973

Regulation (EEC) 3567/73 of the Commission of 28 December 1973 fixing the import levies on cereals and on wheat or rye flour, groats and meal
L 364, 31.12.1973

Regulation (EEC) 3568/73 of the Commission of 28 December 1973 fixing the premiums to be added to the import levies on cereals, flour and malt
L 364, 31.12.1973

Regulation (EEC) 2569/73 of the Commission of 28 December 1973 altering the corrective amount applicable to the refund on cereals
L 364, 31.12.1973

Regulation (EEC) 3570/73 of the Commission of 28 December 1973 fixing the export refunds on products processed from cereals and rice
L 364, 31.12.1973

Regulation (EEC) 3571/73 of the Commission of 28 December 1973 fixing the export refunds on cereal-based compound feedingstuffs
L 364, 31.12.1973

Regulation (EEC) 3572/73 of the Commission of 28 December 1973 fixing the amounts applicable as compensatory amounts for cereals and rice
L 364, 31.12.1973

Missions and delegations

Delegations of the Associated Overseas States (Rwanda)
C 111, 18.12.1973

Missions of third countries (Kingdom of Swaziland)
C 115, 28.12.1973

Council

Directives and decisions

73/360/EEC:

Council Directive of 19 November 1973 on the approximation of the laws of the Member States relating to non-automatic weighing machines
L 335, 5.12.1973

73/361/EEC:

Council Directive of 19 November 1973 on the approximation of the laws, regulations and administrative provisions of the Member States relating to the certification and marking of wire-ropes, chains and hooks
L 335, 5.12.1973

73/362/EEC:

Council Directive of 19 November 1973 on the approximation of the laws of the Member States relating to material measures of length
L 335, 5.12.1973

73/363/EEC:

Council Decision of 15 October 1973 concluding the Agreement between the European Economic Community and the Tunisian Republic on the supply of common wheat as food aid

— Agreement between the European Economic Community and the Tunisian Republic concerning the supply of common wheat as food aid

— Information on the signing of the Agreement on the supply of food aid between the European Economic Community and the Tunisian Republic
L 336, 6.12.1973

73/364/EEC:

Council Decision of 6 November 1973 concluding the Agreement between the European Economic Community and the Arab Republic of Egypt on the supply of flour of common wheat as food aid

— Agreement between the European Economic Community and the Arab Republic of Egypt on the supply of flour of common wheat as food aid

— Information on the signing of the Agreement on the supply of food aid between the European Economic Community and the Arab Republic of Egypt
L 336, 6.12.1973

73/401/Euratom:

Council Decision of 6 November 1973 appointing members representing Denmark, Ireland and the United Kingdom to the Advisory Committee of the Euratom Supply Agency
L 342, 13.12.1973

73/377/EEC:

Council Decision of 18 June 1973 concluding the agreement between the European Economic Community and the Republic of Mali for the supply of food aid in the form of grain sorghum and maize

— Agreement between the European Economic Community and the Republic of Mali for the supply of food aid in the form of grain sorghum and maize

— Information concerning the signing of the Agreement between the European Economic Community and the Republic of Mali on the supply of food aid
L 343, 13.12.1973

73/378/EEC:

Council Decision of 15 October 1973 concluding the Agreement between the European Economic Community and the Republic of Mali on the supply of maize and durum wheat as food aid

— Agreement between the European Economic Community and the Republic of Mali on the supply of maize and durum wheat as food aid

— Information concerning the signing of the Agreement between the European Economic Community and the Republic of Mali on the supply of food aid
L 343, 13.12.1973

73/379/EEC:

Council Decision of 15 October 1973 concluding the Agreement between the European Economic Community and the Republic of Senegal on the supply of sorghum and common wheat as food aid

— Agreement between the European Economic Community and the Republic of Senegal on the supply of sorghum and common wheat as food aid

— Information concerning the signing of the Agreement between the European Economic Community and the Republic of Senegal on the supply of food aid
L 343, 13.12.1973

73/380/EEC:

Council Decision of 15 October 1973 concluding the Agreement between the European Economic Community and the Arab Republic of Yemen on the supply of common wheat as food aid

— Agreement between the European Economic Community and the Arab Republic of Yemen on the supply of common wheat as food aid

— Information concerning the signing of the Agreement between the European Economic Community and the Arab Republic of Yemen on the supply of food aid
L 343, 13.12.1973

73/381/EEC:

Council Decision of 6 November 1973 concluding the Agreement between the European Economic Community and the United Nations Relief and Works Agency for

Palestinian refugees on the supply of flour of common wheat and milled rice as food aid

— Agreement between the European Economic Community and the United Nations Relief and Works Agency for Palestinian refugees on the supply of flour of common wheat and milled rice as food aid

— Information concerning the signing of the Agreement between the European Economic Community and the United Nations Relief and Works Agency for Palestinian refugees (UNRWA) on the supply of food aid
L 343, 13.12.1973

73/382/EEC:

Council Decision of 9 November 1973 concluding the Agreement between the European Economic Community and the Republic of Upper Volta on the supply of maize as food aid

— Agreement between the European Economic Community and the Republic of Upper Volta concerning the supply of maize as food aid

— Information concerning the signing of the Agreement between the European Economic Community and the Republic of Upper Volta on the supply of food aid
L 343, 13.12.1973

73/383/EEC:

Council Decision of 9 November 1973 concluding the Agreement between the European Economic Community and the Islamic Republic of Mauritania on the supply of skimmed-milk powder as food aid

— Agreement between the European Economic Community and the Islamic Republic of Mauritania on the supply of skimmed-milk powder as food aid

— Information concerning the signing of the Agreement between the European Economic Community and the Islamic Republic of Mauritania on the supply of food aid
L 343, 13.12.1973

73/384/EEC:

Council Decision of 9 November 1973 concluding the Agreement between the European Economic Community and the Eastern Republic of Uruguay on the supply of common wheat as food aid

— Agreement between the European Economic Community and the Eastern Republic of Uruguay concerning the supply of common wheat as food aid

— Information concerning the signing of the Agreement between the European Economic Community and the Eastern Republic of Uruguay on the supply of food aid
L 343, 13.12.1973

73/385/EEC:

Council Decision of 9 November 1973 concluding the Agreement between the European Economic Community and the Republic of the Philippines on the supply of common wheat and of flour of common wheat as food aid

— Agreement between the European Economic Community and the Republic of the Philippines on the supply of common wheat and of flour of common wheat as food aid

— Information concerning the signing of the Agreement between the European Economic Community and the Republic of the Philippines on the supply of food aid
L 343, 13.12.1973

73/386/EEC:

Council Decision of 9 November 1973 concluding the Agreement between the European Economic Community and the Republic of Senegal on the supply of maize as food aid

— Agreement between the European Economic Community and the Republic of Senegal on the supply of maize as food aid

— Information concerning the signing of the Agreement between the European Economic Community and the Republic of Senegal on the supply of food aid
L 343, 13.12.1973

73/387/EEC:

Council Decision of 9 November 1973 concluding the Agreement between the European Economic Community and the Republic of Niger on the supply of skimmed-milk powder as food aid

— Agreement between the European Economic Community and the Republic of Niger on the supply of skimmed-milk powder as food aid

— Information concerning the signing of the Agreement between the European Economic Community and the Republic of Niger on the supply of food aid
L 343, 13.12.1973

73/388/EEC:

Council Decision of 9 November 1973 concluding the Agreement between the European Economic Community and the Republic of Senegal on the supply of skimmed-milk powder as food aid

— Agreement between the European Economic Community and the Republic of Senegal on the supply of skimmed-milk powder as food aid

— Information concerning the signing of the Agreement between the European Economic Community and the Republic of Senegal on the supply of food aid
L 343, 13.12.1973

73/389/EEC:

Council Decision of 9 November 1973 concluding the Agreement between the European Economic Community and the Republic of Upper Volta on the supply of skimmed-milk powder as food aid

— Agreement between the European Economic Community and the Republic of Upper Volta on the supply of skimmed-milk powder as food aid

— Information concerning the signing of the Agreement between the European Economic Community and the Republic of Upper Volta on the supply of food aid
L 343, 13.12.1973

73/390/EEC:

Council Decision of 9 November 1973 concluding the Agreement between the European Economic Community and the Republic of Chad on the supply of skimmed-milk powder as food aid

— Agreement between the European Economic Community and the Republic of Chad on the supply of skimmed-milk powder as food aid

— Information concerning the signing of the Agreement between the European Economic Community and the Republic of Chad on the supply of food aid
L 343, 13.12.1973

73/391/EEC:

Council Decision of 3 December 1973 on consultation and information procedures in matters of credit insurance, *crédit* guarantees and financial credits
L 346, 17.12.1973

73/402/EEC:

Council Decision of 22 November 1973 amending the Decision of 21 March 1962 instituting a procedure for prior examination and consultation in respect of certain laws, regulations and administrative provisions concerning transport proposed in Member States
L 347, 17.12.1973

73/403/EEC:

Council Directive of 22 November 1973 on the synchronization of general population censuses
L 347, 17.12.1973

73/404/EEC:

Council Directive of 22 November 1973 on the approximation of the laws of the Member States relating to detergents
L 347, 17.12.1973

73/405/EEC:

Council Directive of 22 November 1973 on the approximation of the laws of the Member States relating to

methods of testing the biodegradability of anionic surfactants

L 347, 17.12.1973

73/406/ECSC:

Third Supplementary Agreement to the Agreement of 21 March 1955 on the establishment of through international railway tariffs

L 347, 17.12.1973

73/407/ECSC:

Decision of the representatives of the governments of the Member States of the European Coal and Steel Community meeting within the Council of 10 December 1973 opening tariff preferences for products covered by that Community and originating in Finland

L 352, 21.12.1973

73/408/EEC:

Council Decision of 18 June 1973 concluding the Agreement between the European Economic Community and the World Food Programme on the supply of food aid in the form of skimmed-milk powder for developing countries

— Agreement between the European Economic Community and the World Food Programme on the supply of skimmed-milk powder as food aid to developing countries

— Information concerning the signing of the Agreement between the European Economic Community and the World Food Programme (WFP)

L 355, 24.12.1973

73/409/EEC:

Council Decision of 18 June 1973 concluding an Agreement between the European Economic Community and the Lebanese Republic on the supply of food aid in the form of skimmed-milk powder

— Agreement between the European Economic Community and the Lebanese Republic on the supply of food aid in the form of skimmed-milk powder

— Information concerning the signing of the Agreement between the European Economic Community and the Lebanese Republic on the supply of food aid

L 355, 24.12.1973

73/410/EEC:

Council Decision of 24 July 1973 on the conclusion of the Agreement between the European Economic Community and the Lebanese Republic on the supply of common wheat as food aid

— Agreement between the European Economic Community and the Lebanese Republic concerning the supply of common wheat as food aid

— Information concerning the signing of the Agreement between the European Economic Community and the Lebanese Republic on the supply of food aid
L 355, 24.12.1973

73/411/EEC:

Council Decision of 15 October 1973 concluding the Agreement between the European Economic Community and Malta on the supply of common wheat as food aid

— Agreement between the European Economic Community and Malta on the supply of common wheat as food aid

— Information concerning the signing of the Agreement between the European Economic Community and Malta on the supply of food aid
L 355, 24.12.1973

73/437/EEC:

Council Directive of 11 December 1973 on the approximation of the laws of the Member States concerning certain sugars intended for human consumption
L 356, 27.12.1973

73/438/EEC:

Council Directive of 11 December 1973 amending the Directives of 14 June 1966 on the marketing of beet seed, fodder plant seed, cereal seed and seed potatoes; the Directive of 30 June 1969 on the marketing of seed of oil and fibre plants; and the Directives of 29 September 1970 on the marketing of vegetable seed and the common catalogue of varieties of agricultural plant species
L 356, 27.12.1973

73/439/EEC:

Estimate of supply and demand for beef and veal in the processing industry for the period of 1 January to 31 December 1974
L 356, 27.12.1973

73/440/EEC:

Council Directive of 11 December 1973 on the general provisions for the regional differentiation of certain measures provided for in the Directives of 17 April 1972 on the reform of agriculture
L 356, 27.12.1973

73/441/ECSC:

Decision of the representatives of the Governments of the Member States of the European Coal and Steel Community, meeting within the Council, of 17 December 1973 establishing supervision of imports of certain products originating in Austria
L 356, 27.12.1973

73/442/ECSC:

Decision of the representatives of the Governments of the Member States of the European Coal and Steel Community, meeting within the Council, of 17 December 1973 establishing supervision of imports of certain products originating in Sweden
L 356, 27.12.1973

73/445/EEC:

Council Decision of 17 December 1973 extending the system of minimum prices
L 360, 29.12.1973

Resolutions

Council Resolution of 17 December 1973 on measures to be taken against rising prices and the maintenance of a high level of employment in the Community
C 116, 29.12.1973

Consultations

Consultation of the Council, pursuant to Article 12 of the Commission Decision of 25 July 1973 concerning coking coal and coke for the iron and steel industry in the Community (73/287/ECSC) on a draft of the enacting terms of the Decision (ECSC) of the Commission implementing Decision 73/287/ECSC
C 111, 18.12.1973

Communications

Replacement of a member of the Economic and Social Committee
C 105, 4.12.1973

Replacement of a member of the Committee of the European Social Fund
C 105, 4.12.1973

Information concerning the date of entry into force of the Agreement between the European Economic Community and the Republic of Austria on the application of the rules on Community transit
L 337, 6.12.1973

Annual Report on the economic situation in the Community

— Foreword

I. Present situation and future prospects**A. Present situation**

B. Implementation on the Council Resolutions on the measures to combat inflation

C. Prospects for 1974**II. Economic policy guidelines****A. General guidelines****B. Guidelines for the individual countries**

— **Conclusions**

— **Annex**

C 107, 8.12.1973

Appointment of a member of the Committee of the European Social Fund

C 109, 11.12.1973

Agreements

Communication concerning the date of entry into force of the Interim Agreement between the European Economic Community and Turkey consequent on the Accession of new Member States to the Community

L 348, 18.12.1973

Agreement between the Member States of the European Coal and Steel Community and the Republic of Iceland

L 350, 19.12.1973

Agreement between the Member States of the European Coal and Steel Community and the Swiss Confederation

L 350, 19.12.1973

Additional Agreement concerning the validity, for the Principality of Liechtenstein, of the Agreement between the Member States of the European Coal and Steel Community and the Swiss Confederation of 22 July 1972

L 350, 19.12.1973

Agreement between the Member States of the European Coal and Steel Community and the European Coal and Steel Community, of the one part, and the Republic of Austria, of the other part

L 350, 19.12.1973

Agreement between the Member States of the European Coal and Steel Community and the European Coal and Steel Community, of the one part, and the Portuguese Republic, of the other part

L 350, 19.12.1973

Agreement between the Member States of the European Coal and Steel Community and the European Coal and Steel Community, of the one part, and the Kingdom of Sweden, of the other part

L 350, 19.12.1973

Information concerning the date of entry into force of the Agreement between the Member States of the European Coal and Steel Community and the Republic of Iceland

L 351, 20.12.1973

Information concerning the date of entry into force of the Agreement between the Member States of the European Coal and Steel Community and the Swiss Confederation

L 351, 20.12.1973

Information concerning the date of entry into force of the Additional Agreement concerning the validity, for the Principality of Liechtenstein of the Agreement between the Member States of the European Coal and Steel Community and the Swiss Confederation

L 351, 20.12.1973

Declaration of the Council of the European Communities and of the representatives of the Governments of the Member States meeting in the Council of 22 November 1973 on the programme of action of the European Communities on the environment

C 112, 20.12.1973

Replacement of a member of the Advisory Committee on Freedom of Movement for Workers

C 115, 28.12.1973

Composition of the Scientific and Technical Committee

C 116, 29.12.1973

Publication, in English and in Danish, of the texts of the Agreement establishing an Association between the European Economic Community and Turkey and the Additional Protocol

C 113, 24.12.1973

Information concerning the date of entry into force of the Agreement between the Member States of the European Coal and Steel Community and the European Coal and Steel Community of the one part and the Republic of Austria of the other part

L 351, 20.12.1973

Information concerning the date of entry into force of the Agreement between the Member States of the European Coal and Steel Community of the one part and the Portuguese Republic of the other part

L 351, 20.12.1973

Information concerning the date of entry into force of the Agreement between the Member States of the European Coal and Steel Community and the European Coal and Steel Community of the one part and the Kingdom of Sweden of the other part

L 351, 20.12.1973

Commission*Directives and decisions***73/365/EEC:**

Commission Decision of 31 October 1973 fixing the amount by which the monetary compensatory amounts for beef and veal are to be reduced
L 336, 6.12.1973

73/366/EEC:

Commission Decision of 31 October 1973 fixing the amount by which the monetary compensatory amounts for beef and veal are to be reduced
L 336, 6.12.1973

73/367/EEC:

Commission Decision of 7 November 1973 fixing the maximum amount of the refund for the 12th partial invitation to tender for white sugar issued under Regulation (EEC) 2141/73
L 336, 6.12.1973

73/368/EEC:

Commission Decision of 7 November 1973 fixing the maximum amount of the denaturing premium for white sugar for the 4th partial invitation to tender issued under Regulation (EEC) 2711/73
L 336, 6.12.1973

73/369/EEC:

Commission Decision of 9 November 1973 on the reimbursement by the Guidance Section of the EAGGF of premiums paid during 1972 for slaughtering cows and for withholding milk and milk products from the market to the Grand Duchy of Luxembourg
L 336, 6.12.1973

73/370/EEC:

Commission Decision of 9 November 1973 on the reimbursement by the Guidance Section of the EAGGF of premiums paid during 1971 for slaughtering cows and for withholding milk and milk products from the market to the Kingdom of the Netherlands
L 336, 6.12.1973

73/371/EEC:

Commission Decision of 9 November 1973 fixing the amount by which the monetary compensatory amounts for beef and veal are to be reduced
L 336, 6.12.1973

73/372/EEC:

Commission Decision of 12 November 1973 on the reimbursement by the Guidance Section of the EAGGF to the Grand Duchy of Luxembourg of premiums paid during 1972 for grubbing apple trees, pear trees and peach trees
L 336, 6.12.1973

73/373/EEC:

Commission Decision of 12 November 1973 on the reimbursement by the Guidance Section of the EAGGF of premiums paid during 1972 for grubbing apple trees, pear trees and peach trees to the Federal Republic of Germany
L 336, 6.12.1973

73/374/EEC:

Commission Decision of 2 October 1973 authorizing the French Republic not to apply Community treatment to gloves, mittens and mitts, knitted or crocheted, not elastic or rubberized, of textiles other than cotton falling within heading ex 60.02 of the Common Customs Tariff, originating in Taiwan and in free circulation in the other Member States
L 338, 7.12.1973

73/375/EEC:

Commission Decision of 4 October 1973 authorizing the French Republic not to apply Community treatment to prepared or reserved tunny (in hermetically closed containers) falling within heading 16.04 ex E of the Common Customs Tariff, originating in USSR and in free circulation in Belgium
L 338, 7.12.1973

73/376/EEC:

Commission Decision of 12 October 1973 authorizing the French Republic not to apply Community treatment to toys of wood and other (except motors and movement mechanisms for toys and working models of a kind used for recreational purposes, and parts thereof) falling within heading 97.03 A and ex B of the Common Customs Tariff, originating in Hong Kong and in free circulation in the other Member States
L 338, 7.12.1973

73/392/EEC:

Commission Decision of 5 November 1973 amending several Commission Decisions on the sale of butter at reduced prices as concentrated butter
L 346, 17.12.1973

73/393/EEC:

Commission Decision of 7 November 1973 issuing a standing invitation tender for the export of 50 000 metric

tons of barley held by the German intervention agency
L 346, 17.12.1973

73/394/EEC:

Commission Decision of 12 November 1973 on the reimbursement by the Guidance Section of the EAGGF to the Kingdom of Belgium of premiums paid during 1972 for grubbing apple trees, pear trees and peach trees
L 346, 17.12.1973

73/395/ECSC:

Commission Decision of 14 November 1973 approving additional aid from the Kingdom of Belgium for the benefit of undertakings in the coal industry
L 346, 17.12.1973

73/396/ECSC:

Commission Decision of 14 November 1973 approving additional aid from the Republic of France for the benefit of the coal industry in 1972
L 346, 17.12.1973

73/397/ECSC:

Commission Decision of 14 November 1973 approving new aids from the Federal Republic of Germany for the year 1972 for the benefit of the undertakings in the coal industry
L 346, 17.12.1973

73/398/EEC:

Commission Decision of 14 November 1973 fixing the maximum amount of the denaturing premium for white sugar for the 5th partial invitation to tender issued under Regulation (EEC) 2711/73
L 346, 17.12.1973

73/399/EEC:

Commission Decision of 15 November 1973 fixing the amount by which the monetary compensatory amounts for beef and veal are to be reduced
L 346, 17.12.1973

73/400/EEC:

Commission Decision of 19 November 1973 fixing, pursuant to the invitation to tender opened by Regulation (EEC) 2840/73, the maximum amount for the costs of delivery cif of skimmed-milk powder to Bangladesh
L 346, 17.12.1973

73/412/EEC:

Commission Decision of 4 October 1973 on the reimbursement by the Guidance Section of the EAGGF to the French Republic of premiums paid during 1971 for grubbing apple trees, pear trees and peach trees
L 355, 24.12.1973

73/413/EEC:

Commission Decision of 10 October 1973 fixing the maximum amount of the refund for the 8th partial invitation to tender for white sugar issued under Regulation (EEC) 2141/73
L 355, 24.12.1973

73/414/EEC:

Commission Decision of 31 October 1973 on the Advisory Committee on Cereals
L 355, 24.12.1973

73/415/EEC:

Commission Decision of 31 October 1973 on the special Rice Section of the Advisory Committee on Cereals
L 355, 24.12.1973

73/416/EEC:

Commission Decision of 31 October 1973 on the Advisory Committee on Milk and Milk Products
L 355, 24.12.1973

73/417/EEC:

Commission Decision of 31 October 1973 on the Advisory Committee on Beef and Veal
L 355, 24.12.1973

73/418/EEC:

Commission Decision of 31 October 1973 on the Advisory Committee on Pigmeat
L 355, 24.12.1973

73/419/EEC:

Commission Decision of 31 October 1973 setting up an Advisory Committee on Poultrymeat
L 355, 24.12.1973

73/420/EEC:

Commission Decision of 31 October 1973 setting up an Advisory Committee on Eggs
L 355, 24.12.1973

73/421/EEC:

Commission Decision of 31 October 1973 on the Advisory Committee on Oils and Fats
L 355, 24.12.1973

73/422/EEC:

Commission Decision of 31 October 1973 on the Advisory Committee on Sugar
L 355, 24.12.1973

73/423/EEC:

Commission Decision of 31 October 1973 on the Advisory Committee on Fresh and Processed Fruit and Vegetables
L 355, 24.12.1973

73/424/EEC:

Commission Decision of 31 October 1973 on the Advisory Committee on Wine
L 355, 24.12.1973

73/425/EEC:

Commission Decision of 31 October 1973 on the Advisory Committee on Raw Tobacco
L 355, 24.12.1973

73/426/EEC:

Commission Decision of 31 October 1973 on the Advisory Committee on Hops
L 355, 24.12.1973

73/427/EEC:

Commission Decision of 31 October 1973 on the Advisory Committee on Live Plants
L 355, 24.12.1973

73/428/EEC:

Commission Decision of 31 October 1973 on the Advisory Committee on Flax and Hemp
L 355, 24.12.1973

73/429/EEC:

Commission Decision of 31 October 1973 on the Advisory Committee on Fisheries
L 355, 24.12.1973

73/430/EEC:

Commission Decision of 31 October 1973 issuing a standing invitation to tender for the export of 100 000 metric tons of rye held by the German intervention agency
L 355, 24.12.1973

73/431/EEC:

Commission Decision of 19 November 1973 fixing the minimum selling price for butter for the 33rd individual invitation to tender under the standing invitation to tender provided for by Regulation (EEC) 1259/72
L 355, 24.12.1973

73/432/EEC:

Commission Decision of 21 November 1973 regarding an autonomous increase of imports into the Community of cotton textiles covered by the Trade Agreement

between the EEC and the Republic of Korea on trade in cotton textiles
L 355, 24.12.1973

73/433/EEC:

Commission Decision of 23 November 1973 fixing, for the purpose of the tendering procedure referred to in Regulation (EEC) 2876/73, maximum amounts for the costs of delivery fob of skimmed-milk powder
L 355, 24.12.1973

73/434/EEC:

Commission Decision of 28 November 1973 on the submission of applications for assistance from the European Social Fund
L 355, 24.12.1973

73/435/EEC:

Commission Decision of 28 November 1973 declaring that the conditions governing the mobilization of common wheat for a national food aid project are satisfied
L 355, 24.12.1973

73/436/EEC:

Commission Decision of 29 November 1973 authorizing the Republic of France to allow the marketing of seeds of white clover subject to reduced requirements up to and including 30 June 1974
L 355, 24.12.1973

73/447/EEC:

Estimate of supply of and demand for beef and veal in the processing industry for the period from 1 January to 31 March 1974
L 364, 31.12.1973

Commission's Proposals to the Council

Proposal for a Council Regulation amending Regulation (EEC) 974/71 as regards the prices of agricultural products in Italy, in consequence of developments in the monetary situation
C 105, 4.12.1973

Proposal for a Council Decision establishing a consultation procedure for cooperation agreements between Member States and third countries
C 106, 6.12.1973

Proposal for a Council Regulation on the list of priority agricultural regions and areas referred to in the Regulation (EEC) on finance from the Guidance Section of the

European Agricultural Guidance and Guarantee Fund for projects falling within development programmes in priority agricultural regions
C 106, 6.12.1973

Proposal for a Council Regulation on the list of regions and areas referred to in Regulation (EEC) establishing a European Regional Development Fund
C 106, 6.12.1973

Proposal for a Regulation (EEC) of the Council on the opening, allocation and administration of a Community tariff quota for dried grapes falling within subheading 08.04 B I of the Common Customs Tariff, in immediate containers of a net capacity of 15 kg or less
C 106, 6.12.1973

Proposals for Regulations (EEC) of the Council:

I. opening, allocating and providing for the administration of Community tariff quotas for port wines falling within subheading ex 22.05 of the Common Customs Tariff, originating in Portugal

II. opening, allocating and providing for the administration of Community tariff quota for Madeira wines falling within subheading ex 22.05 of the Common Customs Tariff, originating in Portugal

III. opening, allocating and providing for the administration of a Community tariff quota for Setubal muscatel wines, falling within subheading ex 22.05 of the Common Customs Tariff, originating in Portugal
C 106, 6.12.1973

Proposal for a Regulation (EEC) of the Council opening, allocating, and providing for the administration of a Community tariff quota for fresh or dried hazelnuts, shelled or not, falling within subheading ex 08.05 G of the Common Customs Tariff, originating in Turkey
C 106, 6.12.1973

Proposal for a Council Regulation amending Regulation (EEC) 1411/71, as regards the fat content of whole milk
C 109, 11.12.1973

Proposal for a Council Regulation on customs treatment to be applied to certain fishery products originating in Norway
C 110, 13.12.1973

Proposal for a Council Directive on the approximation of the laws of the Member States relating to the making-up by weight or by volume of certain pre-packaged products
C 110, 13.12.1973

Proposal for a Council Regulation laying down conditions for granting national aid under the common structural policy for seafishing
C 110, 13.12.1973

Draft Council Directive on aids to shipbuilding
C 114, 27.12.1973

Draft Council Resolution on the measures to be taken by the Community in order to resolve the problems raised by the development of multinational undertakings
C 114, 27.12.1973

Proposals for a Council Regulation (EEC) temporarily and partially suspending the autonomous duties in the Common Customs Tariff on bitter or Seville oranges of subheading ex 08.02 A II a) and b) and saffron, neither crushed or ground, of subheading 09.10 C I
C 114, 27.12.1973

Proposal for a Council Decision extending the system of mining prices
C 114, 27.12.1973

Proposal for a Council Regulation (EEC) on the rate of import charges collected on (small non-commercial assignments) agricultural products and products coming under Regulation (EEC) 1059/69
C 114, 27.12.1973

Proposal for a Council Decision on the participation of the European Economic Community in the negotiations for the conclusion of a Convention for the prevention of sea-pollution from land-based sources (afterwards called 'the Convention')
C 114, 27.12.1973

Work on Economic and Monetary Union

I. Draft Council Resolution on the implementation of the second stage of economic and monetary union in the Community

II. Proposal for a Council Directive on stability, growth and full employment in the Community

III. Proposal for a Council Decision on the achievement of a high degree of convergence of the economic policies pursued by the Member States of the European Economic Community

IV. Proposal for a Regulation amending Council Regulation (EEC) 907/73 of 3 April 1973 setting up a European Monetary Cooperation Fund

V. Draft Decision setting up an Economic Policy Committee
C 114, 27.12.1973

Proposal for a Council Directive on the approximation of the laws of Member States concerning the application of the principle of equal pay for men and women contained in Article 119 of the EEC Treaty
C 114, 27.12.1973

Proposals for Council Regulations (EEC)

I. opening, allocating and providing for the administration of a Community tariff quota for dried figs falling within subheading ex 08.03 B of the Common Customs Tariff, originating in Spain and imported in immediate packings of a net capacity of 15 kg or less

II. opening, allocating and providing for the administration of a Community tariff quota for dried grapes falling within subheading ex 08.04 B I of the Common Customs Tariff, originating in Spain, imported in immediate packings of a net capacity of 15 kg or less
C 114, 27.12.1973

Proposals for Council Regulations (EEC)

I. opening, allocating and providing for the administration of a Community tariff quota for Jerez wines falling within subheading ex 22.05 of the Common Customs Tariff, originating in Spain

II. opening, allocating and providing for the administration of a Community tariff quota for Malaga wines falling within subheading ex 22.05 of the Common Customs Tariff, originating in Spain

III. opening, allocating and providing for the administration of a Community tariff quota for wines from Jumilla, Priorato, Rioja and Valdepeñas falling within subheading ex 22.05 of the Common Customs Tariff, originating in Spain
C 114, 27.12.1973

Proposals for Council Regulations (EEC)

I. extending the period of application of Council Regulation (EEC) 227/72 of 31 January 1972 on imports into the Community of certain fishery products originating in Tunisia

II. extending the period of application of Council Regulation (EEC) 228/72 of 31 January 1972 on imports into the Community of certain fishery products originating in Morocco
C 114, 27.12.1973

Proposal for a Council Directive on a 10th amendment to the Directive on the approximation of the laws of the Member States concerning the preservatives authorized for use in foodstuffs intended for human consumption
C 116, 29.12.1973

Proposal for a Council Regulation extending the arrangements made by Regulation (EEC) 1253/73 on imports

of the wine product exported under the label of 'Cyprus Sherry', originating in and coming from Cyprus, and the introduction of subsidies for similar wine products produced in the Community as originally constituted and exported to Ireland and the United Kingdom
C 116, 29.12.1973

The European Development Fund¹

Information relative aux cours de change retenus pour les opérations du Fonds européen de développement (FED)
C 105, 4.12.1973

Information n° 31 sur un appel d'offres de la République unie du Cameroun concernant des travaux de faible importance financés par le FED
C 111, 18.12.1973

Information n° 32 sur un appel d'offres de la République togolaise concernant des travaux de faible importance financés par le FED
C 111, 18.12.1973

Avis d'appel d'offres n° 1135, lancé par la République centrafricaine, pour un projet financé par la CEE — FED
C 111, 18.12.1973

Appel d'offres n° 1136 de la République unie du Cameroun, pour un projet financé par la CEE — FED

Résultats d'appels d'offres pour les appels d'offres n° 18, 22 (procédure accélérée), 1016, 1034, 1039, 1044, 1048, 1054, 1062, 1068, 1071, 1072, 1079, 1080, 1088, 1090, 1096 et 1098
C 111, 18.12.1973

Information complémentaire à l'avis d'appel d'offres n° 1134
C 115, 28.12.1973

¹ This section concerns information on the execution of projects financed by the European Development Fund. In the light of the technical difficulties in translation, during the present internal organization of the Community, and the transitional measures of the Act of Accession which, on the one hand, exempt the new Member States from the financial contribution to EDF and, on the other hand, do not confer on their nationals the right to participate in the execution of EDF projects, these texts are only being published in the German, French, Italian and Dutch editions. Nevertheless, for the information of our readers we include the texts of the French edition.

Information n° 33 sur un appel d'offres de la République du Niger, concernant des travaux de faible importance financés par le Fonds européen de développement
C 116, 29.12.1973

Résultat d'une présélection (avis d'appel d'offres n° 1095)
C 116, 29.12.1973

Approbation de projets financés par le Fonds européen de développement
C 116, 29.12.1973

Avis d'appel d'offres n° 1137 de la République malgache (ministère du génie civil), pour un projet financé par un prêt spécial du Fonds européen de développement
C 116, 29.12.1973

Public Works Contracts

Public works contracts (Council Directive 71/305/EEC of 26 July 1971 supplemented by Council Directive 72/277/EEC of 26 July 1972)

Open procedures

L 333, 4.12.1973; L 334, 5.12.1973; L 337, 6.12.1973; L 338, 7.12.1973; L 339, 8.12.1973; L 340, 11.12.1973; L 341, 12.12.1973; L 342, 13.12.1973; L 344, 14.12.1973; L 345, 15.12.1973; L 349, 19.12.1973; L 351, 20.12.1973; L 353, 22.12.1973; L 357, 28.12.1973; L 360, 29.12.1973; L 364, 31.12.1973

Restricted procedures

L 331, 1.12.1973; L 333, 4.12.1973; L 334, 5.12.1973; L 337, 6.12.1973; L 338, 7.12.1973; L 339, 8.12.1973; L 340, 11.12.1973; L 341, 12.12.1973; L 342, 13.12.1973; L 344, 14.12.1973; L 345, 15.12.1973; L 348, 18.12.1973; L 349, 19.12.1973; L 351, 20.12.1973; L 352, 21.12.1973; L 357, 28.12.1973; L 360, 29.12.1973

Corrigenda

— in OJ L 323, 24.11.1973; published in OJ L 339, 8.12.1973

Communications

List of week numbers to be used in 1974 on eggs and egg packages in accordance with Article 17 (2) of Council Regulation (EEC) 1619/68 of 15 October 1968 on marketing standards for eggs
C 105, 4.12.1973

Revision of 'The General Coal Market Situation' — forecasts for 1973
C 105, 4.12.1973

Communication from the Commission pursuant to Article 4 of Council Regulation (EEC) 2628/73 of 26 September 1973
C 109, 11.12.1973

List of opinions given on investment programmes (Article 54 of the Treaty of the ECSC)
C 109, 11.12.1973

Communication from the Commission pursuant to Article 4 of Council Regulation (EEC) 2761/72 of 19 December 1972
C 111, 18.12.1973

Cartels and dominant positions (Articles 85 to 90 of the Treaty establishing the EEC) — Communication made in accordance with Article 19 (3) of Regulation 17 concerning an application for negative clearance IV/C/26.872 or, failing this, a decision in application of Article 85 (3): IV/C/26.872
C 111, 18.12.1973

Communication from the Commission pursuant to Article 4 of Council Regulation (EEC) 2761/72 of 19 December 1972
C 115, 28.12.1973

Opinion of the ECSC Consultative Committee on the Community's Social Action Programme
C 115, 28.12.1973

Communication to production undertakings which come within the jurisdiction of the European Coal and Steel Community
C 115, 28.12.1973

Notice of the Commission concerning the application of the monetary compensatory amounts
C 115, 28.12.1973

Informations

Forward estimate for the 1973/74 wine-growing year
C 116, 29.12.1973

Notice of invitation to tender for the supply of grain sorghum, maize and common wheat pursuant to Commission Regulation (EEC) 3265/73 of 30 November 1973
C 105, 4.12.1973

Notice of invitation to tender for the levy for export of common wheat to third countries
C 106, 6.12.1973

Notice of competition COM/C/110 (clerical officers (telex operators))
C 109, 11.12.1973

Notice of invitation to tender for the delivery of Common wheat flour pursuant to Commission Regulation (EEC) 3320/73 of 7 December 1973
C 109, 11.12.1973

Notice of invitation to tender for the delivery of common wheat flour pursuant to Commission Regulation (EEC) 3388/73 of 14 December 1973
C 111, 18.12.1973

Notice of invitation to tender for the supply of common wheat flour pursuant to Commission Regulation (EEC) 3447/73 of 21 December 1973
C 114, 27.12.1973

Notice of a standing call for tender for the transfer of pears withdrawn from the market to the distillation industry
C 114, 27.12.1973

Notice of a standing call for tender for the transfer of apples withdrawn from the market to the distillation industry
C 114, 27.12.1973

Judgments

Judgment of the Court (First Chamber) of 12 July 1973 in Case 74/72: Anna Di Blasi v. the Commission of the European Communities
C 105, 4.12.1973

Judgment of the Court of 20 June 1973 in Case 80/72 (request for a preliminary ruling made by order of the College van Beroep voor het Bedrijfsleven): Koninklijke Lassiefabrieken N.V. v. Hoofdprodukschap voor Akkerbouwprodukten
C 105, 4.12.1973

Judgment of the Court of 9 October 1973 in Case 12/73 (request for a preliminary ruling made by the Finanzgericht of Hamburg); Claus W. Muras v. Hauptzollamt de Hamburg-Jonas
C 105, 4.12.1973

Judgment of the Court (Second Chamber) of 12 July 1973 in Joined Case 10 and 47/72: Mr Nunzio di Pillo v. Commission of the European Communities
C 116, 29.12.1973

Judgment of the Court of 11 October 1973 in Case 39/73 (request for a preliminary ruling by the Oberver-

waltungsgericht); Rewe-Zentralfinanz GmbH v. the Director of the Landwirtschaftskammer Westfalen-Lippe
C 116, 29.12.1973

Orders

Order of the President of the Court dated 11 October 1973 in Cases 160/73 R and 161/73 R: Miles Druce & Co, Limited v. the Commission of the European Communities
C 105, 4.12.1973

Index to the Main Chapters and Supplements of the Bulletin in 1973

Nos. 1 - 12 1973

General

Installing the Institutions of the Enlarged Community—No 1 chap. 1 (sec. 1101-1122).

Programme of the Commission for 1973: address by Mr François-Xavier Ortoli, President of the Commission of the European Communities, to the European Parliament (13 February 1973—No 2, chap. 1 (1101-1107).

Mr Claude Cheysson, new Member of the Commission—No 4, Introductory chapter.

Increasing the authority of the European Parliament on budget matters

— No 6, chap. 1 (1101-1103)

— No 10, chap. 5 (1501-1504)
and Supplement 9/73.

To increase the role and influence of the Parliament: practical measures—No 6, chap. 2 (1201-1210).

The enlarged Community and the Helsinki Conference—No 6, chap. 5 (1501).

Political cooperation between the Nine—No 9, chap. 2 (1201-1203).

Preparation for the Summit Conference—No 11, chap. 4 (1401-1407).

The Copenhagen Summit Conference—No 12, chap. 1 (1101-1108).

Europe between the past and the future: inauguration of the Paul-Henri Spaak Foundation—No 12, chap. 4 (1401-1409).

Mr Willy Brandt at the European Parliament. Speech delivered by the Chancellor of the Federal Republic of Germany on 13 November 1973 — No 11, Introductory Chapter.

Free circulation of goods

Proposal for simplifying customs formalities—No 6, chap. 4 (1401-1404).

Competition policy

The Community's competition policy: statement by Mr Albert Borschette, Member of the Commission, to the European Parliament (12 February 1973)—No 2, chap. 4 (1401-1408).

Introduction to the Second Report on Competition Policy—No 5, chap. 3 (1301-1307).

Control of concentrations: a proposition by the Commission—No 7/8, chap. 4 (1401-1404).

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Commission Yearbook for 1974

The Yearbook of the Commission of the European Communities will be published in January 1974 in the form of a special Supplement to the Bulletin.

