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RESEARCH AND DEVELOPMENT POLICY IN THE COMMUNITY

by Dr Fritz Hellwig,

Vice-President of the Commission of the European Communities

There is still no common policy in Europe for scientific and technical research. Although for a long time now no European country has considered itself capable of competing unaided in the race of the super-powers, the recognition of this fact has led only to the first beginnings of collaboration in this field. Borne by a wave of optimism and spontaneity, a multiplicity of institutions have sprung up which cover the entire spectrum of activities from fundamental research to major industrial projects, but all of these have resulted only in a lamentable splintering into two dozen or more inter-governmental organizations. There is a lack of any guidelines and of any criteria for these numerous efforts.

The only common feature so far is regret at the lack of efficacy and the consequent mismanagement of human and financial resources.

In the main these findings apply also to the European Community. There are vast differences in the tools available to the Community for dealing with the task that confronts it here. Of the three Community treaties there are only two, namely, the Paris Treaty establishing the European Coal and Steel Community and the Euratom Treaty, which contain relevant provisions.

From the proceeds of the levy on coal and steel production the High Authority (now the Commission) can, with the approval of the Council voting by a simple majority, promote projects in fields ranging from production technology through industrial safety to industrial hygiene and occupational medicine, but there is no provision for research on its own account or for the execution of joint projects.

The Euratom Treaty, on the other hand, goes a very long way indeed; it stipulates the development of an entire industry, with the aid of research, as a Community task. The European Atomic Energy Community is required to coordinate the nuclear research

activities undertaken in the Member States and to supplement them with a research and training programme of its own, which, however, has to be laid down by the Council, acting by means of a unanimous vote, and which is financed from a special budget.

In the EEC Treaty one will search in vain for a lever enabling the Community Institutions to set on foot scientific and technological cooperation. The connection with the fulfilment of the aims of integration, namely, to create a large internal market, to secure economic growth and to ensure competitiveness on the world market, was only recognized during the work on medium-term economic policy.

A modern, internationally competitive industrial structure as a prerequisite for the progress of integration cannot be expected to emerge until the "compartmentalization" of the individual national markets has been overcome. To create the optimum conditions for doing so has long been a concern of the Commission, which has repeatedly put forward critical analyses of industrial policy in general and of nuclear policy in particular. The state of integration to date will only reach an optimum level for major research and its industrial application when Community-wide company and patent law, capital market, vocational training and freedom of movement for enterprises, employees, scientists, teachers and students have become realities. This infrastructure also includes the harmonization of state aids and public contracts and the unification of standards and safety regulations so as to prevent new technical barriers to trade from arising.

Whereas the Community's demographic development alone makes it imperative to improve the production structure and to increase productivity, paramount importance attaches to research and technological development as growth factors. Over and above individual projects, a *common* policy in this sector will be essential if the Common Market is to be capable of meeting these future challenges. Consequently, the most urgent requirement is not to promote this or that particular major project but first of all to compare the various national goals and methods, i.e. the programmes, their financing and the forms in which industry itself is directly involved. It is no longer sufficient merely to deplore the duplication of work and the squandering of money; what is needed is to provide criteria for a common policy on research and

technology. The priorities for the work at Community level (and beyond that) will then adjust themselves. Several major projects relating to nuclear reactors, to the construction and operation of uranium enrichment plants and to electronic data-processing have now been in view for a long time.

If we look back to the trials and tribulations which beset Euratom, we find that collaboration on a Community basis was crowned with success, indeed with universally acclaimed success, whenever the activities were in the nature of public services (Central Bureau for Nuclear Measurements, Geel). Likewise successful were the forms that were developed at a Community level for concerting national projects in the field of fundamental research (thermonuclear fusion, biology and radiological protection). Progress in projects with an industrial objective was incomparably more difficult to achieve when, in isolated instances, Member States insisted on a "fair return" for their financial contribution.

Finally, the previously mentioned infrastructure also includes timely collaboration in the sphere of scientific and technical information and documentation. The semi-automatic information system painstakingly evolved by Euratom over a long period is another example of a public service and is shortly to be adopted by the International Atomic Energy Agency in Vienna for its larger circle of members.

The Commission has seen the efforts of the last three years in all the fields mentioned here — notwithstanding the disappointments and fruitless delays that beset them — rewarded and acknowledged by the declaration issued at The Hague on 2 December 1969 by the Heads of State or Government, who evinced the will of all the Member States to intensify the technological activity.

After a long period of preparatory deliberations among the Six, the participation of other European states in the technological cooperation has finally entered the stage of firm negotiations with nine other industrialized countries of Europe, so that we may now hope for an enrichment and completion of our own efforts.

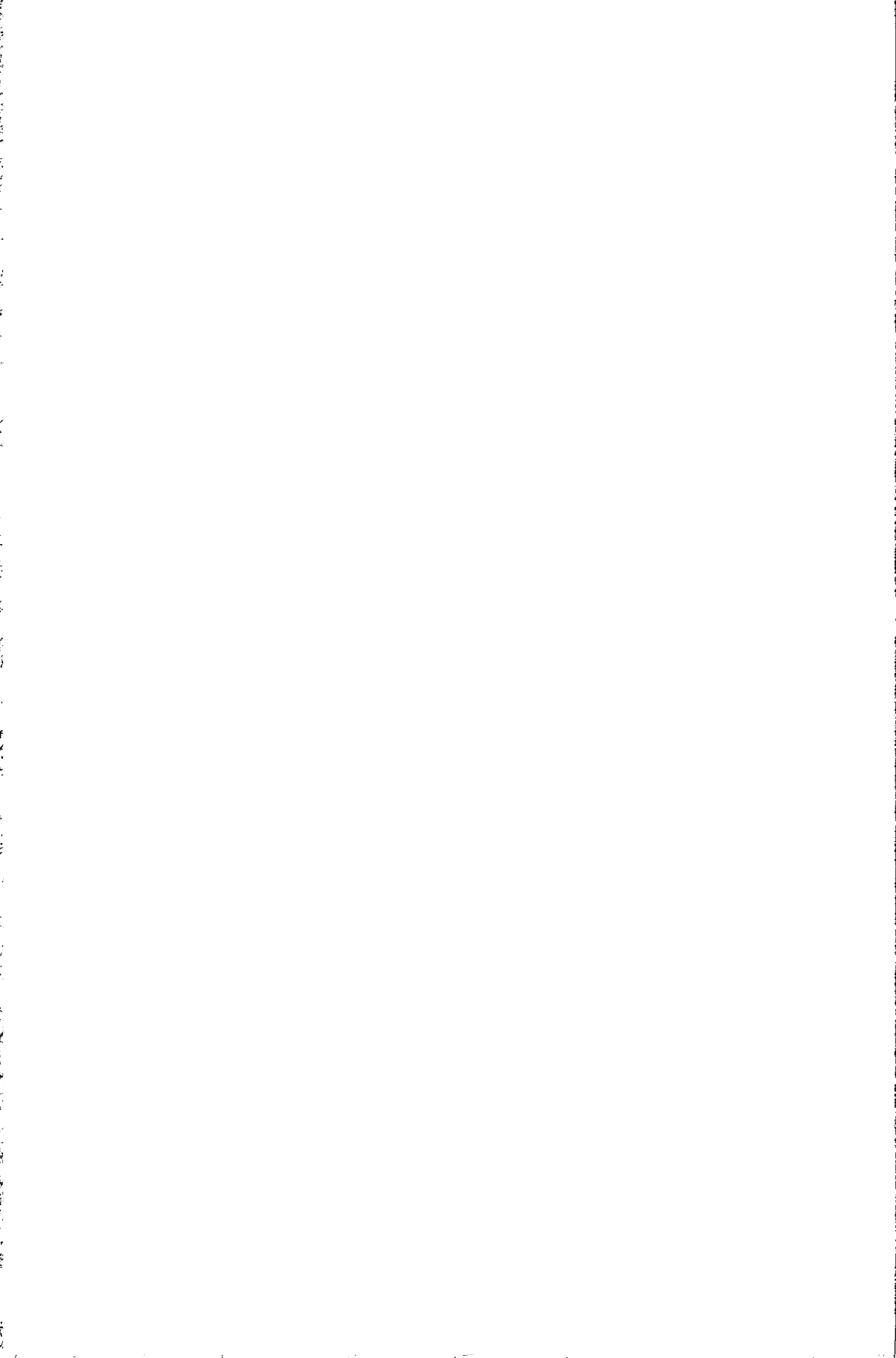
Although in this article it was not possible to give more than a summary review of the Commission's lines of action in the field of technical and scientific cooperation — for a *common* policy has

yet to be evolved — it will no doubt have become clear how closely continued success is bound up with an integration-conscious solution to the problems of research and development. Moreover, the economic and industrial-policy motivation is only one among others. The scale of technical development creates entirely new problems for the existence of man in society and for relations between States and between social groups. European integration, in which the emphasis at first lay almost entirely on the economic sphere, will have to find timely answers to all these questions.

Murray

PART ONE

Features and documents



I. THE NEW COMMISSION

The new Commission of the European Communities was appointed by the representatives of the Governments of the Member States, meeting at Bagnaia di Viterbo on 29 May and at Luxembourg on 29 June 1970. It takes office with effect from 2 July 1970.

The Commission is made up as follows: President, Mr. Franco Maria Malfatti; Vice-Presidents, Mr. Sicco L. Mansholt, Mr. Raymond Barre and Mr. Wilhelm Haferkamp; members, Mr. Albert Coppé, Mr. Jean-François Deniau, Mr. Altiero Spinelli, Mr. Albert Borschette and Mr. Ralf Dahrendorf. The terms of the office of the President and Vice-Presidents are two years, and of the members four.

* * *

The new President, Mr. *Franco Maria Malfatti*, was born in Rome on 13 June 1927, and at the time of his appointment was Italian Minister of Posts and Telecommunications.

He was on the Central Executive and National Council of the Christian Democrat Party from 1952 to 1964. In 1958 he was elected Member of Parliament for Perugia, and has sat for this constituency ever since; meantime he has been on a succession of Parliamentary Committees — Public Education, Public Works, the Interior, Finances and the Treasury — and on the Radio and Television Control Commission, before becoming Deputy State Secretary for Industry and Commerce. In 1968 he was appointed Deputy State Secretary for Foreign Affairs, and in 1969 Deputy State Secretary for the Budget and for Planning, and subsequently Minister for State Investments. In 1970 he became Minister of Posts and Telecommunications, and held this portfolio until becoming President of the new Commission.

Vice-President *Sicco L. Mansholt* was born on 13 September 1908 at Ulrum (Groningen) in the Netherlands. He studied at the School of Tropical Agriculture at Deventer, and thereafter devoted himself entirely to agricultural matters. He was a Vice-President of the EEC Commission from 1958 and of the merged Commission of the European Communities from 1967, in both of which capacities he had special responsibility for common agricultural policy.

Prior to his Brussels appointment, Mr. Mansholt was Minister of Agriculture, Fisheries and Food from 1945 to 1958, in six successive Cabinets. Early in 1946 he headed the Netherlands delegation to the conference of the UN Food and Agriculture Organization, and he later took part in various Benelux, OEEC and Ecosoc negotiations mainly concerning agriculture. Previously, he held responsible posts in farming in the Netherlands (until 1934)

and Indonesia (1934/36), and from 1940 to 1944 was active in the Dutch Resistance. He is an honorary Doctor of Agriculture of the National Agricultural College at Wageningen (1956) and of the Belgian State Agricultural Institute at Gembloux (1960).

Vice-President *Raymond Barre* was born at Saint-Denis, Réunion, on 12 April 1924. He has been a Vice-President of the Commission of the European Communities, with responsibility for economic and financial affairs and for the Statistical Office, since 1 July 1967.

He studied at the Faculty of Law and the Institut d'Etudes Politiques in Paris, and in 1950 was admitted *agrégé* of the Faculties of Law and Economics. He taught at the Institut des Hautes Etudes in Tunis from 1951 to 1954 and then at the Faculty of Law and Economics in Caen, and from January 1959 to April 1962 was chief executive assistant to the Minister of Industry, Mr. Jeanneney. He was appointed to the staff of the Paris Faculty of Law and Economics in 1963 and of the Institut d'Etudes Politiques in Paris in 1961, and in 1963-64 was a member of the special panel of experts known as the Lorraine Committee, responsible for studying problems of investment financing in France. He was on the General Economy and Financing Committee under the Fifth Plan, the National Commission for town and country planning, and, in 1966, the Board of the Centre for the study of incomes and costs set up to institute an incomes policy. Also in 1966, he was chairman of the Committee for concerted action on the socio-economics of development of the General Delegation for scientific and technical research. He is the author of various treatises and articles on economic analysis, economic development and the world economy.

Mr. *Wilhelm Haferkamp*, who becomes a Vice-President of the Commission, was born in Duisburg on 1 July 1923. Before becoming a member of the Commission, with responsibility for energy and for the European supply agency and security bureau on 1 July 1967, he was on the Economic and Social Committee.

Mr. Haferkamp, who holds an economics degree of the University of Cologne, was in 1950 appointed head of the social policy department of the North Rhine/Westphalia section of the German Trade Union Federation, and later, from 1957 to 1963, president of the whole section. From 1962 to 1967 he was a member of the National Bureau of the Trade Union Federation and head of its economic policy department. He was a member of the ECSC Consultative Committee from 1963 to 1965.

Mr. *Albert Coppé*, born in Bruges on 26 November 1911, is a doctor of economics and a graduate in commerce and finance and in political and social science; he is a visiting professor at the University of Louvain, where he had

been appointed lecturer in 1941. From the very outset of the European Communities' activities in 1952, he was Vice-President of the ECSC High Authority, with special responsibility for energy, transport, cartels and concentrations and information, and also chairman of the Statistical Office of the Communities and of the Mines Safety Commission. He has been a member of the Commission of the European Communities since 1967, with responsibility for matters concerning information and information media, credit and investment in the coal and steel sectors, the Communities' budgets, and the administration of the Commission.

Mr. Coppé entered Parliament in 1946 as a Social Christian Member for Brussels. He specialized in financial and economic questions and in Benelux matters, and was a member of the Finance and Economic Affairs Committees. Between 1950 and his ECSC appointment he held a series of Cabinet posts, becoming successively Minister of Public Works (1950), Minister of Economic Affairs (1950/51) and Minister of Reconstruction (1952). He has honorary doctorates of the Universities of Montreal and San Antonio, Texas, and has published several works (including "Problèmes d'économie charbonnière" and "Economische Politiek en Levensstandaard") and many papers on scientific and political subjects.

Mr. *Jean-François Deniau*, who was born in Paris on 31 October 1928, is the holder of law and arts degrees, a graduate in advanced political economy with a diploma from the Paris Institut d'Etudes Politiques, and was at an alumnus of the Ecole Nationale d'Administration. He has been a member of the Commission of the European Communities since 1967, with special responsibility for external trade and superintendence of finance.

Mr. Deniau was made an inspector of finance in 1952. In 1955 he was on the general secretariat of the Interministerial Committee on European Economic Co-operation and a member of the French delegation to OEEC. In 1957 he was on the staff of the Prime Minister and was technical adviser to the Minister of Industry and Commerce. He was one of the French team at the negotiations for the Treaties of Rome (1955/56), and subsequently was for some time a senior official of the EEC Commission, first as a Director in charge of association with non-member countries and, later, as a Director-General heading the Commission's delegation in the negotiations with Britain (1961/63). He was next appointed assistant to the Director of External Economic Relations at the Ministry of Finance and Economic Affairs, and from 1963 to 1967 was Ambassador Extraordinary and Plenipotentiary of the French Republic to the Islamic Republic of Mauritania. In 1967 he was put in charge of interministerial co-ordination with respect to colour television, and was chairman of the Franco-Soviet Commission.

Mr. *Altiero Spinelli* was born in Rome on 31 August 1907. While studying law at Rome University in 1924/27 he engaged in underground anti-Fascist activities, and following his conviction in 1927 by the Special Court on Conspiracy against the State spent ten years in prison and six under detention. In 1943 he launched the European Federalist Movement in Milan, and did Resistance work there as a member of the political secretariat of the Northern Italy Action Party. He organized the first international federalist conferences, in Geneva in July 1944 and in Paris in February 1945. He was on the national political secretariat of the Action Party in 1945/46, and in 1948 became general secretary of the European Federalist Movement (MFE) in Italy, and a member of the executive committee and delegate-general of the European Union of Federalists (UEF) in Paris. He was from 1962 to 1966 a visiting professor at the Bologna Center of the School of Advanced International Studies of John Hopkins University, where he lectured on the European Communities, and after 1966 was director of the Italian Institute of International Affairs, editor of the periodical "Lo Spettatore Internazionale", and a member of the Study Centre of the Olivetti Foundation, the Council of the Institute for Strategic Studies in London, and the editorial board of the periodical "Il Mulino".

In 1968/69 Mr. Spinelli was adviser on European Affairs to the Foreign Minister, Mr. Pietro Nenni. He has published a considerable amount on European and federalist questions, including "Problems of European Federation" (with E. Rossi, 1944), and "A Manifesto for a Free and United Europe."

Mr. *Albert Borschette* was born on 14 June 1920 in Diekirch, Grand Duchy of Luxembourg. From 1958 until his recent appointment to the Commission he was Luxembourg's Permanent Representative to the European Communities, with the rank of Ambassador.

He studied at Aix-en-Provence, Innsbruck, Munich and Paris, and holds the degree of doctor of letters. He began his career as Press attaché in the Luxembourg Ministry of State (1945/47), was a member of the Luxembourg liaison mission to the Allied Control Council in Berlin in 1949/50, and went on to become Secretary at the Luxembourg Legation in Bonn in 1950 and Secretary at the Luxembourg Embassy in Brussels in 1953, with subsequent promotion to Counsellor at the latter. From 1956 to 1958 he was deputy head of delegation at the Intergovernmental Conference on the Common Market and Euratom. He has published several books, and has been awarded the Grand Prix of the Society of Luxembourg French-language Writers.

Mr. *Ralf Dahrendorf* was born in Hamburg on 1 May 1929. He was elected to the Bundestag in 1969, and in October of that year was appointed Parliamentary Under-Secretary for Foreign Affairs.

He gained the degree of doctor of philosophy at Hamburg University in 1952, and then did postgraduate work in sociology at the London School of Economics until 1954, when he was appointed research assistant at the University of the Saar. Having received a second D. Phil. in London in 1956 and his "Habilitation" (official certificate of entitlement to lecture) in 1957, he became a lecturer in the Faculty of Arts at the University of the Saar and later professor of sociology at the Hamburg Academy of Economic and Political Science, professor of sociology at the University of Tübingen, and, in 1960, the first Director of Tübingen's Institute of Sociology. Between 1962 and 1968 he was visiting professor at various American, British, Dutch, Czechoslovak and Swiss universities. In 1964 he was appointed vice-chairman of the Committee for the Establishment of the University of Constance, and in 1966/67 was professor of sociology and first dean of the social science faculty in that city. He has written many works on sociology and social science. For some time prior to 1969 he sat in the provincial parliament of Land Baden-Württemberg, and was vice-chairman of the Free Democrat parliamentary party there.

II. THE COMMISSION OF FOURTEEN TAKES LEAVE OF THE EUROPEAN PARLIAMENT

On 16 June 1970 President Rey addressed the European Parliament to mark the "turning of a page", the end of a period in the Community's history, with the expiry of the term of office of the single Commission of the European Communities, which in July 1967 took over from the ECSC High Authority, the Common Market Commission and the Euratom Commission. Mr. Rey stressed his unshakable confidence in the value of the work undertaken — the building of a reconciled European continent. He said that the Commission of Fourteen rejoiced at the progress made since 1967, and went on to analyse the spheres of Community activity where fresh endeavours were required and to emphasize the profound unity which the Commission of Fourteen had maintained throughout the "political, economic and monetary squalls" of recent years. The address is published below.

"This is the last session at which the present Commission of the European Communities — which will doubtless come to be known as the Commission of Fourteen — is participating in the work of the European Parliament, and it is therefore time for us to take leave of you.

"For most of us this departure is probably final, and naturally it is not free of some tugging at the heartstrings.

"It is not without regret that one lays down work to which one has devoted oneself for ten years and, in some cases, even longer. It is not without emotion that we leave that élite of European civil servants with whom we have worked so much, whose leaders we have been proud to be, and to whom we are attached by so many links of respect, friendship and affection. It is not without emotion, finally, that we shall leave this Parliamentary forum where we have so often taken part, in various capacities, in the debates of the Common Assembly and of the European Parliament and where we have pooled our ideas, our wills and our hopes.

"But our Commission thought that it was not fitting to dwell at this time on these personal aspects but rather that the Commission of the Fourteen as such should bid farewell to the European Parliament at the time when its term of office is coming to an end. It is therefore in the name of the whole Commission that I would like to address these few words to you.

"Our first sentiment is one of rejoicing at the great progress made in the building of Europe during the three years we were in office.

"It is not our intention to draw up a balance-sheet of this progress. Every year the Parliament receives a report from the Commission, and the fact that the Commission is changing in membership or in numbers in the course of the year does not mean that there will be the slightest change in the continuity of its action. This being so, the Commission does not think that it needs to draw up a balance-sheet and even less to leave behind it a last will and testament.

"But nobody will be astonished if we feel keen satisfaction at the progress accomplished since the time when, in July 1967, we took up the task which then fell to the single Commission of the three Communities.

"The fact that we have been able to close the transitional period, to arrive at the important decisions concerning the financial regulation that must back up the common agricultural policy, and obtain for the Community resources of its own together with a first extension of the Parliament's budgetary powers; that we have been able to achieve the adoption of a common commercial policy; that the Hague Conference put an end to the atmosphere of crisis which marked the years 1968 and 1969 in the Community; that we are now tackling the creation by stages of an economic and monetary union which will lead finally to a common currency; that we are resuming the efforts — interrupted for so long — to enlarge the Community ... all this constitutes a series of decisions and future prospects which can only gladden our hearts, and whose political importance must not be underestimated.

"We are also leaving to our successors a whole batch of projects which have already been put before the Council and the Parliament and which they will have to bring to fruition; some of them cover the reform of agricultural structures, others deal with energy policy, industrial and technological policy, yet others with regional policy or social policy. These are the basic elements of the decisions which the Community will have to take in the coming years and which constitute the warp and woof of the economic union that must be achieved in the present decade.

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"Secondly, we must express our concern about the institutional and political state of the Community.

"As far back as 1967 we pointed out that the institutional strengthening of the Community was essential, not only if its economic objectives are to be attained but also if we are to offset the tendency to unwieldiness that will inevitably be one consequence of enlargement. We are obliged to note that progress here has been very modest — after the recent debate on budgetary powers the Parliament is too conscious of this for me to need to say much on the point. To put it mildly, the Council has not, in its recent deliberations, accorded this problem the attention it deserves. However, voices are being raised on all sides to emphasize the absolute necessity of progress in this field. The Werner

Committee itself, instructed to study the problems involved in creating an economic and monetary union, states that the institutional structure of the Community must be strengthened if we are to get anywhere. The young Europeans with whom we have just held a first colloquium in Brussels on 12, 13 and 14 June also emphasize how essential the democratization of the Community institutions seems to them.

“On 1 July 1968 we said the same thing from this same rostrum in a declaration on the completion of the customs union, a declaration which has lost nothing of its topicality.

“This is a great struggle which will have to be continued. The effectiveness of the Community and the very achievement of its objectives depend on it. Much perseverance and some boldness will be necessary, for it should be remembered that when prudence is everywhere courage is nowhere.

* * *

“Finally, we would like to say a few words about the Commission of Fourteen at the time when it is called upon to disappear.

“We believe and hope that during these years we have proved that a Commission composed of fourteen members can work effectively and that, thanks to unremitting effort, we have succeeded in maintaining its capacity for decision-making and its indispensable drive.

“This conclusion, which I hope will also be yours, seems to us essential, since the Community proposes that, once the number of Member States is increased, the Commission shall consist of precisely fourteen members, and we must be certain that the future institutions of the wider Community will be capable of acting effectively.

“Throughout these years there has been no lack of difficulties; political, economic and monetary squalls have not been spared us, but through it all we have maintained the profound unity of our Commission. Sometimes, we have had our differences, we have voted against each other without hesitation. The Commission members have not always been on the same political wave-length. Nevertheless, we have succeeded in maintaining between us, not only that confidence and friendship which went without saying, but the unity of views and action indispensable to our effective working. I personally as President have done all I could in this direction, and I hope that now, as our period of office draws to a close, it will be felt that our Commission has remained united, dynamic and respected, as was our wish and our duty.

* * *

"In conclusion I would like to thank the Parliament for the support it has given us throughout the years.

"Our dialogue with the Parliament has always been frank and sometimes lively, as is fitting between democratic and free institutions. But we have always felt ourselves encouraged, aided and backed up by the European Parliament in our efforts and, in the name of the whole Commission, I would like to express to you our gratitude.

"A page has been turned, a new one is now to be written.

"As I leave this rostrum I would like to address my most cordial wishes to my successor, President Malfatti, whom we are already receiving next week in Brussels. I would like to tell him and his colleagues on the new Commission — the old members and the new — how much hope we place in them, in their intelligence, and in their courage. I would request you in this Parliament to continue to give them the support you have given us, support they will need tomorrow as we did yesterday. And I would wish that the last words I address to this House in the name of all my colleagues should express our unshakable confidence in the value of the work we have undertaken — the building of a reconciled and united European continent which will be a force contributing to balance, peace and progress in the world."

III. COMMISSION'S PROPOSALS ON TECHNOLOGICAL DEVELOPMENT

At their conference at The Hague on 1 and 2 December 1969 the Heads of State and prime ministers reaffirmed their determination to intensify the Community's technological activity and to co-ordinate and promote industrial research and development in the leading growth sectors, in particular by means of Community programmes and to make the necessary funds available for this purpose.¹

In order to translate this determination into action, the Commission has submitted initial proposals to the Council with the aim of embodying the discussions on urgent problems, which have hitherto taken place at many different levels, in an overall framework and thereby giving them a fresh impetus. The Commission hopes that such a comprehensive discussion process may result in a clearer articulation of the political determination expressed at The Hague, and that it may facilitate solutions by weighing the various interests against one another.

In order to take a first decisive step towards a progressive introduction of a Community-scale harmonization, the Commission initially proposes the introduction of a *periodic consultation procedure, at Community level*, on the Member States' more significant projects in the field of research and development. Government-financed major technological projects for the construction of large-scale research instruments should be notified in advance to the Council by the Member States, so as to determine whether co-operation would be useful.

Even before the introduction of such a procedure, the Commission has made an additional series of proposals concerning the most urgent problems — proposals which are to be pressed further during a discussion in the Council. They relate to the following sectors:

Nuclear energy: The Commission proposes the promotion, where fast reactors and high-temperature reactors are concerned, of joint projects undertaken by the leading European electricity producers, with a view to the construction of large prototype power plants with capacities ranging from 600 MWe upwards. This could be done under the provisions of the Euratom Treaty concerning the establishment of joint enterprises.

As regards the construction of a European uranium enrichment capability, the Commission urges the need, in view of the continuing uncertainty as to the technical processes to be used and of the extent of the expenditure involved,

¹ See Bulletin 1-70, ch. I.

for a full exchange of technical and economic information between the Community countries, in order to be able to make the technological choice which is most advantageous to the Community.

Data processing: The Commission proposes that the Council should make absolutely clear its interest in the project worked out by the Aigrain group for a European large-scale computer unit, so as to induce the firms concerned to make the necessary pilot studies. The Commission further proposes a wide-ranging software programme (joint demonstration projects, financial backing for firms developing software, co-ordination on data banks).

Space: The Commission advocates permanent consultation between the Six in the Council on the problems of a revision of the European space programmes and on Europe's participation in the US post-Apollo programme.

Environmental problems: The Commission considers it essential to set up a medium-term programme of action, which would cover both the harmonization of regulations for the protection of the environment, which is necessary for reasons of competition, and the requisite research and development programmes. This programme would be drawn up after consultation with all groups concerned. The Joint Research Centre would be assigned a role in the implementation of the research programme.

Scientific and technical information and documentation: The gradual setting up of a European documentation and information network in this field and the co-ordination of national policies are the subject of the report by a working group which will shortly be submitted to the Council of Ministers, and which the Commission recommends should be examined without delay.

Training and mobility of scientific personnel: One of the proposals submitted by the Commission is that the revised national plans for post-secondary education should be compared and co-ordinated. The responsible ministers should discuss these questions in the Council at an early date. Further proposals concern the recognition of diplomas, post-graduate education, and measures relating to the mobility of scientific personnel.

IV. THE EUROPEAN AGRICULTURAL GUIDANCE AND GUARANTEE FUND SINCE 1962

Agricultural financing, like the common agricultural policy itself, was shaped gradually. The only reference to financing in Article 40 of the Treaty of Rome — which deals with the gradual establishment of a common organization of agricultural markets — is in its last paragraph, which states that, to enable the common organization to achieve its objectives, “one or more agricultural orientation and guarantee funds may be established.”

Thus, in contrast to the more precise provisions on other financial institutions such as the European Social Fund or the European Investment Bank, the Treaty only provides for the “possibility” of creating one or more agricultural funds. It was the Council of Ministers that had to decide on the very principle of Community financing and lay down the rules governing the EAGGF.

A European Agricultural Guidance and Guarantee Fund was formally instituted during the Council meeting which ended on 14 January 1962. Its purpose — to quote Regulation No. 25 of 4 April 1962 on financing the common agricultural policy¹ — was “to enable the common organization of agricultural markets to achieve its objectives”. The choice therefore fell on a single fund to finance all Community expenditure on markets and structural improvements in the various sectors of agriculture.

Regulation No. 17 of 5 February 1964² divides the EAGGF into two sections subject to different rules: a Guarantee Section for market expenditure and a Guidance Section for structural expenditure. Special Sections were subsequently created on a temporary basis and assigned specific roles.

The EAGGF is not a fund in the strict sense of the term. It has no resources of its own and hence enjoys no financial autonomy. Article 1 of the regulation of 4 April 1962 states — and this is confirmed by Regulation No. 729 of 21 April 1970³ — that the Fund forms part of the Community’s budget and is subject to the general rules applicable to this budget. In certain cases, however, it is also subject to provisions which are proper to it alone.

Article 2 of the Fund’s financial regulation⁴ stipulates that EAGGF expenditure forms a special section within the Community budget. And Article 7 of the regulation of 4 April 1962 states that, until the end of 1970, the Fund’s revenue consists of financial contributions from the Member States calculated according to a scale of contributions which differs from the general scale for budgetary expenditure.

¹ *Journal officiel* No. 30, 20 April 1962.

² *Ibid.* No. 34, 27 February 1964.

³ *Ibid.* No. L 94, 28 April 1970.

⁴ Regulation dated 5 February 1964 (*Journal officiel* No. 34, 27 February 1964).

From the institutional point of view, it is the Commission which implements Council decisions on the financing of the common agricultural policy and administers the Fund. In this it is helped by a number of committees (the EAGGF Committee, the Standing Committee on the Structure of Agriculture and the various management committees for individual products), consisting of representatives of the Member States with a representative of the Commission as chairman.

1. THE ROLE OF THE EAGGF

Guarantee Section

The Guarantee Section of the EAGGF finances public expenditure resulting from the common organization of agricultural markets. This expenditure covers refunds on exports to non-member countries (which enable the Community's agricultural produce, and notably its surplus production, to be disposed of on the world market) and intervention on the home market to support producer prices or to ensure that farm incomes cover production costs.

The principle laid down by the regulation of 4 April 1962 is that this expenditure should be a charge on the Community in so far as it results from the common policy; solidarity between the Member States is reflected in the Community's assuming financial responsibility for agricultural markets. The assumption of financial responsibility will, however, be gradual, pending the introduction of definitive financing arrangements. According to the agreements reached in the Council in December 1969, and the regulation of 21 April 1970, these definitive arrangements should come into force on 1 January 1971, at the same time as the arrangements for the Community's "own resources." On that date the Community will assume direct financial responsibility for expenditure on the agricultural markets; in other words, a Community budget will replace national budgets.

One indication of the gradual growth of Community financing is the annual increase in EAGGF responsibility for Member States' expenditure. Arrangements for the first three years of the Fund's life were set out in the regulation of 4 April 1962. Regulation No. 130/66/CEE of 26 July 1966¹ covered the arrangements from 1 July 1965 to the end of the transitional period. Although these do not strictly link up with the single market system, they do so in point of fact from 1967/68.

¹ *Journal officiel* No. 165, 21 September 1966.

The current system (July 1962-end 1970) is based on the subsequent reimbursement of refunds on exports to non-member countries, together with costs and losses involved in intervention on the home market, which have already been financed by the Member States. Market expenditure is therefore incurred in the first place by the Member States, which file applications for reimbursement once a year. During the transitional period these applications covered an accounting period running from 1 July to 30 June. The Commission checks the information contained in the applications and then decides what assistance is to be given from the Fund.

Administrative difficulties connected with the final closing of accounts led to the introduction of a system of advance payments in 1967. This simplified procedure was designed to reduce some of the delay encountered in granting assistance from the Fund.

Once it has decided on the assistance to be given, the Commission calls for contributions from the Member States. Since reimbursements are effected on a "clearing" basis to avoid excessive movements of funds, only net contributions (gross contributions less reimbursements) are paid to the Commission.

The main change in arrangements for the Guarantee Section during the definitive period consists in abandonment of the present clearing system and its replacement by a conventional budgeting procedure in line with the Community's direct financial responsibility. The Community budget is to be discussed each autumn, this being made possible by substituting the calendar year (1 January to 31 December) for the Fund's present accounting period (1 July to 30 June). Once the necessary credits have been approved, the Commission will make advance payments to disbursing services or agencies in the Member States, which will have to produce evidence to justify their requirements and submit detailed accounts in due course.

Guidance Section

The scope of the Guidance Section is harder to define than that of the Guarantee Section, largely because the Community has no real policy on the structure of agriculture.

The regulation of 4 April 1962 [Article 2, paragraph 2 c) and Article 3, paragraph 1 d)] provides for financing by the Community of structural improvements, the wording used for the single market stage being slightly different from that used for the transitional period. The regulation of 5 February 1964 (Article 1, paragraph 3) defines the purpose of the Guidance Section as follows: "The Guidance Section shall include expenditure financed by the Fund which

results from common action decided with a view to realizing the objectives set out in Article 39, paragraph 1 a) of the Treaty, including structural alterations made necessary by the development of the Common Market or required for the smooth working of the latter.”

Articles 11 and 12 of the same regulation enlarge on this. Structural improvement schemes financed by the Guidance Section must come under one or other of the four headings given below:

- the adaptation and improvement of conditions in agricultural production (e.g. consolidation of holdings, drainage, land improvement);
- the adaptation and guidance of agricultural production; this covers both the quantitative adaptation of production to outlets and improvement in the quality of produce (e.g. switching from milk to meat production);
- the adaptation and improvement of the marketing of agricultural products, notably improvements in storage and preservation, the valorization of agricultural products, and improvements in marketing circuits (e.g. slaughterhouses, silos, wine cellars, processing research);
- development of outlets for agricultural products.

In contrast to expenditure by the Guarantee Section, expenditure by the Guidance Section does not replace but supplements expenditure by the Member States. It provides additional aid to encourage the development of production and marketing structures, Community financing being an adjunct to national financing.

Assistance from the Guidance Section takes the form of single or recurring subsidies to public or private schemes designed, wholly or partly, to improve the structure of agriculture.

Applications for assistance must be submitted through the Member State concerned and must have that country's approval. The Commission decides whether or not to grant assistance after consulting the Standing Committee on the Structure of Agriculture on the general aspects, and the EAGGF Committee on the financial aspects, of the scheme in question. To make intervention more effective, schemes financed by the Fund were to have formed part of Community programmes as from 1966. But because of the difficulties encountered first in drafting, then in discussing these programmes, they were never approved. In the absence of Community programmes, and pending the elaboration of a common policy on the structure of agriculture, the Guidance Section has been financing schemes which fulfil the general criteria laid down by the regulation of 5 February 1964 (Regulation No. 17/64/CEE).

Because of this, the Section has been less concerned with guiding structural change than with providing supplementary investment in agriculture to allow for the specific requirements of structural renovation in a number of Member States. Although assistance from the Section has helped to solve some difficult problems it must be admitted that it has not been an instrument of genuine structural policy.

In December 1968, however, the Commission presented to the Council its "Memorandum on the Reform of Agriculture in the European Economic Community," indicating the main guidelines for far-reaching agricultural reform; and in April 1970, in application of some of the principles contained in the Memorandum, it submitted to the Council proposals for a series of directives designed to improve the structure of agriculture.

In the years ahead, then, the Guidance Section will be called upon to implement a number of joint programmes aimed at reforming agriculture along the lines indicated in the Memorandum, the details of how this is to be done being filled in by the Council. Regulation (EEC) No. 2010/68¹ of 9 December 1968 also specifies that part of the credits of the Guidance Section shall be used "for financing particular measures to be taken following decisions to be adopted within the field of agricultural structures after examination of the Commission's Memorandum to the Council on the reform of agriculture in the European Economic Community."

The Guidance Section also reimburses all or part of Member States' special expenditure on agriculture; the Council decides in each individual case. Examples of "special expenditure" are aid to groups of fruit and vegetable growers; slaughtering subsidies for cows; subsidies for grubbing apple, pear and peach trees; subsidies for replanting orange groves, for drainage, water supply, or surveys.

Special Sections

Two Special Sections were created by Regulation No. 742/67/CEE of 24 October 1967² for very specific purposes. One was set up for three years and provides degressive Community compensation to Germany, Italy and Luxembourg in connection with the agreements on single prices for cereals. The other was set up for two years and provided Community compensation for Luxembourg linked with the agreements on single prices for milk products. Compensation is in the form of a lump sum (see Table 1), payable without prior application in two annual instalments (January and June). Both of these Special Sections cease to exist once the last payment is made.

¹ *Journal officiel* No. L 299, 13 December 1958.

² *Ibid.* No. 258, 25 October 1967.

Table 1

ASSISTANCE GRANTED BY THE SPECIAL SECTIONS

million u.a.

| Beneficiaries | 1968 | 1969 | 1970 |
|--------------------|--------|--------|-------|
| Special Section I | | | |
| Germany | 140 | 93.50 | 46.75 |
| Italy | 65 | 44 | 22 |
| Luxembourg | 1.25 | 0.75 | 0.5 |
| Special Section II | | | |
| Luxembourg | 2 | 2 | — |
| | 208.25 | 140.25 | 69.25 |

2. EAGGF REVENUE

Arrangements to cover EAGGF expenditure have varied over the years. There were in fact three variant systems — from 1962 to 1967, from 1967 to 1970, and after 1 January 1970.

From 1962 to 1967 Member States' contributions were calculated according to a fixed scale of contributions, except in 1963/64 and 1964/65, when use was also made of a variable component. The regulation of 4 April 1962 stipulated that, for the first three years of the transitional period, part of the Member States' financial contributions would be calculated according to the scale of contributions laid down for administrative expenses and part in proportion to net imports by each Member State from non-member countries. This variable component represented 10% of contributions in 1963/64 and 20% in 1964/65.

The regulation of 26 July 1966 (Regulation No. 130/66/CEE) fixed scales of contributions for the fourth and fifth years of the transitional period. These were patterned on the scales for the European Social Fund and were more closely related to gross national product than to the scale used for administrative expenses. This meant that the percentage to be contributed by Germany and France rose and Italy's fell.

Up to 1966/67 the scales of contributions were identical for all Fund expenditure, irrespective of the section concerned. For the years 1967 to 1969 the regulation of 26 July 1966 (Regulation No. 130/66/CEE) provided that one part of Guarantee Section expenditure would be met by contributions corresponding to 90% of the levies charged by Member States on imports from non-member countries, the remainder being covered by contributions calculated

according to a fixed scale patterned on that for the European Social Fund. The same fixed scale was used to cover all Guidance Section expenditure. For the Special Sections, the scales set out in Article 200 of the Treaty (administrative expenditure) were used.

As far as the Guidance Section is concerned, it must also be remembered that the regulation of 4 April 1962 stipulated that assistance from the Fund for structural alterations should, as far as possible, represent one third of the assistance given in respect of market expenditure. This meant that there was not only a balance between structural and market expenditure but that structural expenditure increased gradually in step with the increase in market expenditure. To keep this increase within bounds the regulation of 26 July 1966 placed a ceiling of 285 million u.a. a year on structural expenditure as from the 1967/68 accounting period. This ceiling remains in force until 1970, when an annual lump sum of this amount is introduced to finance joint action, the Council being free to increase the figure if necessary.

These arrangements covered EAGGF expenditure up to the end of the transitional period, in other words, to 31 December 1969.

An "own resources" system should have been introduced on 1 January 1970 in accordance with the regulation of 4 April 1962. Because of the political difficulties involved, however, the Commission proceeded cautiously and waited until July 1969 before putting forward its proposals.

This means that definitive financing arrangements will only come into force on 1 January 1971. Interim arrangements for 1970 were approved by the Council on 21 April last.¹ These provide for a special fixed scale of contributions based on estimated levies and the capacity of each Member State to contribute, assessed on the basis of GNP.

The 1970 scale is as follows:

| | |
|-------------|-------|
| Belgium | 8.25 |
| Germany | 31.70 |
| France | 28 |
| Italy | 21.50 |
| Luxembourg | 0.20 |
| Netherlands | 10.35 |

From 1 January 1971 onwards all Community expenditure, EAGGF expenditure included, will be gradually covered by own resources consisting of levies, customs duties and, ultimately, revenue from value-added tax. The special arrangements for the EAGGF will therefore disappear.

¹ *Journal officiel* No. L 94, 28 April 1970.

3. FINANCIAL RESULTS¹

Guarantee Section

Accounts for the first four accounting periods have been closed. Expenditure amounted to:

28 723 086.13 u.a. for 1962/63
50 689 484.77 u.a. for 1963/64
159 863 966.52 u.a. for 1964/65
238 635 476.10 u.a. for 1965/66.

In the next three accounting periods, advances of 75% were paid based either on budgetary credits (1966/67) or on expenditure held to be eligible by the Commission in the light of Member States' returns (1967/68 and 1968/69).

On this basis provisional expenditure totalled:

370 380 000 u.a. for 1966/67
1 034 286 000 u.a. for 1967/68
1 559 527 000 u.a. for 1968/69.

The final figures for both 1967/68 and 1968/69, however, will be at least 50 to 100 million u.a. higher because, in the absence of certain implementing regulations, the Commission was inclined to be cautious in deciding on the level of advances. Furthermore, certain expenditure was not taken into consideration for the time being, either because its eligibility was in doubt or because it was notified late.

As far as the second half of 1969, and 1970, are concerned, work is in progress with a view to drafting amendments to the 1970 budget for submission to the Council and the European Parliament in the light of the Council's decisions.

The figure for the second half of 1969 will be particularly high — about 1 500 million u.a. — because all expenditure on schemes carried out before 31 December 1969 will have to be taken into account. Moreover, payments are often delayed. Expenditure for 1970 is estimated at 2 300-2 400 million u.a. A breakdown of reimbursements and contributions by *Member State*, in absolute value, is given in Table 2.

¹ See the Commission's reply to a written question from Mr. Dewulf (member of the European Parliament) on EAGGF operations (*Journal officiel* No. C 56, 11 May 1970).

Table 2

GUARANTEE SECTION : GENERAL BALANCE SHEET

('000 u.a.)

| Accounting period | BELGIUM | | GERMANY | | FRANCE | | ITALY | | LUXEMBOURG | | NETHERLANDS | | Total EEC |
|--|-----------|-----------|-----------|-------------|-------------|-----------|-----------|-----------|------------|---------|-------------|-----------|-------------|
| | (a) | (b) | (a) | (b) | (a) | (b) | (a) | (b) | (a) | (b) | (a) | (b) | |
| Closed: (1962/63 to 1965/66) | 16 120.4 | 38 802.0 | 29 867.2 | 144 730.8 | 333 062.4 | 137 610.3 | 9 000.0 | 109 951.9 | 173.7 | 1 050.1 | 89 688.2 | 45 767.0 | 477 911.9 |
| Not closed: (1966/67 to 1968/69) | 221 397.3 | 244 348.4 | 443 960.3 | 884 415.5 | 1 189 156.4 | 637 627.1 | 522 716.4 | 786 927.4 | 2 073.9 | 4 624.4 | 584 888.9 | 406 250.5 | 2 964 193.2 |
| Provisional totals | 237 517.7 | 283 150.4 | 473 827.5 | 1 029 146.3 | 1 522 218.8 | 775 237.4 | 531 716.4 | 896 879.3 | 2 247.6 | 5 674.5 | 674 577.1 | 452 017.5 | 3 442 105.1 |

(a) = reimbursements

(b) = contributions

It must be pointed out that figures for the years for which accounts have not yet been closed are distorted by delays in payment which vary considerably from country to country. Accounts for the second half of 1969 will partially correct these figures, lessening the discrepancy between Member States' reimbursements and contributions. The pattern of reimbursements is strongly influenced by the relative importance of agriculture in the different countries and by dates on which the Community became responsible for various products. Since cereals accounted for the bulk of Community expenditure during the first two accounting periods, the figures for France seem particularly high. This was, however, redressed in 1964/65 with the introduction of Community financing for milk products (of special interest to the Netherlands) and in 1966/67 with the financing of olive oil (which concerns Italy alone, for all practical purposes).

The percentage breakdown of expenditure by *product group* (Table 3) illustrates this point and shows the predominance of expenditure on cereals and milk products.

Table 3

in %

| Accounting period | Cereals (incl. rice) | Milk products | Oils and fats | Pigs eggs poultry cattle | Sugar | Fruit and vege- tables | Non- Annex II products |
|-------------------|----------------------------|------------------|---------------------|-----------------------------------|-------|---------------------------------|------------------------------|
| 1962/63 | 97.34 | — | — | 2.66 | — | — | |
| 1963/64 | 96.71 | — | — | 3.29 | — | — | |
| 1964/65 | 79.50 | 14.00 | — | 6.50 | — | — | |
| 1965/66 | 48.96 | 43.41 | — | 5.95 | 1.68 | — | |
| 1966/67 | 37.05 | 35.55 | 21.38 | 5.10 | 0.92 | — | |
| 1967/68 | 42.15 | 30.92 | 12.67 | 4.92 | 6.54 | 1.73 | 1.07 |
| 1968/69 | 42.80 | 24.38 | 13.33 | 4.15 | 12.53 | 1.73 | 1.08 |

Guidance Section

In the years 1964 to 1968 Guidance Section credits amounted to one third of the Guarantee Section's expenditure; after 1969 they were frozen at 285 million u.a. annually. Assistance made available on this basis was as follows:

1964 9 056 922 u.a.

1965 17 134 258 u.a.

| | |
|------|--|
| 1966 | 54 586 875 u.a. (including 13 million u.a. special expenditure) |
| 1967 | 80 039 369 u.a. (including 54 million u.a. special expenditure) |
| 1968 | 123 460 628 u.a. (including 28.56 million u.a. special expenditure). |

In all, commitments amounted to 284.28 million u.a. over the five years, 188.7 million u.a. being in the form of subsidies to finance individual schemes. Almost 1 000 schemes were financed (see Table 4).

Table 4

| Sectors | Number of schemes | Total assistance 1964-1968 | |
|-----------------------------|-------------------|----------------------------|--------------|
| | | '000 u.a. | % |
| Land improvements, drainage | 293 | 70 294 | 37.2 |
| Forestry | 23 | 3 611 | 1.9 |
| Meat | 106 | 17 702 | 9.4 |
| Milk | 143 | 30 707 | 16.3 |
| Eggs and poultry | 23 | 2 352 | 1.2 |
| Livestock feed | 22 | 4 645 | 2.5 |
| Wine and vine products | 101 | 19 244 | 10.2 |
| Olive-growing | 24 | 1 736 | 0.9 |
| Cereals | 16 | 3 263 | 1.7 |
| Fruit and vegetables | 199 | 24 495 | 13.0 |
| Seeds and nurseries | 13 | 1 217 | 0.7 |
| Sugar | 2 | 780 | 0.4 |
| Research, advisory services | 13 | 2 246 | 1.2 |
| Flowers and plants | 2 | 338 | 0.2 |
| Miscellaneous | 18 | 6 085 | 3.2 |
| Total | 998 | 188 715 | 100.0 |

Of the 285 million u.a. available for 1969, 160 million were earmarked to finance schemes. Up till now, assistance totalling 102.16 million u.a., for 438 schemes, has been approved.

Table 5 shows the actual, or in some instances the probable, *breakdown by Member State* for the five years for which all funds have been committed.

Table 5

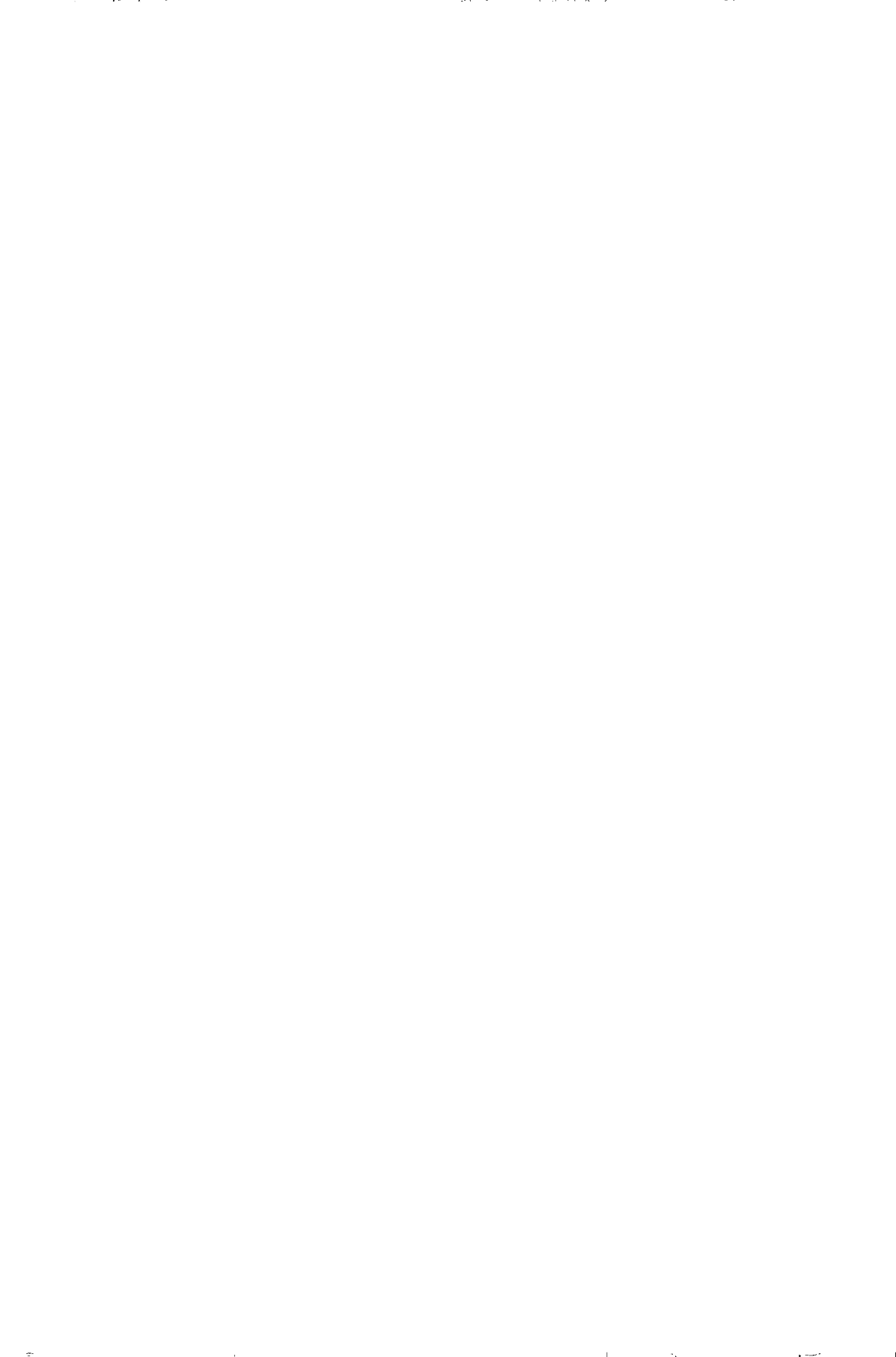
('000 u.a.)

| Year | Germany | Belgium | France | Italy | Luxembourg | Netherlands |
|--------|---------|---------|--------|---------|------------|-------------|
| 1964 | 2 558 | 704 | 1 951 | 3 069 | — | 775 |
| 1965 | 4 969 | 755 | 3 692 | 5 866 | 275 | 1 577 |
| 1966 | 11 600 | 3 279 | 8 924 | 26 771 | 899 | 3 112 |
| 1967 | 8 051 | 2 169 | 7 098 | 60 403 | 157 | 2 162 |
| 1968 | 27 694 | 7 320 | 22 567 | 57 188 | 826 | 7 665 |
| Totals | 54 872 | 14 227 | 44 233 | 153 297 | 2 157 | 15 291 |

In conclusion, therefore, it can be said that, although the short history of the EAGGF has been rather eventful, farm financing is by now a firmly established tradition in the European Economic Community. Arrangements have often been complex, indicating the Member States' occasional reluctance to find a common solution. But each major Council decision, helped along by proposals and counter-proposals from the Commission, has been a most valuable milestone along the road of progress.

It is not surprising, given the scale of Community financing, that serious difficulties were encountered in getting decisions adopted and put into practice. It would be wrong, however, to think solely in terms of these difficulties and ignore the achievements, which could not be undone without undermining one of the pillars on which the European Community rests.

It is true that much remains to be achieved, both at administrative and political level. The recent financial agreements open the door to the introduction of definitive arrangements, despite numerous delays (affecting the Guarantee Section and Guidance Section alike), which must be gradually made good. As far as Community policy is concerned efforts to curb market expenditure must continue, first by improving market and price policy but above all by speeding up, on humanly acceptable terms, the necessary changes now taking place in the structure of agriculture. This could well mean an increase in expenditure by the Guidance Section.



PART TWO

Community activities in May 1970

I. ESTABLISHMENT AND FUNCTIONING OF THE COMMON MARKET

FREE MOVEMENT OF GOODS

Common Customs Tariff

Classification of goods

1. After approval by the CCT Nomenclature Committee, the Commission, on 26 May 1970,¹ agreed a regulation on the classification of goods in CCT subheadings 15.01 A I, 15.02 A, 15.03 B and 15.07 D I. This regulation — adopted in pursuance of the Council regulation of 16 January 1969 — specifies the classification in one or other of these subheadings (oils and fats for industrial purposes other than the preparation of foodstuffs), as the case may be, of fats and oils used for the preparation of animal feedingstuffs.

Suspension of duties

2. In May the Council adopted the following two regulations in accordance with Article 28 of the EEC Treaty:

- (i) Regulation of 12 May 1970,² reducing to 7%, from 15 May to 31 December 1970, the autonomous CCT on duty coalfish, salted, in immediate packing of a net capacity equal to or exceeding 47 kg and containing at most 50 fish halves, of subheading 03.02 A I (f);
- (ii) Regulation of 26 May 1970,¹ completely suspending, from 27 May to 31 July 1970, the autonomous CCT duty on dates in immediate packings of a net content of 35 kg or less, to be put up for retail sale under customs or equivalent public supervision (ex subheading 08.01 A).

Technical obstacles

3. On 4 May 1970 the Commission adopted and submitted to the Council a proposal for a directive on the approximation of Member States' legislation on the exploitation and marketing of natural mineral waters.³ The proposal was drawn up after numerous consultations with the trade and four meetings of government experts. It lays down two alternative definitions of natural

¹ *Journal officiel* L 114, 27 May 1970

² *Ibid.* L 103, 13 May 1970.

³ *Ibid.* C 69, 11 June 1970.

mineral waters. The definitions may be combined. The first definition — found in France, Italy and the Belgo-Luxembourg Economic Union — is based on the specific health-promoting features of natural mineral waters. The second definition is based on German practice and relates to the dissolved salts and free carbonic acid gas content of these waters.

The Commission's proposal lays down the requirements which natural mineral waters must satisfy if they are to be marketed as such, the emphasis being on bacteriology, labelling, hygiene during exploitation and bottling, and the utilization of a brand name. The proposal specifies a system of mutual recognition for licences given by Member States' public health authorities for natural mineral waters produced in the Community. Furthermore, pending the conclusion of agreements between the Community and non-member countries on the mutual recognition of natural mineral waters, the proposed directive lays down the conditions under which similar products imported from non-member countries can be accepted as natural mineral waters in the Community. These conditions will be effective till the agreements in question come into force.

This proposal for a directive falls under the fourth phase of the General Programme for the removal of technical obstacles to trade, adopted by the Council on 28 May 1969. Its provisions are to be made enforceable in the Member States from 1 July 1971 onward.

* *

4. At its session of 11 to 15 May 1970, the European Parliament approved the Commission's proposal on the "approximation of Member States' legislation on gas meters", though it expressed regret that "the Council and the Commission have still not complied with the deadlines laid down in the General Programme for the removal of technical obstacles to trade."¹

COMPETITION POLICY

General measures to facilitate cooperation between firms

5. On 27 May 1970 the Commission adopted a series of general measures in the field of competition which are intended to facilitate co-operation between enterprises.

¹ See Part Two, Ch. IV, "European Parliament."

The first of these measures is a notice on agreements of minor importance¹ which, in the Commission's opinion, are not covered by Article 85(1) of the EEC Treaty. The object of this notice is to draw the line below which an agreement can be considered to be of "minor importance" and thus to fall outside the scope of the rules applicable to restrictive practices. In the Commission's view, which is supported by the case law of the Court of Justice, restrictive agreements which have only an insignificant effect on trade between Member States and on competition are not caught by the prohibition laid down in Article 85(1). The only agreements which are prohibited are those which are capable of bringing about an appreciable change in the share of the market held by customers or by enterprises which are not parties to the agreements in question. According to the definition given by the Commission, this condition, as a general rule, is satisfied only if the agreement covers more than 5% of the market, and if the annual turnover of the parties to the agreement and of associated firms exceeds 15 million u.a. (20 million in the case of trading enterprises).

In the future, by relying on these criteria, firms will be able to decide more easily for themselves which agreements are not subject to Article 85(1). Normally, there will therefore no longer be any need to notify such agreements to the Commission. The Commission's notice thus removes a serious psychological obstacle to co-operation, which is felt to be particularly necessary for small and medium-scale enterprises.

The Commission also decided to submit two proposals for regulations to the Council, one concerning the application of Article 85(3) to groups of agreements, of decisions by groups of enterprises and of concerted practices, and the other amending certain provisions of Regulation No. 17.

The first proposal for a regulation would have the Council authorize the Commission to exempt from the prohibition of restrictive practices certain groups of agreements concerning (a) the application of standards and types; (b) research and development and the application of research; (c) specialization; (d) joint buying; (e) joint selling.

On the basis of this authorization, the Commission will have the power to make regulations granting exemption from the prohibition laid down in Article 85(1) of the EEC Treaty to restrictive practices which fall within the definition given above and which are economically desirable.

The second proposal for a regulation contemplates an amendment of Article 4(2) of Regulation No. 17, extending exemption from notification in favour of agreements for joint research and development and in favour of specialization agreements which do not cover more than 10% of the market. The purpose of this move is to encourage firms to conclude agreements for this type of co-operation before the entry into force of the Commission's regulations granting them block exemption under Article 85(3).

¹ *Journal officiel* C 64, 2 June 1970.

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

Horizontal agreements in the motor industry revoked

6. Following intervention by the Commission under Article 85 of the EEC Treaty, the Dutch motor vehicle wholesalers' and importers' federation, Rijwiel-en Automobiel-Industrie (RAI), and its Belgian counterpart, Chambre syndicale du commerce automobile de Belgique (Comaubel), have released their members from those obligations under horizontal restrictive agreements the effect of which was to afford any member contractually established as exclusive dealer for a foreign manufacturer absolute territorial protection or to ensure that protection in practice where it was already explicitly provided for by the terms of the contract.

RAI formerly kept a register in which members could enter contracts they had signed granting them sole rights to import motor vehicles, parts, accessories and workshop equipment into the Netherlands. Once this was done, that member's sole right to buy from the manufacturer was to be respected by all other members, who were not permitted either to import in parallel the products in question or to retail products so imported. In addition, certain restrictions and declarations were imposed should they plan to retail registered products and to contact the manufacturer for this purpose.

RAI has now dropped these requirements completely.

Members of Comaubel were debarred from the parallel importation into Belgium of motor vehicle parts, accessories, tools and workshop equipment, and of motor cycles, where another member was the manufacturer's exclusive dealer, and they were not permitted to contact manufacturers with a view to getting another member's exclusive dealing rights set aside. Comaubel further recommended its members to use a standard exclusive dealing contract which gave the importer the exclusive dealership plus absolute territorial protection.

Comaubel has now abrogated the horizontal obligations and drafted a new standard contract which is in line with the rules of competition in the EEC Treaty and, specifically, makes no provision for any arrangements to prohibit exports. This has already been adopted by most members of the federation; the Commission is working to have the remaining exclusive dealing agreements adjusted in conformity with the requirements of its Regulation No. 67/67.

RAI and Comaubel have also dropped the agreement between them concerning intra-Benelux trade in automobile parts and accessories and workshop equipment which forbade the members of each federation to export into the other's territory products for which another member had an exclusive dealing agreement registered with its national federation.

Accordingly, firms hitherto bound by conditions imposed by the federations are now at liberty to buy from third parties and to import and deal in products which they formerly could not obtain direct from the manufacturers because the exclusive rights were held by another Dutch or Belgian importer; in addition, manufacturers can now no longer guarantee absolute territorial protection for the distribution of these products.

Notice on a coming favourable decision

7. On 16 May 1970¹ the Commission published the essentials of a notification concerning an agreement concluded on 27 November 1967 between the Belgian company Fabrique nationale d'armes de guerre and the French company Cartoucherie française. The purpose of the agreement is to establish close co-operation between the two firms at technical and commercial levels in order to make more rational use of their production facilities and know-how.

To this end they set up a technical committee whose job it is to make suggestions to the two companies as regards how to rationalize and specialize production. Specialization measures so far adopted have led, for example, to one of the firms giving up the manufacture of certain types of cartridge and to the production of various cartridge parts being concentrated in one or other factory according to the case. The two firms draw up their manufacturing and delivery programmes jointly through a commercial committee set up for this purpose. Some products to which specialization has been applied are sold in packages common to the two companies and bearing both trade marks.

The notice underlines the fact that the Commission takes a favourable view of co-operation agreements of this kind provided they enable those concerned to rationalize production, while allowing the customer to benefit from ensuing improvements in quality and price.

Application of Articles 65 and 66 of the ECSC Treaty

8. Under Article 66 of the ECSC Treaty the Commission has taken five decisions to give prior authorization for the following operations in the Community's steel industry:

- (i) Acquisition of Phenix-Works, Flémalle-Haute, by SA Cockerill-Ougrée-Providence, Seraing;
- (ii) Acquisition of shares in Société minière Droitaumont-Bruville (iron ore mines), Paris, by two steel producers — SA des hauts fourneaux de la Chiers, Longwy, and SA des aciéries réunies de Burbach-Eich-Dudelange (ARBED), Luxembourg;

¹ *Journal officiel* C 57, 16 June 1970.

- (iii) Joint acquisition by Koninklijke Nederlandsche Hoogovens en Staalfabrieken NV (a steel producer), IJmuiden, and Laura & Vereeniging NV (coalmining), Brussels, of control of Laura Metaal NV (a steelmaker), Kerkrade;
- (iv) Joint formation by Eisen und Metall AG of Gelsenkirchen and KH Gebr. Röchling Eisenhandelsgesellschaft of Ludwigshafen (both dealers), of Eisenmetall-Röchling KG in Ludwigshafen/Rhein (also a dealer);
- (v) Acquisition of Mannesmann Stahlblechbau GmbH (a processor), Düsseldorf, by August Thyssen-Hütte AG (a steelmaker), of Duisburg-Hamborn.

The Commission granted the authorizations requested after ascertaining that the five operations satisfied the conditions set out in Article 66(2) of the ECSC Treaty.

State aids

9. The Commission has ruled on various new measures of which it had been notified by the Italian Government in conformity with Article 93(3) of the EEC Treaty:

- (i) Parliamentary bill in the autonomous region of Sardinia on the grant of a special subsidy for Sardinian small-scale firms hit in 1968 and 1969 by a particularly serious economic crisis. In view of the small amount of the aid to be given and the very small scale of the recipient firms, the Commission considered that the proposed measures did not fall under Article 92 *et seq.* of the EEC Treaty;
- (ii) Parliamentary bills in the autonomous region of Friuli-Venezia Giulia to promote the industrialization of mountainous areas in the region, in particular by granting a subsidy for the setting up or enlargement of firms in the areas in question. In view of the social and economic difficulties obtaining in the recipient areas, the Commission decided not to raise any objection to the implementation of the measures since one of the exceptions allowed by Article 92(3) of the Treaty can be applied to them.

TAXATION POLICY

Tax harmonization

10. The Standing Committee of heads of revenue departments held its 19th meeting in Brussels on 17 April 1970.

Measures were decided on with regard to the pursuit and intensification of work on harmonization. Four main points were considered:

- (i) Supplementary studies with a view to VAT harmonization, with special reference to the problem of abolishing tax frontiers in conjunction with a clearing system for the allocation of receipts to the consumer country;
- (ii) Proposed studies analysing the budgetary, economic and social implications of the harmonization of VAT rates;
- (iii) Further harmonization of excise duties;
- (iv) Possible harmonization and co-ordination of tax collection and vetting methods.

FREEDOM OF ESTABLISHMENT AND FREEDOM TO SUPPLY SERVICES

Veterinary surgeons

11. The Commission has submitted to the Council three proposed directives on the introduction of freedom of establishment and freedom to supply services for self-employed veterinary activities.

These proposals offer solutions to the immediate problem of freedom of movement within the Community for veterinary surgeons. Introduction of this freedom involves not only the right to settle in one of the Member States of the Community but also, and above all, a veterinary surgeon's right to practise anywhere in the Community, in "supplying a service," while continuing to live in the country where his main activities are concentrated.

In this connection, the proposed directives embody all requisite guarantees to ensure that the veterinary profession is practised throughout the Community in accordance with analogous legal requirements as regards training and discipline. To put these proposed directives in their true perspective, this freedom of movement must not be considered as an end in itself and solely from the angle of veterinary surgeons, but as a way of achieving more important objectives such as participation in common tasks (more especially research), the development of veterinary centres and the comparing of experience with health requirements.

The proposals concern, respectively, the removal of restrictions, the mutual recognition of diplomas and the co-ordination of the conditions of practising the profession. They contain the usual provisions on freedom of establishment for the professions, including those for the medical professions — for which introduction of freedom of establishment is subject to co-ordination of conditions of exercise in accordance with Article 57(3) of the Treaty. Veterinary activities posed two specific problems, however.

Firstly, in accordance with the first paragraph of Article 55, "activities which in any State include, even incidentally, the exercise of public authority" had to be excluded from freedom of establishment for veterinary surgeons. A close scrutiny of the situation in each Member State indicated that, in this particular case, freedom of establishment should not include the activities for which, under the law of the Member State concerned, the veterinary surgeon can exercise a power of constraint directly applicable to the property of private individuals, without having to call in the public authorities. Furthermore, it was felt that the mutual recognition of veterinary diplomas required some harmonization of training conditions. Hence the importance of the proposed directives, which specify the university training to be followed henceforward by all veterinary surgeons practising in the Community.

* * *

12. Furthermore, at its session of 11/15 May 1970, the European Parliament rendered its Opinions on the proposals for directives on the "self-employed activities of general nurses" and "self-employed activities in film production".¹ Subject to a few amendments, it approved the Commission's proposals on the whole but made a number of comments. On the first point, it approved the basis of the minimum programme laid down in the co-ordination directive and felt, more particularly, that the minimum criteria fixed "should in no circumstances be raised, so as not to make it more difficult to accede to the profession of general nurse, of which there is already a shortage." As regards film production, the resolution adopted by the European Parliament "trusts that the introduction — which should have been completed by the end of the transitional period — of freedom of establishment for all film activities and notably production, will be terminated as early as possible." The Parliament also felt that once this freedom of establishment had been introduced "consideration should be given to whether integration ought to be further extended, and either a harmonized policy on aids or a harmonized approach thereto be established for the film industry."

APPROXIMATION OF LEGISLATION AND CREATION OF COMMUNITY LAW BY CONVENTIONS

European patents

Convention on the creation of a European system for the issue of patents

13. In accordance with its previous decisions, the intergovernmental Conference to work out a European system for the issue of patents held its third session

¹ See Part Two, Ch. IV, "European Parliament."

at Luxembourg, from 21 to 24 April 1970, to obtain the opinions of the circles concerned on the draft convention it had drawn up and circulated. The Conference will continue its work in various specialized groups, with a view to drawing up a final draft of a convention and of the regulation designed to implement that convention.

Convention on the creation of a Community patent

14. Acting in accordance with the decision of the Permanent Representatives Committee, the working party which had been instructed to draw up the draft convention on the creation of a Community patent met at Brussels from 13 to 15 May 1970. It, too, sought to obtain the opinions of the circles concerned on the draft convention and to be informed of any objections. The working party will hold a number of further sessions in order to make certain amendments to the draft. In addition, decisions will be taken concerning the obligatory licences to be granted for the exploitation of Community patents. An agreement has been reached about the necessity of having these licences granted by the European Patent Office — and not by national patent offices — when the common market has been fully established.

The relevant departments of the Council of Ministers have examined the problems raised by the impact of the future Patent Co-operation Treaty (PCT) on the acquisition of separate national patents within the Community. During the diplomatic conference at Washington the Commission will support a proposal to eliminate the possibility of obtaining national patents within the Common Market by means of the PCT.

Public works contracts

15. The Council (Ministers of Public Works) devoted a further meeting on 14 May to examination of the problems raised by the draft directive on the co-ordination of national practices concerning the conclusion of public works contracts in the six Member States. Considerable progress was made on most of the problems (regulation of national practices concerning public works concessions, the Dutch system of working teams, the Italian practice of the "secret envelope," creation of a Community system of *ad hoc* consortia of enterprises, creation of a Consultative Committee on public work contracts). However, no final decision could be reached on the subject of concessions, a subject which will inevitably dictate what decisions are to be taken on the other points.

United Nations Commission for International Trade Law

16. The United Nations Commission for International Trade Law (UNCITRAL) held its third session at New York. In the field of international

sales of goods, UNCITRAL proceeded to examine the reports drawn up by the working parties created during the previous session at Geneva. It was decided that a preliminary draft of a convention on periods of limitation and prescription in international sales of goods would be prepared and submitted to the Commission at its fourth session. In the field of Admiralty law, arrangements were made for closer co-operation with UNCTAD. As regards the other main subjects (international arbitration, international instruments of payment, and guarantees), emphasis was placed on the role of specialized organizations and on the need for close relations between them and the Secretariat of the United Nations. In particular, UNCITRAL looked at the Community's efforts to achieve harmonization and unification of law in fields connected with international trade law, and hoped that the existing relations between the two organizations would remain active.

II. TOWARDS ECONOMIC UNION

ECONOMIC, MONETARY AND FINANCIAL POLICY

Monetary Committee

17. The Monetary Committee held its 139th session on 27 April 1970 in Brussels, with Mr. Clappier in the chair. Mr. De Voghel submitted the main findings which emerge from the report by the Working Party on securities markets, of which he is chairman. The Committee decided to keep the Working Party in being, and extended the scope of its terms of reference to cover all financial market questions.

Working Party on securities markets

18. The Working Party on securities markets held its ninth meeting on 19 May 1970 in Brussels, with Mr. De Voghel in the chair. It established a draft opinion for the Monetary Committee, concerning the Commission's memorandum to the Council on "The case for measures concerning capital and procedures to be adopted," and reached agreement on the publication procedure for its report to the Monetary Committee. The Working Party had an initial discussion on the planning of its future work, pursuant to the new terms of reference it had been given by the Committee.

Medium-term Economic Policy Committee

19. At its meeting of 28 April 1970 the Committee adopted an "Opinion on the proposal for a Council decision on the organization of Community measures with regard to regional development."

It also agreed to publication of the report entitled "Public financing of research and development in the Community countries 1967-1970 — analysis by objectives," and decided to issue a comparable annual paper on the research and development budgets of the Member States.

Short-term Economic Policy Committee

20. The Committee held its 47th meeting on 11 and 12 May 1970, with Mr. Brouwers in the chair. The business outlook in the United States and in the Community was discussed in detail. The problems arising in connection with the sliding wage-scale were debated.

Budget Policy Committee

21. The Committee held its 29th session on 13 May 1970, with Mr. Stamatii in the chair. After a general review of recent budgetary developments in the Member States, the Committee resumed its consideration of the German draft budget for 1970 and adopted an opinion for the Council and the Commission. The Committee also embarked on a detailed examination of its alternates' report on the problems of the introduction of techniques to rationalize budgetary choices of public authorities.

The alternates met on 14 May to continue their studies of the measurement of the stimulus imparted to the economy by public budgets.

Phased establishment of a common economic and monetary union

22. An interim report on the phased establishment of an economic and monetary union of the Community has been submitted to the Council and to the Commission.¹ This report was drawn up in April and May, in accordance with the decisions of the Conference of Heads of State or Government at The Hague and the terms of reference laid down by the Council on 6 March 1970, by a working party — under the chairmanship of Mr. Pierre Werner, Luxembourg Prime Minister and Finance Minister — comprising the chairmen of the Monetary Committee, the Committee of Central Bank Governors in the Community, the Medium-term Economic Policy Committee, the Short-term Economic Policy Committee, the Budget Policy Committee and the Commission's Director-General for Economic and Financial Affairs.

In order to define the starting point the report describes the current situation, and specifies the common ideas which should preside over "Objective 80," that is to say, establishment of an economic and monetary union. It also sets out fundamental principles and some practical proposals for embarking on the first stage towards such a union.

The subsequent proceedings of the Working Party, in accordance with its terms of reference, should provide a basis for mapping out the first stage in detail and for finishing the plan.

AGRICULTURAL POLICY

Agricultural reform

23. At its meeting on 25/26 May 1970, the Council agreed to arrange for the examination of the Commission's recent proposals for reforming agriculture as a preliminary to its discussions on this subject.

¹ See Supplement to this Bulletin.

The European Parliament, which has been consulted by the Council, designated the committees — chief among them its Committee on Agriculture — which will have the task of preparing the Parliament's Opinion. The Committee on Agriculture has already begun work on the proposals.

Common organization of the markets

Cereals and rice

24. On 11 May 1970 the Commission amended earlier regulations dealing with the denaturing of common wheat.¹ The purpose of the new regulation is to abolish the additional premium paid hitherto to encourage the denaturing of common wheat with a high specific weight.

On 22 May 1970 it further adopted a regulation supplementing earlier provisions on procedures and terms for the sale of grain held by the intervention agencies.² The new regulation requires grain sold by the agencies to be used for certain purposes to facilitate supplies on the Community market in exceptional circumstances.

Lastly, on 29 May 1970, the Commission adopted a regulation on certain quality standards for maize groats and meal used by the Community's brewing industry. This regulation lays down the requirements, particularly with regard to quality and purity, which must be fulfilled if maize groats and meal are to qualify for payment of the refund to producers. This has been done to ensure that this refund is not paid for groats mixed with other products such as flour and starch.

Beef and veal

25. On 22 May 1970 the Commission adopted a regulation on sale prices for certain beef and veal products which waives provisions of an earlier text on implementing procedures for the sale of frozen beef and veal bought in by intervention agencies.²

Milk and milk products

26. With a view to making the buying-in price for butter in the Community as uniform as possible⁴ the Council, on 14 May 1970, decided to abolish the corrective amount of 6 u.a./100 g applicable to the intervention price for butter

¹ *Journal officiel* L 102, 12 May 1970.

² *Ibid.* L 111, 23 May 1970.

³ *Ibid.* L 117, 30 May 1970.

⁴ *Ibid.* L 106, 16 May 1970.

in the Netherlands. At this same meeting it therefore amended its July 1968 regulation on the general rules for compensating the corrective amounts applied to the intervention prices of certain milk products.¹

On 15 May 1970 the Commission amended its regulation on sales by the intervention agencies of butter "over a certain age".¹ Under this regulation this butter had to have been placed in store before 31 July 1969. The date has now been changed to 31 August 1969.

As part of Community aid to the World Food Program and the International Committee of the Red Cross, the Commission decided, on 1, 5 and 28 May 1970, to make quantities of skim milk powder available to various non-member countries.²

Sugar

27. On 12 May 1970 the Council adopted a regulation amending its basic regulation on the common organization of the market in sugar.³ This regulation allows the Netherlands to import 4 000 tons of Surinam sugar free of levy in each marketing year from 1 July 1968 until 1974/75.

A Commission regulation dated 19 May 1970 fixes the tolerances for losses of sugar held in store by the intervention agencies.⁴

Fruit and vegetables

28. On 4 May 1970 the Commission fixed the adjustment coefficients to be applied to the buying-in price for cauliflowers from 1 May 1970 to 30 April 1971.⁵

On 26 May 1970 the Council adopted regulations fixing basic and buying-in prices for lemons, peaches, dessert grapes and tomatoes.⁶ These prices are close to those valid during the previous marketing year but because of the new intervention arrangements groupings of producers will receive a considerably higher price should their fruit be withdrawn from the market.

Since there was a particularly good apple harvest in the 1969/70 marketing year, an outlet still has to be found for considerable quantities of this fruit. The Council therefore decided, on 26 May 1970, to extend the intervention period until the end of June 1970, keeping the prices valid for May 1970 in force.⁶

¹ *Journal officiel* L 106, 16 May 1970.

² *Ibid.* L 100, 6 May 1970 and L 116, 29 May 1970.

³ *Ibid.* L 103, 13 May 1970.

⁴ *Ibid.* L 108, 20 May 1970.

⁵ *Ibid.* L 98, 5 May 1970.

⁶ *Ibid.* L 116, 29 May 1970.

On 25 May 1970 the Commission authorized France to impose additional conditions on the payment of subsidies for grubbing pear and peach trees. These subsidies will be confined to trees producing certain varieties of fruit.¹

Lastly, the Commission has adopted several regulations affecting the administration of import licence arrangements for dessert apples, and on 29 May 1970 it fixed the adjustment coefficients to be applied to the buying-in price for apples in June 1970.²

Wine

29. On 26 May 1970 the Council adopted eight implementing regulations on practical arrangements for introducing a common organization of the market in wines and vine products in the Community. These regulations deal with:

- (i) The types of table wine regarded as representative of Community production.³ There are six of these, three red and three white, definitions being based essentially on alcoholic strength.
- (ii) Guide prices for the period 1 June 1970 to 15 December 1970.³ Guide prices are fixed for each type of table wine on the basis of average prices for the wine in question over the two wine years immediately preceding the date of price-fixing. Allowance is also made for price trends in the current marketing year. During the early years of the common organization, however, adjustments will have to be made to allow for the superior quality of certain table wines.
- (iii) General rules for fixing reference prices and levying countervailing charges in the wine sector.³ These rules are designed to guarantee that the reference prices — mainly used to determine the amount of the import levies — help to give effective protection to wine prices in the Community, ensure priority for Community wines on the Community market, and provide growers with a fair income. There will also be reference prices for wines for specific industrial uses. Rosé wines are treated as red for the purpose of levying the countervailing charge.
- (iv) The definition of certain vine products originating in non-member countries, namely grape must, dessert wines, sparkling and semi-sparkling wines, aerated and otherwise.³
- (v) Activating prices for certain types of table wine for the period 1 June 1970 to 15 December 1970.³ These are fixed in the light of the market situation, the quality of the harvest and the forward balance-sheet.

¹ *Journal officiel* L 113, 26 May 1970.

² *Ibid.* L 118, 1 June 1970.

³ *Ibid.* L 114, 27 May 1970.

- (vi) The blending of German red wines with imported wines.¹ An exception to the general rule is being made here for a transitional period which must expire not later than 30 June 1979 so that German red wines, which are weak in colour, can remain competitive. Strict rules will be applied, however, to prevent any abuse of this concession.
- (vii) General rules on the payment of export refunds and criteria for fixing the level of these.¹
- (viii) Conditions for applying safeguard measures in the wine and vine products sector.¹

The last two regulations contain, for the wine sector, the provisions now customary for all common organizations of the agricultural markets. Export refunds will be available only for grape must, wines, vat grapes and wine vinegar.

30. For its part, the Commission, on 29 May 1970, adopted implementing regulations:²

- (i) Fixing the reference prices for wine; these apply from 1 June to 15 December 1970 and are based on the guide prices for the types of red and white table wines regarded as most representative of Community production, increased by the cost of bringing Community wines to the same marketing stage as imported wines;
- (ii) On import licences in the wine and vine products sector; amongst other things this regulation stipulates the period of validity of the licences and several procedures for their use;
- (iii) On procedures for calculating free-at-frontier offer prices and fixing the countervailing charge in the wine sector. In respect of each wine for which a reference price is fixed, a free-at-frontier offer price for imports will be fixed, based on all available data including information provided by the Member States. A countervailing charge will be levied on a given wine if the free-at-frontier price plus customs duties works out lower than the reference price;
- (iv) On price observation and the fixing of average prices for table wines. Under this regulation the Commission fixes an average price to producers each week based on the mean of prices notified to it by the Member States, allowing for the representative nature of these prices, the Member States' assessment of market trends, and the alcoholic strength and quality of the wines covered by the transactions;
- (v) Authorizing the blending of imported wines. The regulation allows this practice to continue in the Member States for a transitional period subject to certain conditions;

¹ *Journal officiel* L 115, 28 May 1970.

² *Ibid.* L 118, 1 June 1970.

- (vi) On certificates to accompany certain wines during a transitional period. In this regulation the Commission stipulates that no wine intended for direct human consumption can be traded between the Member States unless it is accompanied by one of these certificates; dessert wines, sparkling and semi-sparkling wines are exempt from this requirement;

Fisheries

31. Following a thorough discussion, centred in particular on market regulation and arrangements for trade with non-member countries, the Council, at its meeting on 25/26 May 1970, decided to have the examination of the various problems raised pursued in an active and constructive manner in the light of its deliberations.

Textile fibres

32. At its meeting on 25/26 May 1970 the Council continued to study proposals for regulations organizing the common market in textile fibres and extending the price arrangements for oilseeds to linseed. The Council approved the principle of a uniform, standard subsidy per hectare of flax grown, irrespective of whether the crop is cultivated for fibre or oil. Discussion will now continue in the appropriate bodies on the level of aid per hectare to be proposed by the Commission in the light of the guidance given by the Council.

Financing the common agricultural policy

33. On 15 May 1970 the Commission adopted a regulation on applications for payments on account under the Guarantee Section of the EAGGF for the accounting period covering the second half of 1969.¹ These applications had to be filed before 1 June 1970.

Pursuant to the Council's resolution of 21 April 1970, designed to facilitate the changeover from the system of repayments to the direct financing system, the Federal Republic of Germany paid 164 million u.a. into the Guarantee Section of the EAGGF. The Commission transferred 114 million of this to France and 50 million to the Netherlands. This sum represents an advance on assistance to be approved by the Commission.

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¹ *Journal officiel* L 106, 16 May 1970.

34. At its 11/15 May 1970 session, the European Parliament adopted a number of resolutions on agricultural problems.¹ It rendered Opinions on two Commission proposals for the wine and vine products sector (types of table wine and guide prices) which it approved subject to certain amendments. On the common organization of the markets in the fisheries sector, the Parliament noted with regret that "the Council had failed to take the necessary decisions to introduce a common policy before the transitional period expired" and that "the deadline fixed for this purpose by the Council (30 April 1970) had passed without anything being achieved." The Parliament was also severely critical of the changes that the Commission had made to its original proposals and the procedure it had followed. It considered that "the Commission's new proposals offer no guarantee that a common policy will be developed for the fisheries sector." Other resolutions passed by the Parliament dealt with milk products (target prices, intervention prices, export refunds) and the approximation of legislation in three specific fields.

INDUSTRIAL POLICY

Iron and steel industry

35. A further increase in Community requirements in 1970 is anticipated by a Commission memorandum to the representatives of Member Governments on the state of the steel market and the possible extension of the measures taken since mid-1969 to ease existing pressures. Steel consumption will rise again — and sharply — in all domestic processing industries, so that steelmakers will have to work right up to capacity if they are to cope with internal demand. It may be added that in the second half of 1970 a significant proportion of Common Market supplies will again come from non-member countries; in all probability, exports will remain at their present level.

Imports from non-member countries of ingots, semis and coils increased from 1.34 million tons in 1968 to 2.61 million in 1969, while exports slipped back from 2.26 million to 1.74 million tons. The rapid increase in steel consumption and the high utilization rate of Community capacity point to heavy imports of these semis in the months ahead. Pressures persist on the wire rod market. But the supply situation for reinforcing bars and for heavy and medium hot-rolled plate seems to have improved, once again thanks in part to the long winter.

Nuclear industry

36. In compliance with Article 41 of the Euratom Treaty, the "Provinciale Zeeuwse Energie-Maatschappij" has submitted to the Commission its plans

¹ See "European Parliament" (Part Two, Ch. IV).

for erecting a nuclear power plant at Borssele in the Netherlands. After studying these plans, the Commission held with the company the discussions laid down by Article 43 of the Treaty and sent its "viewpoint" to the Government concerned.

SCIENTIFIC, TECHNICAL AND NUCLEAR RESEARCH POLICY

General research and technology

Scientific and technical research policy

37. During May the *seven groups of experts*, composed of representatives of the Six and of nine other European countries, continued their discussions on the proposals drawn up by the Community countries for co-operation in the field of scientific and technical research. In the second series of meetings they were able to work out the problems in sufficient detail for the preparation of the reports which these groups are required to submit by 15 June at the latest. It was thus possible to reach a very large measure of agreement on the recommendations to be put before the Ministers and on the descriptive part of the reports, which reviews the proposals made by the various delegations concerning the projects under discussion. The third series of meetings, scheduled for the beginning of June, will relate primarily to the finalization of the draft reports.

The recommendations to the Ministers aim in most cases at the setting up of study groups charged with defining more precisely both the technical content of the various projects and the ways and means of financing and implementing them, so as to be able to submit to the Ministers, within periods varying from six to twelve months, detailed draft agreements on the basis of which projects could be launched following a Ministerial decision. In a few cases the working groups will probably propose that the Ministers should take an immediate decision on the launching of projects relating to the carrying out of forward studies aimed at defining the future requirements in certain sectors, such as telecommunications and new means of transport. The completion of these studies within a period of two to three years will then provide the countries concerned with a firmer basis on which to discuss the research programmes that are necessary in order to meet the requirements ascertained.

Parallel to the activities of these groups of experts representing the Fifteen, the normal discussions of the Six were continued in the *Working Group on Scientific and Technical Research Policy*, which met on 29 May 1970. At this meeting the group agreed on the practical steps it will take to compare the programmes in the course of subsequent meetings, the aim being on the one hand to clarify the national priorities for a list of major goals of scientific and technical research policy, and on the other hand to pinpoint new fields suitable for co-operation.

At the same meeting the working group approved a report concerning co-operation in the field of scientific and technical information and documentation, the report having been based on the work done by a special group. At its next meeting the working group will consider the recommendations to be laid before the Council with regard to co-ordination of the Member States' activity in this field.

Finally, the working group discussed the problem of co-operation in the realm of post-graduate education on the basis of a report drawn up by an *ad hoc* group. It agreed on the need for a more detailed study of the requirements and possibilities where post-graduate education is concerned. This work will be carried out by the departments of the Commission, who will be able to rely on the co-operation of experts in the various Member States.

Training

38. On 31 May 1970 the situation with regard to scientific and technical trainees and grant-holders at the JRC and under contracts of association was as follows:

Student trainees: 38 scientific and technical student trainees were actively engaged and 18 new trainees were accepted during May for training periods beginning on later dates;

Grant-holders: 50 scientific and technical grant-holders were actively engaged, 34 of whom were preparing theses and 16 specializing in specific nuclear fields. One new grant was awarded in May.

Joint action

Future activities of Euratom

39. In accordance with the Council's resolution of 6 December 1969 the Euratom *research and training programme* for 1969 was extended for one year. The object of this extension was to enable the Council to adopt a new multiannual programme based on the studies it was to undertake forthwith and in close collaboration with the Commission on the modernization of the administration of the Joint Research Centre (JRC) and the definition of the Centre's role. However, the preparatory work and the discussions with the Council's competent authorities on the reorganization and the future activities of the JRC cannot be concluded in time to enable a complete multiannual programme to be approved before the autumn.

Consequently, since the "Biology and health protection" and the "Controlled thermonuclear fusion" activities are not directly affected by this reorganization, and since the corresponding programmes are already well defined, the Commission was of the opinion that a multiannual programme proposal in respect of these activities could now be submitted to the Council. After communicating its views to the latter (on 16 February 1970), the Commission instructed its departments to draw up proposals in the two above-mentioned fields.

As regards the *reorganization of the JRC*, the Permanent Representatives Committee continued its work during May. At the same time, as was provided for in its terms of reference,¹ the Committee of Four Experts, in the course of its May meetings, finalized and presented to the Commission an interim report on the future activities of the Joint Research Centre.

The Committee conducted an initial survey of the Centre's problems. It is of the opinion that in certain sectors there is already a need for the rapid launching of a project or for the taking of certain conservatory measures. The questions at issue are the construction and joint operation of the SORA reactor, the future of the ESSOR reactor, the development of a materials research institute and the redeployment of resources towards pollution control and nuisance abatement.

Other more important, less urgent, problems were also tackled, although the experts feel they cannot adopt a definite position on these matters before publication of their final report. The principal issues here are the computer centre, activities relating to controlled thermonuclear fusion and to biology in the service of society, and work performed for the account of outside customers. As far as the last-mentioned is concerned, the Committee suggests that in order to enable an early start to be made, consideration should be given to charging for such work on the basis of marginal cost only, at any rate to begin with: the only charge to a contract-holder would be that in respect of the actual additional costs incurred by the Community as a result of the contract. Once a reputation for quality has been established, more elaborate methods of determining charges can be studied.

The Committee endeavoured to map out the underlying principles for the definition of the future tasks to be assigned to a Community research centre. Without going into organizational details — which in any case it was not required to do under its terms of reference — it considers that some measure of flexibility and freedom both in the programme and in external relations is indispensable for the efficient running of the JRC.

¹ See Bulletin 5-70, Part Two, Section 41.

Activities of the Joint Research Centre

Materials studies

40. From 19 to 22 May 1970 a seminar organized by the CNEN (Comitato Nazionale per l'Energia Nucleare) was held at Ispra on the subject of "Neutron diffraction and the study of chemical structures." This seminar was attended by 72 participants from various research institutes and Italian universities.

During the same month a seminar was held in Rome on "Nuclear plant components and their metallurgical problems," with special reference to technology, the degradation of materials and the problems of fracture and brittleness in reactor components.

Researchers at the Ispra Establishment presented five papers dealing with the following subjects: application of explosion welding to reactor components; behaviour of zirconium alloys in terphenyl¹ at high temperatures; effects of corrosion and welding on the mechanical properties of a zirconium/2.5% niobium alloy tube; mechanisms of wear in various construction materials under the conditions of use in a nuclear reactor; problems arising from the use of metal-impregnated graphites as fuel-element cladding materials.

Biology and health protection

41. The second congress of the IRPA (International Radiation Protection Association) was held at Brighton, England, on 3-8 May 1970. On this occasion the Ispra Establishment presented three important papers, namely, "Programme for the systematic calculation of doses on the basis of periodical measurements of the radioactivity incorporated (human body)," "Environmental health protection in industrialized countries" and "The presence of radium-226 in materials and foods." The IRPA, which has 6 000 members representing 50 countries, holds its congress every four years.

Cetis

42. On 11-13 May 1970 the Cetis (European Scientific Information Processing Centre — JRC, Ispra) held a course on "Conversational teleprocessing routines," which was intended mainly for users.

In addition, the Ispra centre was visited by several prominent personalities, by student groups and, in particular, by the participants in the nuclear electronics course given at the "Further Training Centre" in Turin, most of whom came from developing countries. (This course was organized by the International Atomic Energy Agency).

¹ organic coolant.

Consultative committees on programme management

43. Two consultative committees on programme management met for the second time during May. These committees ("Plutonium and transplutonic elements" and "Heavy-water reactors") held their respective meetings at the Karlsruhe and Ispra Establishments.

In particular, the advisory committee on "Plutonium and transplutonic elements" adopted the draft Opinion formulated at the first meeting¹ and provided for in the Council's Decision of 25 June 1969, and began its examination of the activities envisaged in the 1970 programme of the Institute for Transuranium Elements.

The consultative committee on "Heavy-water reactors" likewise rendered its Opinion on the results obtained in this specific field at the establishments of the Joint Research Centre during 1969 and commenced discussion of the activities provided for under the heading "Heavy water" in the Euratom research and training programme for 1970.

Dissemination of information

44. On 12 May the Commission called a meeting at Karlsruhe of the heads of the national nuclear documentation centres in order to discuss with them the problems that arise from the reaching of a practical stage in the Community's collaboration with the United States Atomic Energy Commission (USAEC) on the one hand and with the International Atomic Energy Agency (IAEA), within the framework of the INIS project, on the other hand.

Also in the course of May, a number of visitors studied the nuclear documentation system developed by the Commission's Centre for Information and Documentation (CID). On 28 May a fact-finding trip to Luxembourg was organized for the benefit of about a hundred British guests from the London Regional Advisory Committee; the visitors were given an explanation of the semi-automatic nuclear documentation system.

ENERGY POLICY

Coal

Aids in the coking coal sector

45. The Commission transmitted to the Council, for consultation, a draft decision in implementation of Decision No. 70/1 ECSC of 19 December 1969 concerning coking coal and coke. This implementing decision governs the

¹ See Bulletin 4-70, Part Two, Section 37.

notification to the Commission of certain transactions, the determination of the basis of the aids to production and marketing, the organization of administrative work and the supervision of operations by the Commission.

Technical research

46. A *medium-term (1970-74) programme for aid to technical research* was approved by the Commission before being transmitted, for information purposes, to the Consultative Committee of the ECSC and to the Council. This medium-term programme, worked out in consultation with representatives of the coal producers, research institutes, universities and trade unions, was drawn up by selecting, on the basis of criteria aimed at making this research as efficacious as possible, seven priority fields chosen from those in which coal research can be or is already being conducted. The aim of the programme is to secure a concentration of efforts in the sectors most likely to lead to practical results, to facilitate the selection of applications for aid and to determine the most important projects to be financed by the Commission under Article 55 of the ECSC treaty. A committee of experts met on 6 May in order to propose, on the basis of a medium-term programme, a selection of applications for financial aid lodged with the Commission for the year 1970.

The Commission furthermore decided to transmit to the Consultative Committee and to the Council a report on "*The results of coal research carried out in the Community with financial aid from the ECSC.*" According to this report the commitments undertaken by the ECSC from 1958 to the end of 1969 totalled 34,50 million u.a., corresponding to about 120 contracts, of which 35, representing an aid of nearly 11 million u.a., are outstanding in 1970. The annual average of the financial commitments under this heading is 2,9 million u.a. (Over the last three years the annual average has amounted to as much as 3,65 million u.a.). The research contracts generally run for a period of two to four years. In order to give an idea of the ECSC's financial action in relation to the volume of coal research carried out in the Community by the enterprises themselves and by their research centres during the past ten years, the Commission points out that ECSC aid covers 10-15% of all research in the coal sector. Nevertheless, in relation to the research conducted at the various national centres in the Community, the ECSC accounts for 15-30%, depending on the bodies concerned.

TRANSPORT POLICY

Technical harmonization

47. On 25 May the national experts of the Member States were brought together in Brussels by the Commission for a further study of the problems involved in harmonizing the maximum weight and dimensions of commercial road

vehicles and some supplementary technical standards. Discussions hinged on the implications of increasing transportation by large containers for the weights and dimensions of articulated vehicles. This work will continue on the basis of material to be supplied to the Commission by the Governments.

Transport rates and conditions

48. The Commission sent the Governments of the Member States and the President-in-office of the Council a memorandum on the publication of rates and conditions for the international transport of coal and steel by inland waterway between Community ports. This is in preparation for the review of the matter by the representatives of the Governments meeting in Council committees — a review decided on at the Council session of 26 and 27 January 1970.

By letter dated 16 May 1970 the Commission sent the Governments of the Member States and the President-in-office of the Council a memorandum on the application of minimum charges and chargeable distances in fixing rates for the international transport of ECSC products by rail, in preparation for the examination of the matter by the government representatives meeting in Council committees, as decided at the Council session on 26 and 27 January 1970.

On 5 May 1970 the railway experts responsible for the application of the ECSC international tariff No. 1001 met in Brussels to consider amendments to this tariff proposed by various railways to meet the requirements created by changes affecting the transport of ECSC products and by the introduction of mechanical aids for charging systems.

The ECSC/Switzerland and ECSC/Austria Transport Commissions, set up by the agreements of 28 July 1956 and 26 July 1957 on the establishment of international through rates for the rail transit of coal and steel via Swiss and Austrian territory, held their ordinary meetings in Salzburg on 26 and 27 May 1970. The two Commissions, with the head of the delegation from the Commission of the Communities in the chair, examined the problems of the implementation of these two agreements. They decided to hold an extraordinary meeting in the autumn of 1970 to try to find a solution to the problem of disclosing unpublished rates and conditions of carriage for coal and steel.

On 4 May 1970 the Commission adopted a decision on the authorization of a rate agreement between the French railways and the "Wendel-Sidelor" company, on the transport of iron ore between certain French stations.

On 14 May 1970 the Commission adopted a decision authorizing the French railways to apply, till 31 December 1975, special tariffs for the transport, within France, of coal from the Cévennes to Strasbourg-Port-du-Rhin and to stations on the Atlantic coast.¹

¹ *Journal officiel* L 129, 13 June 1970.

Harmonization of conditions of competition

Public service obligations and standardization of railway accounts

49. On 19 May 1970 the Commission submitted to the Italian and Belgian Governments its Opinions¹ on the draft decrees and notices concerning implementation in the two countries of the Council regulations of 26 June 1969.² These drafts had been submitted to the Commission in February 1970. The regulations adopted by the Council on 26 June 1969 concern:

- (i) Action by the Member States with regard to obligations inherent in the concept of public service in the field of transport by rail, road and inland waterway;
- (ii) Common rules for standardizing railway accounts.

Rates for the use of infrastructures

50. In connection with the studies on rates for the use of road infrastructures in built-up areas, there was a second meeting in Brussels on 29 May 1970 of a group of rapporteurs — drawn from the Committee of government experts assisting the Commission in the studies on transport costs — set up to examine the problems connected with the measurements of speed-output ratios. At this meeting, the rapporteurs finalized the method — the “specimen vehicle” technique supplemented by output measurements — to be used to measure these ratios in parts of built-up areas with differing degrees of congestion.

Consultative Committee on Transport

51. On 15 May 1970 there was a meeting in Brussels of the Consultative Committee's Working Party instructed to study distortions in the terms of competition in international transport by rail, road and inland waterway within the Community. The Working Party reached agreement on a draft definition of these distortions and decided to use this definition to establish a list of such distortions in the international transport of the several Member States. The list is to be considered at a meeting scheduled for 16 and 17 July 1970.

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52. At its plenary session of 11 to 15 May 1970, the European Parliament³ adopted a resolution after debating the outcome of negotiations held by the Member States on the European agreement concerning the Work of Crews

¹ *Journal officiel* L 126, 10 June 1970.

² *Ibid.* L 156, 28 June 1969.

³ Part Two, Ch. IV, “European Parliament.”

of Vehicles engaged in International Road Transport (AETR), and the potential impact of these negotiations on relevant Community provisions. The Parliament's resolution "expects the Commission to refrain from submitting any further proposals for amendments concerning driving time" to the Council regulation on the harmonization of certain social provisions in road transport.

REGIONAL POLICY

Financing of new activities

53. Under Article 56(2 a) of the ECSC Treaty, the Commission has adopted two decisions in principle concerning the grant of loans for financing two industrial schemes, one in Germany and the other in the Netherlands.

Studies

54. The Belgian Government has asked the Commission to participate in a study on the economic development of North Belgium. The appropriate Commission departments have established the necessary contacts with the representatives of the Belgian Government to consider how this might be done.

A meeting was held in Brussels with the experts responsible for surveying the state and the structural, social and economic development of agriculture in the various regions of the Community. The purpose was to define the basic criteria for working out an agricultural typology of Community regions.

On 28 May 1970 the Commission received the draft version of the final report on the survey of the industrial maintenance market in West France. This study is the first part of the research on measures to improve the industrial capacity of the Nantes-St.Nazaire conurbation.

Finally, the Commission is participating in the proceedings — in the Council of Europe framework — of the committee of senior officials instructed to prepare the ground for the European Conference of Ministers responsible for town and country planning, to be held from 9 to 11 September in Bonn. At the request of this committee, the Commission submitted a report on the main features of the Community's regional policy.

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55. At its session of 11-15 May 1970,¹ the European Parliament adopted a resolution on the Commission's proposal for a Council decision on the organization of Community measures with regard to regional development. The

¹ Part Two, Ch. IV, "European Parliament."

resolution notes with concern that the measures taken to date by the Member States "have still not helped to eliminate regional differences in the Community." The European Parliament recommends the Commission "to do everything in its power to bring home to the regional policy bodies of the Member States the need for regional development activities to be sustained and concerted, and to be taken into account whenever decisions are adopted in connection with policies for individual industries." The Parliament's resolution approves the determination of the Commission to equip itself with the machinery needed to act in this sphere and endorses the Commission's proposal subject to a few amendments.

SOCIAL POLICY

56. Following the Luxembourg conference on employment questions held in April, the Community's social problems came to the fore again on 25 and 26 May, at the Council session attended by the Ministers of Social Affairs.

A major step forward was taken with the definitive adoption of the regulation on the social security of workers and their families moving within the Community. The broad lines of this regulation had already been agreed by the Council on 24 and 25 November 1969.¹ The Council also approved a recommendation on the use of the European career brief in the training of skilled machine-tool operators.

But it was mainly labour problems which were treated with the priority the Council and the Commission mean to give them. In this connection, the Commission had submitted to the Council a set of papers on the operation of the labour market, improvement of co-operation between employment services, placement techniques, vocational guidance, computer processing of labour data, etc. The Council adopted conclusions which include guidelines for action to be taken.

The need for Community co-operation on labour policy prompted a decision in principle to set up a Standing Committee on Employment as a forum for relevant consultations with both sides of industry. By the end of the year, the Permanent Representatives Committee and the Commission are to work out the operating procedures of this Standing Committee, which, to quote the Council press release, is "to ensure, in full compliance with the Treaties and with respect for the competences of all the Community institutions and organs, discussion, concertation and consultation between the Council, the Member States, the Commission and both sides of industry, with a view to facilitating the co-ordination of the Member States' employment policies in line with the objectives of the Community".

¹ Bulletin 1-70, Part One, Ch. IV.

The security and development of employment also form the background to the Commission proposal to reform the European Social Fund, so as to make it a more effective instrument of intervention for industries or regions in difficulties.¹ The Council decided to hold a meeting on the matter on 25 June 1970.

Among the other items on the agenda of the meeting of 25/26 May was an examination of the Commission's work on social harmonization (pursuant to Article 118 of the Rome Treaty).

The Council took note of a Commission progress report containing the latest information on this work, carried out under the programme approved on 15 June 1967. A new list of priorities is to be drawn up for future work; it will take account of the information in the Commission's progress report, on the understanding that preference is to be given to work which may yield practical results furthering the objectives of Article 118 and meeting the requirements resulting from the development of the situation in the Community.

The Commission presented a second report to the Council on correlations between social policy and the Community's other policies, informing it of developments since the end of 1968. The Council shared the Commission's anxiety to make sure that economic measures are not designed and applied without social requirements being taken into account right from the drafting stage. It was clear from the debates of this session that the Member States were determined to work together and to give a fresh impetus to the common social policy.

Vocational guidance and training

57. The Commission having submitted to the Council a European career brief on the training of skilled machine-tool operators, the Council, at its session of 25/26 May, approved a recommendation calling on the Member States (a) to take as a guide, in systematic national vocational training programmes for turners and grinding-machine and milling-machine operators, the training and proficiency standards, considered as minimum requirements, listed in the European career brief for skilled machine-tool operators; (b) to take into consideration, in directives on examinations for vocational proficiency, the points laid down in the said European brief; (c) to recognize the diplomas, certificates and other qualifications accepted in the various Member States, if these meet the minimum requirements set out in the brief, and (d) regularly to inform the Commission of any measures which may be contemplated in the field covered by the recommendation, of their application and of any difficulties this may pose.

The Board of Governors of the Paul Finet Foundation met for the ninth time in Luxembourg on 4 May 1970. The chair was taken by Mr. Vinck, Director-General for Social Affairs, deputizing for Mr. Levi Sandri, Vice-Presi-

¹ See Bulletin 8-69, Ch. III.

dent. The meeting examined 275 dossiers. 203 grants were made to orphans of coal, iron ore mine and steel workers in the six Community countries who have died since 30 June 1965 as a result of an accident at work or of an occupational disease. 1 012 grants, totalling Bfrs. 7 814 346, have been made since the establishment of the Foundation, that is to say, over the last five years or so.

Social security

Migrant workers

58. At its meeting of 24/25 November 1969, the Council settled a number of difficulties¹ which had cropped up during discussions of the proposal for a regulation on the application of social security schemes to paid workers and their families moving within the Community — a proposal it received from the Commission on 11 January 1966. Following this session, the appropriate Council bodies resumed their studies on the basis of the principles worked out by the Council and tackled the many technical difficulties involved in the implementation of these.

On 25 May 1970 the Council, acting by a unanimous vote in accordance with Treaty Article 51, confirmed the agreement reached by adopting the regulation in question. The layout and wording of the new regulation are to be revised, to make it more understandable for the layman. It is to replace Regulation No. 3, and will come into force on the first day of the seventh month after publication of the implementing regulation. The Administrative Committee for the Social Security of Migrant Workers has drawn up the initial draft version of the latter instrument and is now revising it in the light of the Council's decisions on the basic regulation.

At its 108th session on 12 May, the Administrative Committee for the Social Security of Migrant Workers again considered texts of the draft version of the revised implementing regulation, rewritten to allow for changes to the proposed Regulation No. 3, on which agreement had been reached in the appropriate Council bodies. The texts considered dealt with disablement and old age pensions and death grants. The changes required in the other chapters of the draft implementing regulation are to be discussed at a subsequent session.

It may be added that the Administrative Committee also adopted, apart from its own working programme and that of the Audit Committee for 1971, a decision changing the definition of sickness benefits in kind and a decision amending the calculation of amounts to be refunded and advance payments for benefits in kind provided by social security institutions of Member States on behalf of their opposite numbers in other Member States.

¹ See Bulletin 1-70, Part Two, Ch. IV.

Financial problems of social security

59. The panel of independent experts drafting the report on financial problems of social security (1971-1975) met on 14 May. It was decided to take 1970 as the basic year for forecasts, and that these forecasts would be updated annually to allow for changes in laws and economic developments.

Wages and working conditions

Harmonization of working conditions in the coal and steel industries

60. The Salaried Employees Committee (coal) met on 28 April. The representatives of the trade associations completed their discussion of national reports on methods of grading non-manual workers. They also decided that reports on the social trend in the coal industry should be submitted to their forthcoming meetings by national representatives. Several trade union representatives proposed tackling a number of problems regarding non-manual workers, more particularly the wage structure and readaptation.

The Salaried Employees Committee (steel) met on 29 April. The main item on the agenda was the discussion of certain findings of the national reports on methods of grading non-manual workers in the steel industry, and the selection of points worth considering in more detail. The trade unions are to put forward proposals on the matter at the next meeting.

Joint Advisory Committee on the social problems of paid agricultural workers

61. The Committee held its 18th plenary meeting on 20 and 21 May 1970, and elected Mr. Zech (employers' group) as its chairman and Mr. Simonte (workers' group) as its vice-chairman for 1970. The Committee began an examination of proposed directives for the reform of agriculture, submitted by the Commission to the Council.

Social law

62. The Commission has forwarded to the Council a comparative study on trends in social law in the European Community countries, consisting of a set of reports on the respective countries, by a group of lawyers, and a covering report, by Mr. G.M.J. Veldkamp, sometime Dutch Minister of Social Affairs and Public Health.

The covering report deals with three main aspects, (1) social law in the political, economic and social context at national and international level, (2) the development of the concept of social law and features specific thereto, and (3) trends observable in the different areas of social law.

Welfare of juveniles in employment

63. The Commission has approved a report on the implementation of the recommendation on the welfare of juveniles in employment addressed to the Member States on 31 January 1967. The report, which is the first to appear on the subject, outlines the approach which the separate reports on each country indicate is being adopted there, and adds some general remarks and comments on the implementation of particular points in the recommendation; it also incorporates the six separate sub-reports verbatim.

Housing

64. In May 1970 the Commission approved the financing from ECSC funds of schemes for the building of 388 dwellings for miners and steelworkers in Germany (213 dwellings, contribution DM 1 119 500), France (45 dwellings, contribution FF 210 000) and the Netherlands (130 dwellings, contribution Fl. 845 000).

Health protection

Industrial safety, health and medicine

65. An *ad hoc* working party of the Steel Industry Safety Commission, meeting in Luxembourg on 14 and 15 May, embarked on a study of the employment of explosives in blast-furnaces to get rid of the "scaffolds", "bridges" and "bears" formed inside. The dangers always involved in the use of explosives are here increased by the fact of the explosive's being abruptly heated to a high temperature, which can cause either premature detonation or decomposition.

The Working Party on First Aid and Rescue Arrangements, also meeting in Luxembourg on 20, 21 and 22 May, considered the problems of transporting casualties and the arrangements needing to be made by enterprises with outside services and agencies to establish a plan of action for use in emergency.

A meeting was held in Luxembourg on 22 April on the possibility of organizing a third research programme on dust control and health in mines. The experts present, all chosen for their special knowledge of mining technology and industrial health, urged that the work ECSC has been doing in this connection for the past ten years and more should be continued, and gave their views as to probable future technical developments which would need to be kept in mind in order to evolve appropriate health and safety precautions. In further preparation for the proposed programme it is planned in the near future to sound out the iron ore industry on the subject and to hold discussions with British experts.

The Restricted Committee of the Mines Safety and Health Commission met on 22 May 1970, and adopted recommendations on dust control in underground workings and on the characteristics and protection of electric cables powering mobile machines, a report on research to improve physiological conditions in breathing apparatus, and an opinion on the construction of gypsum stoppings. It also completed its discussions on the group accident at the Minister Achenbach colliery.

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66. Two resolutions on social policy matters were passed by the European Parliament at its session of 11-15 May 1970.¹ Concerning the reform of the European Social Fund, the House noted with satisfaction that its principal proposals and suggestions had been taken up by the Commission, and expressed the view that "as regards determining the sectors, regions and categories of persons to be assisted by the Fund, the Council should confine itself to laying down general criteria, the application of these to the cases actually arising to be a matter for the Executive of the Fund." The Parliament also voiced its view on the Commission's draft regulation regarding the right of workers to remain in a Member State after having held employment there: it welcomed the move, as a further step towards full freedom of movement of workers, and endorsed the main features of the regulation, but pressed for certain improvements, as for instance that permission to remain should be given not for the proposed five-year period but indefinitely.

See "The European Parliament", Part Two, Ch. IV

III. EXTERNAL RELATIONS

ENLARGEMENT OF THE COMMUNITY

67. At its meeting of 12 May 1970 the Council resumed its study of the problems raised by the enlargement of the Community. Agreement was reached on several of the points under discussion, and it was decided to propose that the formal opening of negotiations should take place at a meeting on 30 June in Luxembourg. The following communiqué was published concerning the negotiations with the candidate countries:

“Continuing its work on the establishment of a common basis for negotiations with the countries which have asked to join the Community, the Council, acting on the basis of the reports submitted by the Committee of Permanent Representatives, has reached agreement with regard to:

- (i) the problems concerning the Euratom Treaty;
- (ii) the main problems involving the Commonwealth;¹
- (iii) the institutional problems.

As regards the negotiating procedure, the broad outlines of a solution emerged from the discussion, and the Committee of Permanent Representatives was instructed to work out the details.

The Council hopes to be able to finish its preparatory work on establishing a common negotiating position by the end of June. On this assumption, the Council has decided to propose to the candidate States that the formal opening of negotiations should take place in Luxembourg on 30 June next.”

RELATIONS WITH ASSOCIATED COUNTRIES

EEC-Turkey Association

68. At its meeting of 11 to 15 May 1970, the European Parliament² passed a resolution approving and supporting the recommendation adopted on 30 January 1970 at Munich³ by the EEC/Turkey Joint Parliamentary Committee. It recalled that “apart from its economic aims, the Association with Turkey had a political objective, arising from the fact that Turkey is destined, as an associated European country, to become a full member of the Community.”

¹ The agreement of certain delegations on this point was given subject to confirmation.

² See “European Parliament”, Part Two, Ch. IV.

³ See Bulletin 3-70, Part Two, sec. 50.

Stating its conviction that "the changeover at a smooth rate of progress from the preparatory phase to the transitional phase was of decisive importance for the achievement of the objectives of the Ankara Agreement," the Parliament "views with concern the delays in the negotiations between Turkey and the Community." The Parliament therefore earnestly invites "both contracting parties to undertake all in their power to ensure that the changeover to the second phase may take place as quickly as possible."

EEC-AASM and EEC-OCT Association

EEC-AASM Association Committee

69. On 15 May 1970 the Association Committee held its twenty-eighth meeting under the chairmanship of Mr. Joseph Van Der Meulen, chairman of the Committee of Permanent Representatives. The spokesman for the AASM was H.E. Emile Kassa Mapsi, Minister of State and Ambassador of the Republic of Gabon to the EEC and chairman of the AASM Co-ordinating Committee.

In pursuance of the Council decision of 26 March 1969, the Committee decided to extend the transitional measures, due to expire on 30 June 1970, until the entry into force of the new Yaoundé Convention, and at the latest until 31 December 1970. The chief effect of these measures is to continue application of the main provisions of the 1963 Yaoundé Convention. With particular reference to financial and technical co-operation, the Community confirmed its statement of 29 May 1969 on the transitional measures.¹ The Community has also consulted the AASM on the introduction of a system of generalized preferences for manufactured and semi-finished products originating in developing countries; this question was discussed in considerable detail. The next meeting of the Committee is planned for early July 1970.

EEC-AASM Joint Committee

70. A meeting of the Joint Committee of the Parliamentary Conference of the Association was held in Florence from 20 to 23 May 1970 under the chairmanship of Mr. Alexandre Rakotozafimahery (Madagascar). The discussions dealt with the current problems of the EEC-AASM Association. The report by Mr. Dewulf on the industrialization of the Associated African States and Madagascar was considered and adopted. The Joint Committee also expressed its concern regarding the ratification of the second Yaoundé Convention and adopted a declaration asking that it be brought into force as soon as possible.

¹ See Bulletin 7-69, Ch. VII, sec. 73.

Mr. Rochereau in Congo/Brazzaville

71. Mr. Rochereau, member of the Commission, visited Congo/Brazzaville from 3 to 7 May 1970. He had talks with Commander Marien Ngouabi, Head of State, and several working sessions with officials responsible for the national Plan.

Ratification of the Yaoundé Convention

72. By the end of May 1970 sixteen States, fifteen African States and one of the Six, had lodged with the Secretariat-General their instruments of ratification of the new Yaoundé Convention. At its meeting of 11 to 15 May 1970, the European Parliament adopted a resolution in which it stated that it was deeply concerned by the delay in ratifying certain of the procedures and "it issued an urgent appeal to all Governments and Parliaments of Member States which have not yet ratified the Yaoundé Convention to do so as soon as possible."¹ The Commission had already issued a similar appeal, and the Council agreed to use its influence in this matter.

Adoption of transitional measures for the OCT

73. At its meeting of 14 May 1970, the Council decided² to extend until 31 December 1970 at the latest, the transitional measures, due to expire on 30 June 1970, concerning the Overseas Countries and Territories (OCT) associated with the Community.

Training, in-service periods, seminars

74. In anticipation of the academic year 1970/71, the Commission has informed the AASM Governments of its programme for scholarships, in-service periods and correspondence courses.

On 22 May 1970 the representatives of the various national bodies specializing in the organization of seminars in Europe for students who are AASM nationals met in Brussels to draw up the provisional timetable for 1970/71. Changes were made to the programme for seminars, which henceforth will be held in Brussels and Luxembourg. This programme also provides for the possible organization in member countries of seminars at which problems of European integration and the EEC-AASM Association will be studied in detail.

¹ See "European Parliament," Part Two, Ch. IV.

² See *Journal officiel* L 109, 21 May 1970.

European Development Fund

New financing decisions

75. On 12 May 1970, following endorsement by the EDF Committee at its 48th meeting on 28 April 1970, the Commission, responding to a request from the Malagasy Government, decided to allow the EDF's chief authorizing officer to make a maximum of 600 million Malagasy francs (2 160 500 u.a.) available for consolidation and repair work in the Mangoky delta to make good the damage caused by the floods which followed the recent cyclone to improvements already carried out under the scheme approved by the Commission on 26 November 1965. This repair work is being financed from unused credits earmarked for the delta development scheme.

On 15 May 1970 the Commission took four more decision involving aid from the second EDF. The total sum involved was 1 978 000 u.a., of which 898 000 u.a. was in the form of grants and 1 080 000 u.a. in the form of a special loan.

76. *Ivory Coast*: Extensions to the fishing port at Abidjan (third instalment) were approved for financing by a special loan of 1 080 266 u.a., equivalent to Frs. CFA 300 million. This supplements two earlier operations by the Community to provide Abidjan with a fishing port and will bring the total length of quay available to 1 070 metres.

77. *Togo*: 187 000 u.a., or Frs. CFA 51 872 000, were made available for crop improvement during 1969/70. The grant will be used to continue the growing of certain crops introduced under the five-year production aid programme.

78. *Mali*: 363 000 u.a., or 200 800 000 Mali francs, were provided to improve cotton growing during 1970/71. These funds come from unused credits of the five-year production aid programme and will be spent on insecticides and fertilizers.

79. *Senegal*: 349 000 u.a., or Frs. CFA 97 million, were approved for crop improvement in 1969/70/71. This scheme, financed from credits of the five-year production aid programme, involves the distribution of selected groundnut seeds, the construction of seed storing sheds and the completion of centres for breaking-in livestock.

These new decisions bring total commitments of the second EDF to date to some 705 101 000 u.a. for 375 financing decisions.

Meetings and visits

80. On 5 May 1970 a delegation from Ivory Coast, led by Mr. Mohamed Diawara, Minister for the Plan, was received by the EDF to discuss the schemes which Ivory Coast intends to submit for financing from the third Fund.

An Upper Volta delegation led by Mr. Yameogo, Director for Water Supply and Drainage, had talks with the EDF on the possibility of financing a major water supply scheme. A representative of the Reconstruction Loan Corporation was present.

On 20 May 1970 representatives of the World Bank and the EDF met to discuss the investment programmes of West African countries.

RELATIONS WITH NON-MEMBER COUNTRIES

Austria

81. Relations between Austria and the Community were discussed on several occasions during May 1970. At its meeting on 11/12 May, the Council heard a progress report from the President of the Permanent Representatives Committee on work on an interim agreement with Austria. The Council should decide in the relatively near future on the opening of talks between the Commission and the Austrian Government. During its 11-15 May session the European Parliament heard Mr. Edoardo Martino outline the views of the Commission, which favours the early signing of an interim agreement. It then adopted a resolution urging the Council to decide without delay on the Commission's proposals, declaring that it favoured the conclusion as soon as possible of an agreement which would allow Austria, given its present economic and trade links with individual EEC members, to have relations with the Community which were more in line with the volume of its trade.

Lastly, on 28 May, Mr. Jean Rey, President, and Mr. Edoardo Martino, member of the Commission, received Mr. Rudolf Kirschlager, Austria's Foreign Minister, who was accompanied by H.E. Franz Leitner, Head of the Austrian Mission to the European Communities. The communiqué issued at the end of these talks said that they had given both sides an opportunity of examining EEC-Austria relations, with particular reference to the possibility of negotiations for an interim agreement.

Israel

82. On 14 May 1970 an exchange of letters took place in Brussels between H.E. Moshé Alon, head of the Israeli delegation, and Mr. Helmut Sigrist,

the Commission's Director-General for External Relations and head of the Community delegation, approving the texts of the EEC-Israel agreement. Then, on 29 May 1970, the Commission submitted to the Council a communication on the conclusion of the agreement together with two proposed regulations on its conclusion, arrangements for its implementation and safeguard measures.

Spain

83. On 14 May 1970 an exchange of letters between H.E. Alberto Ullastres Calvo, head of the Spanish delegation, and Mr Helmut Sigrist approved the texts of the EEC-Spain agreement. To supplement these exchanges the Commission transmitted to the Council communications and proposals for either regulations or decisions on the conclusion and the implementation of the agreement.

United Arab Republic

84. On 4 May the competent Council committees resumed their examination of the Commission's report on its exploratory talks with the UAR; a statistical document prepared by the Commission's staff served as a basis for discussion.

Lebanon

85. At its meeting on 11/12 May 1970, the Council instructed the Permanent Representatives Committee to examine the Commission's report on its exploratory talks with Lebanon and to draft a mandate for the opening of negotiations with that country.

Algeria

86. At the same meeting the Council asked the Permanent Representatives Committee to study the Commission's communication on the Community's relations with Algeria and, in this case too, to prepare a mandate for the opening of negotiations.

Canada

87. Mr. E.M.J.A. Sassen, member of the Commission, visited Canada from 29 April to 2 May 1970 at the invitation of the Canadian Government. During his stay he had talks on competition policy with Mr. Basford, Minister of Consumer and Corporate Affairs. He also met Mr. Sharp, Secretary of State for External Affairs and Mr. Pépin, Minister of Commerce and Industry.

Latin America

88. As part of the consultations provided for under the 1961 Agreement between Euratom and Brazil for co-operation in the peaceful uses of atomic energy, Mr. Helmut Sigrist, the Commission's Director-General for External Relations, visited Brazil at the end of May to discuss the application of the Agreement with the authorities there.

Mr. Sigrist also had top-level talks with the Chilean authorities in Santiago and with members of the Junta of the Cartagena Agreement (the regional integration agreement of the Andean Group) in Lima on problems affecting relations between Andean Group countries and the Community.

On 15 May 1970 a delegation of government and private sector representatives from the countries of the Central American Common Market and Panama had talks with representatives of the Commission. The delegation, which had visited various European capitals, discussed with Commission representatives the problems faced by their six countries in exporting beef within the Americas and the need for them to find new markets in Europe. The Commission representatives gave the delegation all the information desired about the Community's beef market regulations.

Gambia

89. In the course of a private visit to Brussels, Mr. Sherif Moustafa Dibba, Vice-President of the Republic of Gambia, visited the Commission on the occasion of a meeting with a delegation from the African Groundnut Council.

COMMERCIAL POLICY

Work within GATT

EEC-Tunisia and EEC-Morocco Association Agreements

90. At its meeting on 28 April 1970 the Council of Representatives of the General Agreement on Tariffs and Trade (GATT) discussed the report of the working party instructed to examine the Community's association agreements with Tunisia and Morocco. It also discussed a Canadian suggestion that, in view of the background to these agreements, a provisional *ad hoc* authorization should be given to allow their implementation, without however recognizing their admissibility under Article XXIV of the General Agreement.

As was the case with the working party which examined the agreements,¹ the Council of Representatives divided into two camps on this Canadian suggestion. The parties to the association agreements, supported by other countries, claimed that the agreements were compatible with Article XXIV and rejected the Canadian suggestion. Further European countries favoured a pragmatic solution within the framework of Article XXIV. The other camp refused to accept the admissibility of the agreements under Article XXIV because they included no plan or schedule for the formation of free-trade areas. Some countries in this group regard the Canadian suggestion as an adequate solution which reconciles observance of GATT rules with the interests of the parties to the association agreements or as a useful basis for discussions to find a compromise solution acceptable to all.

Faced with this situation the Council of Representatives refrained from making a ruling. It agreed to allow the delegations further time for reflection, so that both camps could try to reconcile their positions with a view to finding a satisfactory solution in due course.

Emergency measures for dessert apples

91. On 3 April 1970 the Commission notified GATT that it had decided to take certain emergency measures for dessert apples. Australia asked to have this matter placed on the agenda for the Council of Representatives meeting on 28 April 1970 and at the meeting proposed that the Council take the necessary steps under Article XXIII, paragraph 2, to examine the situation if these measures were not withdrawn by the Community. The Australian proposal was seconded by New Zealand, Canada, Chile, Argentina, South Africa and the United States.

The Community expressed surprise at the attitude taken by these countries. It reminded the meeting that in its notification of 3 April it had specifically stated that it was prepared to discuss the matter with any interested countries; only one country had shown any interest. Moreover, in the light of representations made by some of the exporting countries principally affected, it had amended and adjusted the regulation in question.

Before pronouncing on the question of whether or not steps should be taken under Article XXIII, paragraph 2, the Council noted that multilateral talks with the countries concerned would be organized as soon as possible by the Community and agreed to reopen the question at any time if this proved necessary. These multilateral talks were held in Brussels on 4 May 1970 and the Community explained the application of these emergency measures.

¹ Bulletin 5-70, Part Two, sec. 86.

Quantitative import restrictions

92. The special Joint Working Party set up by the GATT Council of Representatives to discuss quantitative import restrictions with the Contracting Parties met in Geneva from 13 to 24 April 1970. It reviewed the restrictions applied to both agricultural and industrial products by 18 countries (EEC and EFTA countries, Australia, Canada, United States, Japan and Ireland).

The Community and its Member States took an active part in the proceedings of the Joint Working Party, notably by providing information on remaining restrictions, the reasons for them, and, in certain cases, the prospects of abolishing them. The only import restrictions applied by the Community as such are very temporary ones on apples and the voluntary limitation of exports applied by its main suppliers of certain types of jute textiles. The report of the Joint Working Party, which contains suggestions on notifications and periodic consultations on all these restrictions, is to be examined by the Council of Representatives.

Elaboration and implementation of the common commercial policy

93. At its meeting on 25/26 May 1970 the Council approved two important regulations on commercial policy. One introduces a common system for imports from non-member countries and the other sets up a common procedure for administering quantitative quotas.¹ These texts supersede three interim regulations of 10 December 1968² which marked a first step towards a uniform commercial policy. The new arrangements do not make any basic change in the common commercial policy, which remains liberal, but streamline old machinery which was rather cumbersome and replace it by a more flexible and, particularly, a more "Community" procedure, based on close co-operation between the Commission and the national authorities.

Common system for imports from non-member countries

94. The first regulation, the one concerning the import system, covers trade with all GATT member and assimilated countries, which account for more than 90% of the EEC's external trade. It establishes freedom to import — bound at Community level — for a very wide range of products listed in an annex to the regulation. This liberalization list, which now includes 898 full headings of the 1 097 in the Common Customs Tariff, is appreciably larger than the 1968 list, which included only 824 headings, and the regulation expressly provides for further extension.

¹ *Journal officiel* L 124, 8 June 1970.

² *Ibid.* L 303, 18 December 1968.

However, any liberal system is in danger of being unrealistic if it does not allow for the introduction of safeguard measures in the event of serious danger. The regulation therefore allows some supervision of imports. Recourse to this is, however, restricted to quite exceptional cases where the Commission has noted that the import trend for a given product is threatening to prejudice the interests of Community producers. Safeguard measures are allowed only to cope with well-defined crisis situations, such as market disruption causing grave prejudice to Community producers, and must take into account goods en route to the Community and those for which contracts have been signed. Introduction of these measures is in principle reserved to the Council. The Commission is, however, empowered to act in an emergency and so are the Member States, though their action is limited in time.

Common procedures for administering quantitative quotas

95. The second regulation defines procedures for administering quantitative import and export quotas which are fixed autonomously by the Community or established by formal agreement with a non-member country. The regulation starts from the principle that the fixing of these quotas, that is to say determination of the amount, is a matter for the Council. But their administration now falls on the Commission, in liaison with a Community committee. In future this administration will include not only the allocation of shares between Member States but also increases in the overall quota even when import possibilities in the Community are insufficient. Administration of Community quotas will thus become very flexible. The issue of licences and the accomplishment of other import and export formalities continue to be the business of the Member States, but will be standardized by means of a number of outline provisions.

These regulations follow on the anti-dumping regulation of 5 April 1968,¹ the common arrangements for exports² and imports from state-trading countries³ and the decision of 16 December 1969 on the progressive standardization of Member States' trade agreements and the negotiation of Community agreements with non-member countries.⁴ With the two new regulations, the Community now has the basic instruments for its commercial policy to enter the definitive phase.

Trade agreements: tacit renewal, extension or derogation

96. Two Council decisions, adopted on 6 and 14 May 1970 on a proposal from the Commission, authorized the Federal Republic of Germany to sign

¹ *Journal officiel* L 93, 17 April 1968.

² *Ibid.* L 324, 27 December 1969.

³ *Ibid.* L 19, 26 January 1970.

⁴ *Ibid.* L 326, 29 December 1969.

an agreement covering trade in 1970 with Poland¹ and to negotiate a trade agreement with Czechoslovakia.

Special commercial policy measures

Cotton textiles

97. The Commission represented the EEC at a meeting of the Cotton Textiles Committee in Geneva on 25-27 May 1970. At this meeting, the Long-term Arrangement regarding International Trade in Cotton Textiles, due to expire on 30 September next, was extended for a further three years to 30 September 1973. A protocol to prolong the Arrangement will be opened for acceptance from 15 June and the European Economic Community will be free to accept it as a Community. In connection with the extension of this Arrangement, the Commission negotiated with the main non-member exporters on the Community's behalf with a view to the signing of mutually acceptable bilateral agreements under Article 4 of the Long-term Arrangement.

Jute products

98. On 21 May 1970 a Pakistani and a Commission delegation assisted by representatives from the Member States met to continue their negotiations for the signing of an agreement on trade in jute products. The two delegations reached agreement and decided to submit to their respective authorities a draft agreement based on: (i) a speeding-up by the Community of the tariff concessions made under the Kennedy Round and (ii) voluntary limitation by Pakistan of exports of certain jute products to an agreed level which could be raised if additional demand built up on the Community market.

Steel

99. On 26 May 1970 representatives of the Governments of ECSC Member States meeting in Council adopted a decision on a number of tariff measures for the second half of 1970. The rate of duty applicable to cast iron containing vanadium and titanium imported from non-member countries during this period will be reduced to 1%. A number of zero-duty tariff quotas for imports from non-member countries of special wire rod for the manufacture of springs and "piano wire," iron or steel coils, and used rails for rerolling, rolled alloy

¹ *Journal officiel* L 103, 13 June 1970.

steel and certain "electric" sheets were also approved. The Representatives of the Governments of the Member States also authorized Germany to import special wire rod with certain specific features under its quota over the same period. To enable these imports to be effected, the Commission must adopt its usual six-monthly waiver to Recommendation 1/64 of the High Authority on peripheral protection for the steel market.

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100. At its 11-15 May 1970 session the European Parliament passed a resolution noting that the Community's preparations for the implementation of a common commercial policy had been hesitant and inadequate during the transitional period. The commercial policy provisions of the Treaty would have to be implemented to the full if integration in other areas covered by the Treaty was to proceed along rational and harmonious lines. The Parliament urged that the Community adopt the necessary legislative provisions and proceed in the immediate future to harmonize national policies on a number of issues affecting trade relations with non-member countries.

The European Parliament also approved, subject to a number of amendments, the proposed regulation prepared by the Commission on the introduction of joint procedures for the management of quantitative quotas. Although it regarded the proposed system as much more in the Community spirit than the original regulation of December 1968 it nevertheless felt that the proposal did not have the hundred per cent Community character which was needed to meet the requirements of the definitive stage of the Common Market.

COMMODITIES AND WORLD AGREEMENTS

Tin

101. A conference to negotiate the renewal of the International Tin Agreement was held in Geneva from 13 April to 15 May 1970 under the auspices of UNCTAD. This Agreement, due to expire on 30 June 1971, is the third to bear this name. The first, negotiated in 1953, came into force in 1956. All producing countries (the most important being Malaysia, Bolivia, Thailand, Indonesia, Nigeria, and Congo/Kinshasa) are parties to the Third Agreement, as are a large number of consuming countries. Though not parties to the Agreement, the United States, the USSR and the Federal Republic of Germany took part in the conference.

¹ See European Parliament (Part Two, Ch. IV).

The world market in tin is small, annual production amounting to something like 180 000 tons. It is affected by very sharp price fluctuations due in the main to international speculation.

However, unlike most agricultural commodities there is no structural imbalance between supply and demand. Since the First Agreement, therefore, the main instruments to regulate the market have been (1) a buffer stock, amounting to 20 000 tons of metal under the Third Agreement, entirely financed by the producing countries; and (2) special arrangements to be applied in the event of under- or overproduction. There are provisions for export quotas in the event of overproduction. Should a shortage arise the International Tin Council could, if it so desired, give a certain preference in the matter of supplies to consuming countries which are parties to the Agreement.

One of the main issues to be decided at this conference was whether or not the buffer stock should be increased. The producing countries hoped that the cost of any increase approved would be borne by the consuming countries.

Procedurally, this conference was of particular significance from the Community's point of view. It was the first negotiating conference for an international commodity agreement to be held since 1 January 1970, the date on which the definitive phase of the common commercial policy began. Thus, although the earlier agreements had been negotiated by the Member States themselves, the Council authorized the Commission, pursuant to Article 113 of the Treaty of Rome, to negotiate the trade aspects of the new one on the Community's behalf.

The Commission delegation therefore had a threefold task to perform:

- (i) to enable the Community as such to participate in the conference with a mandate to negotiate those elements of the agreement within its competence;
- (ii) to negotiate these points on behalf of the Community; (iii) to arrange for the inclusion in the agreement of a clause which would allow the Community to accede should it consider this desirable (EEC clause).

The delegation encountered considerable difficulties in discharging this threefold task, largely because of the refusal of the East bloc countries to recognize the Community. Nevertheless, following lengthy discussions with these countries, with the producing countries, and with some of the large consuming countries, the delegation did succeed in having an EEC clause included in the new agreement, with the unanimous approval of the participating countries.

In essentials, the new agreement departs very little from the Third Agreement. The main changes are as follows:

- (i) The layout of the agreement has been changed to make the buffer stock the essential element in market regulation policy;

(ii) Arrangements for managing this stock when tin prices are high have been slightly modified. The Third Agreement was relatively inflexible on this point, obliging the buffer stock manager to sell once the ceiling price was reached. The new agreement gives the buffer stock manager greater latitude, which should strengthen his hand in dealing with speculation.

On the whole, changes on the Third Agreement are minor. The proposal to increase the buffer stock was abandoned because the consuming countries refused to accept the principle that they should make a financial contribution towards this.

Wheat

102. A ministerial meeting of the five major wheat exporting countries was held in Ottawa on 4/5 May 1970. It was attended by representatives of the five — Argentina, Australia, Canada, the EEC and the United States. Mr. Sicco L. Mansholt, Vice-President of the Commission, accompanied by Mr. Rabot, Director-General for Agriculture, represented the Community at this meeting, which dealt with the situation on the world wheat market and problems resulting from surplus production.

The communiqué issued at the end of the meeting runs as follows: "The meeting reviewed the current market situation and noted that supplies available in the major exporting countries will be surplus to the anticipated requirements for the 1970/71 crop year and that a solution to the problem of overproduction was necessary if a healthy and stable international wheat market were to be achieved in the interest of both consumers and producers. The Ministers noted that in some countries, it is difficult to consider the wheat situation in isolation from the livestock feed market.

"Ministers recognized that the major exporters had a common responsibility to regulate their production in a manner which will bring supplies into balance with opportunities in the international wheat market. Ministers considered that importing countries, particularly developed countries, also had responsibilities in this regard and they agreed to use every opportunity to encourage these countries to accept disciplines in their own production policies in the interest of expanding the international wheat market.

"Ministers took note of the major contributions made by Canada to resolving the oversupply problem by the withdrawal of very substantial acreage from production in 1970. It was also noted that the United States had, for a number of years, operated a programme of wheat acreage reduction, that Australia had recently established quotas substantially reducing wheat deliveries and that in Argentina production had declined in recent years due to climatic factors. Ministers further noted that the EEC had under consideration proposals aimed at a different relationship between wheat and coarse grain, and also a substantial reduction of land and manpower in agriculture over the next few years.

“Ministers noted the urgent need to bring production into a better relationship with demand. They agreed that governments would have to keep production policies under continuing review so that timely and appropriate measures could be taken in the interest of achieving a healthy international market for wheat.

“Ministers noted that different techniques were used by different wheat producing countries to maintain producer incomes. They agreed that governments should exercise care in implementing new or existing programmes of income support to avoid measures which could have the effect of stimulating uneconomic production.

“Finally, Ministers agreed that their Governments would keep under continuing review the production policies of both exporters and importers and to this end they agreed to consult closely and to meet again in about six months”.

Dairy products

103. The International Skim Milk Powder Arrangement on which agreement was reached in December 1969 within GATT's Special Group on Dairy Products¹ came into force on 14 May 1970 following its signature by a number of member countries.² The Arrangement, valid for one year, makes provision for a minimum price. A Management Committee will administer the Arrangement and keep a watch on world market trends.

Discussions also continued within the Standing Committee on the Gentleman's Agreement on Exports of Whole Milk Powder³ and an arrangement for this commodity may well be signed in the not too distant future.

THE COMMUNITY AND DEVELOPING COUNTRIES

Tariff preferences

104. The problem of generalized preferences for manufactures and semi-manufactures originating in the developing countries was discussed by the Ministerial Council of the Organization for Economic Co-operation and Development (OECD) in Paris on 21/22 May 1970.⁴

¹ Bulletin 2-70, Part Two, sec. 89.

² *Journal officiel* L 124, 8 June 1970.

³ Bulletin 3-70, Part Two, sec. 78.

⁴ See Part Two, sec. 106.

In preparation for this OECD meeting, the Council, at its meeting on 12 May 1970, heard a progress report on work within the Community and at international level for the establishment of a system of generalized preferences for developing countries. In the communiqué issued at the end of this meeting the Council expressed its concern at the fact that work did not seem to be progressing at the rapid pace desirable and agreed that a renewed effort should be made by the Community, at the next meeting of OECD's Ministerial Council, to expedite the work being done by that Organization so that the industrialized countries may be ready to implement these preferences with minimum delay as agreed in UNCTAD.

Food aid

105. In connection with the implementation of the agreements between the Community and the World Food Program on the supply of 120 000 tons of skim milk powder and 35 000 tons of butteroil to developing countries as part of the Community's food aid programme the Commission, on 5 May 1970, adopted a regulation covering the supply of 3 000 tons of skim milk powder to the WFP for use in India. A similar regulation adopted on 19 May 1970 called for tenders for the supply of 662 tons of butteroil for Iraq and 60 tons for Yemen.

THE COMMUNITY AND INTERNATIONAL ORGANIZATIONS

Organization for Economic Co-operation and Development

106. The Council of the OECD met at ministerial level in Paris on 20, 21 and 22 May under the chairmanship of Mr. Valéry Giscard d'Estaing. Items on the agenda included:

- (i) environmental problems
- (ii) economic growth in the 1970s
- (iii) OECD's role in the co-ordination of economic policies
- (iv) co-operation with the developing countries
- (v) East-West contacts.

The Commission was represented at this meeting by Mr. Henri Rochereau and Mr. Edoardo Martino, who took part in the discussion on aid to developing countries. In his address on the compatibility and simultaneous existence

of regional associations based on preferences and the system of generalized preferences, Mr. Rochereau said that the Community had been tireless in its efforts to reconcile individual commitments to its associates with the responsibility it has to developing countries as a whole by reason of its position as a world trading power. Mr. Rochereau claimed that the Community's association policy and its policy with regard to trade with other developing countries were in perfect harmony with each other. The Community was making a major contribution to the development of world trade and helping to improve trade receipts in all developing countries.

Mr. Martino referred to the EEC's deep sense of responsibility with regard to the system of generalized tariff preferences which it had sponsored. He was convinced that these preferences could play an important role in the development of under-privileged countries and regions. The Community would continue to do all in its power to ensure that generalized preferences were introduced within the specified time-limits.

Still on the subject of generalized preferences, Ministers took note of the progress made and the useful consultations which member countries have held with the developing countries within UNCTAD on this matter. They also recognized the efforts still required to move on to the stage where concerted proposals can be presented to UNCTAD. Ministers gave general guidance with a view to solving the more important difficulties remaining prior to the opening of the tenth session of the Trade and Development Board of UNCTAD in Geneva on 25 August 1970. These include the search for a balance between efforts being made by the various donor countries and the problem of "reverse" preferences, in other words preferences accorded by certain developing countries to certain advanced countries.

The Ministers focused attention on the major economic issues facing Member Governments in the new decade. As a result of anti-inflationary policies, output in the OECD area will rise appreciably less rapidly in 1970 than the high rates of the past two years. Having considered the future growth potentialities of their economies, Ministers set an increase in the real national product for the OECD area as a whole of the order of 65% as a collective growth target for the decade 1970-1980.

The Ministers stressed the important role played by the Organization in the co-ordination of economic policies among member countries and agreed on the need to render this co-ordination more effective. Having noted the suggestions put forward to this end by the Belgian representative, they requested the Secretary-General to submit proposals for further consideration to the Council as soon as possible. They also agreed on the need for continued consultation within the Organization to ensure that member countries' balance-of-payment aims are compatible.

THE COMMUNITIES' DIPLOMATIC RELATIONS

107. On 4 May 1970 the President-in-office of the Council, Mr. Pierre Harmel, and the President of the Commission, Mr. Jean Rey, received H E. Edoardo Yglesias, who presented his letters of credence as head of the Costa Rica Mission to the European Economic Community.

IV. ACTIVITIES OF THE INSTITUTIONS

EUROPEAN PARLIAMENT

The European Parliament met in Strasbourg from 11 to 15 May 1970.¹ During this session the Parliament commemorated the 20th anniversary of the Schuman Declaration, heard a short statement from the President of the Council on its activities, discussed the imminent renewal of the members of the Commission and endorsed the arrangements adopted by the Council concerning the Community's own resources and the Parliament's budgetary powers. Debates were also held on the European regional policy and the common commercial policy. The Parliament dealt with the EEC-Turkey Association, the ratification of the new Yaoundé Convention and relations between the EEC and Austria and formulated Opinions on several proposed regulations and directives on agricultural and social questions, and on freedom of establishment.²

The President, Mr. Scelba, welcomed Mr. Kai Uwe von Hassel, President of the Bundestag, and stressed that the development of Community institutions made closer co-operation between the European Parliament and the parliaments of the Member States quite a normal thing.

20th anniversary of the Schuman Declaration

At a ceremonial session on 13 May 1970, the European Parliament celebrated the 20th anniversary of the Schuman Declaration.³

Mr. Scelba, President of the Parliament, gave a brief historical survey of the creation of the European Communities, recalling that Robert Schuman's great merit was that "he showed the new and safest way to avoid the resurgence of the tragic struggles of the past and to guarantee Humanity's progress".

After alluding to the results achieved in the last 20 years, Mr. Scelba went on to mention the role falling to the nations of Europe in world events and the need to have the peoples participate in the life of the European Community by means of election to the Parliament through direct universal suffrage and by giving a new balance to the Community's powers, bringing them more into line with the rules of democracy. After stressing the fundamental importance of enlarging the Community, Mr. Scelba paid tribute to Robert Schuman and "to all those who, by their thought and action, have opened up the way towards the unity of Europe."

¹ For the full text of the resolutions adopted at this session, see *Journal officiel*, No. C 65, 5 June 1970.

² This report is based mainly on "Parlement européen — Informations."

³ Bulletin 6-70, Part One, Ch. I.

Mr. *Harmel*, President-in-office of the Council of the European Communities, stressed the three features of the Schuman Declaration: it was monumental, prophetic and generous. Europe must now take new creative action. "Let us work," continued Mr. Harmel, "so that gradually, in about eight or ten years hence, the kind of Europe that we really want will be formed, not simply a prosperous Europe, but a setting within which human, social and cultural growth can flower. The European federation of which Robert Schuman was the apostle and prophet is still the objective towards which we are all striving."

Mr. *Rey*, President of the Commission, stressed the parliamentary and political aspects of the commemoration. Robert Schuman gave us two things, Mr. Rey said: a new vision of Europe and the conviction that this new Europe needed institutions if it wished to become an organized continent. After stressing the importance of strengthening the powers of the Parliament and the Commission, Mr. Rey concluded that the time had come for Europeans to turn with increased dynamism towards the tasks of tomorrow, so that there may be built "a generous and more social Europe, which is more conscious of its great duties towards the developing countries."

The Council's activities (13 May)

The President-in-office of the Council, Mr. *Harmel*, made a statement to the Parliament on the Council's activities in the past year. All the major tasks to complete the Common Market had been successfully terminated. With regard to the strengthening of the Communities, Mr. Harmel referred to the work in hand concerning economic and monetary policy, social policy, industrial policy and technical and scientific research policy. Under the heading of the enlargement of the Communities, he said that a date had already been fixed for the opening of negotiations with the candidate countries and political agreements had been reached on most subjects. Mr. Harmel then mentioned the main agreements in preparation or concluded with different non-member countries and urged those parliaments which had not yet ratified the Yaoundé Convention to do so as quickly as possible. After paying tribute to the Commission's achievements, Mr. Harmel drew attention to the indispensable character of the Parliament in a democratically-based Europe.

Composition of the Commission (13 May)

Mr. *Scelba* informed the Parliament that the Liberal and Allied group had withdrawn its question concerning the number of members of the Commission. Mr. *Cantalupo* (Liberal, Italy) explained that the problem had been resolved by the Council's decision to reduce the number to nine. Mr. *Lücker* (Germany), chairman of the Christian Democrat group, made certain reservations with regard to this matter and said the future alone would show whether

the Council had taken the right decision. Mr. *Radoux* (Socialist, Belgium) agreed with Mr. *Lücker*, whereas Mr. *Habib-Deloncle* (UDE, France) came out in favour of the position adopted by the Liberal and Allied group.

Community budgets and finance

“Own resources” and the Parliament’s budgetary powers (13 May)

The Parliament discussed the report by Mr. *Spénale* (Socialist, France), chairman of the Committee for Finance and Budgets on the arrangements adopted by the Council for replacing the financial contributions of Member States by the Community’s own resources and on the modification of certain budgetary arrangements in the European Treaties. Since these texts were to be ratified by the national parliaments of Member States, the Parliament felt that it was its duty to formulate an Opinion. The Parliament’s preoccupations, as reflected in the proposed resolutions submitted by the Committee for Finance and Budgets, concern both the right to reject the overall budget as demanded by the Parliament for the final period beginning in 1975 and the interpretation of paragraph 6 of the revised Article 203 of the EEC Treaty. The Parliamentary Committee felt that this text gave the Parliament the right to refuse to vote the budget, so that new proposals would have to be made.

The Committee for Finance and Budgets finally declared itself in favour of ratifying the arrangements adopted by the Council, subject to the observations contained in the proposed resolution it asks the Parliament to adopt.

On behalf of the Political Affairs Committee, Mr. *Furler* (Christian Democrat, Germany) also spoke in favour of ratifying these arrangements and specified that they should be revised at a later date, since the Parliament lacked real legislative power with which to exert any real influence on Community income and expenditure.

Mr. *Harmel*, President-in-office of the Council, recalled the position taken by the latter on the Parliament’s budgetary powers and assured the House that the Council would make a formal decision on any proposals the Commission submitted to it. He said that the Council had not decided on the interpretation of paragraph 6 of Article 203 of the EEC Treaty and drew the Parliament’s attention to the problems which this question entailed. In conclusion, Mr. *Harmel* would submit the Parliament’s point of view to the Council; he also felt that the Treaties should be ratified as quickly as possible.

Mr. *Coppé*, member of the Commission, recalled that the latter had always supported the Parliament’s point of view. He asked the Parliament to accept the text adopted by the Council and to recommend the national parliaments to ratify it.

During the debate, Mr. *Westerterp* (Christian Democrat, Netherlands), Mr. *Cantalupo* (Liberal, Italy), Mr. *Burger* (Socialist, Netherlands) and Mr. *Berthoin* (Liberal, France), spoke in favour of the proposed resolution on behalf of their political groups. Mr. *Westerterp* in particular stressed the positive aspects of the arrangements adopted by the Council, which the speakers agreed were an important step towards a greater democratization and extension of the Parliament's powers. For his part, Mr. *Berthoin* drew attention to the great possibilities offered to the European Parliament by Resolution No. 2 appended to the text adopted by the Council.

Mr. *Habib-Deloncle* (France) referred to the UDE group's position, which was favourable to the granting of budgetary powers to the European Parliament. He regretted the lack of clarity in the text adopted by the Council. In view of the real progress achieved the group was in favour of ratification by the national parliaments.

When the members were explaining the reasons for their vote, Mr. *Triboulet* (France), chairman of the UDE group, said that his group, although fully in agreement as to the substance of the problem, would abstain as the text of the resolution was too technical and fine-spun and would be incomprehensible for the national parliaments to whom it was supposed to be addressed.

Mr. *D'Angelosante* (Communist, Italy) said that the Communists in the Parliament would vote against the proposed resolution in protest against the fact that the national parliaments were losing power not to the benefit of the European Parliament but to the advantage of other European institutions. It would not be possible to institute any parliamentary control.

Mr. *Spénale* (Socialist, France), chairman of the Committee for Finance and Budgets, criticized the position of the UDE, which had approved the resolution in committee. Stating that he would vote for the resolution, Mr. *Radoux* (Socialist, Belgium) stressed that it was the European Parliament's duty to explain to national parliaments the reasons why they should accept the arrangements adopted by the Council. Mr. *Vals* (Socialist, France) explained his vote in favour by saying that the text of the resolution was the result of a certain number of compromises.

Finally, the resolution put forward by the Committee for Finance and Budgets in Mr. *Spénale's* report was approved by three political groups (Christian Democrats, Socialists and Liberals). The UDE group abstained. The Communists voted against.

The Community's operating budget and Euratom's research and investment budget for 1970 (13 May)

On the basis of the report by Mr. *Aigner* (Christian Democrat, Germany) on the Community's budget for 1970, the Parliament adopted a resolution in

which it regretted that the Council had, in most cases, not taken account of the amendments proposed by the Parliament, which provoked serious doubt as to whether the Council really wished to strengthen the dialogue between the institutions. Lastly, the Parliament stressed the need to combat fraud in connection with Community funds.

A second resolution on the research and investment budget was approved following the report by Mr. *Posthumus* (Socialist, Netherlands). The Parliament felt that with regard to the budget there had been procedural improvements, but that there was still no real dialogue with the Council and it maintained its basic reservations on a budget which did not contain all the necessary ingredients for applying the principles by which Community research would be strengthened. Lastly, the Parliament recalled the urgency of establishing a multi-annual research and training programme. Mr. *Bousquet* (France), on behalf of the UDE group, pointed to the favourable and unfavourable aspects of the research budget and then went on to say that the dialogue initiated with the Council was not a real one. The Parliament should protest against this way of looking at things.

Mr. *Coppé*, member of the Commission, agreed with the Parliament's point of view with regard to both budgets and hoped that the dialogue between the institutions would improve.

Relations with associated and non-member countries

EEC-Turkey Association (15 May)

On the basis of a report by Mr. *Wohlfart* (Socialist, Luxembourg), submitted on behalf of the Committee for the Association with Turkey, the Parliament agreed a resolution approving and supporting the recommendation adopted on 20 January 1970 by the EEC-Turkey Joint Parliamentary Committee.¹ The Parliament referred to the political objective of the Association with Turkey which was destined to become a full member of the Community, and urged both parties to the Association to agree on the changeover to the second phase of the Association Agreement. The Parliament shared the opinion of the Joint Committee, that negotiations could only be successfully concluded on the basis of an overall balance between mutual concessions and obligations and hoped that, in view of the great efforts expected from Turkey in economic and social development, the Community would grant that country substantial and adequate additional advantages.

¹ Bulletin 3-70, Part Two, Ch. III, sec. 50.

Mr. *De Winter* (Christian Democrat, Belgium), chairman of the Committee for the Association with Turkey, commented on the various items in the resolution. Mr. *E. Martino*, member of the Commission, drew attention to the need for a balance between the offers and requests of the contracting parties if the negotiations were to be brought to a successful conclusion. He stressed the difficulties which had arisen in the industrial, agricultural and social sectors and concluded by saying he was convinced that the negotiations on the changeover to the second phase of the Agreement could be continued in the near future.

Ratification of the new Yaoundé Convention (15 May)

On behalf of the chairman of the Committee on Relations with the African States and Madagascar, Mr. *Briot* (UDE, France) elaborated on the oral question with debate put to the Commission on progress in ratifying the new Association Convention with the AASM. Mr. *Briot* recalled that 15 Associated States had already ratified the Convention, whereas only one of the Six had lodged its instruments of ratification. This was a very worrying situation which might be extremely prejudicial to the interests of the AASM.

Mr. *E. Martino*, member of the Commission, said that the Commission was very concerned by the current situation and he asked members of the House to intervene with their national parliaments to expedite the process of ratification, since no investment project could be carried out for the time being.

On behalf of their political groups, Mr. *Dewulf* (Christian Democrat, Belgium) and Mr. *Hein* (Socialist, Germany) drew attention to the inconveniences caused by the delay in ratifying the Convention, particularly in the political field. In conclusion the Parliament adopted a resolution stressing the serious harm which might be caused by a prolonged interruption in the Community's financial aid and the political risks involved in the serious erosion of the confidence which the Community enjoys among the AASM. The House launched an urgent appeal to governments and parliaments to ratify the Association Convention as rapidly as possible.

EEC-Austria relations (15 May)

In an oral question followed by debate, the Committee on External Trade Relations asked the Commission about the progress of procedures in Community institutions to bring about a swift and satisfactory solution to the problem of Community relations with Austria.

After Mr. *Radoux* had presented his oral question, Mr. *E. Martino*, member of the Commission, gave an account to the Parliament of the development of relations between the Community and Austria and of the state of work

in the Community institutions. He stressed the urgency of having fruitful negotiations with Austria. Mr. *Meister* (Germany), on behalf of the Christian Democrat group, spoke of the interest attaching to EEC-Austria relations and hoped the negotiations would be successful.

At the end of the debate the Parliament adopted a resolution declaring itself in favour of the earliest possible conclusion of an agreement which would enable Austria, taking into account the present state of its economic and trade relations with the EEC Member States, to have a relationship with the Community more consonant with the volume of its trade.

Common commercial policy

Commercial policy problems at the end of the transitional period (14 May)

In a report presented on behalf of the Committee for External Trade Relations, Mr. *Kriedemann* (Socialist, Germany) drew attention to the fact that the Community's commercial policy had entered a critical phase. Assessing the common commercial policy at the end of the transitional period, he asked the Parliament to adopt a proposal for a resolution in which the Parliamentary Committee points to the hesitant and incomplete way in which the common commercial policy has been introduced and considers that all the institutions should give greater attention to this problem. The expected enlargement of the Community would further increase the importance of the commercial policy, which should become one of the determining instruments of an overall EEC development policy for the benefit of the Third World. The Community should adopt the necessary legal arrangements for the common commercial policy still lacking and advance the harmonization of national policies on trade relations with non-member countries. The Community should adopt an active attitude in its commercial policy relations with these countries.

On behalf of their respective political groups, Mr. *De Winter* (Christian Democrat, Belgium) and Mr. *Romeo* (Liberal, Italy) endorsed the text of the proposed resolution, but drew attention to the Community's need to define a common commercial policy which did not yet exist. For Mr. *De Winter* this policy should be the effective instrument of a development policy both in favour of rational and harmonious integration between the Member States and also for the benefit of the developing countries. Mr. *Hein* (Socialist, Germany) stressed the importance of relations with the developing countries.

Mr. *Rey*, President of the Commission, recalled the significant progress achieved in the sphere of the common commercial policy, particularly after the Council's decision of December 1969, which authorized the co-ordination of national policies. These results were still not enough, but they must not be

underestimated. It was essential to win acceptance of the idea that Community policy should embrace matters which until now had all too often been seen by Member States as being of their sovereignty. At the end of the debate, the Parliament endorsed the proposed resolution submitted by the Committee on External Trade Relations.

Establishment of a common procedure for administering quantitative quotas. (11 May)

The Parliament discussed a report on a proposed regulation presented by Mr. *Vredeling* (Socialist, Netherlands) on behalf of the Committee for External Trade Relations. The Parliament adopted several amendments to the Commission text which, in its opinion, still did not embody the full Community character implied in the final phase of the Common Market, since the Commission is given only limited tasks to perform. The Parliament therefore asked for the insertion of a revision clause and emphasized the need for the establishment of an overall management system for tariff quotas.

On behalf of their political groups, Mr. *Meister* (Christian Democrat, Germany) and Mr. *Baas* (Liberal, Netherlands) endorsed the report and resolution submitted by the Parliamentary Committee. Mr. *von der Groeben*, member of the Commission, said that the latter was ready to accept the amendments proposed by the Parliament.

European regional policy (12 May)

Mr. *Mitterdorfer* (Christian Democrat, Italy) submitted a report on behalf of the Economic Affairs Committee on a decision concerning the organization of Community means of action with regard to regional development.¹

He gave an overall picture of the situation in Member States with regard to regional policy and made a few suggestions as to the channels into which Community aid for regional policies might be directed.

Mr. *Briot* (UDE, France), spokesman for the Committee on Agriculture, emphasized the human aspect of the regionalization problem which was of particular interest for agriculture. The chief need in this sector was to ensure that no gulf was opened up between the developed and the less favoured regions.

On behalf of the Christian Democrat group, Mr. *Boersma* (Netherlands) called for the creation of a truly regional policy which must rest on co-operation between both sides of industry and on greater solidarity between the Community States. Better harmonization and better use of the instruments to hand were

¹ Supplement to Bulletin 12-69.

needed forthwith. On behalf of the Socialist group, Mr. *Cifarelli* (Italy) said that regional policy should be applied in a Community spirit and should make it possible to give a new economic and social balance to the less favoured regions. The Socialist group spoke in support of the setting up of the Standing Committee for Regional Development and stressed the importance of the new attitude to the relations between Man and his environment. Mr. *Romeo* (Italy), speaking on behalf of the Liberal and Allied group, was in favour of a uniform Community regional policy, the main objective of which must be the balanced development of the Community. For the UDE group, Mr. *Offroy* (France) spoke in favour of closer co-operation between the regional policies of the Member States and also advocated organic collaboration between the Standing Committee for Regional Development and the Medium-term Economic Policy Committee. The proposal under discussion would increase support for the less-favoured regions and ensure that aid for industrial development was equally distributed. Mr. *Scoccimarro* (Communist, Italy) said that his colleagues were against the slant given to European regional policy. Referring to the failures of this policy, Mr. *Scoccimarro* stressed that the chief need was to develop the economic conditions favourable to a regional policy. The agricultural policy was ill adapted and the industrial policy was causing new imbalances.

Mr. *Dehousse* (Socialist, Belgium) commented on the working document drawn up by Mr. *Aigner* (Christian Democrat, Germany) on behalf of the joint group on regional and local problems and made several observations on the Commission's text. The group was pleased with the presentation of the Commission's proposal and its concrete nature. It drew attention to the trends towards concentration in regions already highly industrialized, which seemed to be regrettable from the social and economic angles.

Mr. *Girardin* (Christian Democrat, Italy), Mr. *Liogier* (UDE, France), Mr. *Aigner* (Christian Democrat, Germany), Mr. *Noè* (Christian Democrat, Italy), Mr. *Flämig* (Socialist, Germany), Mr. *Bersani* (Christian Democrat, Italy) and Mr. *Baas* (Liberal, Netherlands) in turn stressed the importance of quickly deciding upon a concrete and effective regional policy for Europe. They dwelt on the problems of the least favoured regions, on infrastructure and transport questions and on the definition of a veritable strategy for European development.

Mr. *von der Groeben*, member of the Commission, drew attention to the fact that this was not only an economic problem, but also one of the great future political problems. The Commission's proposals might seem inadequate, but they represented a minimum which could be achieved and offered the possibility of doing something active. Mr. *von der Groeben* noted that the most difficult problem was that of agricultural structures; he mentioned the need for co-ordination of the different Community funds and the importance of collaboration with local authorities and governments.

The Parliament adopted a resolution, endorsed by the four political groups. It also adopted an amendment by Mr. *Califice* (Christian Democrat, Belgium) to the Commission's proposal asking for the substitution of budgetary endowments for the scale of contributions for financing the Guarantee Fund, particularly with a view to avoiding the "fair return" rule from being invoked. After pointing to the persistence of regional disparities in the Community, the Parliament emphasized that a Community regional policy might give a stimulus to European integration and endorsed the Commission's proposal, which was a first step towards achieving a Community regional policy. The Parliament laid particular emphasis on all interested parties being consulted and on the need to give the Commission increased powers and on the need to reform the Social Fund.

Social policy

The reform of the European Social Fund (15 May)

On the basis of a supplementary report by Miss *Lulling* (Socialist, Luxembourg), the Parliament noted with satisfaction that the Commission had adopted the most significant proposals and suggestions it had made on reforming the European Social Fund; it approved the idea of giving greater scope to the Fund Committee. It still believed that, with regard to determining sectors, regions and categories of persons to benefit from the Fund, the Council should limit itself to fixing general criteria whose application would fall within the province of the executive organ of the Fund.

Mr. *E. Martino*, member of the Commission, said that the latter was in favour of the Parliament's proposals and would submit them to the Council.

Free movement of workers (12 May)

The Parliament discussed a report presented by Mr. *Behrendt* (Socialist, Germany) on behalf of the Committee on Social Affairs and Health Protection and endorsed a proposed regulation which helps to complete the free movement of workers within the Community. The Parliament noticed with satisfaction the recognition of a worker's right to stay in a Member State, since this gave him the assurance that he could remain in a Member State where he was living at the time of retirement or when he was prevented from working by an industrial accident or illness. The Parliament particularly requested that the validity of residence permits should not be limited to five years, but should be unlimited.

On behalf of their political groups, Mr. *Müller* (Christian Democrat, Germany), Mr. *Merchiers* (Liberal, Belgium), Miss *Lulling* (Socialist, Luxembourg), Mr. *Romeo* (Liberal, Italy) and Mr. *Bersani* (Christian Democrat,

Italy) approved the regulation as amended by the parliamentary committee. Miss Lulling also mentioned the harmonization of nationality laws, so that the procedures and conditions for naturalization in Member States might be made easier.

Mr. *Levi-Sandri*, Vice-President of the Commission, said that the Commission would take all possible account of the amendments adopted by the Parliament.

Social provisions in road transport (14 May)

The oral question with debate put to the Commission by the Parliament's Transport Committee dealt with the negotiations concluded by the Member States on the European Agreement concerning the Work of Crews of Vehicles Engaged in International Road Transport (AETR). The committee was critical of the fact that the Council had given the Permanent Representatives Committee a mandate to conclude this agreement in Geneva and to undertake, on its behalf, to amend the Community regulation so as to bring it into line with the AETR. The Transport Committee asked the Commission to say what action it proposed taking to ensure that the Community regulation was not amended and that the Treaty provisions on the right of initiative and negotiation were respected.

Mr. *Bodson*, member of the Commission, said that the Community was in the vanguard of social progress in road transport in Europe. He told the Parliament that the Commission had asked the Court of Justice to annul the Council decision charging Member States to negotiate and sign the AETR. This act of the Council constituted a violation of the Treaty, since in this case only the Commission was competent to negotiate on behalf of the Community. As to any possible amendments to the Community regulation, Mr. *Bodson* pointed out that the Council could not take any decision without a proposal from the Commission. He then outlined the pros and cons of the choice facing the Commission.

Mr. *Boertien* (Christian Democrat, Netherlands), Mr. *Faller* (Socialist, Germany), Mr. *Biaggi* (Liberal, Italy), Mr. *Bousquet* (UDE, France) and Mr. *Burger* (Socialist, Netherlands) supported the Transport Committee's point of view, on behalf of their political groups, and approved the resolution put to the House by Mr. *Posthumus* (Socialist, Netherlands) for the Committee. The Parliament asked the Commission to propose no amendment to the provisions of the Community regulation as regards hours at the wheel. The spokesmen for the political groups approved the stand that the Commission had taken with regard to the Council and insisted that the institutional competences defined by the EEC Treaty be strictly observed.

Agricultural questions (14 May)

Determining types of table wine and fixing guide prices

Mr. Vals (Socialist, France) reported that when the Committee on Agriculture had examined the two proposed regulations its concern had been to encourage improved quality which would be to the advantage of consumers and producers alike. Various amendments proposed in this spirit were approved by the European Parliament.

On the question of *determining types of table wine* the Parliament felt that the principle chosen by the Commission in the interest of simplification should not allow it to ignore certain types of wine which are representative of Community production. The Parliament had in mind red and white wines with an alcoholic strength of 12 to 12.9° and red wines of 9 to 10°. The Parliament warned against possible fraud and recalled its earlier request that a fraud prevention service be formed at Community level.

As for the *fixing of guide prices*, the Parliament referred to the importance of these for wine-growers' incomes and the play of Community preference. It noted that the proposed prices did not reflect current price levels and also stressed the importance of the price ratio between the different types of wine for guiding production and implementing a quality improvement programme. In view of these considerations, the Parliament asked that the guide prices for various types of table wine be appreciably increased.

When he had presented his report, Mr. Vals drew the Commission's attention to the situation in the region which he represents, where wine-growing is extremely important. The importation of vast quantities of Algerian wine had created a definite slump there and he feared that the free movement of wines within the Community would make the situation even worse. The Commission should keep a close eye on this problem so that it could take rapid intervention measures in case of need. Mr. Richarts (Germany) said that the Christian Democrat group approved the two regulations as amended and that care would have to be taken to ensure that the way of life in wine-growing areas was not upset. Mr. Liogier (France), on behalf of the UDE group, also approved the regulations as amended, stressing the problem of wines with an alcoholic strength of 12 to 12.9° and 9 to 10°. He asked the Commission to accept the Committee on Agriculture's proposal that the rules for types R 1 and A 1 should apply to these wines.

Mr. Cipolla (Communist, Italy) voted against the two regulations which, he said, were contrary to the interests of consumers and producers alike. Mr. Zaccari (Christian Democrat, Italy) said he would vote for the regulations which could be accepted by anyone who had the interests of European integration at heart.

Mr. *Mansholt*, Vice-President of the Commission, referred to the exceptional circumstances in which the basic wine regulation had been approved by the Council and said that the problem of imports would have to be carefully examined. He favoured the Parliament's amendments in the matter of determining types of table wine. On the question of guide prices, he said that the Council's position was very close to that adopted by the Parliament.

Common organization of the market in fisheries products

The Parliament felt obliged to reiterate its views on the revised proposal for a regulation on the common organization of the market in fisheries products. It adopted, without debate, a resolution presented by Mr. *Kriedemann* (Socialist, Germany) in a report, but reserved the right to re-open the debate at a later date. In its resolution the Parliament regretted that the Council had not yet taken the necessary decisions to implement the common fisheries policy and was sharply critical of the Commission, which had not discussed the basic issues raised by its amended proposal with the Committee on Agriculture. The Parliament wondered whether the new proposals would still ensure that fisheries products could circulate freely within the Community and felt that they gave no guarantee that a common policy would be produced for the fisheries sector.

Mr. *Mansholt* promised that he would contact the Committee on Agriculture before the fisheries question came up for debate again.

Target price for milk and intervention prices for certain milk products

On a report presented by Mr. *Dulin* (Liberal, France), the Parliament approved a regulation abolishing the corrective amount applied to the intervention price for butter in the Netherlands.

Export refunds for milk products

On another report from Mr. *Dulin* (Liberal, France), the Parliament approved a regulation providing a legal basis to enable these products to be exported to non-member countries applying an import quota system. However it asked the Commission to review the tendering system which was not adapted to the milk products sector.

Freedom of establishment and freedom to supply services (11 May)

On behalf of the Legal Affairs Committee, Mr. *Carcassonne* (Socialist, France) presented two reports dealing with a number of directives.

The Parliament approved a proposed directive on *self-employed activities in film production*. It felt that once freedom of establishment was a reality the Community should look into the question of whether the integration process did not need to be taken a step further and whether a harmonized policy on subsidies or, alternately, a harmonized definition of this policy with regard to aid to the film industry was called for.

The Parliament also approved three directives on *self-employed activities of general nurses*, subject to amendments. It asked that care be taken to ensure that access to the profession, already experiencing recruitment difficulties, was not made more difficult. The other amendments suggested by the Parliament deal with Member States' competence in the matter of disciplinary sanctions, with professional diplomas and with the extension to salaried activities of the directives on recognition and co-ordination.

Mr. *Houdet* (Liberal, France), rapporteur of the Committee on Social Affairs and Health Protection, stressed the importance of the clauses on good conduct and reputation which were essential in the medical and paramedical professions and which should be mentioned in the Treaty. Mr. *von der Groeben* said that the Commission was ready to follow up various suggestions made in the report.

Approximation and harmonization of legislation (12 and 14 May)

The Parliament approved a proposed directive on the approximation of Member States' legislation on *gas meters*, a report prepared by Mr. *Bos* (Netherlands) on behalf of the Economic Affairs Committee serving as a basis for discussion. The Parliament deplored the delay in implementing the general programme for the elimination of technical obstacles to trade.

It also approved, subject to amendments, two proposed directives discussed in reports presented by Mr. *Califice* (Christian Democrat, Belgium). These directives deal with *dietetic foods with a low sodium content* and a *preserving agent which can be used to conserve tropical fruit*. The main purpose of the amendments suggested by the Parliament is to ensure stricter consumer protection. The Parliament asked the Commission to keep a watch on the utilization of the substances in question and to keep abreast of research findings in this field.

A third directive on *caseins* and *caseinates* was also approved by the Parliament on the basis of a report presented by Mr. *Boersma* (Christian Democrat, Netherlands). The Parliament approved the rather severe quality standards laid down for these products and felt that adequate allowance had been made for the need to protect public health. Mr. *Dulin* (Liberal, France), rapporteur for the Committee on Agriculture, urged that the standards laid down

by the International Dairy Federation be maintained for the time being. International trade in caseins would be disorganized if stricter standards were applied within the Community. Mr. *Mansholt*, Vice-President of the Commission, thought that it would be possible to accede to Mr. *Dulin*'s request.

Tinned milks for human consumption: manufacture and trade

The proposed regulation, dealt with in a report presented by Mr. *Liogier* (UDE, France), was approved by the Parliament subject to certain amendments. The purpose of the regulation is to encourage free movement of tinned milks and to protect the consumer from fraudulent practices. The Parliament urged that the interests of public health be borne in mind, notably by keeping the use of additives to a minimum. It also asked for strict control to ensure that tinned milks intended for export were not used in the Community.

Mr. *Dulin* (Liberal, France) said that he approved of the list of additives annexed to the regulation which merely confirmed current international practice. Mr. *Mansholt*, Vice-President of the Commission, said that he approved most of the amendments suggested though he felt that the Community should not take the matter of controls to extremes.

THE COUNCIL

The Council held four sessions¹ during May.

111th session — general matters (11 and 12 May 1970)

The Council met in Brussels, with Mr. Pierre Harmel, Belgian Foreign Minister, in the chair. President Rey of the Commission was also present.

Before proceeding to business, the Chairman informed the Council of the death of Mr. Franz Etzel on 9 May. He paid tribute to the memory of this outstanding figure, who was Vice-President of the High Authority of ECSC from 1951 to 1957, and German Finance Minister from 1957 to 1961.

The Council continued its discussions on the *enlargement of the Community*: the elements of the negotiating procedure were roughed out, and it was agreed to propose to the applicant States that the formal opening of the negotiations should take place in Luxembourg on 30 June.

¹ For particulars of the topics dealt with at the sessions, see the relevant chapters in this issue of the Bulletin.

Turning to the matter of relations with certain non-Community countries, the Council recorded that it expected to be in a position to approve the substance of the agreements with *Spain* and *Israel* at its next session. It also heard a progress report on the efforts to arrive at an interim arrangement with *Austria*, and instructed the Permanent Representatives Committee to consider the Commission's report on its exploratory talks with *Lebanon* and its account of the Community's relations with *Algeria*.

A progress report was presented on the framing of a system of *generalized preferences* in favour of the developing countries. The Council also adopted a regulation on the sugar market and a regulation temporarily suspending an autonomous common customs duty.

112th session

(14 May 1970)

The Council met in Brussels, with Mr. Jozef de Saeger, Belgian Minister of Public Works, in the chair. Mr. von der Groeben of the Commission was also present.

The main subject of discussion was the position with regard to *public works contracts*, concerning which the Council took steps to have the necessary preparations put in hand for tackling the matter in the round. The Council further decided to extend the transitional measures relating to the overseas countries and territories beyond 30 June 1970, and adopted a number of regulations dealing mainly with milk and dairy products.

113th session — mainly social affairs

(25 and 26 May 1970)

The Ministers of Social Affairs met in Council in Brussels, with Mr. Louis Major, Belgian Minister of Employment and Labour, in the chair. President Rey, Vice-President Levi-Sandri and Mr. Coppé of the Commission also attended.

Several notable decisions in the social field were made at this session. The Council considered what action should be taken following the Conference on *Employment Problems* held in Luxembourg on 27/28 April, and requested the Permanent Representatives Committee to work out with the Commission an organizational basis for a *Standing Committee on Employment*, whose main function would be to ensure concertation and consultation between the Council, the Member States, the Commission and the two sides of industry in order to facilitate co-ordination of the Member States' employment policies in line with Community objectives.

Having taken cognizance of a number of Commission reports and studies on various aspects of the operation of the labour market, the Council in its findings indicated guidelines as to steps to be taken at national and at Community level and for closer co-operation in the Community.

The Council gave its final endorsement to the amended version of Council Regulation No. 3 on *social security arrangements for migrant workers*. The new regulation will come into force seven months from the date on which the Council adopts the implementing regulation now being drafted in the Commission.

The Council considered a progress report by the Commission on work under the programme concerning *implementation of Article 118 of the Treaty*. It was agreed to draw up a schedule of priorities with the Commission.

The Council then considered the second report on the *correlations between the Community's social policy and its other policies*, and concluded that its earlier findings, on the Commission's first report of 13 March 1969, still held good, allowing for developments meantime.

In addition, the Council discussed problems arising with regard to the reform of the *European Social Fund*, approved a recommendation concerning the use of the *European career brief* on training of skilled machine-tool operators, and gave its consent to six projects put forward by the Commission under the ECSC Treaty in the fields of low-cost housing, research on chronic respiratory complaints, and rehabilitation.

It also adopted in their final form two regulations on *commercial policy* which form part of a larger corpus constituting the basic machinery for a full-scale common commercial policy (these supersede three provisional regulations of 10 December 1968); authorized the Commission to negotiate or consult with non-Community countries which are contracting parties to GATT; and adopted a regulation temporarily suspending an autonomous common customs duty.

The ECSC Member States' representatives, sitting in Council, adopted a decision concerning certain *tariff measures* for the second half of 1970.

114th session — agriculture
(25 and 26 May 1970)

The Council met in Luxembourg under the chairmanship of Mr. Charles Héger, Belgian Minister of Agriculture, and Mr. Hans-Dieter Griesau, State Secretary at the German Ministry of Agriculture; Vice-President Mansholt of the Commission was also present.

On the subject of a common *fisheries* policy, the Council discussed in particular matters relating to market regulation and to trade arrangements with non-Community countries. It continued its examination of a proposed regulation on the common organization of the market in *textile fibres*, and another extending the *oilseeds* pricing system to include linseed.

Concerning *wine*, the Council formally adopted eight implementing regulations laying down procedural details as to the common organization of the Community market in vine products.

It also definitely adopted regulations fixing the basic and buying-in prices for *lemons*, *dessert grapes*, *peaches* and *tomatoes*, and extended the intervention period for *apples* to cover the month of June, the May prices to remain in force during that time.

COMMISSION

Appointments, transfers, resignations

The Commission has appointed Mr. *Hans-Broder Krohn* as Director-General for Development Aid. Mr. Krohn succeeds Mr. *Heinrich Hendus* who left the Commission's service on 15 April last. Mr. Krohn holds a Doctorate in Agricultural Science from the University of Göttingen. He was attached to the office of Dr. Heinrich Lübke when the latter was German Minister for Agriculture. He then worked on problems of agricultural economics and international agricultural policy within the framework of FAO and OECD, and in 1958 became a senior member of the Commission's staff. From 1962 Mr. Krohn was Director for Agricultural Economics and Legislation and in 1968 became Deputy Director-General for Agriculture.

Mr. *Jean-Claude Muller*, formally an adviser on the staff of Mr. Henri Rochereau, member of the Commission, has been appointed head of the Development Policy Division of the Directorate-General for Development Aid. He succeeds Mr. *Maurice Schaeffer*, recently appointed an adviser to Vice-President Barre.

Mr. *Camillo Paoli*, formerly on the staff of the Council's General Secretariat, has succeeded Mr. *Enrico Pappagallo*, who has resigned, as head of the Division dealing with special import and export problems, safeguard clauses, Far East, in the Commission's Directorate-General for External Trade.

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Mr. *Jacques Houssiaux*, lecturer in the Paris Law Faculty and a special adviser to the Commission, died in an accident on 16 May 1970. He was appointed to the Commission's staff as a principal administrator in 1961 and took over responsibility for a Division in the Directorate-General for Economic and Financial Affairs. In 1964 he became a lecturer in the Faculty of Law, first in Nancy and later in Paris, but continued to be associated with the Commission's work as a special adviser.

COURT OF JUSTICE

New cases

Cases 16/70 — Coöperatieve Vereniging "Necomout" GA and **17/70** — Koninklijke Lassie Fabrieken NV v. 1) Hoofdproduktschap voor akkerbouwprodukten, 2) Produktschap voor granen, zaden en peulvruchten

The "College van beroep voor het bedrijfsleven" in The Hague submitted to the Court of Justice two requests for preliminary rulings on the following question: "Does the correct interpretation of Article 7, second paragraph, of Council Regulation No. 1134-68 of 30 July 1968 (fixing the rules for application of Regulation No. 653-68 on the conditions for changing the value of the unit of account used for the common agricultural policy) mean that the possibility of cancellation, laid down by this provision, applies only to the whole of the quota still available on 4 August 1968 under the heading of advance fixing?"

Cases 19, 21 and 24/70

These three cases, brought by officials of the Commission, are for the annulment of administrative decisions of the Commission affecting the plaintiffs.

Cases 20/70 — Transports Lesage and Co. v. Hauptzollamt Freiburg and **23/70** — Erich Haselhorst, Transports v. Finanzamt Düsseldorf, Altstadt

The Court of Justice notified the Commission on 29 May of two requests for preliminary rulings which were submitted by the Finanzgericht Baden-Württemberg in Freiburg and by the Finanzgericht in Düsseldorf respectively. These requests concern the interpretation of Article 4 of the Council decision on harmonization of 13 May 1965 together with the first article of the first directive of 11 April 1967 on turnover tax, and particularly on the tax on the transport of goods by road.¹

¹ These cases mainly involve the same problems as Case 9-70. (See Bulletin 5-70, Part Two, Ch. IV.)

Case 22/70 — Commission v. Council

On 19 May 1970 the Commission filed a request asking the Court of Justice to annul the Council act of 20 March 1970 on the negotiation and conclusion by the EEC Member States of the agreement on the work of crews in vehicles engaged in international road transport (AETR).

Case 25/70 — Einfuhr- und Vorratsstelle für Getreide und Futtermittel v. Koster, Berodt and Co. and 26/70 — Einfuhr- und Vorratsstelle für Getreide und Futtermittel v. Günter Henck

On 28 May 1970 the Administrative Court of Land Hesse (Hessischer Verwaltungsgerichtshof) filed with the Court of Justice two requests for preliminary rulings. These requests concern the validity of Commission Regulation No. 102-64 of 28 July 1964 on import certificates for cereals and rice, and in particular the question whether Articles 1 and 7 of Regulation No. 102-64 are valid in so far as they deal with export certificates and security deposited in order to obtain export certificates.¹

Judgments

Case 30/68 — Commission official v. Commission

The judgment of 28 May 1970 dismissed the case.

Case 18/69 — Commission official v. Commission

The judgment of 13 May 1970 dismissed the case as inadmissible.

Combined cases 19, 20, 25 and 30/69 — Commission officials v. Commission

The judgment of 28 May 1970 dismissed the cases as being unfounded.

Case 36/69 — Commission official v. Commission

The judgment of 28 May 1970 dismissed the case.

Case 39/69 — Commission official v. Commission

Judgment of 13 May 1970. The case was well-founded.

¹ These cases deal in particular with questions which were already submitted to the Court in Case 11-70. (See Bulletin 6-70, Part Two, Ch. IV.)

Case 46/69 — Commission official v. Commission

Judgment of 13 May 1970. The case was partly well-founded.

Case 77/69 — Commission v. the Kingdom of Belgium

The Commission filed a request with the Court asking it to find that Belgium had failed to fulfil its obligations under Article 95 of the EEC Treaty by applying a turnover tax on imported wood. In its judgment of 5 May 1970 the Court stated that:

“The Kingdom of Belgium, by applying a tax of the same rate, as laid down under Article 31-14 of the Royal Decree of 3 March 1927, as amended by the Royal Decree of 27 December 1965, on sales of indigenous felled or unfelled wood and on imported wood calculated on its value at the time of entry for home use, has failed to fulfil its obligations under Article 95 of the EEC Treaty.”

According to Belgian law, a 14% *ad valorem* standard transmission tax is charged on sales of felled or unfelled wood as well as on a certain number of products resulting from the processing of wood imported into Belgium. Since the price of processed wood was higher than that for felled or unfelled wood, the Commission considered that charging the same rate for unfelled wood as for wood upon which work had been done, constituted a violation of Article 95 of the EEC Treaty. In reply to the criticism made by the Commission, the Kingdom of Belgium, whilst relying on the discretion of the Court, pleaded during the hearings that it had done everything possible to obtain approval of the Bill which it had submitted to Parliament in order to put an end to the infringement in question. In virtue of the principle of the separation of powers, the Belgian Government had no other means of action at its disposal and was a victim of *force majeure*.

The Court held:

- (i) That the system adopted under Belgian law meant that a heavier charge was levied on imported wood each time work was done on it than on indigenous Belgian wood at a similar processing stage, and that, despite the apparent identity of the rate of duty, this system was an infringement of Article 95 of the EEC Treaty;
- (ii) That the plea raised by the defendant, according to which Parliament's delay in passing the law constituted a case of *force majeure* could not be accepted, given that even in these circumstances the State's responsibility was involved.

On this last point the judgment states that “the obligations under Article 95 of the EEC Treaty are binding upon States as such and that a Member State

incurs responsibility within the meaning of Article 169, whatever the State organ whose action or lack of action has caused the infringement, even if the organ in question is constitutionally independent.”

ECSC CONSULTATIVE COMMITTEE

The Committee held its 133rd session on 15 May 1970 in Luxembourg, with Mr. Van Berk (Germany) in the chair. The Committee considered a draft report drawn up by Mr. Van der Rest on the ECSC's *financial situation and policy*. In the discussion which followed the presentation of the report, different members of the Committee expressed their satisfaction with the Council's decision to keep the whole of the pension fund within the ECSC. The need to reserve all the resources of the ECSC for the firms in this Community was also stressed.

Speaking about the levy, Mr. Coppé, who with Vice-President Barre represented the Commission, said that in the event of any further merging of the Treaties, “it would not be possible to maintain a levy on the coal and steel industries only.”

Mr. Barre presented a statement on the *economic situation in the Community*. There had been a very lively growth in activity, but this, he said, was increasingly due to internal factors. Since the middle of 1969 Community exports to non-member countries had substantially slowed down, so that at the end of the year the situation, as far as exports were concerned, would be less favourable than at the same time the previous year. Order books for capital equipment were well filled, and the propensity to invest was still very pronounced, despite the high price of money and credit restrictions in certain countries. Over the whole of 1970 the Community's gross product should increase by 6% (as against 7.5% in 1969), and industrial production by around 8%, compared with 11.5% the previous year. Because of the persistent gap between overall supply and demand, it was necessary to resort to imports which, in certain countries, might cause a deterioration of the trade balance.

The question of prices was still the major concern at the moment, mainly because of higher production costs in the wake of salary increases and rising raw materials costs. Mr. Barre, however, felt that generally speaking 1970 would be satisfactory with regard to overall activity and industrial production, “but the rise in prices, production costs and interest rates shows that the situation is not completely healthy,” which means that Member States must continue to follow cautious monetary and budgetary policies.

Mr. Barre then referred to the problems of monetary and economic union, a necessary but difficult business. It was not only necessary so that the Common Market might work properly, but also because enlargement of the Community

would make it even more imperative, in view of the very special features of sterling. Amongst the difficulties to be overcome, Mr. Barre mentioned those involved in the establishment of the procedures, machinery and institutions necessary for harmonizing national policies, and those which might arise at international level because of an evolution likely to affect present power relationships.

The Committee also adopted a draft report drawn up by Mr. de la Vallée Poussin on *technical and social research* in the ECSC. Finally, a report by Mr. Conrot on the Community's *coking coal and coke supply* problems was discussed. This discussion once again highlighted the seriousness of the Community's situation in this field.

EUROPEAN INVESTMENT BANK

Loans granted

France

On 29 May 1970 the European Investment Bank concluded with the French joint-stock company Resogil, Paris, a loan agreement equivalent to 20 million French francs (3.6 million u.a.), for a period of 12 years at a rate of 8 1/4% per annum, for partially financing the *construction of a factory producing raw and laminated wood-chip boards at Lure* (Haute-Saône).

The project is being undertaken by a French firm recently set up by two companies, one under Franco-Belgian control, and the other a German company. Both shareholders are active in the field of wood-chip boards and ornamental laminated boards. Their joint venture is based on close technical, financial and commercial co-operation calculated to advance European economic integration.

In the Lure district, where the plant is to be located, traditional industries, particularly textiles, are in decline. This region has therefore been declared a "conversion area" by the French authorities, and as such will benefit from the regional aids system. The project financed by the Bank will result in the creation of more than 400 jobs in a sector — wood processing — the development of which is considered specially desirable in the Lure area. Indeed, the survival of any industrial structure in this region will depend particularly on the establishment of plants using local raw materials. Forests cover more than 40% of the area of Haute-Saône and regional programmes include reafforestation and improved forestry techniques.

COMMUNITY BUDGETS AND FINANCING

In view of its increased responsibilities following the decisions taken by the Council on 17 July 1969 and 26 January 1970 on the co-ordination of economic policies and monetary co-operation within the Community, the Commission, on 27 May 1970, submitted to the Council a *preliminary draft of Supplementary Budget No. 2* for 1970. The additional funds are needed to increase the staff of the Directorate-General for Economic and Financial Affairs by 28 officials. Estimates of additional receipts and expenditure — 186 900 u.a. were calculated for the period from 1 July to 31 December 1970.

When the decision of 21 April 1970 on the replacement of Member States' financial contributions by "*own resources*" was approved, the Council invited the Commission to put forward *implementing proposals*. This the Commission did on 27 May 1970.

On 25 May 1970 the competent Council authorities began their *examination of the Audit Committee's reports* on accounts for 1966, 1967 and 1968 as a preliminary to the Council giving discharge in respect of the administration of the budget for these financial years.

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At its 11-15 May 1970 meeting, the *European Parliament*¹ adopted a resolution incorporating its Opinion on Council decisions on the replacement of Member States' financial contributions by "own resources" and on wider budgetary powers for the Parliament. On the first point, the Parliament noted that the Communities' financial autonomy "is not fully assured in the long term because no provision has been made for Community procedures to adjust the level of joint resources to the needs of common policies after 1975. Article 201 of the EEC Treaty will therefore have to be amended some day."

As regards wider budgetary powers, the European Parliament "declares that it might have been prepared to make some temporary concessions here in a very conciliatory spirit but it cannot renounce, at the very least, the right to effective powers of negotiation in the drafting of the budget" ... "the provisions approved by the Council cannot be considered intangible, since their adoption marks only the beginning of a period in which the Parliament's powers would evolve and increase in the spirit of the Hague conference." The Parliament "felt in particular that it will be absolutely essential, for future integration policy, that it have legislative powers in the Community framework." It further noted the Council's declaration of 21 April 1970 to the effect that the Commission would submit proposals concerning the Parliament's budgetary powers within

¹ Part Two, Ch. IV, European Parliament.

the next two years and the Council's undertaking to examine these proposals, "as required by Article 236 of the Treaty, in the light of the debates to be held in the national parliaments, changes in the European situation and the institutional problems that enlargement will pose." The Parliament agreed with the Commission "that whatever happened paragraph 6 of the new Article 203 of the EEC Treaty (and the corresponding Articles and paragraphs of the other Treaties) give it the right to refuse to decide on the budget and thus make fresh proposals necessary, and declares that it will include appropriate rules of procedure to this end in its own standing orders."

In conclusion, the Parliament "expresses the hope that, in their ratification debates, the national parliaments will be prepared to bear the Parliament's views, as expressed in this resolution, in mind and press for real parliamentary control of joint resources, which are now completely outside the province of national parliaments."

At this same session the Parliament passed two further resolutions regretting that the Council's decisions on the Communities' *operating budget* and Euratom's *research and investment budget* for 1970 took insufficient account of the amendments it had proposed.

PART THREE

Sources, references, information

Information

I. FROM DAY TO DAY

11 May 1970

- On the occasion of the twentieth anniversary of the Schuman Declaration, *President Nixon* sent a message to *President Rey* reaffirming the full support of the United States for the renewed effort to broaden and strengthen the European Community. Mr. Nixon added: "It is my hope that the remarkable strides of the past twenty years will be surpassed by future achievement and that Europe will play an even greater role in that task of overriding importance, the building of a secure and peaceful world".

12 May 1970

- On the eve of the last EFTA Council meeting before the opening of negotiations with the Common Market, Mr. *Thomson*, the Foreign Office Minister responsible for these negotiations under the Wilson Government, explained why his country was seeking Community membership. Prosperity and security were vital but could not be guaranteed indefinitely as long as real power lay elsewhere. Mr. Thomson trusted that all EFTA countries would be able to maintain satisfactory relations with the Communities and that it would prove possible to preserve the free trade arrangements introduced within EFTA.

13 May 1970

- The west German Chancellor, Mr. *Willy Brandt*, speaking to the SPD Congress in Saarbrücken, said that the aim should be to turn the European Community into the world's most advanced grouping at social level in the next decade. The EEC should not become yet another bloc; it should rather serve as an example for the building of a balanced, peaceful order throughout Europe. Germany's Social-Democrats would work during the next ten years to further the process of uniting Europe and to make it irreversible.

- In his first public reference to the proposal put forward by west German Chancellor *Willy Brandt* last April, Mr. *William Rogers*, US Secretary of State, said that the United States was contemplating arrangements for regular consultations with the European Common Market. The United States had always said that it was prepared to pay the price of European integration, but it had also said that the price must not be too high. Mr. Rogers warned Congress against a return to restrictions which would endanger the very foundations of the world they had been trying to build since the end of the second world war.

- At the end of a visit to Paris, Mr. *Laureano López Rodó*, Spanish Minister for the Development Plan, said that the work done so far by the joint Franco-Spanish committees set up to examine various aspects of relations between the two countries had revealed the need to strengthen the present links of friendship between France and Spain within the European framework. His talks with Mr. Chaban-Delmas and Mr. Schumann had shown that France and Spain, two European and Mediterranean countries, had similar views on most of the problems discussed.

14 May 1970

- In a communiqué published at the end of an interdepartmental committee meeting held in Paris under the chairmanship of Mr. Pompidou, the French Government declared that the meeting had defined a *space policy* which would give France the use of telecommunications satellites and the appropriate launchers. To this end France would actively pursue the negotiation of multinational agreements whose successful conclusion would mark an important stage in the construction of Europe.

- Mr. Aldo Moro had a meeting with Mr. Rudolf Kirschlaeger in Vienna. Mr. Moro assured him that he would support Austria's application for a trade arrangement with the Common Market.

15 May 1970

- Its *application for membership* of the European Communities continues to provoke controversy in Norway. Press reports indicate that opposition to membership within the Prime Minister's Centre Party is hardening. The conservative and social-democrat parties however are still said to be backing Norway's application.

- Mr. *Franz Etzel*, the first Vice-President of the ECSC and a former west German Finance Minister, died at the age of 68. Mr. Etzel was a prominent member of the CDU.

18 May 1970

- Mr. Harold Wilson asked the Queen to dissolve Parliament as a preliminary to the holding of a general election on 18 June 1970. Public opinion polls gave the Labour Party a comfortable lead.

20 May 1970

- Speaking during an official visit to Paris, Mr. Aldo Moro, Italy's Foreign Minister, said that since December confident optimism had at last prevailed in Europe. In retrospect he felt it could be safely said that the beginning of the 70's had marked a major turning-point of history and that those who had been to The Hague in December 1969 had had the good fortune to witness Europe's coming of age. For his part, Mr. Pompidou said that although Paris and Rome might still approach certain aspects of the organization of European co-ordination from different angles, both countries were equally anxious to attain the joint objectives laid down by the Hague conference. He was convinced that there would be no difficulty in reconciling their points of view. Mr. Schumann said that Europe had taken an important step forward thanks to the spirit of understanding, conciliation and quiet audacity which Mr. Moro had always shown. The construction of an economic Europe had reached the point of no return. Hence it was already political Europe. They wanted to continue building this political Europe on reality. They wanted to create a *de facto* solidarity on which, little by little and step by step, an irreversible state of affairs could be founded.

- Ambassador *Robert Schaetzel*, Head of the US Mission to the European Communities, spoke on the political aspects of relations between the United States and the Communities to the European Parliament's Political Affairs Committee and its Committee on External Trade Relations.

- Mr. Wilfred Jenks (UK) was elected Director-General of the International Labour Organization in succession to Mr. David Morse (USA).

21 May 1970

- Mr. *Pierre Harmel*, Belgian Minister for Foreign Affairs and President in office of the Council of the European Communities, said that Great Britain should be a full EEC member by 1978.

- As planned, the east German Prime Minister, Mr. Willy Stoph, and the west German Chancellor, Mr. Willy Brandt, met for the second time, in the Federal Republic. No communiqué was issued at the end of the meeting but west German leaders referred to the possibility of a third one.

- The press reports Mr. Andersen, President of Denmark's farming organizations, as saying at a Danish Week in Düsseldorf that Danish farmers had always favoured Common Market membership. Mr. Andersen appreciated that a long transitional period was important for the United Kingdom but Danish farmers hoped that a single market in agricultural produce would be created as soon as possible.

22 May 1970

- Mr. *Maurice Schumann*, French Foreign Minister referred to the British general election at a meeting of the French Cabinet. He said that the date chosen for the election meant that the European Community would be dealing with a government which, in the normal course of events, would be stable. Negotiations could therefore begin at an early date and the French Government would try to ensure that the Council dealt as quickly as possible with essential problems, notably agriculture and finance.
- A communiqué published in *Moscow* at the end of exploratory talks on the possible signing of a treaty between the Soviet Union and Federal Germany stated that discussion had centred on a treaty renouncing the use of force. According to the communiqué these discussions will be further pursued.
- The Conference of Heads of State of the West African Customs Union ended with the adoption of a protocol creating a West African Economic Community (CEAO). This new Community will have a Conference of Heads of State, a Council of Ministers and a General Secretariat. Its members are Mali, Ivory Coast, Niger, Dahomey, Upper Volta, Senegal and Mauritania.
- The 52nd Congress of CNMCCA (*Confédération nationale de la mutualité, de la coopération et du crédit agricoles*) was held in Vichy under the chairmanship of Mr. Jacques Duhamel, French Minister for Agriculture. The Confederation's Secretary-General, Mr. *Fiquet*, said that agriculture was thought to be too costly and an excessive drain on capital. Farmers were accused of over-production but if agricultural production exceeded demand this was purely because farmers had been encouraged to produce without any form of control. Farmers today needed to be guided towards a new conception of markets. Mr. *Jean-François Deniau*, member of the Commission, referred to the latter's recent proposals and said that the badge of the EEC should gradually become the modernization of production structures. He assured his listeners that the Commission would do all in its power to provide farmers with a fair income and give them living conditions more in line with those enjoyed by other sections of the community. Referring to the negotiations with Britain, Mr. Deniau said that while the British market offered an interesting outlet for some products, farmers should remember that Britain's extremely modern and highly competitive agricultural industry might well step up home production.
- General Electric is to cede its holdings in the French *Bull-General Electric* company and subsidiaries of that company to the American Honeywell company.

23 May 1970

- The FNSEA (*Fédération nationale des syndicats d'exploitants agricoles français*) criticized the new proposals put forward by Mr. Sicco Mansholt on the future of European agriculture. It protested vigorously at the very idea

that subsidies should be limited to 320 000 Community farmers. There could be no question of blocking from the outset the development of a large number of family farms. Adoption of measures of this kind might lead farmers to withdraw their support from European policy.

25 May 1970

- During his visit to Cairo, Mr. *Aldo Moro*, Italy's Foreign Minister, referred to relations between Egypt and the Community and gave an assurance that Italy would back the UAR's application for a preferential customs agreement with the Community.
- In an interview published in "Le Nouvel Observateur", Mr. *Gustav Heinemann*, President of the Federal Republic of Germany, said that neither France nor Germany had the power to organize Europe. If Europe was to play an independent role on the international political scene, the continent would have to find internal cohesion and speak with one voice.

26 May 1970

- Mr. *Kaare Willoch*, Norwegian Minister for Trade and Shipping, said that he was optimistic about the outcome of the negotiations for membership of the Community. There was no question of a common Scandinavian policy on the Communities. He felt that as many Scandinavian countries as possible should belong to the Community and called on Sweden to clarify its position with regard to the EEC as quickly as possible.
- In an interview published in the German newspaper "Kölnische Rundschau", Mr. *Denis Healey*, Britain's Secretary of State for Defence, said that he was convinced that France's full participation in NATO was essential for European security and effective, balanced co-operation between Europe and the United States. Everyone regretted the withdrawal of one of Europe's largest and most developed countries from the military organization. He rejected the idea of a "European NATO" but was convinced that Europe would have to develop a common approach to the problem of defence. This would strengthen military security, give Europe more weight in East-West discussions and indirectly impart fresh impetus to political unity.

27 May 1970

- Mr. *Jean Rey* said that Europe had an obvious duty to help in the search for a solution to the Middle East conflict. It was an unacceptable paradox, in his view, that the Common Market was unable to intervene at political, economic and social level in efforts being made to damp down an armed conflict taking place on its own doorstep.

- In an address to members of Munich's Franco-German Society and Export Club, Mr. *Couve de Murville*, former Prime Minister of France, said that when it came to the moment of truth it would be the political element that would influence Britain's decision one way or another. The membership negotiations would be tough; the Six would defend the existing system and Britain would press for arrangements acceptable to her.

29 May 1970

- The Community's Foreign Affairs Ministers met in Viterbo, near Rome, to appoint the *new* nine-member *European Commission*. (The composition of this Commission is given in Part One).
- *The Central Committee of the European Federalist Movement* decided to mount a large-scale campaign to press for wider powers for the European Parliament and direct election of its members. The meeting, which was chaired by Mr. Etienne Hirsch and attended by Mr. Jean Rey, made the point that the construction of a federal Europe could not be left to a handful of technocrats and diplomats. A genuinely democratic Europe should be the concern of the people of Europe.

30 May 1970

- The Community's *Finance Ministers*, meeting in Venice, reached agreement on a proposal for the creation of an economic and monetary union between the Six. This would be operational in 1980 with fixed exchange rates.

The meeting, which was also attended by Central Bank Governors, chairmen of the economic committees concerned, Mr. Barre, Vice-President, and Mr. von der Groeben, member of the Commission, concentrated on the Werner Report. (See Supplement to the present Bulletin with particular reference to the first phase.) The Italian Finance Minister, Mr. Emilio Colombo, summed up the discussions for the benefit of the press. There was, he said, agreement on the ultimate objectives of a unified economic and monetary policy as outlined in the Werner Report. There was also agreement in principle that these objectives should be attained within the specified time-limits. He explained that the Ministers had focused particular attention on the first phase (January 1971 to the end of 1973) during which both economic and monetary objectives are to be pursued and attained. On the economic front, co-ordination of budgetary, credit and short-term economic policies would be intensified. Indicative targets for medium-term planning would also be set. In the monetary field the Six would make every effort to present a common front in the Group

of Ten and the International Monetary Fund. They had agreed not to widen existing margins of fluctuations between their own currencies (0.75% in relation to the dollar). They would study the most appropriate steps in co-ordinating exchange market intervention policies and the possibility of creating a European "Exchange stabilization fund".

- On the occasion of Mr. *Malfatti's* appointment as President of the new Commission, Mr. *Rey* sent his successor a message of sincere congratulations, wishing him every success in his new tasks. The new President replied thanking Mr. *Rey* for his good wishes for the success of the tasks he would have to tackle in the service of the cause of European unity which Mr. *Rey* himself had served with generosity and authority.

1 June 1970

- Mr. *Franco Maria Malfatti*, President-designate of the Commission of the European Communities, said in Rome that he was honoured by the high office that had been entrusted to him by the Conference of the six Community Governments. He paid tribute to his illustrious predecessors and in particular his immediate predecessor, Mr. *Rey*. He himself had represented in Parliament the people of Italy — who saw European unity as the ultimate goal of progress, peace and collaboration between peoples — for twelve years in the European Parliament. He was aware of the enormous responsibility associated with the office, particularly at a time when fresh impetus was being given to the Community. He would take up his duties with the intention of serving the cause of European unity, the ideal which men like *Gasperi*, *Adenauer* and *Schuman* had passed on to younger successors.

3 June 1970

- The *Danish Government* appointed a special committee as a preliminary to the negotiations for Common Market membership. The Committee consists of Mr. *Baunsgaard*, Prime Minister, Mr. *Nyboe Andersen*, Minister of Economic Affairs, and Mr. *Knud Thomsen*, Minister of Commerce. The Finance Minister, Mr. *Moeller*, the Foreign Affairs Minister, Mr. *Hartling*, the Minister of Agriculture, Mr. *Larsen*, and the Fisheries Minister, Mr. *Normann* also sit on the Committee.

- Community Ministers with responsibility for tourism, meeting in Brussels under the chairmanship of Mr. *Alfred Bertrand* (Belgium), agreed in the spirit of the Treaty of Rome to suggest to their respective Governments that permanent machinery be established within the European Community to deal with problems associated with tourism.

4 June 1970

- Mr. *Abdelaziz Bouteflika*, Algeria's Foreign Minister, referred once again to the need for negotiations between Algeria and the Community to establish links between them to cover not only trade but also economic and financial co-operation and manpower.

5 June 1970

- Mr. *Maurice Schumann*, French Foreign Affairs Minister, addressing the first meeting of the Council of the Western European Union to be held since France abandoned her "empty chair" policy, said that it was not for the Standing Committee to take the initiative in political consultations. It was for the Ministers to ask the Committee to study a problem and report back to them. If a government felt in the intervals between meetings of the WEU Council that some topic needed urgent discussion, it would inform the other Governments and if none objected the question could be placed on the agenda for the next meeting of the Standing Committee.

- The Ministers' Deputies of the Council of Europe commissioned Mr. Henry Bernard to design the definitive *Maison de l'Europe in Strasbourg*.

9 June 1970

- The results of the local elections in *Italy* showed that the vote was high and the electorate stable. The parties forming the centre-left government improved their position (58.2% as against 55.4% in 1968) at the expense of the opposition right wing (10.6% as against 11.4% in 1968) and left wing parties (31.1% as against 32.4% in 1968).

- In a statement on the construction of Europe in the years ahead, French *Independent Republicans* suggested that the EEC Governments should proclaim their intention of creating a *new State* to be known as the European Confederation between now and 1980. The statement sees this being achieved in phases. Without laying down a precise time-table, it states that by opening the Community to new members and extending co-operation to new fields, European Governments would, over the next ten years, create a powerful European State to which the French of 1970 wanted to belong. The statement goes on to review the strengthening of the institutions in more detail, stressing that the smooth working of these was patently in the interests of the Member States. The Council should stop dealing with technical and administrative details and concentrate on taking major political decisions in good time. The statement suggests that wherever the Treaty makes provision for a majority Council decision, a vote should be obligatory if the Commission so requests. Since the Council's activities were in essence sometimes parliamentary and sometimes

executive, the statement suggests that this difference be recognized by organizing two types of Council meeting, one public, the other restrictive. Referring to what had been achieved in The Hague, the statement proposes that Heads of State or Government meet from time to time to define the main lines of a genuine foreign policy for Europe.

Turning to the Commission, the Independent Republicans called for a reform of present arrangements for appointing Commission members. They suggested the following procedure: the governments would jointly select one individual who would be asked to form the Commission and would subsequently become its President. This "formateur" would hold the necessary consultations and choose a team which would be presented first to the Council then to the European Parliament, both of whom would approve its composition by a qualified majority.

The Independent Republicans were opposed to the introduction of an assembly system at European level, considering that once the institutions have been given powers, the use made of these should be controlled by the European Parliament. When the time came, the latter's election by direct universal suffrage would give it the necessary political weight.

Finally, they favour a single European currency (which would not be the dollar as is the case at present) and an overall strategy on advanced technology, which must be implemented at European level if Europe wants to have industries geared for tomorrow. They also suggest that once the role of the Western European Union is clearly defined, this organization could serve as a framework for a genuine European Arms Community.

II. PUBLISHED IN THE OFFICIAL GAZETTE

(1 to 30 May 1970)

EUROPEAN PARLIAMENT

Written questions and replies

- Question écrite 471/69 de M. Boertien au Conseil des Communautés européennes. Objet : Harmonisation de certaines dispositions en matière sociale dans le domaine des transports par route (471/69 by Mr. Boertien to the Council: Harmonization of certain social provisions in road transport) C 53, 5.5.1970
- Question écrite 478/69 de M. Vredeling au Conseil des Communautés européennes. Objet : Organisation uniforme de la juridiction de la CEE en matière douanière (478/69 by Mr. Vredeling to the Council: Uniform organization of the judicial system in the EEC concerning customs matters) C 53, 5.5.1970
- Question écrite 479/69 de M. Vredeling au Conseil des Communautés européennes. Objet : Décisions du Conseil prises dans le cadre de l'article 113 paragraphe 4 du traité instituant la CEE (479/69 by Mr. Vredeling to the Council: Council decisions taken under Article 113(4) of the Treaty establishing the EEC) C 53, 5.5.1970
- Question écrite 488/69 de M. Glinne à la Commission des Communautés européennes. Objet : Application aux transports par voie navigable sur le Rhin du règlement (CEE) 1017/68 du Conseil (488/69 by Mr. Glinne to the Commission: Application of Council Regulation (EEC) 1017/68 to inland waterway transport on the Rhine) C 53, 5.5.1970
- Question écrite 497/69 de M. Vredeling au Conseil des Communautés européennes. Objet : Avis du Parlement sur le projet de décision définissant les modalités appropriées de consultations en matière de politique économique (497/69 by Mr. Vredeling to the Council: The Parliament's opinion on the draft decision laying down the procedure for consultations on economic policy) C 53, 5.5.1970
- Question écrite 15/70 de M. Cousté à la Commission des Communautés européennes. Objet : Aide alimentaire (15/70 by Mr. Cousté to the Commission: Food aid) C 53, 5.5.1970
- Question écrite 237/69 de M. Vredeling à la Commission des Communautés européennes. Objet : Perception d'une taxe de dédouanement dans les États membres en vertu de la convention postale universelle conclue à Ottawa en 1957 (237/69 by Mr. Vredeling to the Commission: Collection of a customs clearance charge in the Member States in pursuance of the Universal Postal Convention concluded in Ottawa in 1957) C 56, 11.5.1970
- Question écrite 380/69 de M. Spénale à la Commission des Communautés européennes. Objet : Organisation des sections syndicales d'entreprises multinationales au sein de la Communauté (380/69 by Mr. Spénale to the Commission: Trade union organization within multinational enterprises in the Community) C 56, 11.5.1970
- Question écrite 455/69 de M. Vredeling à la Commission des Communautés européennes. Objet : Statistiques des importations d'huile de tournesol dans la Communauté (455/69 by Mr. Vredeling to the Commission: Statistics on imports of sunflower oil into the Community) C 56, 11.5.1970

- Question écrite 460/69 de M. Vredeling à la Commission des Communautés européennes. Objet : Importation de vins italiens dans l'Union économique belgo-luxembourgeoise (460/69 by Mr. Vredeling to the Commission: Import of Italian wines into the Belgo-Luxembourg Economic Union) C 56, 11.5.1970
- Question écrite 461/69 de M. Vredeling à la Commission des Communautés européennes. Objet : Prévention de fraudes à la fixation des prix de la poudre de lait écrémé (461/69 by Mr. Vredeling to the Commission: Prevention of fraud in the fixing of skim milk powder prices) C 56, 11.5.1970
- Question écrite 463/69 de M. Vredeling à la Commission des Communautés européennes. Objet : Obstacles au commerce d'appareils de radio et de télévision (463/69 by Mr. Vredeling to the Commission: Obstacles to trade in radio and television sets) C 56, 11.5.1970
- Question écrite 483/69 de M. Dewulf à la Commission des Communautés européennes. Objet : Opérations du FEOGA (483/69 by Mr. Dewulf to the Commission: EAGGF operations) C 56, 11.5.1970
- Question écrite 505/69 de M. Bersani à la Commission des Communautés européennes. Objet : Importations de viande bovine en provenance des pays africains et malgache associés (505/69 by Mr. Bersani to the Commission: Imports of beef and veal from the Associated African States and Madagascar) C 56, 11.5.1970
- Question écrite 3/70 de M. Vredeling à la Commission des Communautés européennes. Objet : Décisions du Conseil concernant l'institution de Comités permanents (3/70 by Mr. Vredeling to the Commission: Council decisions concerning the setting up of Standing Committees) C 56, 11.5.1970
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- Règlement (CEE) 853/70 du Conseil, du 12 mai 1970, modifiant le règlement 1009/67/CEE portant organisation commune des marchés dans le secteur du sucre (Council Regulation (EEC) 853/70 of 12 May 1970 amending Regulation 1009/67/CEE on the common organization of the market in sugar) L 103, 13.5.1970
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- Règlement (CEE) 856/70 de la Commission, du 12 mai 1970, modifiant le correctif applicable à la restitution pour les céréales (Commission Regulation (EEC) 856/70 of 12 May 1970 modifying the corrective factor applicable to the refund on cereals) L 103, 13.5.1970
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- Règlement (CEE) 901/70 de la Commission, du 19 mai 1970, relatif à l'ouverture d'une adjudication pour la fourniture de butteroil destiné à l'Irak et au Yemen à titre d'aide communautaire au programme alimentaire mondial (Commission Regulation (EEC) 901/70 of 19 May 1970 inviting tenders for the supply of butteroil to Iraq and Yemen as Community aid to the World Food Program) L 108, 20.5.1970
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- Règlement (CEE) 925/70 de la Commission, du 21 mai 1970, modifiant les prélèvements applicables à l'importation des produits transformés à base de céréales et de riz (Commission Regulation (EEC) 925/70 of 21 May 1970 modifying the levies on imports of products processed from cereals and rice) L 110, 22.5.1970
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- Règlement (CEE) 931/70 de la Commission, du 22 mai 1970, relatif à l'ouverture d'une adjudication pour la mobilisation de semoules de froment dur, de semoules d'orge et de semoules de maïs destinées au Comité international de la Croix-Rouge à titre d'aide (Commission Regulation (EEC) 931/70 of 22 May 1970 inviting tenders for the mobilization of durum, barley and maize meal as aid for the International Committee of the Red Cross) L 111, 23.5.1970
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- Règlement (CEE) 933/70 de la Commission, du 22 mai 1970, modifiant les règlements (CEE) 1489/69 et 1659/69 relatifs à la vente pour la transformation du beurre de stock public (Commission Regulation (EEC) 933/70 of 22 May 1970 amending Regulations (EEC) 1489/69 and 1659/69 on the sale for processing of butter from public stocks) L 111, 23.5.1970
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- Règlement (CEE) 935/70 de la Commission, du 22 mai 1970, complétant le règlement (CEE) 376/70 de la Commission fixant les procédures et conditions de la mise en vente de céréales détenues par les organismes d'intervention (Commission Regulation (EEC) 935/70 of 22 May 1970 supplementing Commission Regulation (EEC) 376/70 fixing the procedures and terms for the sale of cereals held by the intervention agencies) L 111, 23.5.1970
- Règlement (CEE) 936/70 de la Commission, du 22 mai 1970, autorisant les organismes d'intervention allemand et français à limiter l'adjudication de froment tendre à des utilisations déterminées (Commission Regulation (EEC) 936/70 of 22 May 1970 authorizing the French and German intervention agencies to limit the tendering for common wheat to specific uses) L 111, 23.5.1970
- Règlement (CEE) 937/70 de la Commission, du 22 mai 1970, modifiant le règlement (CEE) 842/69 en ce qui concerne le prix de vente de certains produits dans le secteur de la viande bovine et dérogeant à certaines dispositions du règlement (CEE) 216/69 relatif aux modalités d'application concernant l'écoulement de la viande bovine congelée achetée par les organismes d'intervention (Commission Regulation (EEC) 937/70 of 22 May 1970 amending Regulation (EEC) 842/69 as regards the selling price of certain products in the beef and veal sector and waiving certain provisions of Regulation (EEC) 216/69 on implementing procedures for the sale of frozen beef and veal bought in by the intervention agencies) L 111, 23.5.1970
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- Règlement (CEE) 953/70 de la Commission, du 26 mai 1970, fixant les prélèvements à l'importation pour le sucre blanc et le sucre brut (Commission Regulation (EEC) 953/70 of 26 May 1970 fixing the levies on imports of white sugar and raw sugar) L 114, 27.5.1970
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- Règlement (CEE) 955/70 de la Commission, du 26 mai 1970, relatif aux communications des États membres concernant l'intervention et les échanges dans le secteur du sucre (Commission Regulation (EEC) 955/70 of 26 May 1970 on information to be supplied by the Member States concerning intervention measures and trade in the sugar sector) L 114, 27.5.1970

- Règlement (CEE) 956/70 du Conseil, du 26 mai 1970, portant suspension temporaire du droit autonome du tarif douanier commun applicable aux dattes présentées en emballages immédiats d'un contenu net inférieur ou égal à 35 kg et destinées, sous contrôle douanier ou administratif équivalent, à être conditionnées pour la vente au détail, de la sous-position ex 08,01 A (Council Regulation (EEC) 956/70 of 26 May 1970 suspending the autonomous common customs tariff duty on dates put up in immediate packaging of a net content not exceeding 35 kg and to be packed under customs or equivalent administrative supervision, for retail sale, of subheading ex 08.01 A) L 114, 27.5.1970
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- Règlement (CEE) 960/70 de la Commission, du 27 mai 1970, fixant les prélèvements applicables aux céréales, aux farines et aux gruaux et semoules de froment ou de seigle (Commission Regulation (EEC) 960/70 of 27 May 1970 fixing the levies on cereals and on wheat or rye flour, groats and meal) L 115, 28.5.1970
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- Règlement (CEE) 962/70 de la Commission, du 27 mai 1970, modifiant le correctif applicable à la restitution pour les céréales (Commission Regulation (EEC) 962/70 of 27 May 1970 modifying the corrective factor applicable to the refund on cereals) L 115, 28.5.1970
- Règlement (CEE) 963/70 de la Commission, du 27 mai 1970, fixant les prélèvements à l'importation pour le sucre blanc et le sucre brut (Commission Regulation (EEC) 963/70 of 27 May 1970 fixing the levies on imports of white sugar and raw sugar) L 115, 28.5.1970
- Règlement (CEE) 964/70 de la Commission, du 27 mai 1970, fixant le prélèvement à l'importation pour la mélasse (Commission Regulation (EEC) 964/70 of 27 May 1970 fixing the levy on imports of molasses) L 115, 28.5.1970
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- Règlement (Euratom) 967/70 du Conseil, du 25 mai 1970, modifiant les conditions applicables en matière de rémunération et de sécurité sociale aux agents d'établissement du Centre commun de recherches nucléaires affectés en Italie (Council Regulation (Euratom) 967/70 of 25 May 1970 amending the conditions applicable to the pay and social security arrangements of Joint Research Centre employees in Italy) L 116, 29.5.1970
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- Règlement (CEE) 972/70 du Conseil, du 26 mai 1970, fixant le prix de base et le prix d'achat pour les pommes pour le mois de juin 1970 (Council Regulation (EEC) 972/70 of 26 May 1970 fixing the basic price and buying-in price for apples in the month of June 1970) L 116, 29.5.1970
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L 116, 29.5.1970

Règlement (CEE) 978/70 de la Commission, du 28 mai 1970, fixant les primes s'ajoutant aux prélèvements pour le riz et les brisures (Commission Regulation (EEC) 978/70 of 28 May 1970 fixing the premiums to be added to the levies on rice and broken rice)

L 116, 29.5.1970

Règlement (CEE) 979/70 de la Commission, du 28 mai 1970, fixant les restitutions à l'exportation pour le riz et les brisures (Commission Regulation (EEC) 979/70 of 28 May 1970 fixing the refunds on exports of rice and broken rice)

L 116, 29.5.1970

Règlement (CEE) 980/70 de la Commission, du 28 mai 1970, fixant le correctif applicable à la restitution pour le riz et les brisures (Commission Regulation (EEC) 980/70 of 28 May 1970 fixing the corrective factor applicable to the refund on rice and broken rice)

L 116, 29.5.1970

Règlement (CEE) 981/70 de la Commission, du 28 mai 1970, fixant les prélèvements à l'importation pour le sucre blanc et le sucre brut (Commission Regulation (EEC) 981/70 of 28 May 1970 fixing the levies on imports of white sugar and raw sugar)

L 116, 29.5.1970

Règlement (CEE) 982/70 de la Commission, du 28 mai 1970, fixant les prélèvements à l'importation de veaux et de gros bovins, ainsi que de viandes bovines autres que les viandes congelées (Commission Regulation (EEC) 982/70 of 28 May 1970 fixing the levies on imports of calves and mature cattle and of beef and veal other than frozen)

L 116, 29.5.1970

Règlement (CEE) 983/70 de la Commission, du 28 mai 1970, portant neuvième modification du règlement (CEE) 565/70 relatif à la gestion du système de titres d'importation des pommes de table (Commission Regulation (EEC) 983/70 of 28 May 1970 amending for the ninth time Regulation (EEC) 565/70 on the administration of the system of import permits for table apples)

L 116, 29.5.1970

Règlement (CEE) 984/70 de la Commission, du 28 mai 1970, relatif à la fourniture de certaines quantités de lait écrémé en poudre à titre d'aide communautaire au Programme alimentaire mondial (Commission Regulation (EEC) 984/70 of 28 May 1970 on the supply of certain quantities of skim milk powder as Community aid to the World Food Program)

L 116, 29.5.1970

Règlement (CEE) 985/70 de la Commission, du 28 mai 1970, fixant les taux des restitutions applicables, à compter du 1^{er} juin 1970, au sucre et à la mélasse exportés sous forme de marchandises ne relevant pas de l'annexe II du traité (Commission Regulation (EEC) 985/70 of 28 May 1970 fixing the rates of refunds applicable from 1 June 1970 to sugar and molasses exported in the form of goods not coming under Annex II to the Treaty)

L 116, 29.5.1970

Règlement (CEE) 986/70 de la Commission, du 28 mai 1970, fixant les taux des restitutions applicables à compter du 1^{er} juin 1970, à certains produits des secteurs des céréales et du riz exportés sous forme de marchandises ne relevant pas de l'annexe II du traité (Commission Regulation (EEC) 986/70 of 28 May 1970 fixing the rates of refunds applicable from 1 June 1970 to certain products of the cereals and rice sectors exported in the form of goods not coming under Annex II to the Treaty)

L 116, 29.5.1970

- Règlement (CEE) 987/70 de la Commission, du 28 mai 1970, fixant les taux des restitutions applicables, à compter du 1^{er} juin 1970, à à certains produits laitiers exportés sous forme de marchandises ne relevant pas de l'annexe II du traité (Commission Regulation (EEC) 987/70 of 28 May 1970 fixing the rates of refunds applicable from 1 June 1970 to certain milk products exported in the form of goods not coming under Annex II to the Treaty) L 116, 29.5.1970
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| Règlement (CEE) 1007/70 de la Commission, du 29 mai 1970, fixant les prélèvements applicables aux céréales, aux farines et aux gruaux et semoules de froment ou de seigle (Commission Regulation (EEC) 1007/70 of 29 May 1970 fixing the levies on cereals and on wheat or rye flour, groats and meal) | L 117, 30.5.1970 |
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L 117, 30.5.1970

Règlement (CEE) 1011/70 de la Commission, du 29 mai 1970, relatif à certaines exigences qualitatives pour les gruaux et semoules de maïs devant être utilisés par la brasserie dans la Communauté (Commission Regulation (EEC) 1011/70 of 29 May 1970 on certain qualitative requirements for maize groats and meal for use in Community breweries)

L 117, 30.5.1970

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L 117, 30.5.1970

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70/262/CEE :

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L 107, 19.5.1970

70/259/CEE :

Décision du Conseil, du 20 mars 1970, portant conclusion d'un accord, sous forme d'échange de lettres, entre la Communauté économique européenne et le Comité international de la Croix-Rouge relatif à la fourniture de 600 tonnes de bouillie et 3 000 tonnes de potage aux victimes du conflit au Nigeria (Council Decision of 20 March 1970 concluding an agreement in the form of an exchange of letters, between the European Economic Community and the International Committee of the Red Cross on the supply of 600 tons of gruel and 3 000 tons of soup to the victims of the Nigerian conflict)

L 107, 19.5.1970

70/260/CEE :

Décision du Conseil, du 20 mars 1970, portant conclusion d'un accord entre la Communauté économique européenne et le Comité international de la Croix-Rouge relatif à la fourniture de lait écrémé en poudre à titre d'aide alimentaire (Council Decision of 20 March 1970 concluding an agreement between the European Economic Community and the International Committee of the Red Cross on the supply of skim milk powder as food aid)

L 107, 19.5.1970

70/261/CEE :

Décision du Conseil, du 20 mars 1970, portant conclusion d'un accord entre la Communauté économique européenne et le Comité international de la Croix-Rouge relatif à la fourniture de produits céréaliers à titre d'aide alimentaire (Council Decision of 20 March 1970 concluding an agreement between the European Economic Community and the International Committee of the Red Cross on the supply of cereal products as food aid)

L 107, 19.5.1970

70/265/CEE :

Décision du Conseil, du 14 mai 1970, sur l'affectation des sommes remboursées au titre des prêts spéciaux par les EAMA (Council Decision of 14 May 1970 on the allocation of sums repaid by the AASM in respect of special loans)

L 109, 21.5.1970

70/266/CEE :

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L 109, 21.5.1970

70/267/CEE :

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L 112, 25.5.1970

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70/255/CEE :

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70/263/CEE :

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L 104, 14.5.1970

70/269/CEE :

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L 112, 25.5.1970

70/270/CEE :

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L 112, 25.5.1970

70/271/CEE :

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L 112, 25.5.1970

70/272/CEE :

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L 112, 25.5.1970

70/273/CEE :

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L 112, 25.5.1970

70/274/CEE :

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L 112, 25.5.1970

70/275/CEE :

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L 112, 25.5.1970

70/276/CEE :

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L 112, 25.5.1970

70/277/CEE :

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L 112, 25.5.1970

70/278/CEE :

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L 114, 27.5.1970

70/279/CEE :

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L 114, 27.5.1970

70/280/CEE :

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L 114, 27.5.1970

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L 112, 25.5.1970

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C 53, 5.5.1970

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C 55, 9.5.1970

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C 55, 9.5.1970

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C 55, 9.5.1970

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C 54, 6.5.1970

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C 54, 6.5.1970

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C 55, 9.5.1970

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C 58, 21.5.1970

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C 63, 29.5.1970

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C 63, 29.5.1970

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C 63, 29.5.1970

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C 63, 29.5.1970

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C 63, 29.5.1970

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C 63, 29.5.1970

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C 63, 29.5.1970

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C 61, 26.5.1970

(For consultations and opinions of the Economic and Social Committee see under "The Council")

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