

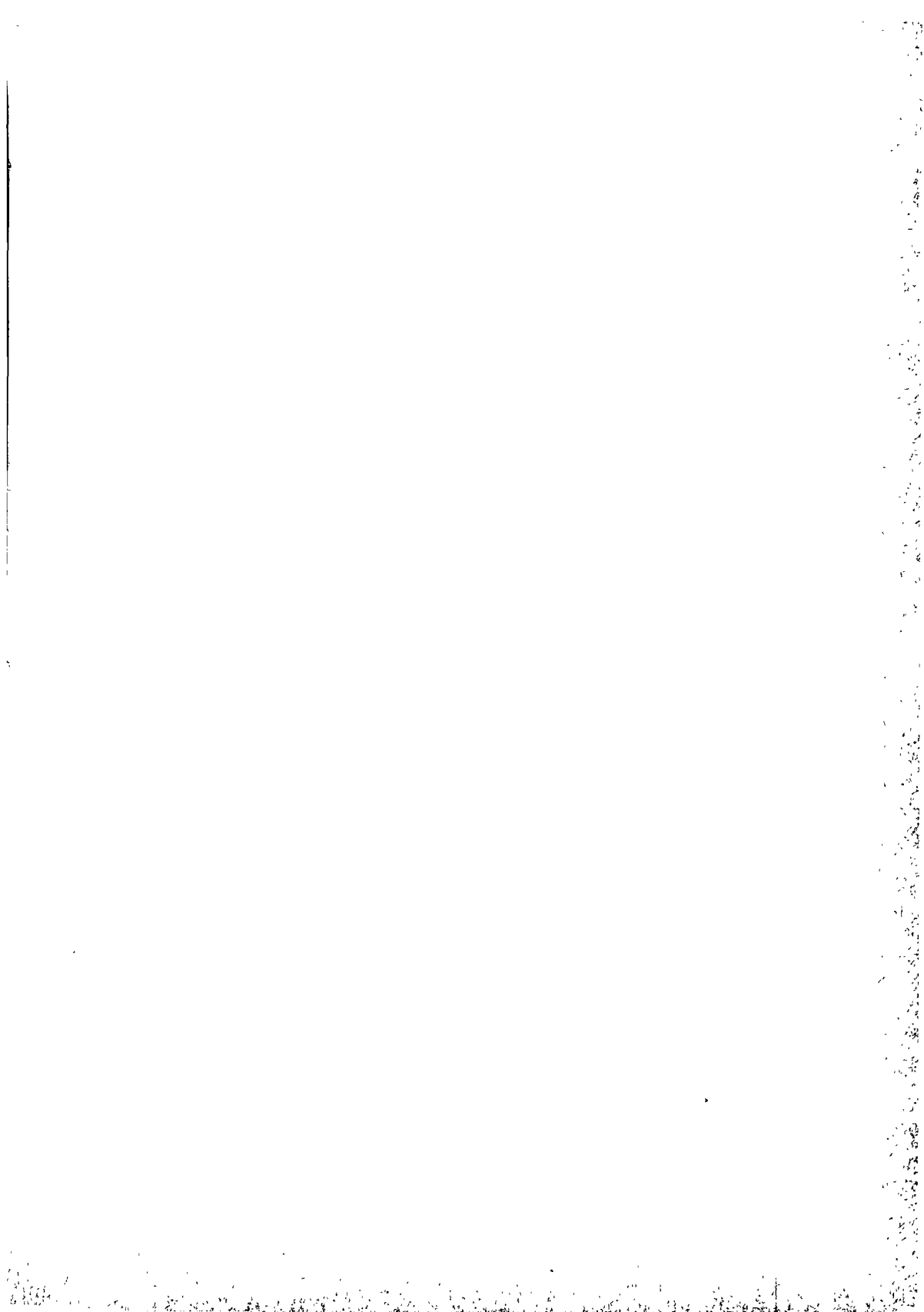
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Proposal for a Council directive on freedom of establishment and freedom to supply services in self-employed activities in electricity, gas, water and sanitary services (Division 5 ISIC) (Articles 54 and 63 of the Treaty)

(submitted by the Commission to the Council on 24 September 1964)

Explanatory memorandum

1. Explanatory memorandum concerning the proposed directive

a) The General Programme for the removal of restrictions on establishment was drawn up by the Council in 18 December 1961 in pursuance of Article 54(1) ⁽¹⁾. This Programme stipulates in Title IV A (time-table) that the effective removal of restrictions on establishment must take place before the expiry of the second year of the second stage of the transitional period for those occupations listed in Schedule I of the said Programme. Schedule I mentions in Major Group 51 occupations in the electricity, gas and steam sectors and in Major Group 52 water services and "sanitary" services.

b) The General Programme for the removal of restrictions on the supply of services also drawn up by the Council on 18 December 1961 ⁽²⁾ refers in Title V C to the time-table laid down for carrying out the establishment programme.

c) When drawing up the Programmes the Council adopted a resolution concerning the acceleration of the General Programme ⁽³⁾, inviting the Commission to submit to it whenever this seemed advisable and feasible, proposals for the modification of the General Programme with the aim of transferring the activities in question from the schedule in which they are listed to a preceding one.

As regards the date for liberalization of the transport of natural gas by pipeline no such decision is necessary, as liberalization in this sector is to take place at the beginning of the stage laid down in the time-table.

d) The Commission hereby submits to the Council in accordance with Article 54 and Article 63 a draft directive for the implementation of the provisions of the Programme concerning these activities ⁽⁴⁾.

(1) See official gazette of the European Communities, No 2, 15 January 1962, p 36/62.

(2) *ibid*; p. 46/62.

(3) *ibid*; p. 46/62.

(4) International Standard Industrial Classification of All Economic Activities (ISIC) established by the Statistical Office of the United Nations, Series M, No 4, Rev. 1, New York, 1958.

In accordance with these articles the Council must consult the Economic and Social Committee and the European Parliament before adopting the directive by qualified majority.

e) The Commission considered it desirable to attach detailed commentaries to the proposed directive. These give the grounds for the Commission's proposals, on the one hand, and set out its opinion concerning certain concepts put forward by the Member States in the course of the preparatory work, on the other.

2. Occupations concerned — Nomenclature used

The implementation of this directive will be made easier by a precise definition of the occupations concerned. When the General Programmes were drawn up in 1961 the United Nations Nomenclature concerning self-employed activities was used ⁽⁴⁾. The present directive also uses this nomenclature. Article 2(1) refers to this list. True, since the General Programmes were drawn up, a nomenclature of industries of the EEC countries has been established ⁽⁵⁾. However, this nomenclature had been mentioned in the directive only as a complementary means of interpretation, as was done in the earlier directives concerning industries (Major Groups 11-40). The reason is that the Community Nomenclature contains no reference to sanitary services. Furthermore, the ISIC subdivisions, electricity, gas and water, were considered adequate.

4. Application as regards establishment and supply of services

As may be seen from Article 1 the directive in principle covers establishment and the supply of services.

(5) Nomenclature of industries in the European Communities (NICE) Statistical Office of the European Communities, Brussels, June 1963.

Cases of supply of services are however limited because of the special character of this "division". It should be recalled that the supply of electricity, gas, steam and water often involves frontier crossing and comes under the chapter concerning the movement of goods, so that it is not included in the chapter dealing with supplies of services (Article 60(1) of the Treaty). Electricity, gas, steam and water also have headings in the common customs tariff. Their classification, on the national plane, as goods or supplies of services is not affected thereby.

Primarily, therefore, supplies of services would only be conceivable in the "sanitary service" sector. In fact the transport of electric energy, gas, steam and water presupposes fixed and permanent installations and their upkeep in the host country. The concept of supply of services as a temporary activity carried out by a supplier in the host country is therefore of the question in this case. As regards transport, the directive, like the speed-up decision, consequently concerns the introduction of freedom of establishment (Article 1, second sentence).

4. Field of application

The activities covered are mentioned in Article 2(2). As regards the various ISIC major groups the following comments are relevant:

a) *Major Group 51*: Electricity, gas and steam

Group 511: "Electric light and power, Generation, transmission and distribution of electric energy"

Transmission and distribution also include processing (for instance transformation of high tension to low tension or of direct current to alternating current). The utilization of electricity must be interpreted broadly. It can also be used to generate heat.

Group 512: "Gas manufacture and distribution — Manufacture of gas in gasworks and distribution of manufactured or natural gas to domestic and industrial consumers"

The directive will facilitate the application to the gas sector of the Treaty provisions concerning the right of establishment and freedom to supply services. For logical, technical and economic reasons the gas sector must be considered as a whole.

a) *Manufacture of gas*

The manufacture of gas is not dealt with in this directive only. Without going into

technical details the following directives may be recalled ⁽¹⁾:

Directive concerning the extractive industries ⁽²⁾:

This directive covers the operation of oil wells and natural gas wells excluding prospecting and drilling (ISIC Group 130).

Directive concerning manufacturing industries ⁽³⁾:

This directive covers the manufacture of gas in petroleum refineries (ISIC Group 329), the manufacture of gas in coke ovens associated with blast furnaces (ISIC Group 341).

Consequently the present directive concerns only the manufacture of gas in gasworks (Group 512). However the concept "gasworks" must be understood on the technical plane in a broad sense (cracking plants for petroleum products, regasification plants for liquified petroleum gas, etc.) so that the technical basis of manufacture is not of great relevance.

Since the directives referred to above have the same priority in the liberalization timetable, the subdivision of manufacture into several directives is no drawback.

b) *Distribution*

The distribution of gas includes its conversion, for example the conversion of natural gas of high calorific value into gas of medium calorific value. It also includes the supply of gas to domestic and industrial consumers and the mixing of various types of gas.

c) *Transport*

Where the transport of the gas is effected by its manufacturer it is covered in each case by the corresponding directive on the liberalization of production. On the other hand the transport of natural gas by pipeline as an independent service is classed in the UN Nomenclature in Group 719 (Transport n.e.c.). In conformity with the time-table of the General Programmes, access to the profession will therefore only be liberalized at the same time as the activities listed in Schedule III (1 January 1966 - 31 December 1967), whereas in respect of other gas transport all restrictions applicable to non-nationals will be eliminated before the end of 1965.

(1) See report submitted on behalf of the Energy Committee of the European Parliament (Rapporteur M. Philipp), Document 1962/63 No 126 of 25 January 1963.

(2) See official gazette of the European Communities, No 117, 23 July 1964, p. 1871/64.

(3) *ibid*; p 1880/64

The transport of natural gas and of petroleum gas is an integral part of the distribution of gas in general and is consequently indissolubly linked with the latter on the legal, economic and technical planes; special treatment would not be justified for the transport of gases of this type.

When gas is distributed, particularly over long distances, gases of different origins are mixed for technical and economic reasons, before being transported by pipeline to the consumers. It is therefore not the origin of the gas which is the determining factor — natural gas, refinery gas, coke oven gas, etc. — but its calorific value. If the gas is for public consumption it is treated like any other gas once it has left the place of production, and the distance it is transported is irrelevant. Only the price obtained for each delivery and quality influences the determination of the maximum distance at which transport towards the host country is still economical. Thus this influence varies according to whether the gas is purchased to cover regular or exceptional needs.

In order to take account of these facts, the directive includes the transport of natural gas and provides for the earliest date possible without changing the time-table (Article 8, 1 b). For the reasons given at point 3 above it nevertheless places limits on the freedom of establishment.

Group 513: "Steam heat and power — Production and distribution of steam for heating and power purposes"

The distribution of steam also includes transport. The transfer of heat produced in thermal power stations by means of hot water is also included in distribution.

b) *Major Group 52:* Water and sanitary services

Group 521: "Water supply — Collection, purification and distribution of water to domestic and industrial consumers. The operation of irrigation systems is classified in Group 012 (Agricultural services)"

The supply of hot water (for baths, etc.) is technically speaking a part of the public distribution of water.

Group 522: "Sanitary services — Garbage and sewage disposal. The operation of drainage systems is included"

This heading covers such activities as the disposal of garbage, clearing of snow, utilization of garbage, evacuation of sewage water and of domestic and industrial waste

in general. Establishments specializing in the utilization of animal carcasses also come under this heading.

These activities must not be confused with those of medical and other health services (Group 822). As explained in the footnote concerning Group 522 of the General Programme on establishment, activities ancillary to the medical professions are not affected.

c) Finally, it is laid down in Article 3 that the construction of sewers, water mains, conduits, sanitary installations, drains, hydro-electric plants, hydraulic power plants, gas mains and, in general, of all other private or public installations involving construction comes under Group 400. The directives concerning the liberalization of these activities have already been submitted to the Council.

5. Abolition of restrictions

The activities listed in Division 5 may be distinguished in certain respects from other self-employed activities. This is due first to their importance for general prosperity. The systems of concession, government controls and nationalization may constitute restrictions which also apply to nationals. It therefore seems possible at the present time that for *de jure* or *de facto* reasons the provisions concerning the right of establishment and supply of services will in some Member States have only limited practical importance for certain of the activities covered.

The fact that a firm has a quasi-monopoly in some activity does not necessarily constitute a restriction on freedom of establishment, provided however that nationals of the other Member States are treated in the same way.

This is the case for instance with the concession system often applied to electricity or gas distributing enterprises. A concession may be described briefly as an agreement laying down the obligations which a firm entrusted with a service of public interest must fulfil and conferring on it in return certain privileges to enable it to render this service appropriately. The chief privilege conferred by the concession contract is generally sole right. However, this is relative; and sometimes even for certain categories of users.

Complete freedom of establishment will be achieved in this case when the *de jure* and *de facto* conditions to be complied with in order to hold a concession no longer make any discrimination between nationals and the citizens of other Member States.

Other systems provide for sole rights in the pursuit of an activity, either for public authorities or for a firm. This, for instance, is the situation in France, where the State has sole rights to produce, transport, distribute, import and export electricity and gas ⁽¹⁾ (Law of April 1946). The exercise of these rights has been vested by law in public industrial and commercial boards which have a *de jure* monopoly ⁽²⁾.

In cases of this sort the right of establishment therefore does not exist for nationals except in certain instances provided for by the law. The exclusion of nationals of other Member States therefore has no discriminatory character provided they can benefit by the exceptions in the same way as nationals.

The existence in Member States of different systems belonging respectively to one or the other of the categories described above, or even based on other principles, does therefore not in itself constitute a restriction on freedom of establishment. On the other hand any discriminations must be removed which might exist in the conditions for engaging in certain activities, either under a system of concessions or licences or by way of exception to a system of sole rights.

The above considerations in no way prejudice measures which will have to be taken for

(1) The law however provides for exceptions to nationalization and also in certain cases for optional or qualified nationalization.

(2) This monopoly can moreover be exercised under a concession granted by a local authority to the national public board (See Article 37 of the Law of 9 April 1946). In this case the right to become holder of a concession is reserved to the board.

the approximation and co-ordination of legislation in conformity with Articles 57(2) and 100.

6. Personnel accompanying the supplier of services

Freedom for a supplier of services presupposes that there should be no obstacle to the movement and employment in the territory of the host country of the necessary personnel employed by his firm. The problems relating to such paid personnel were settled by the regulation and directive issued by the Council on 25 March 1964 in pursuance of Articles 48 and 49.

7. Co-ordination or recognition of diplomas, certificates or other written qualifications

From a study of the 'Member States' laws and regulations on the activities mentioned it is clear that once restrictions are abolished no co-ordination will be necessary. This directive cannot prejudice the question of how far harmonization measures are needed in order to prevent distortions of competition and to contribute to a smoother functioning of the Common Market.

Nor do the activities in the energy supply sector covered here require the recognition of diplomas, certificates or other written qualifications.

Proposal for a Council directive on freedom of establishment and freedom to supply services in self-employed activities in electricity, gas, water and sanitary services (Division 5 ISIC) (Articles 54 and 63 of the Treaty)

(submitted by the Commission to the Council)

The Council of the European Economic Community

Having regard to the Treaty establishing the European Economic Community and in particular Article 54(2 and 3) and Article 63(2 and 3) thereof;

Having regard to the General Programme for the abolition of restrictions on freedom of establishment ⁽¹⁾ and in particular Title IV A thereof;

(1) See official gazette of the European Communities, No 2, 15 January 1962, p. 36/62.

Having regard to the General Programme for the abolition of restrictions on freedom to supply services ⁽²⁾ and in particular Title 5 C thereof;

Having regard to the proposal of the Commission;

Having regard to the opinion of the European Parliament;

Having regard to the opinion of the Economic and Social Committee;

(2) See official gazette of the European Communities, No 2, 15 January 1962, p. 32/62.

Whereas the General Programmes provide for the abolition, before the end of the second year of the second stage, of all discriminatory treatment based on nationality in the matter of establishment and supply of services in the sectors of electricity, gas, steam, water and sanitary services;

Whereas the present directive also applies to activities whose object is to supply services of general economic interest, without prejudice to the application of Article 90 of the Treaty to enterprises operating such services;

Whereas in order to ensure the correct application of this directive, its field of application should be determined by clearly defining self-employed activities in the said sectors;

Whereas production and distribution activities include all operations to place electricity, gas and water at the disposal of the consumer in a usable form; and whereas in consequence the processing activities connected with production, collection, transport and distribution come within the scope of this directive;

Whereas in applying this directive account should be taken of the different modern techniques embraced by the term "gasworks" in a wide sense and whereas the production and distribution of steam also include the production and distribution of hot water for heating;

Whereas the sanitary services Group includes street-cleaning and the removal and utilization of industrial and household waste and garbage but not ancillary health services, which are a part of ISIC Group 822 ⁽¹⁾;

Whereas certain activities in the general field of power or water supplies are not covered by this directive but belong to other groups of the nomenclature on the basis of which the time-table for the general liberalization Programme was fixed, and whereas these activities include in particular the exploitation of natural gas wells, the production of gas by coke ovens, where these are not included in ISIC Group 512, the production of gas by oil refineries; and whereas on the other hand the General Programme lays down the same time-table for the liberalization of these activities, so that all activities connected with the industrial production of gas should normally be liberalized from the same date;

Whereas the International Standard Industrial Classification of All Economic Activities (ISIC), Statistical Office of the United Nations, Series M, No. 4, Rev. 1, New York, 1958, excludes the transport of natural gas, as an independent service, from the field of

power supply activities (Major Group 51) and classes this activity among transport n.e.c. activities (Group 719); and whereas the transport of natural gas as an independent service, like that of any other sort of gas, is, however, closely linked with the activities of ISIC Group 512 covered by this directive; and whereas it should therefore be included in this directive, its liberalization nevertheless remaining fixed at the stage provided for in the time-table of the General Programme;

Whereas in the transport of gas, water or electricity by pipes or mains, only the introduction of freedom of establishment is taken into consideration; and whereas it is impossible to conceive of supplies of services as temporary activities in the State where they are effected, since such services require fixed and permanent installations and the upkeep of the same in the host country;

Whereas special directives have been or will be issued applicable to all self-employed activities and concerning the arrangements covering movement and stay of beneficiaries ⁽¹⁾ and also, where necessary, directives for the co-ordination of the guarantees which the Member States require of companies to protect the interests both of their members and of third parties;

Whereas the assimilation of companies, for the purpose of applying provisions on the right of establishment and freedom to supply services, to natural persons being nationals of the Member State is subject only to the conditions laid down in Article 58 and, if necessary, to that of an effective and continuous link with the economy of a Member State; and whereas consequently no further condition, in particular no special authorization not required for national companies to carry on business, may be required to enable them to benefit by these provisions; and whereas such assimilation nevertheless does not impair the power of the Member States to require that companies should operate in their country under the style used in the laws of the Member State under which they were incorporated and indicate the amount of their subscribed capital on the business stationery used by them in the host country;

Whereas in conformity with the provisions of the General Programme for the removal of restrictions on freedom of establishment, the restrictions concerning membership of trade organizations must be abolished wherever the professional activities of the person concerned involve such membership;

Whereas the system applicable to paid workers accompanying the supplier of services

(1) German text The French text has: "Whereas the sanitary services Group includes the destruction or utilization of industrial or household waste and garbage..." etc

(1) See official gazette of the European Communities, No 56, 4 April 1964, p. 845/64.

or acting on his behalf is governed by the implementing provisions to Articles 48 and 49 of the Treaty;

Whereas the abolition of restrictions need not be preceded or accompanied either by measures to co-ordinate laws and regulations in this branch of activity or by measures concerning the mutual recognition of diplomas, certificates or other written qualifications and whereas such co-ordination can be effected in the framework of the common energy policy,

Has adopted the present directive:

Article 1

The Member States shall abolish in favour of such individuals or corporations as are mentioned in Title I of the General Programmes for the removal of restrictions on freedom of establishment and freedom to supply services, hereinafter called beneficiaries, the restrictions mentioned in Title III of the said Programmes as far as concerns pursuit of the activities mentioned in Article 2 below. As regards the transport of electricity, gas, steam and water by mains or pipes, the directive shall apply only to the abolition of restrictions on freedom of establishment.

Article 2

1. The provisions of this directive shall apply to self-employed activities in the production, distribution and transport of electricity, water, gas and steam shown respectively in Schedules I and III of the General Programme for the removal of restrictions on freedom of establishment, Major Groups 51-52 and Group ex 79.

2. The aim of these activities is:

- a) The generation, transmission and distribution of electricity;
- b) The production of gas in gasworks and the distribution of gas of any kind to consumers and also the transport of gas as an independent service;
- c) The raising and distribution of steam for heating and power;
- d) Water services, i.e. the collection and purification of water and its distribution to consumers;
- e) Sanitary services, i.e. the destruction or utilization of garbage and waste of all kinds.

Article 3

In conformity with the General Programmes this directive shall not apply:

- a) To the exploitation of natural gas wells (including prospecting and drilling);
- b) To construction work done by private firms or public authorities, in particular the building of plant to produce electricity or gas; water collection work, irrigation and regulation of water courses, the installation of sanitary services and the laying of mains to transport electricity, gas, water, etc.

Article 4

The Member States shall abolish restrictions which, in particular:

- a) Prevent the persons concerned from setting up in the host country or supplying services there on the same conditions and with the same rights as nationals;
- b) Result from an administrative practice whose effect is to apply to the persons concerned discriminatory treatment in relation to that applied to nationals;
- c) Deny the persons concerned, by rules or administrative practices, the grant of concessions or licences, or make such persons subject to limitations or conditions applying to them alone.

2. Among the specific restrictions to be abolished are the following:

a) *In Germany*

The requirement that foreign companies must have a permit to operate (Gewerbeordnung sec. 12 and Aktiengesetz sec. 292);

b) *In Belgium*

The trader's card requirement (Royal Decree No. 62 of 16 November 1939, Ministerial Decree of 17 December 1945, Ministerial Decree of 11 March 1954);

c) *In France*

The foreign trader's identity card requirement (Decree Law of 12 November 1938, Decree of 2 February 1939, Law of 8 October 1940, Law of 10 April 1954, Decree No. 59-852 of 9 July 1959);

The French nationality requirement a) for concessionaries and licensees for the supply of hydraulic energy (Article 26 of the Law of 16 October 1919) and thermal energy (Decree of 16 July 1935); b) for any concessionary for public services or person licensed to operate them (Decree Law of

12 November 1938); in the case of a company, for chairmen of administrative boards, managers, directors with signing power, accountants, and two-thirds of the members of a commercial company (*société en nom collectif*) or of the administrators or of the members of the management board of supervisors.

The requirement that, if a company, the concessionary or licensee should be subject to French law except where otherwise provided by decree (Law of 16 October 1919 Article 26);

d) *In Italy*

The Italian nationality requirement for entry on the register (*Raccolta trasporto e smaltimento dei rifiuti solidi urbani*) (Article 31 of the Law of 20. March 1941, No. 366);

e) *In Luxembourg*

The limited duration of permits granted to foreigners under Article 21 of the Luxembourg law of 2 June 1962 (Memorial A No. 31 of 19 June 1962).

Article 5

1. The Member States shall see that beneficiaries of this directive may join trade or professional organizations on the same conditions and with the same rights and duties as nationals of the country concerned.

2. In the case of establishment the right of membership involves eligibility for office in the professional organization. Nevertheless the holding of office may be reserved for nationals where the organization in question exercises public authority by virtue of a law or regulation.

3. In Luxembourg membership of the Chamber of Commerce or of the Chamber of Trade (*Chambre des métiers*) does not entitle beneficiaries of this directive to take part in elections to executive bodies.

Article 6

The Member States shall not grant to their nationals moving to another Member State in order to engage in one of the activities defined in Article 2 any aid which would have the effect of influencing the conditions of establishment.

Article 7

1. When a host country requires that its own nationals wishing to engage in one of the activities listed in Article 2 shall furnish proof of good character and/or proof that they have not been declared bankrupt, the said country shall accept as sufficient proof from nationals of other Member States a certificate based on police records (*extrait de casier judiciaire*) or failing that an equivalent document issued by a competent legal or administrative authority of the home country or country of origin, attesting that these conditions are fulfilled.

2. If the home country or country of origin does not issue a certificate attesting that the person concerned has not been declared bankrupt, this may be replaced by an affidavit sworn by the party concerned before a competent legal or administrative authority, commissioner for oaths or qualified professional body duly authorized for this purpose in the home country or country of origin.

3. Documents issued in conformity with paragraphs 1 and 2 shall not, at the time of presentation, date back more than three months.

4. The Member States shall designate, within the time-limit laid down in Article 8, the authorities or bodies competent to issue the aforesaid documents, and shall forthwith inform the other Member States and the Commission thereof.

Article 8

1. Member States shall put into effect any measures needed to comply with this directive within the following time-limits:

a) In respect of activities mentioned in Article 2(1) included in Major Groups 51 and 52: six months with effect from notification of this directive;

b) In respect of activities mentioned in Article 2(1) included in Group ex 719: before 31 January of the first year of the third stage of the transitional period.

2. The Member States shall inform the Commission forthwith of these measures.

Article 9

The present directive is addressed to the Member States.

Proposal for a Council directive on the introduction of Community methods of analysis in official controls of animal feeding-stuffs

(submitted by the Commission to the Council on 12 October 1964)

I. The Member States have been consulted at the following meetings :

- a) Working Party on legislation on animal feeding-stuffs: meetings of 16/17 January 1964 and 3/4 June 1964;
- b) Working Party on foodstuffs legislation: meeting of 28/29 July 1964;
- c) Group of experts on methods of analysing cattle feeding-stuffs: meetings of 3/6 March 1964 and 19/24 June 1964.

II. Summary of the directive and brief explanatory memorandum

This directive is a first step towards the harmonization of legislation on animal feeding-stuffs. All the Member States have more or less detailed laws and regulations which provide for an official check on the composition of animal feeding-stuffs. The aim of the directive is that Member States should make these checks by Community methods of analysis. Since the methods themselves are purely technical and scientific, they will be laid down by the Commission in the form of a directive, as has already been done for colouring matters (Article 11(2) of the Council Directive of 23 October 1962 relating to approximation of the regulations of Member States on permitted colouring matters in foodstuffs for human consumption — official gazette of the European Communities, No. 115 of 11 November 1962, p. 2645/62) and for preservatives (Article 8(2) of the Council Directive of 5 November 1963 on the approximation of the laws of Member States on permitted preservatives in food — official gazette of

the European Communities, No. 12 of 27 January 1964, p. 161/64).

The directive does not apply to additives to animal feeding-stuffs such as vitamins and antibiotics, or to animal feeding-stuffs for export outside the Community.

As regards additives a harmonization of this whole sector — in conjunction with the harmonization of foodstuffs legislation — is being prepared, and, as regards feeding-stuffs for animals to be exported, analysis must be based on the rules applying in the importing countries.

III. The preparatory studies

The directive was drawn up by the Group of experts on methods of analysis and in the working parties in co-operation with representatives of the Member States. The trade organizations were given an opportunity to make known their views.

There is unanimous agreement on the substance of the directive. The Governments and the trade organizations are anxious to have the matter settled rapidly. As soon as the directive is promulgated the Commission will be able to lay down certain methods of analysis worked out by the Group of experts. The trade organizations within the Community and certain international associations of much wider scope have already expressed themselves in favour of these methods.

Only the German experts have raised legal objections, particularly as regards the use of Article 43 of the Treaty as a legal basis. This is the same problem as arose in connection with the directives on veterinary and plant health legislation previously submitted.

Proposal for a Council directive on the introduction of Community methods of analysis in official controls of animal feeding-stuffs

(submitted by the Commission to the Council)

The Council of the European Economic Community

Having regard to the provisions of the Treaty establishing the European Economic Community, and in particular Article 43 thereof;

Having regard to the proposal of the Commission;

Having regard to the opinion of the European Parliament;

Whereas the production, marketing and use of animal feeding-stuffs are of great importance to the European Economic Community;

Whereas livestock production in agriculture depends to a great extent on the use of suitable animal feeding-stuffs of high quality;

Whereas control of animal feeding-stuffs is an essential factor in increasing the productivity of agriculture;

Whereas the introduction of Community rules on the composition of animal feeding-stuffs used in the European Economic Community requires unified methods of analysis in official control exercised by the authorities of the Member States.

Whereas, checks on compliance with still existing national standards should furthermore be effected by uniform methods of analysis throughout the Community;

Whereas special provisions governing additives to animal feeding-stuffs are planned for the near future and methods of analysis for these substances can therefore be omitted from the directive;

Whereas the fixing of methods of analysis is purely a technical and scientific measure, and whereas, in order to develop, improve and supplement such methods, a rapid procedure is needed, the adoption of which should consequently be a matter for the Commission,

Has adopted the present directive:

Article 1

The Member States shall stipulate that the official control of animal feeding-stuffs to check compliance with laws and regulations governing their composition — with the

exception of additives — shall be carried out by Community methods of analysis.

Article 2

The Commission shall prescribe these methods, after consulting the Member States, by means of a directive. It shall take into consideration the state of scientific and technical knowledge and also the methods which have already proved satisfactory.

Article 3

This directive shall not apply to feeding-stuffs for animals to be exported outside the Community.

Article 4

1. Member States shall put into effect any laws and regulations needed to comply with the provisions of the present directive within one year following its notification and shall inform the Commission forthwith of the action taken.

2. Member States shall inform the Commission in good time for it to present its comments of any further laws and regulations which they are planning to introduce on the matters covered by this directive.

Article 5

The present directive is addressed to the Member States.