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*The Supplements are published separately as annexes to the Bulletin. They include the official texts of the Commission (communications of the Council, reports, proposals) of the documents published under the double responsibility of the Council and of the Commission. The Supplements are not published in Spanish.*

# **BULLETIN OF THE EUROPEAN COMMUNITIES**

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

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

**no. 5  
1974  
7<sup>th</sup> year**

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**1<sup>ST</sup> PART**

**DOCUMENTS, FACTS  
AND STUDIES**

# 1. Italian measures affecting imports

Italian measures

1101. The adoption by the Italian Government of protective measures designed to restore the balance of payments of that country (on the basis of Article 109 of the Treaty of Rome) dominated the Community scene at the beginning of May. The Article referred to authorizes a Member State to take protective measures as a precaution where a sudden crisis in the balance of payments arises and where a Community decision on the granting of mutual assistance is not immediately taken.

On 29 April the Italian Government had informed the Commission of the measures decided on. These provide for a compulsory non-interest bearing cash deposit for six months with the Banca d'Italia of 50% of the cif value of imports of goods other than raw materials and certain agricultural products and most capital goods. This means that about 40% of Italy's foreign purchases are affected. At the same time the currency allowance for Italian tourists has been reduced. According to statements by the Italian authorities, the measures taken are in line with other policies which the Government of that country has been applying for some time with the aim of restoring the balance of payments which shows a very large deficit. The main objective is to put an immediate brake on the liquidity of the economy.

## Commission's Opinion

1102. The Commission recognizes that the economic situation in Italy is such that the Government of that country faces serious difficulties. It is also concerned at seeing a Member State resorting to measures which, beyond their immediate objectives, are likely to affect the customs union and the common agricultural policy and hence the very basis of the Community. It has therefore decided to implement, as quickly as possible, all the means at its disposal to support by convergent measures the Italian

Government's efforts to put the economy on a sound footing, and at the same time to avoid chain reactions occurring inside and outside the Common Market.

Therefore, in accordance with Article 8(1) of the EEC Treaty, the Commission undertook a basic re-examination of the economic situation in Italy and, on 6 May 1974, forwarded to the Italian Government a recommendation indicating what recovery measures it considered as indispensable and urgent. In addition, after consultation with the Monetary Committee, the Commission forwarded to the Council a recommendation for the adoption of a directive granting Italy the mutual assistance provided for in Article 108(2) of the EEC Treaty. According to this provision, mutual assistance may take the form of a concerted approach to other international organizations to which Member States may have recourse, measures needed to avoid deflection of trade where the State which is in difficulties maintains or reintroduces quantitative restrictions against third countries, and the granting of limited credit by other Member States, subject to their agreement.

## *Recommendation by the Commission to the Council*

1103. In its recommendation, to which a draft directive was annexed, the Commission states:

'1. Since the Paris Summit, despite the hopes it raised, the building of Europe has encountered increasing difficulties, and these have recently been aggravated still more by the energy crisis and its first repercussions.

No progress has been made towards economic and monetary union: regional policy, energy policy and the common external policies have got no further than Commission proposals.

In the face of the gradual deterioration of the economic situation, neither the Member States

nor the Community have been able to develop the joint actions and solidarity which are the basis of Community disciplines.

The Commission has stressed the dangers of this situation more than once. The recent Italian decisions, which affect imports as well as other fields, confirm this analysis and give added presence to the risk of a cumulative process of disintegration of the Community and disruption of international trade.

2. While it is true that the policy applied by the Italian authorities in 1973 made it possible to achieve a high growth rate (6% in real terms) following a long period of relative stagnation, it nevertheless produced substantial internal and balance-of-payments disequilibria. Thus consumer prices rose by some 11% and the budget deficit reached 7.55 billion lire (roughly 10% of GNP). At the same time the deficit on current account was 1.25 billion lire while net capital outflows brought the total amount to be financed up to 2.8 billion lire.

3. Forecasts for 1974 suggest that these trends are likely to grow considerably worse:

- (a) prices are likely to rise by between 15 and 18%;
- (b) the budget (cash) deficit will reach some 9.2 billion lire;
- (c) the deficit on current account will be around 4 billion lire.

4. Since the lira was floated in February 1973, its value has dropped sharply. By late April the effective rate of depreciation (calculated by reference to the pattern of external trade) was more than 20%.

5. Faced with this situation, and with a view to obtaining a standby credit of 1 000 million SDRs, the Italian Government has entered into certain economic policy commitments *vis-à-vis* the International Monetary Fund.

They were examined by the Monetary Committee following the mobilization of short-term monetary support of 1 562 million u.a. They consist mainly of:

- (i) fixing a ceiling of 9.2 billion lire for the central government's net borrowing requirement (8.7 billion if it is borne in mind that certain direct taxes are to be collected in 1974 instead of 1975);
- (ii) fixing a ceiling of 22.4 billion lire on overall credit expansion for the twelve-month period from April 1974 to March 1975. "Overall credit expansion" is taken to mean the sum total of bank credits, medium-term credits of specialized institutions, bond issues and central government borrowing;
- (iii) substantially reducing in 1974, and eliminating by the end of 1975, the current account (non-oil) deficit estimated by the IMF at 1.3 billion lire.

The Italian authorities have also:

- (i) progressively raised the discount rate;
- (ii) imposed ceilings on bank lending;
- (iii) introduced new tax treatment of dividend.

6. As the situation has continued to deteriorate rapidly, the Italian Government has been obliged to go beyond these commitments and to adopt further measures to be applied immediately.

These consist mainly of requiring an interest-free six-month deposit of 50% of the value of imports of goods other than capital goods, raw materials and certain agricultural products to be lodged with the Banca d'Italia. At the same time the currency allowance for Italian tourists has been reduced.

7. Conscious as it is of the great difficulties which the Italian Government is having to face, the Commission cannot fail to give expression to the anxiety it feels. Whenever a Member State takes measures which, even if their main object is

monetary, may also have a restrictive effect on imports, this has a considerable impact on the very foundations of the Community, which is affected because it is a customs union and in respect of its common agricultural policy.

This also amplifies the risk of policies being "renationalized"—a danger the Commission has often warned against—and individual decisions of this kind are liable to aggravate the difficulties of other Member States and to lead to chain reactions both inside and outside the Common Market.

Furthermore, while recognizing that the main object of Italian measures is to restrict credit rather than to influence directly the trade balance, the Commission considers that it is of the greatest importance to confirm the general view of the Community that the present balance-of-payments difficulties, which are afflicting the whole international economic system, should not be met by restrictive trade measures.

8. The Italian Government cites Article 109 as grounds for taking protective measures. Given the considerable repercussions that the measures might have both on the economy of Italy and on the economies of the other member countries, the difficulty of bringing to a successful conclusion the recovery effort undertaken by the Italian authorities and the need for the entire Community to make a concerted effort if the barriers to free movement of goods are to be removed as rapidly as possible, the Commission considers that Community measures should be taken forthwith under Article 108. This implies stronger action by the Italian Government and support by the Community.

9. Although, from the standpoint of the Italian economy, protective measures of this type may be justified by the persistent foreign currency outflow, they are not on their own capable of markedly improving matters. Indeed the primary causes of the situation are to be found in

the overheating of overall demand and in the fact that the inflationary spiral is picking up speed. To remedy this, it is essential to strike more vigorously at the roots of the disequilibrium by adopting more restrictive policies in both the monetary and the budgetary fields.

With this in view, the Commission is putting to the Italian Republic a Recommendation, under Article 108(1), on what the measures to be taken might actually consist of.

10. From the Community standpoint, if the efforts of the Italian Government are to receive the appropriate support, Italy must be given mutual assistance as provided for in Article 108(2).

Initially, this should be in the form of a medium-term financial credit under the Council Decision of 22 March 1971,<sup>1</sup> to refinance for two years the short-term monetary support which Italy is now receiving. It should also include joint action in the international organizations concerned.

The Commission is presenting a Recommendation on this to the Council.

11. Since the mutual assistance that can be contemplated at the present stage would seem to be insufficient to eliminate the difficulties the Italian economy is experiencing, the Commission considers that application of Article 108(3) should be envisaged and protective measures authorized on the basis of the decisions taken by the Italian Government.

However, the protective measures themselves must be strictly temporary in nature and must be reduced or discontinued altogether as soon as possible. For this reason, and so as to keep to a minimum any disturbance in the operation of the common market, they will have to be kept under constant review by the Community.

<sup>1</sup> OJ L 73 of 27.3.1971.

Finally, while it is aware of the problems involved as regards all the products covered by the Italian measures, the Commission is seriously concerned as to the effects these measures may have on the markets in agricultural products and reserves the right in this respect to present proposals at the next meeting of the Council.

12. The measures adopted during this initial phase will not suffice in themselves. To help put the Italian economy back on a sound footing, there should be a comprehensive programme, in support of a determined effort by Italy, to coordinate convergent actions by the Member States and Community institutions. This implies, among other things, the mobilization of economic and financial resources and, if need be, the creation of new Community resources.

The Commission asks the Council to give it express powers to enter into whatever consultations are needed with the Italian Government and with the other Governments to draft such a programme urgently so that the Council will be in a position to come to a decision by the end of July at the latest.

13. Over and above the particular situation of the Italian economy, the Commission solemnly draws the attention of the Council to the risk that further difficulties may arise in the Community and that they would find the Community equally lacking in means of action and would have an increasingly serious impact on it.

Preventive joint action should therefore be put in hand, and the instruments of economic and monetary integration that will give the Community internal cohesion and solidarity should be created. The Community will then be able, without prejudice to its principles or its mechanisms, to face any tests to which it or its Member States might be put.'

Finally the Commission proposed that the Council should adopt certain measures in respect of the common agricultural policy.

### **Council session and statement by President Ortoli**

1104. All measures put forward by the Commission were debated in detail during the two Council sessions held in Brussels on 7 May 1974 under the chairmanship, respectively, of Mr Friedrichs, the German Minister for Economics, and Mr Ertl, the Geroan Minister for Agriculture. At the end of the debate the Council agreed to continue with the examination of these measures in the next few sessions, on the basis of a further report by the Commission. In addition, the Council noted a statement by the Commission in which the latter proposed to take a decision under Article 8(3) of the EEC Treaty.

### **Declaration by the President of the Commission**

1105. The text of this declaration, made by Mr François-Xavier Ortoli, President of the Commission, is as follows:

'The Commission notes that the Council has not, at its meeting today, granted the mutual assistance which the Commission recommended. The Commission stands by its recommendation, which remains before the Council.

The Commission will consider the safeguard measures it can authorize under Article 108(3) having regard to Italy's general economic situation and balance-of-payments position. It desires to inform the Council of its intentions concerning the decisions it (the Commission) expects to adopt.

As to the corpus of measures taken by the Italian Government, the Commission intends to authorize these (subject to special arrangements for certain agricultural products) on the following general conditions:

(i) the measures are to be applied by the simplest administrative procedures possible, in order to avert any risk of blockage;

(ii) the Commission is to exercise ongoing supervision of the execution of these measures, such difficulties as may arise from their application being considered by Italy and the Commission jointly;

(iii) the Commission reserves the right to amend or rescind its decision should the circumstances giving rise to that decision undergo a change or the effects prove more restrictive than are necessary to its purpose or involve particularly serious consequences for all or part of the Community. It will in any event review the overall situation before 31 July 1974;

(iv) the Commission will if necessary effect a further review at a later date, and will then decide whether to extend, amend or rescind its decisions.

The Commission has indicated to the Council its very great concern at Italy's action with respect to the agricultural products under strict market organization. It would inform the Council that it intends as soon as possible, and in any case in the near future, to set a limit date for such authorization as it shall have given regarding these products, and at the same time to seek to work out with Italy and the other Member States arrangements for dealing with the Italian Government's problems without impugning the principles and management of the common agricultural market.

The Commission would stress that it is anxious to pursue a constructive dialogue with the Italian Government and the other Member States for the purpose of devising appropriate arrangements together, but likewise that it is resolved in any event to take when the time comes decisions in accordance with its responsibility.

Lastly, as it indicated to the Council in its recommendation on mutual assistance, the Commission intends in the coming weeks to draw up, in consultation with the Italian Government and the other Governments, an overall programme to

issue in convergent measures by Italy, the other Member States and the Community institutions to improve the Italian situation. It plans to make appropriate proposals to the Council in this connection as speedily as possible.'

### **Commission Decision**

1106. The following day, 8 May,<sup>1</sup> the Commission approved a decision 'authorizing the Italian Republic to take certain protective measures under Article 108(3) of the Treaty'.

The text of the decision is given below:

The Commission of the European Communities,  
Having regard to the Treaty establishing the European Economic Community, and in particular Article 108(3) thereof;

Whereas in recent months the Italian economy has been experiencing a high growth rate and a substantial expansion of consumption; whereas overall demand has developed in such a way as to spark off a major acceleration of the inflationary process, a sharp deterioration in the balance of payments and, consequently, a marked depreciation of the lira;

Whereas the situation has lately been growing steadily worse, so that the Italian economy is now facing exceptional circumstances both internally and externally, with the balance-of-payments moving unacceptably further into disequilibrium;

Whereas the growing interpenetration of the economies of the Member States means that the effect of these difficulties will be felt in all the countries of the Community;

<sup>1</sup> OJ L 152 of 8.6.1974.

Whereas by letter dated 29 April 1974 Italy informed the Commission that it had taken a number of measures to reduce its balance-of-payments disequilibrium;

Whereas these measures include a provision designed to restrict the money supply by requiring an interest-free six-month deposit to be lodged in cash with the Bank of Italy; whereas Article 109 of the Treaty of Rome was relied upon as grounds for the deposit, which represents 50% of the value of all imported goods, other than raw materials, energy products and most capital goods;

Whereas on 6 May 1974 the Commission, having examined, pursuant to Article 108(1), the state of the Italian economy and the measures taken by Italy, addressed a Recommendation to Italy under Article 108(1);

Whereas the Council has decided not to provide the mutual assistance recommended by the Commission;

Whereas, however, the state of the Italian economy is so serious and measures to remedy it ought to be taken so urgently that the measures recommended to Italy under Article 108(1) of the Treaty will not be sufficient for they are not on their own capable of immediately rectifying the Italian balance of payments;

Whereas it is therefore the Commission's responsibility to authorize the implementation of appropriate safeguard measures, as provided for in Article 108(3) of the Treaty;

Whereas, however, measures whose effect is to hinder the free movement of goods would strike at the very foundations of the Community, even if their object is to overcome exceptional economic and monetary difficulties; whereas recourse should therefore be had solely to measures which, while likely to achieve the desired result, will nevertheless disturb the operation of the common market as little as possible; whereas

the application of such measures should be strictly limited in scope and in duration;

Whereas Italy should therefore be authorized temporarily to require an interest-free bank deposit to be lodged when certain goods are imported;

Whereas it is necessary to ensure that these measures will be applied flexibly and speedily so as to restrict Community trade as little as possible; whereas Italy and the Commission should therefore work together and find appropriate solutions to any difficulties which may arise in the application of these measures;

Whereas in view of the need to redress the external financial situation, Italy should be authorized to continue, temporarily, the measures taken by way of derogation from Community obligations in respect of the free movement of capital;

Whereas the development of the economic situation in Italy should be kept under close review so that the measures authorized may be amended or repealed should the circumstances underlying them no longer obtain with respect either to the products covered by them or to the amount or duration of the deposit;

Whereas the overall situation and the practical effects of the Italian measures should be reviewed periodically;

Whereas, for agricultural products subject to a common organization of the market involving strict price support mechanisms and for products processed therefrom, the measures authorized run counter to the very principles of the common organizations; whereas an expiry date for these measures should therefore be fixed without delay;

Whereas in the meantime alternative solutions will be sought with Italy and the other Member States, it being understood that this joint search

cannot be allowed to prejudice the Commission's right to take the decisions which are its responsibility at the appropriate time;

Has adopted this Decision:

#### *Article 1*

The Italian Republic is authorized to require, upon importation of goods listed in the Annex hereto, a certificate from a competent financial institution attesting that an interest-free six-month deposit has been lodged in cash with the Bank of Italy; the amount of the deposit shall not exceed 50% of the cif value of the goods.

The Italian Republic shall publish a list of the financial institutions empowered to issue such certificates.

#### *Article 2*

The Italian Republic shall ensure that the bank deposit certificates provided for in Article 1 are issued automatically and without delay.

#### *Article 3*

The Italian Republic shall ensure that the Bank of Italy releases the deposit without formality as soon as:

- (a) the six-month period expires;
- (b) the goods in respect of which the deposit was lodged are reexported as they are or after reprocessing.

#### *Article 4*

Should any difficulties arise in implementing the measures hereby authorized, the Italian Republic and the Commission shall examine them together.

#### *Article 5*

The Italian Republic is temporarily authorized to require its residents to lodge an interest-free

bank deposit not exceeding 50% of the value of their investment transactions in other Member States covered by Articles 1 and 2 of the Council Directive of 11 May 1960 (First Directive for the implementation of Article 67 of the EEC Treaty), as amended by Directive No 63/21/EEC of 18 December 1962: direct investments, investments in real estate, transfer of the financial resources required for the provision of services, operations in securities.

#### *Article 6*

The Commission shall ensure that the provisions of this Decision are observed.

#### *Article 7*

1. The Commission shall keep the economic situation in Italy under close review.

2. It reserves the right to amend or repeal this Decision if it finds that the circumstances underlying its adoption change or that its effects are more restrictive than necessary for the attainment of its aims or seriously harm all or part of the Community.

3. It shall, in particular, review the overall situation and the effects of the measures authorized by this Decision before 31 July 1974.

4. It shall, if necessary, proceed to a second review not later than 31 October 1974.

5. The Commission shall without delay set a time limit on the authorization contained in Article 1 in respect of agricultural products subject to a common organization of the market involving strict price support mechanisms and for products processed therefrom.

#### *Article 8*

This Decision is addressed to the Italian Republic.

1107. After the special Council meeting of 7 May and following the adoption of its De-

## 2. Community energy policy: a new strategy

### Italian measures

cision on 8 May 1974, the Commission in liaison with the Italian Government actively followed up the study of the Italian economic situation and of the measures shortly to be taken in the farming sector to replace the Italian provisions, as announced in the declaration by the President of the Commission.

The Commission's conclusions on this last point were conveyed to the Council on 4 June 1974.<sup>1</sup>

1201. A new energy policy strategy, a strategy adapted to the new conditions on the energy market, was submitted by the Commission in a Memorandum to the Council which the latter adopted on 29 May.

With this document accompanied by practical Proposals<sup>1</sup> and bearing the title 'Towards a New Energy Policy Strategy for the European Community,' the Commission draws its conclusions from the recent oil crisis which, in highlighting the weak spots of the Community energy supply, has shown that the Community must equip itself with a long-term strategy. Besides the dominance of oil and our heavy dependence on it, a third factor has come into play, namely the sudden increase in oil prices.

In the light of these considerations the proposed strategy is intended to make radical changes in the medium and long-term energy supply. It proposes objectives and indicates the action required to attain them.

### Long-Term Objectives

1202. By the end of the century nuclear energy and gas should be the two mainstays of our energy supply.

*Nuclear energy* could, by the year 2000, meet at least half of the total energy needs. Nuclear energy has the advantage of being a reliable source of power because it uses a raw material (natural uranium) which is widely distributed throughout the world and which can be processed into fuels by the Member States themselves. It is also easy to transport and store and it safeguards the environment, provided the necessary safeguards are adopted.

<sup>1</sup>They will be reported in detail in the next number of the Bulletin.

<sup>1</sup> Points 2252 to 2255.

Gas obtained from a variety of primary sources (natural gas produced in the Community or imported, oil or solid fuels processed into synthesis gas) could provide nearly a third of the energy consumed.

Thus between now and the end of the century the Community could depend on coal and oil for no more than a quarter of its required energy supply.

By then the *non-conventional energies* (solar and geothermal energy, etc.) will still only be covering a tiny proportion of our needs.

### The Objectives for 1985

1203. With regard to *demand* two objectives are to be pursued:

(i) The growth of energy consumption must be reduced without slackening the growth of the gross national product. This can be done through the more efficient use of energy and by

cutting down wastage. The internal energy consumption should by 1985 be 10% below the pre-crisis estimates, without in any way diminishing the economic and social product obtained.

(ii) Electricity consumption should be encouraged provided it does not increase dependence on oil. 35% of total energy will be consumed in this form, as against the current figure of 25%. This would create the largest possible market for nuclear energy.

1204. On the *supply* side there are four objectives:

(i) By 1985 nuclear energy should be able to cover half the output of electricity. This means that by 1985 the capacity of the nuclear power stations will have to exceed 200 000 MWe rather than 11 000 MWe presently installed.

(ii) Consumption of solid fuels (coal, lignite, peat) must be increased. The domestic production of coal will have to be stabilized at least at the present level, and imports sought from non-member countries.

Total Primary Energy Needs<sup>1</sup> in 1973 and 1985 - Community

	1973 Estimates		1985 Initial Forecasts		1985 Objectives	
	Mill. toe.	%	Mill. toe.	%	Mill. toe.	%
Solid Fuels	227	22.6	175	10	250	16
Oil	617	61.4	1 160	64	655	41
Natural Gas	117	11.6	265	15	375	24
Hydroelectric and other power	30	3.0	40	2	35	2
Nuclear Energy	14	1.4	160	9	260	17
Total	1 005	100	1 800	100	1 575	100

<sup>1</sup> Internal consumption + exports + bunkers.

(iii) The high potential demand for natural gas will have to be matched by an increased supply both within the Community and from outside.

(iv) Oil consumption will have to be confined to specific uses such as motor fuel and certain applications as raw material. After a slower growth rate until 1978/80 the crude oil requirements would by the mid-1980's fall to a level barely higher than that of 1973.

The table on page 14 compares these objectives with the current consumption of the various energy sources and with the forecasts made in 1972.

these objectives means that the Community would be able to bring down the proportion of imported energy in total consumption from more than 60 to about 40% as the following table shows.

From 1985 onwards production from new oil-fields within the Community, for instance, the North Sea, could cut down still further the proportion of imports from non-member countries in the Community's oil supply.

The figures taken are not forecasts but objectives to be regularly revised, and adjusted to the specific circumstances of each Member State. They must also be dovetailed into all the

### *1973 and 1985 Energy Balance/Breakdown by Origin<sup>1</sup>*

	1973 Estimates		1985 Original Projections		1985 Objectives	
	Mill. toe.	%	Mill. toe.	%	Mill. toe.	%
Production <sup>2</sup>	370	37	640	36	915	58
Imports	635	63	1 160	64	660 <sup>3</sup>	42
Total	1 005	100	1 800	100	1 575	100

<sup>1</sup> The Total Community Requirements (internal consumption + exports + bunkering).

<sup>2</sup> Including nuclear energy.

<sup>3</sup> Including the non-EEC North Sea (= 50-100 Mill. toe., or 3-6% of the total).

other Community policies, on industry, scientific and technical research, external relations and the environment.

### **The Policy to be followed**

1205. To arrive in 1985 at the new configuration of global energy demand, action must be taken on the supply and demand for each primary energy as from now.

### **Electricity and Nuclear Energy**

1206. In the new breakdown of the demand between the different energy sources, we should try to allocate the largest possible share to electricity for reasons of price and security of supply.

Promoting the use of electrical energy, in this way will hinge on the efficient use of output capacities. Constancy of demand during the day, the week and the year will be of primary importance if nuclear power stations are to be run economically. Appropriate pricing measures must therefore be taken to encourage consumption outside peak periods.

Electricity generation from conventional energy sources will be of major importance until 1990. The Commission considers that natural gas will in future have to be set aside for more economic uses than fueling power stations; with regard to oil products only the heavy residues from refineries should be consumed by the power stations.

There will therefore be wider opportunities for coal in this sector: between now and 1985 the output of coal-fired electric power stations could be increased by 30 to 50% if corresponding quantities of coal are available. It would therefore be advisable to foster long-term contracts between coal producers and electricity producers.

Nuclear energy having now become economically competitive with all other sources of primary energy, production of electricity in nuclear power stations must be increased as swiftly as possible. The aim is to ensure that by the mid-1980's, 50% of electricity produced will be nuclear-based, which represents an installed capacity of at least 200 000 MWe.

Care must be taken that such development does not harm public health or the environment. This objective will moreover not be practical unless the corresponding industrial infrastructure is available.

Both these problems have been the subject of Commission Proposals to the Council.<sup>1</sup> The nuclear fuel supply for the nuclear power stations (natural and enriched uranium) must also be made secure. As far as enriched uranium is concerned, the Commission has already submitted Proposals to the Council on creating European enrichment capacity.<sup>2</sup>

### **Coal**

1207. With the increase in oil prices, a sizable part of Community coal production has become competitive again. The coal industry, however, cannot adapt swiftly to the new situation because of the time required to develop new productive capacities, to recruit and train the requisite manpower, and because of the need for a guaranteed return on the heavy investment entailed and the fact that for technical reasons mines once closed cannot be reopened.

As already indicated, the Commission feels that, despite accelerated nuclear programmes the electricity sector, where conventional power stations will go on playing a vital role, offers substantial prospects for planned reduction of Community

<sup>1</sup> Bull. EC 2-1974, point 2248.

<sup>2</sup> Bull. EC 11-1973, point 2269.

dependency on imported oil: a major part of the traditional capacity for electricity production will have to rest on coal.

Between now and 1985 Community coal output should be maintained at its present level of about 250 million metric tons. Such an objective will require considerable rationalization, increased research into coal preparation and the improvement of working conditions; a manpower policy facilitating the recruitment and training of skilled operatives through attractive remuneration and secure career prospects; and for the companies themselves greater freedom in setting their prices.

In promoting coal production, outlets for its disposal will have to be expanded. Appropriate measures would guarantee the competitiveness of consumers using Community coal under long-term contracts and boost the use of coal in the traditional electric power stations.

Apart from this, coal imports should be encouraged though not to the detriment of internal production. The Commission considers that a real common commercial policy for coal should gradually be implemented under which imports from non-member countries should be able to develop freely while subject to a certain degree of monitoring.

The Commission is also proposing a policy of stockpiling to absorb swings in demand, and bridge any interruptions in the supplies of coal or other forms of energy.

### Natural Gas

1208. Within the next ten years natural gas could cover nearly a quarter of the energy needs. This means doubling internal production and making more use of imports. To this end, prospecting for new Community deposits must be encouraged and imports must be developed by combined Community action in concluding or amplifying import contracts with non-member countries. To cope more effectively with the seasonal swings in demand in the

various regions and to strengthen the continuity of supply, transport and storage systems should be improved and integrated at Community level.

Regarding demand, the best use of gas should be ensured. The building of gas-fueled electric power stations should be subject to prior authorization and the consumption of gas in existing stations should be steadily diminished with due allowance for the need to protect the environment. These measures should be backed by a harmonized Community-wide price and tariff policy to ensure that natural gas use conforms with the objectives of the Community's energy policy.

### Oil

1209. Even though the relative proportion of oil in the Community's supply system must be diminished, it will still be a major source of energy for a long time to come. The Community must therefore see that it gets the quantities required on economically acceptable terms.

The policy to be followed here has four focal points.

*Relations with producer and consumer countries.* Regarding the producer countries, the Commission hopes that its January 1974 Proposals<sup>1</sup> will be discussed by the Council as promptly as possible. Until the Council has made any rulings, on this topic, any bilateral agreements should be subject to prior consultation at Community level. Regarding the consumer countries, especially within the OECD, the Community should constantly speak with 'a single voice'.

*Development of secure resources.* Prospection for and production of oil must be intensified in

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<sup>1</sup> Bull. EC 1-1974, Part One, Chapter 1, points 1109 to 1111.

new areas. The brunt of the financial effort will have to be borne by the oil industry, but in some circumstances active participation or an information campaign by the Community will be required to encourage or coordinate activities which if uncoordinated would probably lose effectiveness.

Here the Regulation on 'Community projects' is already a valuable Community instrument but the funds allocated to it should be increased and its extension to prospecting and even storage and transport should be examined.

*Measures to deal with supply difficulties.* To alleviate the impact of a supply deficiency while maintaining free circulation within the Community, the relevant existing provisions must be consolidated. These are embodied in the Council Directives requiring Member States to maintain a minimum level of stocks<sup>2</sup> and in the Directive on measures intended to cushion the impact of supply problems.<sup>3</sup>

The Commission should have the ability to obtain rapid information and possibly to monitor movements of oil within the Community and between the Community and non-member countries; it should also adopt arrangements to ensure harmonized action to cut down consumption and to mount a coordinated attack on prices.

*The pre-requisites for the proper functioning of the market.* The Community policy proposed by the Commission operates on three fronts: information, concertation and means of action.

*Information* is essential to ensure market transparency; it must be acquired under flexible conditions. As a first step it would probably be enough if the information covered imports and exports, planned company investments and the various factors making up the costs and prices of oil. For imports and investments the existing information system, embodied in the Council

Regulation of 18 May 1972<sup>4</sup> should be consolidated by extending the first of these Regulations to cover imports of oil products; a Proposal on this matter is already before the Council.

Again in view of the production prospects within the Community it is necessary to know the actual and estimated exports from the Community to non-member countries. The Community has already submitted Proposals on this question.

Regarding the factors of cost and price, the Commission holds that the Community should have detailed and regular information on the costs and prices (CIF and FOB) of crude oil and imported oil products plus a detailed analysis of refining and distribution costs in each Member State.

The Commission is also proposing continuous *concertation* between the various operators on the oil market, meaning between the governments, the Commission and the oil companies. In the early stage at least, the terms of concertation must be kept very flexible and not enclosed in a rigid legal framework. This concertation could be centred on the Energy Committee, and it would concern everything relating to supply, and industrial activity in the Community oil market.

*The Community means of action* proposed by the Commission are few in number. The Commission has no intention of ossifying the market by overstringent regulation. It is proposing three means of action. The first already exists in the Community provisions regarding competition. The second bears on commercial policy: the Commission is suggesting that imports and exports of hydrocarbons be subject to permanent monitoring (all licences granted). This would

<sup>1</sup> OJ L 312 of 13.11.1973.

<sup>2</sup> OJ L 308 of 23.12.1968 and L 291 of 28.12.1972.

<sup>3</sup> OJ L 228 of 16.8.1973.

<sup>4</sup> OJ L 120 of 25.5.1972.

allow safeguards decided through Community procedures to be applied in periods of tension or stress.

The third means covers the prices of oil products which should be gradually harmonized. After prior consultation between the Member States and the Commission on any price adjustment, the criteria for setting prices should be progressively harmonized to arrive at a Community scheme based on the transparency and publication of prices, set freely by the companies. The national and Community authorities would intervene only if tension arose on the market or to prevent the Community's energy objectives being jeopardized. The technical conditions for this scheme are still to be specified.

#### **The cost of action to be taken**

1210. The cost of the proposed policy must not be looked at against the pre-crisis situation but against the cost of a less self-determined development of energy supply especially in terms of imports and of the balance of payments.

The new strategy may be considered as entailing additional net investments of about 10 000 million dollars at 1973 value for the period 1975-1985 but that on the other hand it would amount to a net saving of about 50 000 million dollars at 1973 value in external payments for the same period.

For these investments to be made, the investors would have to be guaranteed long-term profitability and stability by means of a price policy. This policy might be accompanied by incentives to speed up investments, or fiscal measures to avoid excessive profits being created where energy sources have a low-initial cost. Budgetary charges would emerge only insofar as Member States or the Community would have to apply measures to slow down or speed up spontaneous developments.

#### **Conclusions**

1211. To get as near as possible to the proposed objectives by 1985, a genuine supply policy must be conducted for each energy source which carries appropriate instruments both at Community and national level. Creating a Community institution vested with a legal personality and financial autonomy, and acting with the policy guidelines of the Community authorities, could be a valuable aid to achieving the strategy.

1212. Adoption of this new strategy by the Council would give the Community a clear-cut energy policy framework into which national policies and Community provisions would have to be incorporated. The Commission insists that the proposed policy be swiftly implemented to prevent the risk of fresh energy crises endangering the chances for the Community's recovery and survival.

### 3. The problem of raw materials before the United Nations

Raw materials

1301. The sixth extraordinary session of the United Nations General Assembly, convened upon the initiative of the President of Algeria, Mr Boumédienne, for the purpose of examining all the problems relating to raw materials and development, ended with the adoption of a kind of charter for the 'establishment of a new international economic order'.

The session of the General Assembly<sup>1</sup>—which was opened on 9 April and ended on 2 May at New York—concluded its work by adopting two major documents: a 'declaration' and a 'programme of action' on the establishment of a new international economic order, and a special programme, including emergency measures, to mitigate the difficulties of the developing countries.

#### Declaration on the establishment of a new international economic order

1302. The full text of the declaration adopted by the General Assembly is as follows:

'We, the Members of the United Nations,

Having convened a special session of the General Assembly to study for the first time the problems of raw materials and development, devoted to the consideration of the most important economic problems facing the world community,

Bearing in mind the spirit, purposes and principles of the Charter of the United Nations to promote the economic advancement and social progress of all peoples,

Solemnly proclaim our united determination to work urgently for the establishment of a new international economic order based on equity, sovereign equality, interdependence, common interest and cooperation among all States, irrespective of their economic and social systems which shall correct inequalities and redress existing injustices, make it possible to eliminate the widening gap between the developed and the developing countries and ensure steadily accelerating economic and social development in peace and justice for present and future generations.

1. The greatest and most significant achievement during the last decades has been the independence

from colonial and alien domination of a large number of peoples and nations which has enabled them to become members of the community of free peoples. Technological progress has also been made in all spheres of economic activities in the last three decades, thus providing a solid potential for improving the well-being of all peoples. However, the remaining vestiges of alien and colonial domination, foreign occupation, racial discrimination, *apartheid* and neo-colonialism in all its forms continue to be among the greatest obstacles to the full emancipation and progress of the developing countries and all the peoples involved. The benefits of technological progress are not shared equitably by all members of the international community. The developing countries, which constitute 70 per cent of the world population, account for only 30 per cent of the world's income. It has proved impossible to achieve an even and balanced development of the international community under the existing international economic order. The gap between the developed and the developing countries continues to widen in a system which was established at a time when most of the developing countries did not even exist as independent States and which perpetuates inequality.

2. The present international economic order is in direct conflict with current developments in international political and economic relations. Since 1970, the world economy has experienced a series of grave crises which have had severe repercussions, especially on the developing countries because of their generally greater vulnerability to external economic impulses. The developing world has become a powerful factor that makes its influence felt in all fields of international activity. These irreversible changes in the relationship of forces in the world necessitate the active, full and equal participation of the developing countries in the formulation and application of all decisions that concern the international community.

3. All these changes have thrust into prominence the reality of interdependence of all the members of the world community. Current events have brought into sharp focus the realization that the interests of the developed countries and the interests of the developing countries can no longer be isolated from each other; that there is close interrelationship between the prosperity of the developed countries and the growth and development of the developing countries, and that the prosperity of the international community as a whole depends upon the prosperity of its constituent

<sup>1</sup> Bull. EC 4-1974, point 2316.

parts. International cooperation for development is the shared goal and common duty of all countries. Thus the political, economic and social well-being of present and future generations depends more than ever on cooperation between all members of the international community on the basis of sovereign equality and the removal of the disequilibrium that exists between them.

4. The new international economic order should be founded on full respect for the following principles:

(a) Sovereign equality of States, self-determination of all peoples, inadmissibility of the acquisition of territories by force, territorial integrity and non-interference in the internal affairs of other States;

(b) Broadest cooperation of all the member States of the international community, based on equity, whereby the prevailing disparities in the world may be banished and prosperity secured for all;

(c) Full and effective participation on the basis of equality of all countries in the solving of world economic problems in the common interest of all countries, bearing in mind the necessity to ensure the accelerated development of all the developing countries, while devoting particular attention to the adoption of special measures in favour of the least developed, land-locked and island developing countries as well as those developing countries most seriously affected by economic crises and natural calamities, without losing sight of the interests of other developing countries;

(d) Every country has the right to adopt the economic and social system that it deems to be the most appropriate for its own development and not to be subjected to discrimination of any kind as a result;

(e) Full permanent sovereignty of every State over its natural resources and all economic activities. In order to safeguard these resources, each State is entitled to exercise effective control over them and their exploitation with means suitable to its own situation, including the right to nationalization or transfer of ownership to its nationals, this right being an expression of the full permanent sovereignty of the State. No State may be subjected to economic, political or any other type of coercion to prevent the free and full exercise of this inalienable right;

(f) All States, territories and peoples under occupation, alien and colonial domination or *apartheid* have the right to restitution and full compensation for the exploitation and depletion of, and damages to, the natural and all other resources of those States, territories and peoples;

(g) Regulation and supervision of the activities of transnational corporations by taking measures in the interest of the national economies of the countries where such transnational corporations operate on the basis of the full sovereignty of those countries;

(h) Right of the developing countries and the peoples of territories under colonial and racial domination and foreign occupation to achieve their liberation and to regain effective control over their natural resources and economic activities;

(i) Extending of assistance to developing countries, peoples and territories under colonial and alien domination, foreign occupation, racial discrimination or *apartheid* or which are subjected to economic, political or any other type of measures to coerce them in order to obtain from them the subordination of the exercise of their sovereign rights and to secure from them advantage of any kind, and to neo-colonialism in all its forms and which have established or are endeavouring to establish effective control over their natural resources and economic activities that have been or are still under foreign control;

(j) Just and equitable relationship between the prices of raw materials, primary products, manufactured and semi-manufactured goods exported by developing countries and the prices of raw materials, primary commodities, manufactures, capital goods and equipment imported by them with the aim of bringing about sustained improvement in their unsatisfactory terms of trade and the expansion of the world economy;

(k) Extension of active assistance to developing countries by the whole international community, free of any political or military conditions;

(l) Ensuring that one of the main aims of the reformed international monetary system shall be the promotion of the development of the developing countries and the adequate flow of real resources to them;

(m) Improving the competitiveness of natural materials facing competition from synthetic substitutes;

(n) Preferential and non-reciprocal treatment for developing countries wherever feasible, in all fields of international economic cooperation, wherever feasible;

(o) Securing favourable conditions for the transfer of financial resources to developing countries;

(p) To give to the developing countries access to the achievements of modern science and technology, to promote the transfer of technology and the creation of

indigenous technology for the benefit of the developing countries in forms and in accordance with procedures which are suited to their economies;

(q) Necessity for all States to put an end to the waste of natural resources, including food products;

(r) The need for developing countries to concentrate all their resources for the cause of development;

(s) Strengthening—through individual and collective actions—of mutual economic, trade, financial and technical cooperation among the developing countries mainly on a preferential basis;

(t) Facilitating the rôle which producers associations may play, within the framework of international cooperation, and in pursuance of their aims, *inter alia*, assisting in promotion of sustained growth of world economy and accelerating development of developing countries.

5. The unanimous adoption of the International Development Strategy for the Second Development Decade was an important step in the promotion of international economic cooperation on a just and equitable basis. The accelerated implementation of obligations and commitments assumed by the international community within the framework of the Strategy, particularly those concerning imperative development needs of developing countries, would contribute significantly to the fulfilment of the aims and objectives of the present Declaration.

6. The United Nations as a universal organization should be capable of dealing with problems of international economic cooperation in a comprehensive manner and ensuring equally the interests of all countries. It must have an even greater rôle in the establishment of a new international economic order. The Charter of Economic Rights and Duties of States, for the preparation of which this Declaration will provide an additional source of inspiration, will constitute a significant contribution in this respect. All the States Members of the United Nations are therefore called upon to exert maximum efforts with a view to securing the implementation of this Declaration, which is one of the principal guarantees for the creation of better conditions for all peoples to reach a life worthy of human dignity.

7. This Declaration on the Establishment of a New International Economic Order shall be one of the most important bases of economic relations between all peoples and all nations.'

## **Action programme**

1303. Furthermore, the General Assembly adopted a 'programme of action on the establishment of a new international economic order' the text of which is given below:

'In view of the continuing severe economic imbalance in the relations between developed and developing countries, and in the context of the constant and continuing aggravation of the imbalance of the economies of the developing countries and the consequent need for the mitigation of their current economic difficulties, urgent and effective measures need to be taken by the international community to assist the developing countries, while devoting particular attention to the least developed, land-locked and island developing countries and those developing countries most seriously affected by economic crises and natural calamities leading to serious retardation of development processes.

With a view to ensuring the application of the Declaration on the Establishment of a New International Economic Order it will be necessary to adopt and implement within a specified period a programme of action of unprecedented scope and to bring about maximum economic cooperation and understanding among all States, particularly between developed and developing countries based on the principles of dignity and sovereign equality.

### **I. Fundamental problems of raw materials and primary commodities as related to trade and development**

#### **1. Raw materials**

All efforts should be made:

(a) To put an end to all forms of foreign occupation, racial discrimination, *apartheid*, colonial, neo-colonial and alien domination and exploitation through the exercise of permanent sovereignty over natural resources.

(b) To take measures for the recovery, exploitation, development, marketing and distribution of natural resources, particularly of developing countries, to serve their national interests, to promote collective self-reliance among them, and to strengthen mutually

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beneficial international economic cooperation with a view to bringing about the accelerated development of developing countries.

(c) To facilitate the functioning, and to further the aims, of producers associations, including their joint marketing arrangements, orderly commodity trading, improvement in export income of producing developing countries and in their terms of trade, sustained growth of world economy for the benefit of all.

(d) To evolve a just and equitable relationship between prices of raw materials, primary commodities, semi-manufactured and manufactured goods exported by developing countries and the raw materials, primary commodities, food, manufactured and semi-manufactured goods and capital equipment imported by them and to work for a link between the prices of exports of developing countries and the prices of their imports from developed countries.

(e) To take measures to reverse the continued trend of stagnation or decline in the real price of several commodities exported by developing countries, despite a general rise in commodity prices, resulting in a decline in the export earnings of these developing countries.

(f) To take measures to expand the markets for natural products in relation to synthetics, taking into account the interests of the developing countries, and to utilize fully the ecological advantages of these products.

(g) To take measures to promote the processing of raw materials in the producer developing countries.

## 2. Food

All efforts should be made:

(a) To take full account of specific problems of developing countries, particularly in times of food shortages, in the international efforts connected with the food problem.

(b) To take into account that, owing to lack of means, some developing countries have vast potentialities of unexploited or underexploited land which, if reclaimed and put into practical use, would contribute considerably to the solution of the food crisis.

(c) By the international community to undertake concrete and speedy measures with a view to arresting desertification, salination, and damage by locusts or any other similar phenomenon, involving several developing countries, particularly in Africa, and gravely affecting the capacity of agricultural produc-

tion of these countries. Furthermore, the international community should assist the developing countries affected by this phenomenon to develop the affected zones with a view to contributing to the solution of their food problems.

(d) To refrain from damaging or deteriorating natural resources and food resources, especially those derived from the sea, by preventing pollution and taking appropriate steps to protect and reconstitute those resources.

(e) By developed countries in evolving their policies relating to production, stocks, imports and exports of food to take full account of the interests of:

(i) Developing importing countries which cannot afford high prices for their imports, and

(ii) Developing exporting countries which need increased market opportunities for their exports.

(f) To ensure that developing countries can import the necessary quantity of food without undue strain on their foreign exchanges resources and without unpredictable deterioration in their balance of payments. In this context, special measures be taken in respect of the least developed, the land-locked and island developing countries as well as those developing countries most seriously affected by economic crises and natural calamities.

(g) To ensure that concrete measures to increase food production and storage facilities in developing countries should be introduced, *inter alia*, by ensuring an increase in all available essential inputs, including fertilizers, from developed countries on favourable terms.

(h) To promote exports of food products of developing countries through just and equitable arrangements, *inter alia*, by the progressive elimination of such protective and other measures as constitute unfair competition.

## 3. General trade

All efforts should be made:

(a) To take the following measures for the amelioration of terms of trade of developing countries and concrete steps to eliminate chronic trade deficits of developing countries.

(i) Fulfilment of relevant commitments already undertaken in UNCTAD and in the International Development Strategy.

(ii) Improved access to markets in developed countries through the progressive removal of tariff and non-tariff barriers and of restrictive business practices.

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(iii) Expedited formulation of commodity agreements where appropriate, in order to regulate as necessary and to stabilize the world markets for raw materials and primary commodities.

(iv) Preparation of an over-all integrated programme, setting out guidelines and taking into account the current work in this field, for a comprehensive range of commodities of export interest to developing countries.

(v) Where products of developing countries compete with the domestic production in developed countries, each developed country should facilitate the expansion of imports from developing countries and provide a fair and reasonable opportunity to the developing countries to share in the growth of the market.

(vi) When the importing developed countries derive receipts from customs duties, taxes and other protective measures applied to imports of these products, consideration should be given to the claim of the developing countries that these receipts should be reimbursed in full to the exporting developing countries or devoted to providing additional resources to meet their development needs.

(vii) Developed countries should make appropriate adjustments in their economies so as to facilitate the expansion and diversification of imports from developing countries and thereby permit a rational, just and equitable international division of labour.

(viii) Setting up general principles for pricing policy for exports of commodities of developing countries, with a view to rectifying and achieving satisfactory terms of trade for them.

(ix) Until satisfactory terms of trade are achieved for all developing countries, consideration should be given to alternative means, including improved compensatory financing schemes for meeting the development needs of developing countries concerned.

(x) Implementation, improvement and enlargement of the Generalized System of Preferences for exports of agricultural primary commodities, manufactures and semi-manufactures from developing to developed countries and consideration of its extension to commodities, including those which are processed or semi-processed. Developing countries which are or will be sharing their existing tariff advantages in some developed countries as the results of the introduction and eventual enlargement of the generalized system of preferences should, as a matter of urgency, be granted new openings in the markets of other developed countries which should offer them export opportunities that at least compensate for the sharing of those advantages.

(xi) Setting up of buffer stocks within the framework of commodity arrangements and their financing by international financial institutions, wherever necessary, the developed countries and—when they are able to do so—by the developing countries, the aim being to favour the producing and consuming developing countries and to contribute to the expansion of world trade as a whole.

(xii) In cases where natural materials can satisfy the requirements of the market, new investment for the expansion of capacity of production of synthetic materials and substitutes should not be made.

(b) To be guided by the principles of non-reciprocity and preferential treatment of developing countries in multilateral trade negotiations between developed and developing countries, and to seek sustained and additional benefits for the international trade of developing countries, so as to achieve a substantial increase in their foreign exchange earnings, diversification of their exports and acceleration of the rate of their economic growth.

## 4. Transportation and insurance

All efforts should be made:

(i) To promote an increasing and equitable participation of developing countries in the world shipping tonnage;

(ii) To arrest and reduce the ever-increasing freight rates in order to reduce the cost of imports to, and exports from, the developing countries;

(iii) To minimize cost of insurance and reinsurance for developing countries and to assist the growth of domestic insurance and reinsurance markets in developing countries and the establishment to this end, where appropriate, of institutions in these countries or at the regional level;

(iv) To ensure the early implementation of the code of conduct for liner conferences.

(v) To take urgent measures to increase the import and export capability of the least developed countries and to offset the disadvantages of the adverse geographic situation of land-locked countries, particularly with regard to their transportation and transit costs, as well as developing island countries in order to increase their trading ability.

(vi) By the developed countries to refrain from imposing measures or implementing policies designed to prevent the importation, at equitable prices, of commodities from the developing countries or from

frustrating the implementation of legitimate measures and policies adopted by the developing countries in order to improve prices and encourage the export of such commodities.

## II. International monetary system and financing of development of developing countries

All efforts should be made:

1. To reform the international monetary system with, *inter alia*, the following objectives:

(a) Measures to check the inflation already experienced by the developed countries, to prevent it from being transferred to developing countries and to study and devise possible arrangements within the IMF to mitigate the effects of inflation in developed countries on the economies of developing countries;

(b) Measures to eliminate the instability of the international monetary system, in particular the uncertainty of the exchange rates especially as it affects adversely the trade in commodities;

(c) Maintenance of the real value of the currency reserves of the developing countries by preventing their erosion from inflation and exchange rate depreciation of reserve currencies;

(d) Full and effective participation of developing countries in all phases of decision-making for the formulation of an equitable and durable monetary system and adequate participation of developing countries in all bodies entrusted with this reform and, particularly, in the Governors' Council.

(e) Adequate and orderly creation of additional liquidity with particular regard to the needs of the developing countries through the additional allocation of SDRs based on the concept of world liquidity needs to be appropriately revised in the light of the new international environment. Any creation of international liquidity should be made through international multilateral mechanisms;

(f) Early establishment of a link between SDRs and additional development financing in the interest of developing countries, consistent with the monetary characteristics of SDRs;

(g) The IMF should review the relevant provisions in order to ensure effective participation by developing countries in the decision-making process;

(h) Arrangements to promote an increasing net transfer of real resources from the developed to the developing countries;

(i) Review the methods of operation of the IMF, in particular the terms for both credit repayments and 'standby' arrangements, the system of compensatory financing, and the terms of the financing of commodity buffer stocks, so as to enable the developing countries to make more effective use of them.

2. To take the following urgent measures to finance the development of developing countries and to meet the balance-of-payment crises in the developing world;

(a) Implementation at an accelerated pace by the developed countries of the time-bound programme, as already laid down in the International Development Strategy for the Second Decade, for the net amount of financial resource transfers to developing countries. Increase in the official component of the net amount of financial resource transfers to developing countries so as to meet and even to exceed the target of the International Development Strategy;

(b) International financing institutions to effectively play their rôle as development financing banks without discrimination on account of the political or economic system of any member country, assistance being untied;

(c) More effective participation by developing countries, whether recipients or contributors, in the decision-making process in the competent organs of the IBRD and IDA through the establishment of a more equitable pattern of voting rights;

(d) Exemption, wherever possible, of the developing countries from all import and capital outflow controls imposed by the developed countries;

(e) Promotion of foreign investment both public and private from developed to developing countries in accordance with the needs and requirements in sectors of their economies as determined by the recipient countries;

(f) Appropriate urgent measures, including international action, to be taken to mitigate adverse consequences for the current and future development of developing countries arising from the burden of external debt contracted on hard terms;

(g) Debt renegotiation on a case-by-case basis with a view to concluding agreements on debt cancellation, moratorium, rescheduling, or interest subsidization;

(h) International financial institutions to take into account the special situation of each developing country in reorienting their lending policies to suit these urgent needs. There is also need for improvement in practices of international financial institutions in regard to, *inter alia*, development financing and international monetary problems;

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- (i) Appropriate steps to be taken to give priority to the least developed, land-locked and island developing countries and to the countries most seriously affected by economic crises and natural calamities, in the availability of loans for development purposes which should include more favourable terms and conditions.

### **III. Industrialization**

All efforts should be made by the international community to take measures to encourage the industrialization of the developing countries. To this end:

- (a) The developed countries should respond favourably, within the framework of their official aid as well as international financial institutions, to the requests of developing countries for the financing of industrial projects;
- (b) The developed countries should encourage investors to finance industrial production projects, particularly export-oriented production, in developing countries, in agreement with the latter and within the context of their laws and regulations;
- (c) With a view to bringing about a new international economic structure which should increase the share of the developing countries in world industrial production, the developed countries and the agencies of the United Nations system in cooperation with the developing countries should contribute to setting up new industrial capacities including raw material and commodity transforming facilities as a matter of priority in the developing countries that produce those raw materials and commodities;
- (d) Continue and expand, with the aid of the developed countries and the international institutions, the operational and instruction-oriented technical assistance programmes including vocational training and management development of national personnel of the developing countries in the light of their special development requirements.

### **IV. Transfer of technology**

All efforts should be made:

- (a) To formulate an international code of conduct for the transfer of technology corresponding to needs and conditions prevalent in developing countries;
- (b) To give access on improved terms to modern technology and the adaptation of that technology, as

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appropriate, to specific economic, social and ecological conditions and varying stages of development in developing countries;

- (c) To expand significantly in assistance from developed to developing countries in programmes of research and development and creation of suitable indigenous technology;
- (d) To adapt commercial practices governing transfer of technology to the requirements of the developing countries, and to prevent abuse of the rights of sellers;
- (e) To promote international cooperation in research and development in exploration and exploitation, conservation and legitimate utilization of natural resources and all sources of energy;

In taking the above measures, the special needs of the least developed and land-locked countries should be borne in mind.

### **V. Regulation and control over the activities of transnational corporations**

All efforts should be made to formulate adoption and implementation of an international code of conduct for transnational corporations in order to:

- (a) Prevent interference in the internal affairs of the countries where they operate and their collaboration with racist régimes and colonial administrations;
- (b) Regulate their activities in host countries, to eliminate restrictive business practices and to conform to the national development plans and objectives of developing countries, and in this context facilitate, as necessary, review and revision of previously concluded arrangements;
- (c) Bring about assistance, transfer of technology and management skills to developing countries on equitable and favourable terms;
- (d) Regulate the repatriation of the profits accruing from their operations, taking into account the legitimate interests of all parties concerned;
- (e) Promote reinvestment of their profits in developing countries.

### **VI. Charter of Economic Rights and Duties of States**

The Charter of Economic Rights and Duties of States, the draft of which is presently being prepared by a

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working group of the United Nations and which the General Assembly has already expressed the intention of adopting at its forthcoming twenty-ninth session, shall constitute an effective instrument towards the establishment of a new system of international economic relations based on equity, sovereign equality, and interdependence of the interests of developed and developing countries. It is therefore of vital importance that the charter be adopted by the General Assembly at its next regular session.

### **VII. Promotion of cooperation among developing countries**

1. Collective self-reliance and growing cooperation among developing countries will further strengthen their role in the new international economic order. Developing countries, with a view to expanding cooperation at the regional, subregional and interregional levels should take further steps *inter alia*:

(a) To support the establishment and/or improvement of appropriate mechanism to defend the prices of their exportable commodities and to improve access to and to stabilize markets for them. In this context the increasingly effective mobilization by the whole group of oil exporting countries of their natural resources for the benefit of their economic development is to be welcomed. At the same time there is the paramount need for cooperation among the developing countries in evolving urgently and in a spirit of solidarity all possible means to assist developing countries to cope with the immediate problems resulting from this legitimate and perfectly justified action. The measures already taken in this regard are a positive indication of the evolving cooperation between developing countries.

(b) To protect their inalienable right to permanent sovereignty over their natural resources.

(c) To promote, establish or strengthen economic integration at the regional and subregional levels.

(d) To increase considerably their imports from other developing countries.

(e) No developing country should accord to imports from developed countries more favourable treatment than that accorded to imports from developing countries. Taking into account the existing international agreements, current limitations and possibilities and also their future evolution, preferential treatment should be given to the procurement of import requirements from other developing countries. Wherever

possible, preferential treatment should be given to imports from developing countries and the exports of those countries.

(f) To promote close cooperation in the fields of finance, credit relations and monetary issues, including the development of credit relations on a preferential basis and on favourable terms.

(g) To strengthen efforts which are already being made by developing countries to utilize available financial resources for financing development in the developing countries through investment, financing of export-oriented and emergency projects and other long-term assistance.

(h) To promote and establish effective instruments of cooperation in the fields of industry, science and technology, transport, shipping and mass communication media.

2. Developed countries should support initiatives in the regional, subregional and interregional cooperation of developing countries through the extension of financial and technical assistance through more effective and concrete actions, particularly in the field of commercial policy.

### **VIII. Assistance in the exercise of permanent sovereignty of States over natural resources**

All efforts should be made:

(a) To defeat attempts to prevent the free and effective exercise of the rights of every State to full and permanent sovereignty over its natural resources.

(b) By competent agencies of the United Nations system to meet requests for assistance from developing countries in connexion with the operation of nationalized means of production.

### **IX. Strengthening the rôle of the United Nations system in the field of international economic cooperation**

1. In furtherance of the objectives of the International Development Strategy and in accordance with the aims and objectives of the Declaration on the Establishment of a New International Economic Order, all Member States pledge to make full use of the United Nations system in the implementation of

this Programme of Action they have jointly adopted in working for the establishment of a new international economic order and thereby strengthening the rôle of the United Nations in the field of world-wide cooperation for economic and social development.

2. The General Assembly of the United Nations shall conduct an over-all review of the implementation of the Programme of Action as a priority item. All the activities of the United Nations system to be undertaken under the Programme of Action as well as those already planned, such as the World Population Conference, the World Food Conference, the Second UNIDO Conference and the Mid-Term Review and Appraisal of the International Strategy should be so directed as to enable the Special Session of the General Assembly on Development, called for under General Assembly resolution 3172 (XXVIII), to make its full contribution to the establishment of the new international economic order. All Member States are urged jointly and individually, to direct their efforts and policies towards the success of that Special Session.

3. The Economic and Social Council shall define the policy framework and coordinate the activities of all organizations, institutions and subsidiary bodies within the United Nations system which shall be entrusted with the task of implementing this Programme. In order to enable the Economic and Social Council to carry out its tasks effectively:

(a) All organizations, institutions and subsidiary bodies concerned within the United Nations system, shall submit to the Economic and Social Council (ECOSOC) progress reports on the implementation of this Programme within their respective fields of competence as often as necessary, but not less than once a year.

(b) The Economic and Social Council shall examine the progress report as a matter of urgency, to which end it may be convened as necessary, in special sessions or, if need be, may function continuously. It shall draw the attention of the General Assembly to the problems and difficulties arising in connexion with the implementation of this Programme.

4. All organizations, institutions, subsidiary bodies and conferences of the United Nations system are entrusted with the implementation of this Programme of Action. The activities of UNCTAD (established under General Assembly resolution 1995 (XIX) should be strengthened for the purpose of following in collaboration with other competent organizations the development of international trade in raw materials throughout the world.

5. Urgent and effective measures should be taken to review the lending policies of international financial institutions, taking into account the special situation of each developing country, to suit urgent needs; to improve the practices of these institutions in regard to, *inter alia*, development financing and international monetary problems, and to ensure more effective participation by developing countries—whether recipients or contributors—in the decision-making process through appropriate revision of the pattern of voting rights.

6. The developed countries and others in a position to do so should contribute substantially to the various organizations, programmes and funds established within the United Nations system for the purpose of accelerating economic and social development in developing countries.

7. This Programme of Action complements and strengthens the goals and objectives embodied in the International Development Strategy as well as the new measures formulated by the General Assembly at its twenty-eighth session to offset the short-falls in achieving those goals and objectives.

8. The implementation of the Programme of Action should be taken into account at the time of medium-term review and appraisal of the International Development Strategy for the Second Development Decade. New commitments, changes, additions and adaptations in the International Development Strategy should be made, as appropriate, taking into account the Declaration on the Establishment of a New International Economic Order and this Programme of Action.'

### Special programme

*The General Assembly adopted the following Special programme, including particularly emergency measures to mitigate the difficulties of the developing countries most seriously affected by economic crisis bearing in mind the particular problem of the least developed and land-locked countries:*

'The General Assembly,

*Considering that:*

(a) The sharp increase in the prices of their essential imports such as food, fertilizers, energy products, capital goods, equipment and services, including transportation and transit costs, have gravely exacerbated the increasingly adverse terms of trade of a number of

developing countries, added to the burden of their foreign debt and, cumulatively, created a situation which, if left unintended, will make it impossible for them to finance their essential imports and development and result in a further deterioration in the levels and conditions of life in these countries. The present crisis is the outcome of all the problems that have accumulated over the years: in the field of trade, in monetary reform, the world-wide inflationary situation, inadequacy and delay in provision of financial assistance and many other similar problems in the economic and developmental fields. In facing the crisis, this complex situation must be borne in mind so as to ensure that the special programme adopted by the international community provides emergency relief and timely assistance to the most seriously affected countries. Simultaneously, steps are taken to resolve these outstanding problems through a fundamental restructuring of the world economic system, in order to allow these countries while solving the present difficulties to reach an acceptable level of development.

(b) The special measures adopted to assist the most seriously affected countries must encompass not only the relief which they require on an emergency basis to maintain their import requirements but also, beyond that, steps to consciously promote the capacity of these countries to produce and earn more. Unless such a comprehensive approach is adopted there is every likelihood that the difficulties of the most seriously affected countries may be perpetuated. Nevertheless, the first and most pressing task of the international community is to enable these countries to meet the shortfall in their balance of payments positions. But this must be simultaneously supplemented by additional development assistance to maintain and thereafter accelerate their rate of economic development.

(c) The countries which have been most seriously affected are precisely those which are at the greatest disadvantage in the world economy: the least developed, the land-locked and other low-income developing countries as well as other developing countries whose economies have been seriously dislocated as a result of the present economic crisis, natural calamities, and foreign aggression and occupation. An indication of the countries thus affected, the level of the impact on their economies and the kind of relief and assistance they require can be assessed on the basis, *inter alia*, of the following criteria:

(i) Low *per capita* income as a reflection of relative poverty, low productivity, low level of technology and development.

(ii) Sharp increase in their import cost of essentials relative to export earnings.

(iii) High ratio of debt servicing to export earnings.

(iv) Insufficiency in export earnings, comparative inelasticity of export incomes and unavailability of exportable surplus.

(v) Low level of foreign exchange reserves or their inadequacy for requirements.

(vi) Adverse impact of higher transportation and transit costs.

(vii) Relative importance of foreign trade in development process.

(d) The assessment of the extent and nature of the impact on the economies of the most seriously affected countries must be made flexible keeping in mind the present uncertainty in the world economy, the adjustment policies that may be adopted by the developed countries, the flow of capital and investment. Estimates of the payments situation and needs of these countries can be assessed and projected reliably only on the basis of their average performance over a number of years. Long-term projections, at this time, cannot but be uncertain.

(e) It is important that in the special measures to mitigate the difficulties of the most seriously affected countries all the developed countries as well as developing countries should contribute according to their level of development and the capacity and strength of their economies. It is notable that some developing countries, despite their own difficulties and development needs, have shown a willingness to play a concrete and helpful rôle in ameliorating the difficulties faced by the poorer developing countries. The various initiatives and measures taken recently by certain developing countries with adequate resources on a bilateral and multilateral basis to contribute to alleviating the difficulties of other developing countries are a reflection of their commitment to the principle of effective economic cooperation among developing countries.

(f) The response of the developed countries which have by far the greater capacity to assist the affected countries in overcoming their present difficulties must be commensurate with their responsibilities. Their assistance should be in addition to the presently available levels of aid. They should fulfil and if possible exceed the targets of the International Development Strategy on financial assistance to the developing countries, especially that relating to Official Development Assistance. They should also give serious consideration to the cancellation of the external debts of the most seriously affected countries. This would

provide the simplest and quickest relief to the affected countries. Favourable consideration should also be given to debt moratorium and rescheduling. The current situation should not lead the industrialized countries to adopt what will ultimately prove to be a self-defeating policy aggravating the present crisis.

*Recalling* the constructive proposals made by His Imperial Majesty the Shahanshah of Iran and His Excellency President Boumediène of Algeria,

1. *Decides* to launch a Special Programme to provide emergency relief and development assistance to the developing countries most seriously affected, as a matter of urgency, and for the period of time necessary, at least until the end of the Second Development Decade, to help them overcome their present difficulties and to achieve self-sustaining economic development;

2. *Decides* as a first step in the Special Programme to request the Secretary-General to launch an emergency operation to provide timely relief to the most seriously affected developing countries as defined in paragraph 3 of the preamble with the aim of maintaining unimpaired essential imports for the duration of the coming 12 months and to invite the industrialized countries and other potential contributors to announce their contributions for emergency assistance or intimate their intention to do so by 15 June 1974 to be provided through bilateral or multilateral channels, taking into account commitments and measures of assistance announced or already taken by some countries and *further requests* the Secretary-General to report the progress of the emergency operation to the twenty-ninth session of the General Assembly through the Economic and Social Council at its fifty-seventh session;

3. *Calls upon* the industrialized countries and other potential contributors to extend immediate relief and assistance to the most seriously affected countries which must be of an order of magnitude that is commensurate with the needs of these countries. Such assistance should be in addition to the existing level of aid and provided at a very early date to the maximum possible extent on grant basis and where not possible on soft terms. The disbursement and relevant operational procedures and terms must reflect this exceptional situation. The assistance could be provided either through bilateral or multilateral channels, including such new institutions and facilities that have been or are to be set up. The special measures may include the following:

(a) Special arrangements on particularly favourable terms and conditions including possible subsidies for

and assured supplies of essential commodities and goods;

(b) Deferred payments for all or part of imports of essential commodities and goods;

(c) Commodity assistance, including food aid, on grant basis or deferred payments in local currencies, bearing in mind that this should not adversely affect the export of developing countries;

(d) Long-term suppliers' credits on easy terms;

(e) Long-term financial assistance on concessionary terms;

(f) Drawings from special International Monetary Fund facilities on concessional terms;

(g) Establishment of a link between the creation of SDRs and development assistance, taking into account the additional financial requirement of the most seriously affected countries;

(h) Subsidies, provided bilaterally or multilaterally, for interest on funds available on commercial terms borrowed by most seriously affected countries;

(i) Debt renegotiation on a case-by-case basis with a view to concluding agreements on debt cancellation, moratorium or rescheduling;

(j) Provision on more favourable terms of capital goods and technical assistance to accelerate the industrialization of the affected countries;

(k) Investment in industrial and development projects on favourable terms;

(l) Subsidizing the additional transit and transport costs, especially of the land-locked countries;

4. *Appeals* to the developed countries to consider favourably the cancellation, moratorium or rescheduling of the debts of the most seriously affected developing countries on their request as an important contribution to mitigating the grave and urgent difficulties of these countries.

5. *Decides* to establish a Special Fund under the auspices of the United Nations, through voluntary contributions from industrialized countries and other potential contributors, as a part of the Special Programme, to provide emergency relief and development assistance, which will commence its operations at the latest by 1 January 1975.

6. *Establishes* an *ad hoc* Committee on the special Programme composed of 36 members appointed by the President of the General Assembly after appropriate consultations, bearing in mind the purposes of the special fund and its terms of reference, to:

(a) Make recommendations on the scope, machinery, modes of operation etc. of the special fund, taking into account the need for:

- (i) Equitable representation on its governing body;
- (ii) Equitable distribution of its resources;
- (iii) Full utilization of the services and facilities of existing international organizations;
- (iv) The possibility of merging the United Nations Capital Development Fund with the operations of the special fund;
- (v) A central monitoring body to oversee the various measures being taken both bilaterally and multilaterally; and, to this end, bearing in mind the different ideas and proposals made at the sixth special session, including those contained in documents A/AC.166/L.15 and A/PV.2208 and comments thereon and the possibility of utilizing the special fund to provide an alternative channel for normal development assistance after the emergency period;

(b) Monitor, pending commencement of the operations of the special fund, the various measures being taken both bilaterally and multilaterally to assist the most seriously affected countries;

(c) Prepare, on the basis of information provided by the countries concerned and by appropriate agencies of the United Nations system, a broad assessment of:

- (i) The magnitude of the difficulties facing the most seriously affected countries;
- (ii) The kind and quantities of the commodities and goods essentially required by them;
- (iii) Their need for financial assistance;
- (iv) Their technical assistance requirements, including especially access to technology;

7. Requests the Secretary-General of the United Nations, the Secretary-General of the United Nations Conference on Trade and Development, the President of the International Bank for Reconstruction and Development, the Managing Director of the International Monetary Fund, the Administrator of the United Nations Development Programme and the heads of the other competent international organizations to assist the *ad hoc* Committee in performing the functions assigned to it under operative paragraph 6, and help, as appropriate, in the operations of the special fund;

8. Requests the International Monetary Fund to expedite decisions on:

- (a) The establishment of an extended special facility with a view to enabling the most seriously affected

developing countries to participate in it on favourable terms;

(b) The creation of SDRs and the early establishment of the link between the allocation of SDRs and development financing; and

(c) The establishment and operation of the proposed new special facility to extend credits and subsidize interest charges on commercial funds borrowed by Member States bearing in mind the interest of the developing countries and especially the additional financial requirements of the most seriously affected countries;

9. Requests the World Bank Group and the International Monetary Fund to place their managerial, financial and technical services at the disposal of Governments contributing to emergency financial relief so as to enable them to assist without delay in channelling funds to the recipients, making such institutional and procedural changes as may be required;

10. Invites the United Nations Development Programme to take the necessary steps, particularly at the country level, to respond on an emergency basis to requests for additional assistance which it may be called upon to render within the framework of the special programme;

11. Requests the *ad hoc* Committee to submit its report and recommendations to the Economic and Social Council at its fifty-seventh session and invites the Council, on the basis of its consideration of this report, to submit suitable recommendations to the General Assembly at its twenty-ninth session;

12. Decides to consider, within the framework of a new international economic order, as a matter of high priority the question of special measures for the most seriously affected countries at the twenty-ninth session of the General Assembly.'



**2<sup>ND</sup> PART**

**COMMUNITY  
ACTIVITIES  
IN MAY 1974**

# 1. Functioning of the common market

## Internal common market

### Customs union

#### Proposal for streamlining customs formalities

2101. On 22 May the Commission sent the Council a draft Decision of the Joint EEC-Sweden Committee concerning a streamlined procedure for issuing freight movement certificates. The draft which will be submitted to all the Joint EEC-EFTA Committees proposes to exonerate certain categories of exporters, officially recognized in this respect by the excise authorities, from having to go through a customs office to obtain a movement certificate<sup>1</sup> for a given export transaction.

### Common Customs Tariff

#### Deferred alignment with the CCT charges

2102. On 8 May<sup>2</sup> the Commission authorized the Benelux countries to defer for another year the raising of their customs tariff into line with the CCT. The tariffs in question are those applied to certain manufactured tobaccos (sub-headings 24.02 A-D). This is actually a renewal of the Decision of 29 June 1973 which expired on 30 June 1974.

### Harmonization of excise laws

2103. On 29 May the Commission sent the Council a proposed Regulation on the customs treatment of goods imported for testing.

The provisions of this Regulation are prompted by a Council Recommendation of 5 June 1972 on customs cooperation. The Recommendation was intended to facilitate the work of the agencies who, in the interests of the consumer, monitor the quality of products put on the

market. The provisions in the Regulation would allow goods imported for testing to be brought in free of CCT charges and exempt from other Community import taxes (agricultural levies, etc.) with the proviso that the quantities conformed strictly with the testing requirements.

### Origin of goods and methods of administrative cooperation

2104. On 29 May 1974<sup>3</sup> the Council adopted a Regulation bringing into force from 1 June 1974 Recommendation No 1 of the EEC-Cyprus Association Council specifying the methods of administrative excise cooperation for implementing the Association Agreement signed on 19 December 1972.

2105. During the session of 29 and 30 May 1974, the Economic and Social Committee gave its Opinion on the Commission's Proposal to the Council concerning exemption from CCT charges for educational, scientific or cultural material.

## Internal common market

### Free movement of goods

#### Protective measures

##### Italy

2106. Having reviewed the position of the Italian economy and the steps taken at the end of

<sup>1</sup> Point 2314.

<sup>2</sup> OJ L 152 of 8.6.1974.

<sup>3</sup> OJ L 145 of 30.5.1974.

April by the Italian Government to restabilize the balance of payments (50% of the value of imported consumer goods to be deposited without interest with the Bank of Italy) the Commission on 8 May 1974<sup>1</sup> gave a temporary authorization to the Italian Government to uphold the arrangements it had made. But the authorization carried reservations and a Community monitoring scheme intended to limit as far as possible the effect of the Italian measures on intra-Community trade. This Decision was made on the basis of Article 108, section 3 of the EEC Treaty.<sup>2</sup>

Before the end of July the Commission will review the overall position and the effects of the measures authorized by the Decision of 8 May 1974. If need be, a further review could be made on 31 October 1974 at the latest.

For farm products under the joint organization of the markets which entails a strict price support procedure, and for products processed from farm produce, the Commission will shortly set an expiry date for the authorization granted on 8 May.

## Free movement of persons

### Right of establishment and freedom to offer services

2107. The Commission adopted on 31 May a Communication containing up-to-date information from Member States as to the authorities and bodies competent to issue proof or take declarations relating to: good repute and absence of previous bankruptcy; activities pursued or for which training has been received; professional or administrative disciplinary measures.

These particulars are required in relation to a number of Directives relating to the right of establishment and free movement of services listed in Annex 2 of the Communication where it

is sought to carry out an activity for which training is required, and a certificate of professional experience rather than a diploma is permitted as evidence of training. It is the first time that a list of such competent authorities has been given for all nine Member States.

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2108. During the sitting of 13 to 15 May 1974, the *European Parliament* passed a Resolution on amendments to three proposed Commission Directives concerning the approximation of laws concerning pharmaceuticals. The *Economic and Social Committee*, meeting in plenary session on 29 and 30 May gave its Opinion on the proposed Directive submitted to the Council by the Commission, and concerning the structure of sociétés anonymes.<sup>3</sup> It also gave Opinions on six proposed Directives concerning technical barriers to trade: the making-up by volume or weight of certain prepacked products, the packing and labelling of dangerous substances and in the motor sector (the mounting of lights and light signals, fog lamps and the external projections, and reflex reflecting devices on motor vehicles).

## Competition policy

### Restrictive agreements, concentrations, dominant positions: specific cases

#### Banning of a Restrictive agreement

2109. On 15 May<sup>4</sup> the Commission adopted a Decision condemning a series of breaches of

<sup>1</sup> OJ L 152 of 8.6.1974.

<sup>2</sup> Points 1101 to 1107.

<sup>3</sup> Supplement 10/72 - Bull. EC.

<sup>4</sup> OJ L 160 of 17.6.1974.

Article 85 of the EEC Treaty committed by manufacturers of hollow glass containers (bottles, preserving jars, flasks).

This Decision concerns the most important manufacturers of glass containers of five Member States and in particular the following companies;

(i) In Germany: Gerresheimer Glas and Veba Glas which hold respectively about 40% and 24% of the German market for glass containers and H. Heye Glasfabrik, which covers 10 to 12% of the German market for glass bottles.

(ii) In Belgium: Bouteilleries Belges Réunies, the sole Belgian manufacturer of bottles, and Verlica-Mominies, the only Belgian manufacturer of jars and flasks. These two enterprises have financial and personal links with the French group St. Gobain.

(iii) In the Netherlands: Vereenigde Glasfabrieken (Schiedam). This company which is controlled by the French group BSN, is the largest Dutch manufacturer of hollow glass.

(iv) In France: Boussois-Souchon-Neuvesel and St. Gobain Emballage, which respectively hold about 50% and 40% of the French market for glass bottles and preserving jars.

(v) In Italy: Bordoni-Miva (subsidiary of the St. Gobain group) AVIR (in which Saint-Gobain has a 25% participation) and Ve Tri, which together represent about 40% of Italian production of glass bottles.

The Italian manufacturers cancelled the agreements described hereafter as from the end of 1971. Following the Commission's intervention, the German manufacturers also annulled their participation as from the end of 1973. The Commission Decision, takes note of the breaches committed and calls upon all the companies involved to terminate them immediately.

The moves under accusation date from 1955 when the German and Benelux manufacturers of

hollow glass, who were joined in 1960 by the French and in 1961 by the Italians, concluded what was called an agreement on 'rules of fair competition' of which the Commission was notified at the end of 1962. Following checks carried out in 1971/72 it became apparent that, under the cover of forbidding dishonest practice between participants, certain clauses were in fact aimed at impeding normal competitive measures in the field of prices, discounts and trading conditions.

In this way, the fact of offering at prices lower than those of a competitor and the fact that only the adjustment of prices to those of this competitor were admitted on his regional market were said to be unfair. The main object of these provisions was thus to ensure that a glass-container manufacturer who is a party to the understanding, when supplying outside his 'natural' area of action, should not offer prices lower than those of the partner considered as the national or local price-leader in the territory of destination. This objective was guaranteed by many other clauses concerning the publication and communication to competitors of individual gross price lists and discounts and the obligation not to depart secretly from these lists.

The Commission's investigations also showed that the application of the agreement was examined during the annual general meeting of participants and within a select committee made up of representatives from the dozen very big member companies who met three times a year. At these meetings various arrangements were made to apply or supplement the initial agreement relative to the 'rules of fair competition.'

Thus they organized over the years and by various procedures an exchange of information between participants on the prices, discounts and trading conditions which they applied in their respective countries, the changes to be made to these as from a specified date and the particular exemptions they would accord to certain customers.

The companies in question had also established a common structure for the calculation of costs applied uniformly by bottle manufacturers, parties to the understanding, and partially by flask-makers which enabled users to arrive at parallel cost price curves and fix their selling prices accordingly. Although it did not contain specified calculation rates, this structure, being part of a restrictive contractual whole, also constituted an infringement of Article 85 section 1 of the EEC Treaty.

Finally, the firms in question had agreed to apply collectively the system of delivered prices so as to restrict the distribution field of each partner and preclude users of glass containers from comparing the prices of the nearby plant with those of the distant one. The Commission refrained from imposing a fine because this was the first time that the kind of restrictions noted were the subject of a Commission Decision, and because their character as breaches of the Treaty was not evident for the firms in question.

## **State Aid**

### **Aid financed by semi-fiscal taxes**

#### **France**

2110. On 27 May 1974 the Commission decided to wind up the procedure which it had invoked on 15 February 1972 regarding semi-fiscal taxes brought in by the French Government in 1966 and 1968 and serving to finance 'Technical Centres' for the *clock and watch industry* and the *hides and skins industry*. France had advised the Commission that all the necessary arrangements had been made to abolish from 1 March 1974 the raising of taxes on products from those sectors and imported from other Member States of the Community.

The proceeds of taxes raised in France on the sales of products from the sectors concerned, domestic or foreign, went to finance sectoral 'Technical Centres' whose work benefitted for the most part the national industries. This is why, with the Decision of 17 December 1973<sup>1</sup> the Commission had asked the French Government, under Article 93, section 2 of the EEC Treaty to adjust the arrangements so that products imported from other Member States were no longer subject to the semi-fiscal taxes.

### **State-trading monopolies**

#### **Italy**

2111. On 15 May 1974 the Commission decided to close the infringement procedure which it had invoked against Italy with regard to the Italian *salt monopoly*.

Following a Commission Recommendation<sup>2</sup> the Italian Government made certain alterations to the table and kitchen salt monopoly in compliance with the provisions of Article 37 of the Treaty and with effect from 1 January 1974.

Regarding industrial salt, imports were subject to the prior agreement of the monopoly for fiscal reasons; this was to prevent industrial salt not subject to the tax (as opposed to domestic salts) from being used for culinary and nutritional purposes. The fact that the monopoly could withhold its agreement was regarded as out of line with the provisions of Article 37, section 1 of the EEC Treaty. So in December 1973 the Commission had invoked the infringement procedure against Italy under Article 169 of the Treaty.

<sup>1</sup> Bull. EC 12-1973, point 2120.

<sup>2</sup> OJ L 31 of 9.2.1970.

In February 1974 the Italian Government had advised the Commission that after termination of the domestic salt monopoly and abolition of the tax peculiar to this product, the provision laying down prior approval for imports of industrial salt had been rescinded. This meant that imports of salt into Italy were now decontrolled and the Commission therefore decided to close the files on the infringements.

## **Fiscal policy and financial institutions**

### **Financial institutions**

#### **Insurance**

#### **Co-insurance**

2112. On 15 May the Commission sent the Council a proposed Directive 'on the liberalization of co-insurance operations and the coordination of laws, regulations and statutory provisions relating to co-insurance.' This Proposal applied to all branches of indemnity insurance except for motor vehicle liability.

Co-insurance is an operation which enables several insurers acting in agreement but without joint and several liability to insure a risk on the conditions and in accordance with the tariffs laid down by one of them who is known as the leading insurer.

The insured person is thus covered in several installments by several insurers at the same time whilst with regard to reinsurance he only has to deal with one insurer who covers all the insured risk and reinsurance himself with one or more of the others.

At present certain Member States have only national co-insurance which excludes insurers established elsewhere in the Community from taking part. The aim of the Directive is to do away with these restrictive conditions and thus enable all insurance houses in the Community to share in Community co-insurance contracts.

When a leading insurer wishes to enter into co-insurance with an insurance house possessing agencies and branches in several Member States, he often wants to deal either with the head office or with one agency or another according to their financial stature or their expertise *vis-à-vis* the particular risk to be covered. The proposed Directive will ensure this freedom of choice. Thus a leading insurer in country A will be able to undertake co-insurance with a head office in country B even if that head office has an agency in country A. Furthermore, the leading insurer can turn to an agency in country B even if the latter comes under a head office in country A, country B or country C.

The freedom of establishment for indemnity insurance materialized in the Council Directive of 24 July 1973.<sup>1</sup> The proposed Directive is the first step towards the next stage, the liberalization of insurance services which will enable an insurer to offer his services in other Member States without having to be established there and which will allow the insured person to enter into a contract with an insurer not established in the former's country. The Commission hopes that the European Parliament and the Economic and Social Committee will give their Opinions in November 1974 and that the Council will adopt the Directive in June 1975.

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2113. During the plenary session of 29 and 30 May 1974, the *Economic and Social Com-*

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

## 2. Economic and monetary union

### Fiscal policy

mittee gave its Opinion on the Commission's Proposals concerning: direct life insurance, harmonization of levies on mineral oils, and taxes other than turnover taxes on the consumption of manufactured tobaccos.

### Economic, monetary and financial policy

#### Italian import measures

2201. The measures taken by the Italian Government to restabilize the balance of payments and all the relevant Proposals put forward by the Commission were thoroughly scrutinized at two Council meetings in Brussels on 7 May 1974.<sup>1</sup>

#### The Group 'Economic and Monetary Union 1980'

2202. The recently formed Group 'EMU 1980'<sup>2</sup> held its third meeting on 10 and 11 May 1974 with Mr Marjolin in the Chair. The discussions covered the critical analysis of the first stage of economic and monetary union, the Community's objectives for the 1970's, economic and monetary union in 1980 and the layout and content of the Group's report.

#### Monetary Committee

2203. The Monetary Committee chaired by Mr Emminger held its 191st meeting in Brussels on 6 May 1974. At this special session the Committee got down to a discussion of the measures taken by the Italian Government in application of Article 109 of the EEC Treaty.

The 192nd meeting was held in Brussels on 28 May with the Vice-Chairman, Mr Oort, in the Chair. The discussions bore mainly on the reform of the international monetary system in anticipation of the Council (Finance Ministers)

<sup>1</sup> Points 1101 to 1107.

<sup>2</sup> Bull. EC 4-1974, point 2201.

session of 6 June 1974 and the meeting of the Committee of Twenty in Washington on 12 and 13 June 1974.

### **Stocks and Shares Working Party**

2204. The Stocks and Shares Working Party met in Copenhagen on 21 and 22 May 1974 with Mr D'Haeze in the Chair. The meeting, which analyzed the structures of the Danish capital market, enabled the Working Party to round off the structural studies on which it has been engaged.

### **Economic Policy Committee**

2205. A seminar on budgets was run by the Economic Policy Committee in Luxembourg, on 2 and 3 May 1974. During the first session devoted to 'the development of the scope of federal governments' budgetary operations', differences in the content of Member States' budgets were reviewed together with the importance of budgetizing and debudgetizing operations, all of which highlighted the need to carry on standardizing the presentation of budgetary accounts so as to facilitate comparison.

At the second session the discussions centred on the 'significance of the budgetary balances and the methods of financing them.' Concepts varied considerably here. The Committee debated the question whether the Community guidelines concerning the development of budget proportions, the size, nature and method of covering or using balances, could and should no longer be applied solely to the budgets of central authorities but were to cover the budgets for the whole of the public sector (State, local authorities and social security administrations).

The subject adopted for the third session was 'inflation and the development of public authority budgets.' The Committee noted the sensitivity of public receipts and expenditure to the pace of rising prices, but the effect on balances was not clearly discernible. The distortions caused by inflation within overall budgets, which hinge on the inherent structure of each budget, do not allow any single conclusion to be drawn from the experience of the nine Member States.

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2206. During the sitting of 13 to 15 May 1974, the *European Parliament* passed a 'Resolution on the Community's economic situation.'

### **Regional policy**

#### **Financing**

2207. Subject to a confirmatory Opinion from the Council, the Commission decided, under Article 56, 2(a) of the ECSC Treaty, to grant a redevelopment loan of about 7.76 million u.a. to the firm of Halbergerhütte GmbH near Brebach, Saar, Germany. Up to about 4.68 million u.a. of the loan will benefit from an interest rebate.

The loan will be used to remodel and expand smelting installations. This is part of an extensive programme planned by the firm in order to amplify its production capacity. The investment will mean the creation of 780 new jobs, 620 of which will be reserved for former ECSC workers. Some 320 of these places are already taken by former miners.

## Social policy

### Employment

#### *The energy crisis and employment*

2208. On 7 May the Commission sent the Council a 'report on the impact of the energy situation on employment in the Community.' This paper, primarily based on problems which will arise over the next two years, concludes that in the long-term the structure of employment will be harder hit than actual employment levels by the inevitable changes in the structure of prices and production as a result of the increased costs of oil. The structural problems in employment will be substantially the same as those we are already facing but their proportions will be much greater.

Initial assessments of the effect of the energy crisis on employment, which the Commission made in January, anticipated a cut of about 1.5% in the growth rate of the Community GNP. On this basis, the employment level would fall by about 0.7%. In these circumstances the Commission thinks that the overall rise in the level of unemployment could be kept at between 0.3 and 0.4% with some of the increase accounted for by a reduction in the number of working hours.

The report in conclusion points to the need for combined action to alleviate the effects of the energy situation on employment and proposes that measures intended to protect it should try to:

- (i) avoid detrimental measures in external trade and competition;
- (ii) spread the burden of the energy problem more evenly with respect to employment;
- (iii) prepare a new employment structure.

The report stresses that four categories of people will be especially vulnerable: school-leavers who may find it very hard to get their first job, migrant workers, especially those in non-specialized jobs; elderly workers who if they lost their jobs might be unemployed for a long time; women who may well find it harder to find employment. Care must be taken to see that these groups are not unfairly penalized by the burden of readjustment.

The Community must support the efforts made by the Governments, industry and the trade unions to deal with the impact of the energy situation on employment.

The following focal points of action will be crucially important as the planned programme is put into operation:

- (i) observations and forecasts of employment trends;
- (ii) common vocational training policy; it should concentrate on practical measures, such as appraisal of training schemes and assessment of training needs, on increasing availability of skilled labour, and on exchanges of data on basic training and collaboration in implementing teaching methods and techniques, especially in sectors where new skills are to be developed;
- (iii) migrant workers and free movement; the Commission will closely watch the application of the regulations specifying that laid-off workers of Community origin are entitled to stay in the host country and draw unemployment allowances and other benefits for a certain period until they find a new job; improvement of labour placement schemes must also be encouraged;
- (iv) resources of the new Social Fund; they can offer effective support, and the new Fund can meet the requests for assistance stemming specifically from the energy situation. In the overall distribution of Fund resources, some priority should also be given to the regions hardest hit by the energy problem.

### **Free movement and social security for migrant workers**

2209. The Administrative Commission for Migrant Workers' Social Security, meeting on 16 and 17 May, assigned a Working Party, made up of government experts, to submit proposals (under the Council Regulation of 14 June 1971) in order to reach a uniform solution for payment of family allowances.

During the same meeting the Commission expressed the wish to take a bigger part in discussing problems and preparing projects connected with migrant workers' social security in general.

### **Social Fund, re-employment, re-adaptation**

2210. On 17 May the Commission approved an Agreement with the British Government concerning application of Article 56, section 2(b) of the ECSC Treaty for the benefit of employees in the British mining industry.

The Agreement provides for granting benefits to laid-off or re-assigned workers as the result of manpower cuts in the British mining industry. These include earnings allowances, lump-sum allowances, compensation against loss of free coal, reimbursement of travelling and removal expenses and an allowance for vocational training.

### **Living and working conditions**

#### **Housing**

2211. Under the first installment of the 7th Financial Aid Programme for the building of low-cost subsidized housing intended for personnel in industries covered by the ECSC Treaty, the Commission approved the financing of a build-

ing project for 19 individual houses and 2 flats for *Luxembourg* steelworkers (12 155 000 Lux. Frs.).

2212. As part of the same programme the Commission granted a loan of 56 million BFrs. to the Caisse générale d'épargne et de retraite in Brussels. The money will go to the building of low-cost housing in *Belgium*. 21 597 000 BFrs. comes out of the 'special reserve' and 34 403 000 FB comes from loan funds and bears 5.5% interest over 12 years with about 4 years free of depreciation.

2213. Lastly, under the second installment of the ECSC's 7th Financial Aid Programme for building low-cost housing for personnel of the *German* iron and steel industry, the Commission granted the Bank für Gemeinwirtschaft AG a loan of 11 895 000 DM at 1% p.a. over a period of about 28 years.

### **Industrial and labour relations**

#### **Protection of workers during mergers**

2214. On 31 May the Commission submitted a proposed Directive on 'preserving the rights and benefits of workers in the event of company mergers, relocations and concentrations.' The Proposal, which represents urgent action under the Social Action Programme, is to fill the gaps in current legislation. It would ensure that workers affected by a company takeover retain their rights acquired under their former employer. The Commission feels that action must be taken at Community level to ensure that those concerned do not lose their stability and security of employment and that their working conditions and attached benefits are not compromised.

The Commission also holds that it is absolutely necessary for workers to be advised of and consulted on the effects of company takeovers, mergers or relocations and that a satisfactory negotiation procedure be brought in.

The purpose of the proposed Directive is to facilitate alignment in the development of the statutory and administrative provisions which in the Member States govern the protection of workers. The measures proposed have the following features:

- (i) automatic transfer of labour relations from the assigner to the acquirer, i.e. from the old employer to the new;
- (ii) protection of workers against lay-offs due solely to structural changes in the company;
- (iii) advice for and consultation and negotiation with workers' representatives regarding the employees' interests in companies affected by takeovers, mergers or relocations.

### Health protection

2215. Representatives from the competent Member States' Ministries, delegates from agricultural occupational organizations and Commission officials all met in Brussels on 14 May to finalize the planning of a 'Community Agricultural Safety Week' which will run from 15 to 22 September next. Each country presented its draft programme which is to be carried out with the support of the agricultural occupational organizations and which takes as its theme: 'European Agriculture without Industrial Accidents.' Everything will be done to 'sensitize' as many people as possible.

2216. The directors of national safety and industrial health departments met in Luxembourg on 10 May to review the draft of a

programme on *safety, health and industrial medicine*. The draft, prepared by the Commission departments, was by and large favourably received by the delegations. Approved as a framework it will be given priorities and a time scale. It will be extensively discussed and then sent to the Council at the end of this year. An initial discussion between delegates from European organizations on both sides of industry was held on 8 May and dealt with the same topic.

2217. *The Mines Safety and Health Commission* approved its 11th activity report on 3 May and took a position on various reports from its Working Parties (use of linear-motor-propelled conveyor-trains, trigger barriers, dust suppression features included at the design stage and in the use of winning and tunnelling machines), on extending the Commission's authority to cover all the extractive industries and on forming a General Committee on Safety.

2218. The Committee of government experts for the prevention of *pollution from steelworks*, meeting in Luxembourg on 22 May, reviewed a set of research projects ready for final approval by the Commission on the terms of the ECSC Treaty. Twelve projects taken on by six research institutes were adopted. Some of them concern the disposal of waste from the steel industry, mainly the reduction of zinc and lead levels in emissions, in order to avoid air and water pollution; the use in blast furnaces of oily discharges from cold rollings. Other projects envisage the chemical reduction of oxides of nitrogen by burning them in industrial boilers; the purification of fumes generated by the pelletization of slag heaps; the desulphurizing of pig-iron in the transporting ladles; the measuring of pollution in coke ovens; the continuous measuring of smoke discharges and the study of the various fluorine emissions in steel production processes.

2219. A colloquium on the problems arising from *contamination of man and the environment by pesticides* and particulate organo-halide compounds was run in Luxembourg from 14 to 16 May by the Commission. Two hundred delegates from eighteen countries and eight international bodies attended.

Many reports were presented on the presence of particulate organo-halide compounds in the environment, their ecological effects, their influence on health and the techniques for analysis. Three reports, the result of studies by Commission departments, dealt with pollution of the environment on a Community scale (water, air, soil, foodstuffs) by pesticides, with the contamination of human body tissue among the population of the Member States and with an inter-comparison programme for analysis techniques.

This event gathered together representatives from various branches of science and delegates from the producers and users of pesticides, i.e. from the chemical industry, agricultural services and consumer associations. Comparison of their opinions shows that objective appraisal of the dangers where pesticides are concerned, will be a lengthy job. Much data is available on measured levels but a far more coordinated monitoring system is needed for environment (water, air, soil) and foodstuffs alike so as to make the results more comparable and representative.

Apart from a few exceptions among certain HCB and PCB compounds analysis techniques are by and large adequate insofar as they are now part of a Community programme of comparison. The absorbed quantities found in human systems lie at levels which involve no significant health risk for the whole population.

Information on the long-term effects is still incomplete and considerable research will have to be done. The same applies to the ecological effects which in some cases could lead to curtailed use of pesticides.

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2220. During the plenary session of 29 and 30 May the *Economic and Social Committee* gave several Opinions concerning social policy and bearing on the following issues: employment and the new situation in the Community, the creation of a European Foundation for Improving Living and Working Conditions, and application of the principle of the forty-hour week and four weeks paid annual holiday.

## Environment and consumer protection

### Environment

#### Energy and environment

2221. On 7 May the Commission sent the Council a draft Resolution on energy and the environment in anticipation of a forthcoming meeting of Environment Ministers.

The draft contains the gist of the conclusions from the 'preliminary report on the problems of pollution and nuisance connected with energy production,' which the Commission submitted to the Council on 23 April last.<sup>1</sup> The question of the relationship between the energy situation and the environment policy is actually one of the main points on the agenda for that meeting.

In a political statement the Council should confirm the Communities' intention to carry out the environment action programme.<sup>2</sup> With this in mind the Commission feels that there should

<sup>1</sup> Bull. EC 4-1974, point 2218.

<sup>2</sup> Bull. EC 7/8-1973, Part 1, Chapter III: 'Definition of a Community Environment Policy', Bull. EC 11-1973, point 2232 and OJ C 112 of 20.12.1973.

be a drive to conserve energy resources and use them as efficiently as possible and that plans to reduce the harmful effects of energy production and use on the environment should be intensified.

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2222. During the sitting of 13 and 15 May 1974, the *European Parliament* gave its Opinion on the Commission Proposals concerning the Community's initial programme for customer information and protection and on the quality of surface waters intended for the abstraction of drinking water in the Member States. The second Proposal was also dealt with in an Opinion of the *Economic and Social Committee* meeting in plenary session on 29 and 30 May. The Committee also pronounced on a draft Council Resolution concerning the adaptation to technical progress of Directives on protecting and enhancing the environment, and on the Commission's creation of a European Foundation for Improving Living and Working Conditions.

## Agricultural policy

2223. The month of May was marked by the Italian Government's Decision to take a number of measures to restabilize Italy's balance of payments. The main feature of these measures is the advance deposit of a bank guarantee amounting to 50% of the value of imports, which will be blocked in cash by the Bank of Italy for six months without interest. Of the 460 items making up the overall trade, 240 of those affected include beef and veal, dairy produce, fishery products, eggs, and fruit and vegetables.

The Commission expressed to the Council<sup>1</sup> its grave concern over the Italian measures regard-

ing the farm products which come under a strict organization of the market. The Commission informed the Council that it intended to set as promptly as possible and at all events in the very near future, a deadline on the authorization it has given regarding these products and that it planned to seek solutions with Italy and the other Member States to the problems facing the Italian Government, solutions which will not jeopardize the principles and administration of the common agricultural market.

The Commission emphasized its resolve to carry on a constructive dialogue with Italy and the other Member States so as to arrive at solutions together. It also expressed its determination to take at the appropriate time decisions which fall within its terms of reference.

In Denmark the consumption of certain farm products has also been hit by measures applied early in May by the Danish Government.

The situation on the cereal, rice, sugar and meat markets is still disturbing. In May levies were again set on exports of rice, sugar and olive oil.

In view of the falling trend of rates for cereal products on the world market, import levies were set for cereals with the exception of Durum wheat; export levies for soft wheat, the only ones still in force, were discontinued from 9 May and export levies have again been introduced (zero rate) for soft wheat, barley, rye and soft wheat flour. Conversely, exports of Durum wheat are still frozen since the introduction of protective measures in August 1973.

Despite the fall in rice prices observed on the world market, the prices are still largely higher than the Community threshold prices. Community exports are still under export levies and they are made for the most part through weekly tenders on the levies. This procedure enables

<sup>1</sup> Points 1101 to 1107.

the exported quantities to be monitored and provides the best means of reaching the world market price level.

The quantities of beef and veal offered to intervention in May can be put at 23 000 tonnes against 20 000 tonnes in April 1974. In the pigmeat sector the falling rates have entailed the setting of additional amounts (the difference between the Community sluice-gate prices and the supply prices) *vis-à-vis* non-member countries and owing to cases of foot and mouth disease in Belgium, aid for private storage of certain sensitive products may be granted there.

During the session of 22-23 March the Council had asked the Commission to investigate the repercussions on competition in agriculture of energy measures taken by the various governments, not only in horticulture and fisheries, where the situation is particularly disturbing but also in all sectors depending on the energy sector. In May 1974 the Commission made a report on these matters which will be forwarded to the Council.

### **Measures connected with the monetary situation**

2224. During May the development of the exchange rate of the *lira*, the *French franc* and the *pound* or of one of these three currencies obliged the Commission to adjust the monetary compensatory amounts (agriculture in general) and the differential amounts (rape and colza) four times. On 10 May<sup>1</sup> the term 'charge on importation' referred to in the Council Regulation of 12 May 1971<sup>2</sup> was specified for the eggs and poultrymeat sector, as had been done for pigmeat on 30 April.<sup>3</sup> It is to be limited to the amounts of the simple levy, thus cutting out the additional amounts.

### **Joint organization of the markets**

#### *Cereals and rice*

2225. The validity duration of export certificates in the cereal and rice sector had been heavily curtailed in January 1973<sup>4</sup> owing to the substantial rise in world market prices and the supply conditions on the Community market. For some categories of cereals and rice a stabilizing trend has recently emerged on the world market. Moreover, larger quantities of these products than originally anticipated are now available for export.

So as to enable the operators to make commitments on these quantities before the new harvest comes in, the Commission on 15 May 1974<sup>5</sup> set new validity durations for export certificates in the sectors concerned and in particular for staple cereals and rice (90 days) and for wheat flour (four months plus the current month).

On 22 May 1974 the Commission took special intervention measures for soft wheat. They cover storage aid for 350 000 tonnes in France, 100 000 tonnes in the Netherlands and 75 000 tonnes in Belgium; the cost to the EAGGF will be 5.35 million u.a., or a sum lower than the outlay to be expected if the above available quantities had been routed to intervention. The idea is to avoid stock holders selling their availability to intervention just when the latter is exerting a certain attraction on the market; the aid is also renewed for stockholders who undertake not to sell their stocks before the end of the year.

<sup>1</sup> OJ L 129 of 11.5.1974.

<sup>2</sup> Bull. EC 7-1971, point 39.

<sup>3</sup> OJ L 120 of 1.5.1974.

<sup>4</sup> Bull. EC 1-1973, point 2217.

<sup>5</sup> OJ L 133 of 16.5.1974.

The EEC's stocks of soft wheat are enough to cover the linkup with the next crop year. The available quantities actually involve a million tonnes held by public bodies and private stocks estimated, without any guarantee, at three or four million tonnes.

### *Oilseeds and protein products*

2226. In line with the basic Regulations recently adopted<sup>1</sup> the Council on 13 May 1974<sup>2</sup> adopted the Regulation on aid for dehydrated fodders. But if the application of the aid scheme at the beginning of the 1974/75 marketing year should strike any appreciable difficulties, Member States could waive it for the period 15 May to 30 June 1974. The application terms of the scheme for the first marketing year were adopted by the Commission on 31 May 1973.<sup>3</sup>

On 15 May<sup>4</sup> the Commission set the coefficients of equivalence applicable from 1 July 1974 to rape and colza seeds. The justification for this adjustment is twofold:

- (i) the type-quality of seeds for which the target price was set for the 1974/75 marketing year varies from the type-quality taken over previous years;<sup>5</sup>
- (ii) the qualities of rape and colza seeds supplied by the main producers among the non-member countries can be expected to display certain variances from the qualities currently adopted.

### *Live plants and cut flowers*

2227. On the basis of data supplied by the Member States the Commission on 13 May<sup>6</sup> set the minimum prices for exports to third countries of begonia, dahlia, gladiolus, and sinningia tubers. These will apply from 1 June 1974 to 31 May 1975 and are differentiated according to

size, country of destination and marketing conditions. On 27 May 1974<sup>7</sup> the Commission Regulation of 26 February 1974<sup>8</sup> was adjusted with regard to narcissus bulbs. This Regulation set the minimum prices over the marketing year 1974/75 for exports to third countries of bulbs and tubers of anemones, crocus, hyacinths, iris, lillies, muscari, daffodils, scilla and tulips. The twofold setting relates to the different supply seasons of the two product groups and is to be made by 31 March and 31 January respectively every year. The minimum price scheme is aimed at preventing overheavy falls in prices at the end of the marketing season which can be caused by a bumper crop. Marketing, however, begins before the crop is picked when availability cannot be ascertained. This system therefore keeps the going trade price at the desired level.

### *Wine*

2228. On 7 May 1974<sup>9</sup> the Commission set the application terms and the amount of aid for wine products similar to Cyprus sherry produced in the six original States of the Community and shipped to Ireland and the United Kingdom.

The aid was set retroactively at 24 u.a./hl for the period 1 January 1974 to 31 December 1974, i.e. at the same level as for 1973.<sup>10</sup> On 28 December<sup>11</sup> the Council had extended and amended its May 1973 Regulation<sup>12</sup> setting up

<sup>1</sup> Bull. EC 4-1974, point 2226.

<sup>2</sup> OJ L 131 of 14.5.1974.

<sup>3</sup> OJ L 147 of 1.6.1974.

<sup>4</sup> OJ L 133 of 16.5.1974.

<sup>5</sup> Bull. EC 3-1974, point 1208.

<sup>6</sup> OJ L 132 of 15.5.1974.

<sup>7</sup> OJ L 143 of 29.5.1974.

<sup>8</sup> OJ L 57 of 28.2.1974.

<sup>9</sup> OJ L 126 of 8.5.1974.

<sup>10</sup> Bull. EC 12-1973, point 2239.

<sup>11</sup> OJ L 359 of 28.12.1973.

<sup>12</sup> Bull. EC 5-1973, point 2227.

for a special period (1 February—31 December 1973) a special import scheme for the product exported to Ireland and the UK under the name of Cyprus sherry and introducing aid for similar wine products produced in the 'old' Community and delivered to the British and Irish markets.

The Commission also adopted three Regulations<sup>1</sup> on the storage of table wine:

- (i) on 13 May 1974 it amended its Regulation of 6 December 1973<sup>2</sup> to continue aid for storage until 30 September 1974 with the aim of permanently stabilizing the market and to avoid a collapse of prices until the long-term storage contracts expired;
- (ii) on 14 May, having found that the average price of table wines of type RI had remained below the release price for two consecutive weeks, the Commission granted aid for private storage of this type of wine (red);
- (iii) on 15 May scope was created to grant aid for private storage of table wines which economically are closely related to table wines of type AI (white).

#### Tobacco

2229. In view of the present scope for export and the available quantities on the Community market, the Commission, on 15 May 1974,<sup>3</sup> set export refunds for raw tobacco of the 1973 crop. The refunds concern four Italian varieties: Burley, Kentucky, Nostrano and Beneventano. No refund had been set for the 1972 crop. The first refund setting in the tobacco sector was made for the Burley I and Xanti-Yaka varieties in the 1971 crop.<sup>4</sup>

#### Milk and dairy produce

2230. The Council Regulation of 4 March 1974<sup>5</sup> laying down the general rules for supplying oils and fats of milk as food aid to certain

developing countries and to certain international organizations provides for making available 39 000 tonnes of butteroil to certain countries and international organizations. On 31 May 1974<sup>6</sup> the Commission adopted an implementary Regulation defining the arrangements regarding calls for tender and processing, packing and cif shipping charges for 16 000 tonnes of butteroil to the countries named in the Council Regulation. The first deliveries will be made in July. Quantities intended for international organizations will be covered by a later Regulation since different delivery terms are involved.

The shipping programme for 14 000 tonnes of skim milk powder and 6 000 tonnes of butteroil to the Sahel countries and Ethiopia is nearing completion; 1 372 tonnes of skim milk powder and 150 tonnes of butteroil remain to be delivered.

#### *Beef and veal*

2231. In May 1974, the Commission kept a close watch on the troubling situation of the beef and veal market. One protective measure was taken: since 6 May 1974<sup>7</sup> the import scheme for calves and veal has been equated with the scheme for mature cattle and beef. Several other administrative measures following on other regular and exceptional administrative measures adopted in April<sup>8</sup> include:

- (i) under interventions:
  - (a) On 8 May<sup>9</sup> the minimum sales price for 4 000 tonnes of forequarters held by the German

<sup>1</sup> OJ L 131 of 14.5.1974, 132 of 15.5.1974 and 133 of 16.5.1974.

<sup>2</sup> Bull. EC 12-1973, point 2239.

<sup>3</sup> OJ L 133 of 16.5.1974.

<sup>4</sup> Bull. EC 1-1973, point 2226.

<sup>5</sup> OJ L 65 of 7.3.1974.

<sup>6</sup> OJ L 141 of 1.6.1974.

<sup>7</sup> OJ L 122 of 4.5.1974.

<sup>8</sup> Bull. EC 4-1974, point 2228.

<sup>9</sup> OJ L 144 of 29.5.1974.

intervention agency and intended for processing were set following a tender at 352 DM/100 kg.

(b) On 8 May<sup>1</sup> the Commission adopted a Regulation on the sale, at a price fixed contractually in advance, of beef and veal held by the intervention agencies in order to activate the scheme of twinning imports of frozen meat with the purchase of meat stocked by these agencies.<sup>2</sup>

(c) Since 10 May<sup>3</sup> aid is being granted for private storage at 44.50 u.a./100 kg for forequarters (4 670 tonnes), at 52.00 u.a./100 kg for hindquarters (525 tonnes) and at 38.30 u.a./100 kg for boned meat (1 350 tonnes).

(d) From 23 May<sup>4</sup> Member States are authorized to process and store as preserves meat taken over by the intervention agencies.

(f) On 29 May<sup>5</sup> a Regulation took effect covering the boning of meat taken over by the said agencies.

(ii) Regarding *import levies*: from 9 May<sup>6</sup> the coefficient used in computing the levy for deep-frozen meat was set at 1.69 instead of 1.53.

Besides the above, two exceptional measures announced in April<sup>7</sup> have been adopted by the Commission as from 3 May 1974:<sup>8</sup>

(a) It was decided to discontinue as from 2 May 1974 the benefit of non-collection of monetary compensatory amounts against imports of deep-frozen meat intended for preserve-making.

(b) As from 7 May, the validity duration of import certificates has been curtailed for deep-frozen meat (45 days), for other products originating in and coming from non-European countries (35 days) and from European non-member countries (10 days).

## Structural policy

2232. On 2 and 7 May 1974 respectively, the Commission issued two Opinions on drafts of

Dutch provisions to implement the Council Directives of 17 April 1972<sup>9</sup> concerning (a) socio-economic guidance for and the acquisition of occupational skills by persons engaged in agriculture and (b) encouragement to withdraw from farming activity and the reallocation of utilized agricultural area for the purposes of structural improvement.

## Competition conditions

2233. On the basis of the provisions of Article 93, section 3, of the EEC Treaty, the Commission took a position on several State aid measures. Three of them concern Italy and one applies to the United Kingdom.

The Commission decided to inform the Italian Government that it did not object to the implementation of a Calabrian law which provides for interventions in favour of agriculture in the sector of land improvement. But it drew the Government's attention to some particular features of that law and to the need to adhere to the provisions of various Regulations now in force.

The Commission also authorized Italy to grant aid for planting and replanting vineyards in the independent region of Aosta where wine-making is a mainstay of agricultural incomes. Lastly, it informed the Italian Government that it had no objections to the enactment of a draft law for Sicily concerning measures to improve cattle breeding.

<sup>1</sup> OJ L 127 of 9.5.1974.

<sup>2</sup> Bull. EC 4-1974, point 2228.

<sup>3</sup> OJ L 152 of 8.6.1974.

<sup>4</sup> OJ L 140 of 23.5.1974.

<sup>5</sup> OJ L 144 of 29.5.1974.

<sup>6</sup> OJ L 127 of 9.5.1974.

<sup>7</sup> OJ L 122 of 4.5.1974.

<sup>8</sup> Bull. EC 4-1972, Part 1, Chapter I.

The Commission decided to inform the *British Government* that it had no objections against the draft law designed to foster and develop the cooperative marketing of farm and garden produce.

### Harmonization of legislation

2234. a *work programme* with timetable for the period 1974-1978<sup>1</sup> was submitted by the Commission to the Council on 6 May 1974. Its purpose is to ensure the free movement of goods by approximating national regulations in three key areas: *livestock feeding and phytosanitary and veterinary activities*. The programme consolidates the schedule adopted, as part of the drive to remove technical barriers in the food trade and derives from the Council Resolution of 17 December 1973<sup>2</sup> concerning industrial production.

Besides Proposals already being reviewed, the programme includes others which the Commission has undertaken to submit in sufficient time for the Council to rule on them before the quoted deadlines.

The free movement of products is still the basis of the action taken since the single market has not yet been working properly long enough for national provisions to have disappeared, which specify divergent production conditions and marketing concepts and methods. This is very much the case for farm and food products. Moreover, the action to be taken must also be in line with the objectives peculiar to each area in question, namely public health, consumer interests and the protection of livestock and vegetable produce.

2235. The Community measures to be taken in the veterinary field are covered in the Council Resolutions of 12 March 1968,<sup>3</sup>

setting out a work programme which is still basically valid and a major proportion of which has already been accomplished.

So far health Directives have been adopted concerning: cattle and pigs, the fresh meat of cattle, pigs, sheep, goats, domestic solipeds and poultry; and concerning the scheme for imports from non-member countries of livestock and fresh meat. The objectives for the years ahead consist of removing the barriers which may still be found in intra-Community trade with regard to the major products and of applying the scheme for imports from non-member countries.

But complete removal of barriers to intra-Community trade cannot be achieved unless health policy measures are harmonized. Preparations are now being made to do so.

In the zootechnical sector a medium-term programme will be developed.

2236. In the *phytosanitary field*, apart from the three Directives concerning measures to combat certain organisms which attack vegetables, all the Proposals submitted are still being discussed by the Council. The action planned will move in two directions: provisions will be adopted on health measures to be complied with in the vegetable produce trade; and provisions will be adopted concerning pesticides and their residues deposited on farm produce and in food products.

2237. Regarding *animal feeding and nutrition* the important area of acceptable additives and undesirable matter in animal feeds has been standardized. The system now only requires minor adjustments. Provision for the marketing of simple and compound feeds are still to be adopted.

<sup>1</sup> OJ C64 of 5.6.1974.

<sup>2</sup> OJ C117 of 31.12.1973 and Bull. 12-1973, point 2252.

<sup>3</sup> OJ C22 of 8.3.1968.

2238. The new programme may well be liable to modification necessitated by a constantly changing situation. Moreover, it does not cover all the possible amendments to existing Directives. When the Commission makes such amendments it could propose that the controls be less stringent, particularly in the veterinary field. Since adjustments may have to be made the text stipulates that the Commission will report annually on the performance of the programme and will propose any necessary adaptations.

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2239. During the plenary session of 29 and 30 May 1974, the *Economic and Social Committee* issued an Opinion on Commission Proposals to the Council concerning the Community financing of food aid expenditure and the import scheme for carp and trout.

## Industrial and technological policy

### Industry

#### Iron and steel

##### *Developments in investments*

2240. The 'statements on investments' received by the Commission show that investments planned by the iron and steel companies in the Original Six Community countries have increased for the first quarter of 1974 in comparison with the corresponding sums for previous years.

The total registered for the first quarter of 1974 (345 million u.a.) leads one to think that the trend in the inclinations of the ECSC steel companies to invest has changed somewhat. By extrapolation and allowing for advance indica-

tions of investment decisions likely to be taken in 1974, the annual total of declared investments could come out at some 1 500 million u.a. for 1974 as against 694 million in 1973, 770 million in 1972 and 669 million in 1971.

Some of the consequences of the recent oil crisis (higher prices of oil and raw materials, higher transports costs, etc.) do not appear to have had a negative effect on the number of investment decisions.

In fact, they seem to have led companies to embark on programmes linked with the expected development in the demand for certain products, notably heavy sheet and certain long products.

The results of the annual survey on investments which will probably come to hand at the end of July, will provide more comprehensive details for appraising current trends.

##### *Forecast Steel Programme*

2241. In 1974 the energy crisis should not seriously affect the European iron and steel industry which will continue to benefit from a high level of demand. This is the main point to be gleaned from the Forecast Steel Programme which indicates the short-term trend of the Community steel market and which the European Commission publishes every year to help the circles concerned to organize their activities more efficiently. Publication of the 1974 programme was postponed so as to include data on the consequences of the oil crisis. It shows that in 1974 steel consumption in the Community will increase by more than 2% compared with 1973, as against 8% between 1972 and 1973.

1973 had seen a distinctly favourable development, despite a slight slackening over the last quarter owing to the impact of the energy crisis. For the nine Community countries steel output exceeded 150 million tonnes (in equivalent crude steel), i.e. about 8% more than in

1972; exports reached 27 million tonnes, an increase of 1.8 million tonnes.

In early 1974 the problems arising over energy affected the activity of the processing industry and the consumption of steel. Generally speaking, the hardest hit sector was the motor industry. The effects of a slackening of demand in this sector will also be felt in all the related industries producing parts and accessories. The building sector is also declining throughout the Community since the anti-inflation measures taken by many countries have among other things slowed down the pace of activity in the public works sector.

Although a certain slackening in the progression of demand is to be seen in 1974, this progression will still be a mainstay of the steel market at least for the first half of the year. So the actual consumption of steel in the Community should reach nearly 135 million tonnes, an increase of 2-3% over 1973. Exports to non-member countries should stay at a very satisfactory level at least for the first six months; from then on the trend is not so clear largely because of the possible impact of monetary fluctuations, the repercussions of the energy crisis which might reduce demand in some importing countries and thirdly because of heightened Japanese competition on certain markets. Production could amount to 155 tonnes of crude steel as against a little over 150 million tonnes last year with imports showing a slight fall.

#### *Publication of prices and sales terms*

2242. On 22 May<sup>1</sup> the Commission adopted a Decision extending from two days to a fortnight the waiting period between the date on which the steel companies notify the Commission of their price scales and the date on which the prices take effect.

This measure which will apply only until 31 January 1975 at the latest and will enable the

Community to watch the development and setting of steel prices more carefully so that it can intervene if necessary. This had in fact already been emphasized in December 1973 in a 'memorandum to companies which come under the ECSC'.<sup>2</sup> The Commission's Decision therefore fits in with other action taken to resist rising prices and maintain a high level of employment in the Community.

## **Technology**

#### **Nuclear industry**

2243. On 21 May the Commission decided to advise Germany of its 'viewpoint' on the expansion of the production plant for nuclear fuel ingredients at the firm of Reaktor-Brennelemente GmbH in Wolfgang-bei-Hanau. The 'viewpoints' were transmitted to the Member State concerned under the provisions of Article 43 of the Euratom Treaty; but their content is never disclosed.

## **Science, research and development, education, scientific and technical information**

#### **Science, research and development**

#### **Energy research**

#### *Discussions between the Community and the United States*

2244. From 16 to 21 May 1974 sixteen delegates from various American public

<sup>1</sup> OJ L 143 of 28.5.1974.

<sup>2</sup> OJ C 115 of 28.12.1974 and Bull. EC 12-1973, point 2253.

authorities, including the National Science Foundation and the United States Atomic Energy Commission (USAEC) were the guests of the Commission. The purpose of the talks was to bring out points of joint interest in the field of energy research. The meeting was arranged in the summer of 1973 by Mr Dahrendorf of the Commission and Dr Guyford Stever, Director of the US National Science Foundation.

Over the first two days the Americans inspected the JRC establishments at Ispra and Karlsruhe and the Institute of Plasma Physics at Garching, where they discussed various research projects with the leaders of various projects.

On 20 and 21 May 1974 working meetings were held in Brussels attended by senior Commission officials in the sectors of research energy, industrial and technological affairs, environmental protection and external relations. The American delegation was led by Dr Paul F. Donovan, Director of energy research at the National Science Foundation. The meetings were chaired by Mr Dahrendorf.

The first day in Brussels was devoted to a summary review of American and Community energy research programmes. The following day saw detailed discussions in specialized groups covering the following subjects:

- (i) energy economy;
- (ii) production and use of hydrogen;
- (iii) solar energy;
- (iv) production of non-pollutant energy from coal and non-pollutant operation of coal;
- (v) geothermal energy;
- (vi) controlled thermonuclear fusion;
- (vii) nuclear reactor safety;
- (viii) industrial heat of nuclear origin;
- (ix) methods for assessing future energy needs, scope for meeting the needs and simulating them (energy systems modelling).

Technical reports presented by the Working Parties at the final full meeting, held the same day, showed that in many departments there was a mutual interest in amplifying the information exchanges.

#### *The CREST sub-Committee for Energy Research and Development*

2245. The CREST<sup>1</sup> sub-Committee for Energy, Research and Development held its second meeting in Brussels on 16 May 1974. Professor De Meester, Advisor to the Belgian Government's scientific policy planning departments, was elected Chairman.

The sub-Committee took a hard look at questions put to its members by the Chairman of CREST who had asked them to take a position on: (a) the sectors to which Community energy research and development projects might be applied; (b) the relative importance of financial efforts to be directed by the Member States towards the various fields of research work and (c) the activity schedule to be observed at Community level together with the priorities to be adopted.

Most of the members of the sub-Committee thought that the four following sectors were preferential areas for Community combined action:

- (i) energy economy;
- (ii) geothermal energy;
- (iii) solar energy;
- (iv) hydrogen, the new energy source.

The sub-Committee also recommended that a study be undertaken on energy systems and models.

<sup>1</sup> Bull. EC 3-1974, point 2253.

The next meeting of the CREST sub-Committee on Energy Research and Development will be held on 3 July 1974 and will be devoted to a review of the nuclear sector.

### **European Science Foundation**

2246. A meeting was held in Stockholm on 3 May 1974. It was chaired by Professor T. Segerstedt, and attended by delegates from the research councils and academies of fourteen European countries who want to establish a European Science Foundation.

In a Resolution passed in Brussels on 14 January 1974 the Council had acknowledged with interest the intention to set up the Foundation and had intimated that it was favourably disposed towards forging links between the Foundation and the Community. The Community was represented at the Stockholm meeting by Dr Dahrendorf.

The organizations represented there adopted the general principles of a draft statute and approved the pattern of the Foundation's administrative structure and working methods. It was decided to site it in Strasbourg.

A Founding Committee was formed which included members of the existing preparatory panel to which will be added a member for each national group not previously represented. The Committee's job will be to finalize the paperwork enabling the Foundation to be established by the end of this year.

The next meeting of the organizations taking part will be held in Strasbourg in November 1974. The agenda will include the approval of the legal documents creating the Foundation, a study of its initial activities and the selection of its directors.

### **Conference on cooperative industrial research in Europe**

2247. An international Conference on the theme of energy and raw material economy within cooperative industrial research in Europe was run in Brussels from 20 to 22 May 1974 under the auspices of FEICRO, the future Federation of European Industrial Cooperative Research Organizations.<sup>2</sup> The Commission had provided it with financial and administrative assistance.

Following a series of technical conferences a Resolution on the possible creation of FEICRO as from 1 January 1975 was passed by the delegates of various national organizations represented. The preparatory Committee for the Foundation was installed with Mr Adamowitz, the Director-General of the Engineering Industries Technical Centre,<sup>3</sup> in the Chair.

### **European Research and Development Committee**

2248. The European Research and Development Committee (CERD) held its fifth full meeting in Brussels on 14 May 1974 with Mr Casimir in the Chair. The Committee took note of the work done by the various sub-Committees.

Regarding the Study Group on Energy, the CERD unanimously confirmed the approval given by the Chairman to Mr Della Porta on forwarding to the Commission the interim report which he had made in February and March 1974.<sup>4</sup> The general opinion of the Committee is

<sup>1</sup> Bull. EC 1-1974, Part One, Chapter IV: 'Scientific and Technological Policy: Adoption of an Action Programme.'

<sup>2</sup> Bull. EC 12-1973, point 2260.

<sup>3</sup> Centre technique des industries mécaniques.

<sup>4</sup> Bull. EC 4-1974, point 2238.

that the report accurately assesses the current status of world energy research and can serve as the basis for future discussions.

The sub-Committee on Forecasts, Assessments and Methodology, has now completed its work after helping the Commission to set up the 'Europe + 30' Project Committee<sup>1</sup> chaired by Lord Kennet who read to the CERD the minutes of the first meeting of the Project Committee held on 30 April 1974.

The CERD also talked about the problem of the Community's raw materials supply. The discussions will be resumed at a forthcoming meeting.

Lastly, the CERD was advised by one of its members, Mr van Lieshout, of the status of the work on establishing the European Science Foundation.<sup>2</sup>

The next meeting of the CERD has been set for 26 September 1974 when the Committee will discuss in detail the various aspects of research in electronics and data-processing.

### **Committee for Scientific and Technical Research**

2249. During its third meeting held on 22 May 1974, the Committee for Scientific and Technical Research (CREST) approved the draft of its internal rules which will be sent to the Council in accordance with the Resolution of 14 January 1974. The Committee<sup>3</sup> also reviewed the Action Plan prepared by the Commission concerning scientific and technical information.<sup>4</sup> When further data is to hand and after a deputies' meeting set for 24 June 1974, the Committee will issue a final Opinion on the proposals.

Mr De Meester, Chairman of the sub-Committee on Energy Research and Development read the minutes of the sub-Committee's meeting of 16 May 1974.<sup>5</sup> Again in connection with en-

ergy research the Committee at the request of the Energy Committee reviewed a draft mandate to be given to the OECD.

The Committee met again on 29 May 1974 to issue an Opinion on the follow-up and development of scientific and technical cooperation with non-member countries within the compass of COST. During this discussion certain principles emerged which should allow the position of the various national delegations on this issue to come into line.

The fifth meeting of CREST has been set for 11 and 12 July 1974 and will be devoted to an analysis of the problems arising over raw materials.

### **Multiannual programme**

#### **Advisory Committees for Programme Management**

2250. The Advisory Committee for Programme Management (CCMGP) dealing with Research on the Environment<sup>6</sup> met for the fourth time on 31 May 1974. It went on vetting proposals for participation in the research programme (indirect project) sent in by the Member States.

Favourable Opinions were issued on twelve projects concerning the harmfulness of lead, ten projects covering the effects of micro-pollutants on man and seven projects on the ecological effect of water contaminants. The review and

<sup>1</sup> Bull. EC 4-1974, point 2240.

<sup>2</sup> Point 2247.

<sup>3</sup> Bull. EC 3-1974, point 2254.

<sup>4</sup> Bull. EC 4-1974, Part One, Chapter II: 'Scientific and Technical Information: Three-Year Action Plan'.

<sup>5</sup> Point 2245.

<sup>6</sup> Bull. EC 4-1974, point 2244.

discussions of projects connected with the setting up of a data bank on pollutant chemicals will shortly begin within the Committee's Study Group on data banks.

Projects already received on which the Committee has asked for further information and projects for which fresh proposals are expected will be reviewed at the fifth meeting to be held in Ispra on 10 July 1974.

granted solely for suspendable contracts and if the use of natural gas in the power stations proves necessary on economic or technical grounds, if a better economic return is not possible or again if suspension is necessitated by environmental considerations. Regarding contracts already made which do not match up to these criteria, Member States will have to prod the contracting parties to rescind them by joint agreement. The Member States will keep the Commission constantly informed on the application of the Directive.

## Energy policy

### Preparing and implementing a Community energy policy

#### New strategy for energy policy

2251. On 29 May the Commission approved and on 31 May submitted to the Council a Memorandum<sup>1</sup> entitled: 'Towards a New Energy Policy Strategy for the European Community.'

The Memorandum was accompanied by three Proposals, described below, to curtail the use of natural gas in electric power stations and to bring in an import and export scheme for hydrocarbons. A Communication was also submitted on the efficient use of energy. The content of the four texts is as follows:

#### Use of natural gas in electric power stations

2252. The proposed Directive attached to the Memorandum stipulates that the conclusion of new contracts for the supply of natural gas to electric power stations will be subject to a system of prior authorization on the part of the Member States who will thus be able to make the best use of natural gas. The authorizations can be

#### Use of petroleum products in electric power stations

2253. Under the conditions of another proposed Directive, Member States will submit any plans for building new electric power stations fired by liquid fuels to prior authorization. The authorizations will be granted only: if power stations of low peak power are involved, if the petroleum products serve to ignite and stabilize the burning of other products and if their contribution in terms of energy remains low, if the fuel is a residual product and a better economic return cannot be obtained from other applications or again if the use of other fuels cannot be contemplated for economic or technical reasons.

If they grant an authorization on these grounds, Member States will have to examine whether it might not be advisable to equip the power station with bivalent plant enabling coal to be used as a substitute fuel and they might be able to make this a proviso for authorization. The Commission will be kept regularly informed on authorizations granted and the justification for granting them.

<sup>1</sup> Points 1201 to 1212.

### *Import and export scheme for hydrocarbons*

2254. The proposed Council Regulation lays down that hydrocarbons be included in the general Regulations of the common commercial policy.<sup>1</sup> Nevertheless the Commission is proposing that imports and exports of hydrocarbons be subject to constant surveillance (all licences granted) in compliance with the provision of these Regulations. This surveillance would, in periods of tension or crisis, allow protective measures to be implemented according to the Community procedures. This Proposal replaces the Proposals submitted by the Commission in October 1972<sup>2</sup> and August 1973.<sup>3</sup>

### *Efficient use of energy*

2255. In this Communication to the Council, the Commission defines the basis and objectives of a Community policy for the efficient use of energy and this will be a focal point of the new energy strategy. The objective would be a minimum reduction of 10% in the energy demand for 1985.

Such a saving would result from the effect of efforts towards a more efficient use of energy on both the national and Community front combined with the price mechanisms of the market. The resources for an appropriate Community policy include: information and publicity, direct actions by the public authorities (in the form of incentives or constraints) and research and development activity.

A preliminary stage would include the definition of priorities enabling an action programme to be drawn up, the specification of forms and means of action indicating the time required to prepare and implement them, and information in the form of estimated economic balance sheets on the nature of the result likely to be gained from the action contemplated. Prompted by the

Commission the Energy Committee has formed a Group of national experts who will assist the Commission in accomplishing this initial stage.

### **Withdrawal by the Commission of short-term economic Proposals**

2256. On 13 May 1974 the Commission notified the Council that it had decided to withdraw five short-term economic Proposals for Decisions, Recommendations and Regulations which it had submitted in January 1974.<sup>4</sup> The Proposals had to do with intra-Community trade and exports of petroleum products to non-member countries, the reduction of Community energy consumption and a temporary Community monitoring system for petroleum prices. The Commission still considers that the oil market situation remains precarious and that it is liable to further upheaval as long as tension persists over prices. Since the Council had contended that the proposed measures could no longer be justified owing to the appreciably improved oil supply conditions, the Commission preferred to withdraw its Proposals with the reservation that it might replace them with new ones if the need arose.

The Commission takes the view that Member States who because of the crisis have upheld certain measures likely to disrupt intra-Community trade in petroleum products should do away with them immediately.

<sup>1</sup> They are the Council Regulations of 25 May 1970 setting up a joint scheme applicable to imports from non-member countries (OJ L 124 of 8.6.1970), of 19 December 1969 on a joint system applicable to imports from State-trading countries (OJ L 19 of 26.1.1970) and of 20 December 1969 on setting up a joint scheme applicable to exports (OJ L 324 of 27.12.1969).

<sup>2</sup> OJ C 134 of 27.12.1972 and Bull. EC 10-1972, points 121 to 123.

<sup>3</sup> OJ C 92 of 31.10.1973 and Bull. EC 7/8-1973, point 2246.

<sup>4</sup> Bull. EC 1-1974, point 2258.

### Short-term energy situation

2257. As in previous years the Commission compiled a report on the 'short-term energy situation in the Community' which takes stock of the position in 1973 and outlines the prospects for 1974.

### Coal

#### Technical research

2258. After consulting the ECSC Advisory Committee and acting on a confirmatory Opinion from the Council, the Commission decided on 17 May 1974 to grant 5 983 000 u.a. under Article 55 of the ECSC Treaty for carrying out research projects in colliery operation and the coking and upgrading of coal.

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2259. During the meeting of 29 and 30 May the *Economic and Social Committee* approved a study on the 'methods and themes of the common energy policy' which the Committee itself had prepared.

### Transport policy

#### Harmonization

2260. On 16 May 1974 the Commission decided to send the *Irish Government* an Opinion<sup>1</sup> on two draft regulations implementing the Council Regulation of 25 March 1969 concerning the harmonization of certain *social provisions in road transport*. The Commission issued a favourable Opinion on the two drafts

subject to certain observations concerning the penalties envisaged and the *Irish Government's interpretation of the concept of international transport*.

2261. On 8 May 1974 the Commission sent the Council its *third annual report* on application of the Council Regulation of 25 March 1969 concerning harmonization of certain *social provisions in road transport*. These annual reports compiled on the basis of data supplied by the Member States will help to create the conditions for applying the Regulation effectively and uniformly throughout the Community. They bear mainly on the controls, the infringements committed and the penalties imposed, and mutual assistance between Member States; they also include suggestions for improving and facilitating application of the Regulation.

In the third annual report which covers the period 1 October 1971 to 31 December 1972, the Commission regrets the twelve months delay in advising the Council of the status of implementation of the Community Regulation over the period in question. It was largely due to the belated transmittal of data by the Member States. Assessing the application of the Regulation over this period it finds that Member States must keep up their efforts to improve the system of controls and penalties and to agree between themselves on the assistance provided for in Article 18, paragraph 2 of the Council Regulation.

#### Functioning of the market

2262. On 15 May 1974<sup>2</sup> the Commission sent the Council a Proposal amending and extending for two years the Council Regulation of

<sup>1</sup> OJ L 160 of 17.6.1974.

<sup>2</sup> OJ C 68 of 12.6.1974.

28 December 1972 concerning the *Community quota for intra-Community road freight haulage*, which will expire on 31 December 1974. The amendment bears on increasing the authorization quotas granted to Member States under the Community quota. The increase has been necessitated by the development of trade and the enlargement of the Community.

2263. The French and German Governments had asked the Commission to extend the authorization granted by the ECSC High Authority to apply the special Franco-German tariff No 3101 and the tariff aid (*Frachthilfe*) granted for this carriage by the German Government to *the carriage by rail of iron ore from Lorraine to the Saar*. By its Decision of 22 May 1974 the Commission, under Article 70, section 4 of the ECSC Treaty, authorized application until 31 December 1974 of the above tariff measures which are aimed towards keeping up the activity of the Lorraine iron ore mines.

The Committee also reviewed the first version of a report on introducing a scheme to obtain data on the situation and development of the road freight haulage market. The Commission consulted the Committee in this respect, as it had done on the three above-mentioned matters, in connection with the Memorandum to the Council of 24 October 1973, concerning the development of the common transport policy. Lastly, the Committee members commented on various questions on which the Commission would like to have their opinion very soon.

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2265. During the sitting of 29 and 30 May 1974 the *Economic and Social Committee* adopted two Opinions on Commission Proposals. One is to amend and the other to prolong the Council Regulation of 30 July 1968 on introducing a system of bracket rates applicable to intra-Community road freight haulage.

### Transport Advisory Committee

2264. The Transport Advisory Committee met on 16 May 1974 in Brussels with Mr Christian Woelker (Member of the German Government) in the Chair.

After hearing a report from a Commission representative on recent developments in the common transport policy, the Committee discussed the work of the groups of rapporteurs handling the following problems: 'the future role of the railways in the Community transport system,' 'the contribution of transport to land and regional development in the Community' and 'development of a Community project for coordinating transport infrastructure investments.' The Committee agreed the guidelines adopted from the work of the Groups and set the dates for vetting the draft opinions at a full meeting.

### 3. External relations

#### Commercial policy

##### Multilateral negotiations

###### Trade Negotiations Committee

###### Non-tariff barriers

2301. In line with the timetable adopted at its first meeting in March<sup>1</sup> the Group assigned to deal with non-tariff measures held two meetings in May to start or continue work in four areas.

*Packaging and labelling:* the specialists had a preliminary discussion on problems arising in this sector and possible solutions to them. Some points will be reviewed again at a further meeting.

*Import documents:* the Group took note of the status of harmonization and streamlining projects undertaken by other international bodies and decided to review, in June, the type of information required by the excise departments with the aim of eventually setting out some general principles.

*Quantity restrictions:* Delegations from developing countries submitted proposals for softening the import restrictions on products which they export. The Group also debated whether its assignment covered export restrictions. No agreement was reached and the question will be referred to the Trade Negotiations Committee.

*Subsidies and countervailing charges:* the Group reviewed in general terms the intricate problems involved with export subsidies for industrial wares, internal subsidies boosting exports or facilitating the replacement of imports and the present disparities between national laws and practice with regard to countervailing charges (anti-subsidiary charges).

###### Excise matters

2302. The Expert Group dealing with excise matters<sup>2</sup> met for the second time to review various technical points prior to the tariff negotiations. These include the setting of customs tariffs to be considered (basic date and reference rates), the fixing of the reference year or years for the gathering of statistics and fixing the standard reference unit. The discussions also ranged over other problems to do with collating and presenting basic data.

#### Commercial policy

##### Preparing and implementing a common commercial policy

###### Defence against dumping, premiums or subsidies

2303. The Commission decided to close two anti-dumping/anti-subsidy procedures<sup>3</sup> which it invoked in 1972 and 1973. In view of later developments in the two cases in question, the adoption of defensive measures was not seen to be necessary for the time being.

The first procedure concerned imports of urea from Poland<sup>4</sup> and the second referred to zip-fasteners from Japan.<sup>5</sup>

<sup>1</sup> Bull. EC 3-1974, point 2303.

<sup>2</sup> Bull. EC 3-1974, point 2304.

<sup>3</sup> OJ C 59 of 21.5.1974 and C 63 of 1.6.1974.

<sup>4</sup> OJ C 51 of 23.5.1972.

<sup>5</sup> OJ C 51 of 30.6.1973.

**Individual measures  
of commercial policy****Textiles**

2304. On the terms of the International Textile Trade Agreement approved by the Community on 25 March 1974<sup>1</sup> the Commission on 22 May provided the Textiles Supervisory Board in Geneva with the list of quantity restrictions, bilateral agreements and other quantitative measures with restrictive effect, now in force in the Community and applied to imports of textile products.

**Development and cooperation****Cooperation and development policy****Aid to Palestinian refugees**

2305. On 22 May the Commission submitted a Proposal to the Council for providing aid to the Palestinian refugees for education.

The Community would bear all the 1974 running expenses of UNRWA (United Nations Relief and Works Agency) for the secondary education of Palestinian refugees. These costs are estimated at 6 550 000 u.a. This action is a response to the appeal by UNRWA, which is facing serious financial difficulties owing to increased operational costs for its services following the general rise in prices.

The Community is already helping the Palestinian refugees through food aid and under this head it will contribute 11 500 000 u.a. to UNRWA in 1974.

**International organizations****Organization for Economic Cooperation  
and Development****Executive Committee**

2306. The Commission took an active part in two special meetings of the OECD Executive Committee on 23/24 April and 10 May. The meetings were called in order to consider all the economic problems facing the member countries of the OECD in the wake of the oil crisis and the 'boom' in raw materials. The Committee discussed the problems inherent in the balance of payment deficits which will be caused by the increased prices of oil and raw materials. The Committee was advised of the work of the Working Party on questions related to financing the 'petroleum deficit'. The Executive Committee also discussed the accelerating trend of inflation and the sometimes dramatic problems of the developing countries who have no oil or raw materials.

The major conclusion of the debates was that to weather the difficulties on the way or already with us, the member countries of the OECD must strengthen their cooperation and seek co-ordinated systems together. The Executive Committee therefore focussed its attention on a draft declaration in which the member countries will affirm their resolve not to fall back on unilateral trade moves, whether they involve more or less artificial boosts to their exports, curbs on imports or restrictions on exports of raw materials.

This political commitment, for it is not a case of altering the existing network of international obligations, would apply for twelve months.

<sup>1</sup> Bull. EC 3-1974, point 2309.

A few days afterwards the declaration finalized by the Executive Committee was submitted to the Ministers of the OECD.

### Council

2307. The OECD Council met at Ministerial level in Paris on 29 and 30 May 1974. The Commission was represented by Sir Christopher Soames.

In his speech the Vice-President stressed the need to strengthen international cooperation to deal with the many current economic problems. He also reaffirmed the Community's belief that there must be no slackening of the effort to further the liberalization of world trade; 'liberalization must go hand in hand with cooperation.' In conclusion, Sir Christopher Soames spoke of the problem of the developing countries especially hard hit by the rising cost of oil and raw materials and recalled the Proposals recently made for their benefit by the Commission.

### Council of Europe

2308. The Commission attended the proceedings of the first part of the 26th regular meeting of the Consultative Assembly of the Council of Europe which took place in Strasbourg from 6 to 10 May 1974. The Assembly held a ceremonial session to commemorate the 25th anniversary of the Council of Europe. The session was attended by Mr Thomson, Member of the Commission.

### GATT

2309. A meeting of the GATT Council was held to consider a procedural question in relation to the *negotiations under Article XXIV:6* following the enlargement of the European Community. Because certain tariff changes had been

implemented from 1 January 1974 the question had been raised whether the six months period (for consideration of possible counter measures) mentioned in paragraph 3 of Article XXV/III would expire at the end of June 1974. Since these negotiations were not yet completed and in order to preserve the rights of Contracting Parties the Council decided that the six months period in question should not be considered as terminated before 31 August 1974.

2310. A further meeting of the GATT Council was called on 3 May to consider the import deposit measure *adopted by the Italian Government*<sup>1</sup> in the light of the provisions of the General Agreement. According to these normal procedures the Council established a working party to examine this measure and its effects, to present a report and to remain available for any consultation that might be necessary.

2311. The Working Party established to examine the *Agreement between the European Communities and Egypt* held its first meeting on 17 May. Several Contracting Parties (the United States, Canada, Japan), maintained their customary position that this Agreement like other similar agreements was not consistent with the provisions of GATT. The parties to the agreement with the support of several other countries, maintained the opposite view and a report recording the differing views of the members of the Working Party will be presented to the Council in due course.

### United Nations

#### Economic and Social Council

2312. The Commission attended as an observer the 56th meeting of the UN Economic and Social Council (ECOSOC), held in New York

<sup>1</sup> Points 1101 to 1107.

from 22 April to 17 May 1974. As usual the spring meeting dealt primarily with social problems such as the rights of man, the status of women, the campaign against drug addiction, social progress and communication with the younger generation, etc. In the economic field, ECOSOC prepared for the International Conference on Food which will take place in Rome from 5 to 16 November and for the World Population Conference to be held in Bucharest from 19 to 30 August.

As a follow-up to the proceedings of the 6th extraordinary meeting of the General Assembly which wound up on 2 May 1974,<sup>1</sup> ECOSOC passed two Resolutions on the raw material and development problems. One concerns the emergency measures for the supply of fertilizers and pesticides and the other concerns the UN Fund for the Exploration of Natural Resources. It was decided that all the problems regarding raw materials and development and the question of permanent sovereignty over natural resources would be held over until the 57th meeting of ECOSOC which will take place in Geneva from 3 July to 2 August.

### **International Atomic Energy Agency**

2313. At its meeting of 7 May 1974 the Council of the EEC officially adopted a Decision issuing Directives to the Commission for negotiating 'Guarantee Agreements' between the EAEC, the UK and the IAEC.

### **EFTA countries**

#### **Proposed streamlining of excise formalities**

2314. In a Memorandum submitted to the Council on 22 May, the Commission has pro-

posed new measures for simplifying customs formalities in trade between the Community and the EFTA countries. These measures will considerably ease the administrative work of the customs authorities and the exporters resulting from the issue of movement certificates for the goods exported and from origin control of these goods.

At present, exporters of the countries in question must submit the goods to the customs authority and, in addition, an application for a movement certificate in respect of them. This certificate, which is issued by the customs authority after the control procedure, is to the effect that the goods comply with the conditions laid down by the various agreements between the Community and the EFTA countries, in particular in respect of rules of origin so that the importer in the country of destination may subsequently benefit from the preference provided for in the said agreements.

Under the Commission's simplification proposals, the goods and the applications for certificates would no longer need to be submitted to the customs authorities provided certain conditions were fulfilled by the exporter. These conditions are that he should be a frequent exporter and that he should offer the customs authorities every guarantee that the provisions relating to the origin of the goods were being consistently complied with. If the exporter fulfills these conditions, the customs authorities of the country from which the goods are being exported may either supply the exporter with movement certificates already stamped by the customs office or authorize him to issue himself with the said certificate using a special stamp.

After the Council has given its agreement, these measures will be discussed with the Joint Community—Non-member EFTA countries Committees. It is proposed that they should enter into force not later than 1st August 1974.

<sup>1</sup> Points 1301 to 1304.

## EFTA countries

### Sweden

#### *Joint EEC-Sweden and ECSC-Sweden Committees*

2315. The Joint Committee formed under the EEC-Sweden Agreement held its third meeting on 30 May 1974 in Brussels with Ambassador Erik von Sydow, Head of the Swedish Mission to the EEC in the Chair. This meeting was immediately followed by the first meeting of the Joint Committee set up under the ECSC-Sweden Agreement.

The two delegations reviewed the working of both Agreements which took effect on 1 January 1973 and 1 January 1974 respectively. They found that trade in the products involved was running satisfactorily. They discussed in general terms the problems arising or likely to arise from their trade relationships owing to the world economic situation, and they highlighted the need to move forward along the way opened by the Agreements.

#### *ECSC-Sweden contact group*

2316. The 12th meeting of the contact group Sweden-Commission (ECSC) took place in Stockholm on 16 May 1974. The meeting was chaired by Mr Erik Pettersson, Director-General of the Board of Industry.

The meeting was mainly devoted to a discussion of the market situation for iron and steel and questions related to investments. In this connection the Swedish side gave details on the planned extension of Norrbottens Järnverk, 'Steelworks 80'. There was an exchange of views on the possibility of future cooperation between Sweden and the European Communities on technical research in the fields of iron and steel, on exchange of statistics and on questions related to standardization.

## Mediterranean countries

### Switzerland

#### *Joint EEC-Switzerland and ECSC-Switzerland Committees*

2317. The Joint Committee provided for in the Agreement between the EEC and Switzerland held its third meeting in Berne on 27 May 1974 under the chairmanship of Ambassador Pierre Languetin, the Federal Council delegate for trade agreements. This meeting was immediately followed by the first meeting of the Joint Committee established under the agreement between the ECSC and Switzerland.

The two delegations examined the operation of the two Free Trade Agreements which came into force on 1 January 1973 and 1 January 1974 respectively and noted that trade in the products covered by the Agreements had proceeded satisfactorily. They had a general exchange of views on problems that have arisen or are likely to arise in their trading relations as a result of the world economic situation.

The Joint EEC-Switzerland Committee was informed of the work of the Customs Committee. It noted with satisfaction that a great deal of progress had been made in the studies on the simplification of administrative formalities as well as on rules of origin.

## Mediterranean countries

### Greece

2318. In line with Annex I of the Athens Agreement, Greece on 1 May 1974 made a *further reduction in her customs duties* on the industrial products of the original members of the EEC which come under the twenty-two year

tariff phase-out. The reduction cuts by 36% the basic Greek duties in force on 1 November 1962. The most recent cut had been made on 1 November 1972.

Regarding farm products (certain fish, meat, poultry, dairy produce, etc.) in the list of Protocol 13 annexed to the Athens Agreement, Greece will still subject imports of these products from the original Six to the tariff and quota scheme laid down for products coming under the twenty-two year transition period (20%).

Bigger reduction have been made for ham (40%), European varieties of cheese (35%) and butter (30%). These percentages have not been raised. Greece has simply renewed them under Protocol 13, section 3, paragraph 2.

### Portugal

2319. On a visit to Brussels the General Secretary of the Portuguese Socialist Party, Mr *Mario Soares*, now the Portuguese Foreign Minister, and Mr Georges Campinos, the International Secretary of the Portuguese Socialist Party, had talks on 3 May 1974 with Vice-President Simonet and Mr Spinelli and Mr Thomson of the Commission. The conversations turned mainly on the new political situation in Portugal and the support which the Community and the Member States could give to Portugal's endeavours towards democratic and economic recovery.

2320. When he was asked about the talks in the European Parliament<sup>1</sup> during Question Time on 14 May 1974, Sir Christopher Soames, Vice-President of the Commission, told the House that during his private calls on certain Members of the Commission, Mr Soares had said that he wanted to see close relationships established between Portugal and the Community. The Members of the Commission expressed their

satisfaction over the decision of the new Portuguese administration to set up a democratic government as swiftly as possible. This could do nothing but good for future relations between Portugal and the EEC.

### Egypt

2321. The Joint EEC-UAR Committee instituted by the Agreement signed in Brussels on 18 December 1972, which came into force on 1 November 1973, held its first meeting in Cairo from 27 to 29 May 1974, under the Chairmanship of Mr M. Zoulikar, State Under-Secretary at the Ministry for Foreign Trade and Chairman of the Egyptian delegation.

At this meeting the Joint Committee adopted its rules of procedure and decided on methods of administrative cooperation in the customs field. It then went on to examine in detail the development of trade between the two parties and the implementing of the Agreement.

The Community delegation noted with interest the statement by the UAR delegation concerning the new direction to be given to its policy for an economy more open to the world and the possibilities this offers for cooperation. It will pass this information on to the Community authorities.

At the request of the Egyptian delegation, the Community representatives described the principles approved by the Council regarding the fostering of relations between the Community and Mediterranean countries in the context of the global approach to the problems of region.

The Community delegation agreed to refer to its responsible authorities the request of the Egyptian delegation for the opening of negotiations

<sup>1</sup> See 'European Parliament'.

with the EEC as soon as possible, with a view to extending the bases of the present preferential Agreement and supplementing it by headings concerning economic, technological and financial cooperation.

## African, Caribbean and Pacific countries

### Negotiations

2322. The negotiations<sup>1</sup> between the Community and the African, Caribbean and Pacific countries (ACP) were resumed intensively in May by both the Ambassadors and the Working Parties. On the *trade front* there was more detailed discussion on making the rules of origin more flexible and on the problems stemming from non-tariff barriers. Moreover, the ACP States recently made known their views on the problems arising from their inadequate and erratic export revenue. This key question is now being studied within the Community.

Regarding *financial and technical cooperation* solid headway was made in the programming, administration and management of aid. The Joint EEC-ACP Drafting Committee has drawn up the first relevant texts which were adopted by the full Committee of Ambassadors.

Work has started on the regulations on establishing and offering services, as well as on running payments and capital movements.

After the meeting of the Committee of Ambassadors on 24 May 1974 the joint proceedings were interrupted for a few days to allow the ACP States to conduct ministerial consultations between themselves in Dakar (Senegal) early in June.

Meanwhile, the work on issues still outstanding continues on the Community side.

### Yaoundé Convention

#### *Official visit to Upper Volta and the Ivory Coast by the President of the Commission*

2323. Mr François-Xavier Ortoli, President of the Commission, made an official visit to Upper Volta from 16 to 18 May and to the Ivory Coast from 19 to 21 May 1974 at the invitation of both the Associated countries.

On 18 May President Ortoli met the representatives of the inter-State Sahel Committee who described the gravity of the situation throughout the Sahel countries. He also had detailed discussions with President Lamizana and President Houphouët-Boigny as well as with members of their governments.

### Association Parliamentary Conference

2324. The *Joint Committee* of the EEC-AASM Association Parliamentary Conference met from 27 to 30 May in Dinard, with Mr Kasongo Mukundji (Zaire) as Chairman, and Mr Dewulf as Vice-Chairman, with the Association Council represented by Mr Wichneswki and the Commission of the EEC represented by Mr Cheysson, both in attendance. The purpose of the meeting was to discuss current problems of the Association and the status of negotiations for renewing and expanding the Association.

Mr Cheysson took stock of the negotiations between the Community and the African, Caribbean and Pacific countries (ACP) at the end of

<sup>1</sup> Bull. EC 4-1974, points 1101 to 1105.

their third stage (11 March-24 May 1974). He listed the problems still outstanding, especially the question of the size of the future Cooperation Fund and expressed his keen disappointment over the lack of agreement in the Council on the system for farm products in the future Association. Regarding the stabilization of export revenue Mr Cheysson had misgivings on the overambitious programme proposed by the ACP. He found it to be a lengthy and exacting project which could only be successfully accomplished at world level. He thought it a sound idea for the Community to stick to a realistic solution, even if it was neither complete nor comprehensive in that it had regional limitations, was confined to a small number of products and entailed stabilization in nominal values rather than in purchasing power. Referring to the institutional side, Mr Cheysson felt that, apart from the purely managerial bodies, regular liaison should be set up between the political and social forces of the participants. In conclusion he reminded the Africans that the Council on 30 April had upheld its objective to allocate 0.7% of the gross national product for public development in spite of the present crisis. In reply to complaints made against the slow pace of the negotiations and the inadequate volume of aid, Mr Cheysson sympathized with African fears but pointed out that with regard to development aid the Community was well ahead of other political entities.

Mr Wichnewski, for his part, reviewed the status of the negotiations saying he felt sure that they would arrive at constructive results.

The Joint Committee wound up its proceedings by adopting a statement encouraging the negotiating parties 'to succeed, within the prescribed deadlines, in laying the foundations of lasting relations for cooperation' and urging the European Community to settle promptly the last outstanding matters. In conclusion the Joint Committee asked to be kept informed of devel-

opments in the negotiations. It will assess the results at its next meeting to be held in Mauritius on 23 October 1974.

### **European Development Fund**

#### **New financing decisions**

2325. After favourable Opinions from the EDF Committee, the Commission on 13 May 1974<sup>1</sup> took eight new financing Decisions for a total of 25 862 000 u.a. out of the 2nd and 3rd EDF. Six projects (15 738 000 u.a.) have been financed by non-repayable grants and two projects (10 124 000 u.a.) by loans with special terms.

The projects financed by the grants are:

- (i) Expansion of the Bamako water purification plant; supply of water to the town of Mopti and water supply at Nara (*Mali*: 4 141 000 u.a.);
- (ii) Extension of the National Hospital at Nouakchott (*Mauretania*: 4 933 000 u.a.);
- (iii) Construction of a technical school at Ouagadougou (*Upper Volta*: 3 241 000 u.a.);
- (iv) Supply of groundnut seed to relaunch groundnut production hit by the drought (*Niger*: 2 800 000 u.a.);
- (v) Study of the Ankaizina region (*Madagascar*: 317 000 u.a.);
- (vi) Improvement of the Moundou-Koutou road (*Chad*: 630 000 u.a. additional financing).

The following projects are financed by loans with special terms:

- (i) Development of 1 425 hectares of commercial market gardening crops in the Cape Verde area of the *Senegal* (4 321 000 u.a. at 1% over 30 years with a period of grace of 10 years);

<sup>1</sup> OJ C 64 of 5.6.1974.

## Non-member countries

(ii) Improvement of the primary water distribution system at Kinshasa, Zaïre (5 803 000 u.a. at 1% over 40 years with a period of grace of 5 years).

Following these Decisions the total commitments of the EDF amount to 709 988 000 u.a. for 262 financing Decisions since the Fund began operating on 1 January 1971.

## Non-member countries

### Industrialized countries

#### United States

2326. Dr Patrick Hillery, Vice-President of the Commission with responsibility for social affairs, visited the United States from 7-10 May. The aims of the visit were to enable Dr Hillery to inform leading representatives of government, industry and trade unions about social developments in the Community and to afford Dr Hillery an opportunity to study the application of certain social measures in the United States.

Among the Ministers and officials whom Dr Hillery met during his visit were: the Secretary for Labour, Mr Peter J. Brennan, the Secretary for Health, Education and Welfare, Mr Caspar W. Weinberger, the Assistant-Secretary for European Affairs in the State Department, Mr Arthur Hartman, the President of the AFL-CIO, Mr George Meany, and Executive Vice-President of the National Association of Manufacturers, Mr Elliott.

Dr Hillery gave an address on the subject of relations between the Community and the United States during a visit to the State University of Louisiana in New Orleans.

## Non-member countries

### Japan

2327. On 2 May 1974 a *Japanese delegation* called on the Commission. It was led by Mr Ushida, Japan's former Ambassador to the United States. The purpose of the visit was to review the impact of the oil crisis on the Community economy and appraise the reactions of the administrative bodies concerned. The Commission representatives explained to their visitors the strategies which the Community was planning in the various sectors.

On 31 May 1974 another delegation from Japan again led by Mr Ushida came to Brussels for talks with President Ortoli, Vice-President Sir Christopher Soames and other senior Commission officials. The discussion bore mainly on the major economic issues particularly affecting both sides and on the bilateral trade relations.

### Asian and Latin American developing countries

#### India

2328. The *Joint Committee* set up under the Commercial Cooperation Agreement<sup>1</sup> between India and the European Communities, held its first session in Brussels on 27 and 28 May 1974. The formal opening ceremony was presided over by Sir Christopher Soames, Vice-President of the Commission of the European Communities, and Professor D.P. Chattopadhyaya, Indian Minister of Commerce.

The Joint Commission adopted its rules of procedure and agreed on its work programme for 1974. It also set up two specialized sub-commissions. The first sub-commission will deal with the sectoral agreements on jute, coir, cotton

<sup>1</sup> Bull. EC 12-1973, point 2315.

## Non-member countries

textiles and cottage-industry goods (handicrafts and handloom fabrics) according to the specific mandates approved by the Joint Commission. The Joint Commission also took note of certain suggestions put forward by the Indian delegation for improving the functioning of the different sectoral agreements and decided to refer them to the competent authorities. It was agreed that certain suggestions regarding cooperation in the field of research and product development for jute and coir products would be followed up.

The second sub-commission was given a mandate covering cooperation measures concerning the wide range of activities foreseen in the work programme such as efficient utilization of GSP, possible liberalization measures for products of interest to India, the study of particular measures including technical assistance for trade promotion, joint research and economic cooperation with a view to encouraging the development and diversification of trade between India and the Community. The sub-commission will prepare a series of reports which will, *inter alia*, form the basis of the work of the next meeting of the Joint Commission, which will probably be held in New Delhi.

The Joint Commission agreed to recommend tariff adjustments on certain products of interest to India as requested by the Indian side.

## Malaysia

2329. The Datuk Hadji Abdul Taib bin Mahmud, the *Malaysian Minister for Basic Industries*, was received on 21 May by Sir Christopher Soames, Vice-President of the Commission. Mr Abdul Taib emphasized that his country, anxious to achieve a finer balance in its relations with the major powers, set great store on the development of her contacts and trade with the Community.

## Diplomatic relations of the Community

Sir Christopher said that the Country's wider approach to the exterior since its enlargement meant that we could hope to see the Community's ties with the south-east Asian members of ASEAN get stronger and stronger year by year. Sir Christopher spoke of the new prospects which could unfold in ASEAN-EEC relations.

## State-trading countries

2330. At its meeting of 7 May 1974, the Council of the EEC got down to a discussion on the Commission's Proposal to bring in a consultation procedure for Member States' Cooperation Agreements with third countries, particularly State-trading countries. On the subject of relations with State-trading nations the Council reiterated that from now on any trade negotiations must be steered by the Community. Should a State-trading country request negotiations, the Community was ready to embark on them.

## Diplomatic relations of the Communities

2331. On 7 May 1974 the President of the Council and the President of the Commission received His Excellency Ambassador Sheka Hassan Kanu who presented his credentials as Head of the *Sierra Leone Mission to the European Communities* (EEC, ECSC, EAEC).

The new ambassador succeeds His Excellency Ambassador E.F. Luke, who has been assigned to another post.

# 4. Institutions and organs of the Communities

European Parliament

## European Parliament

### Part Session of 13 to 15 May 1974

2401. The May sitting<sup>1</sup> of the European Parliament was overshadowed by concern over the Community's future. This was voiced in both the major debates between members of the House and representatives of the Council and Commission. The two big debates dealt with the General Report and the four Oral Questions concerning the Italian Government's measures to restrict imports. The House also reviewed other issues deriving from the various Community policies, especially questions relating to cultural, consumer and environment policy.<sup>2</sup>

### The Commission's Seventh General Report on the Activities of the Communities (1973)

(14 May)

2402. Mr Durieux (L, F) deputizing for the rapporteur, Mr Rossi (L, F) submitted the report on the Commission's Seventh General Report on the Activities of the Communities (1973). He spoke of the principles confirmed by Parliament in its Resolution (correlated integration in the economic and political sphere; no alternative to the path of European integration; solidarity and overcoming national selfishness under international cooperation, especially with regard to the economically weak countries) and discussed possible action to master the crisis. Since the source of the crisis was to be found in the lack of political cohesion and in the Community's institutional weaknesses, it could only be overcome by reinforcing the institutions. Government Conferences were not an appropriate means of bringing the national interests to a common denominator. The need to strengthen the powers of the European Parliament stemmed logical-

ly from the Member States' democracies. Without a strong Parliament there was the danger of far too much weight being put on the economic side of the Community. Parliament today needed the support of the national assemblies who should discuss the serious problems facing Europe in a debate taking place in all Member States simultaneously.

In the debate on the General Report the Commission was the target of criticism from all sides. The spokesman for the Christian Democrats, Mr *Van der Sanden* (NL) complained about the procedure for dealing with the General Report. A debate which covered only the past year was pointless if current issues were left out of account. Debates on the activity report and on the programme should be combined. Mr *Van der Sanden* also reproached the Commission for knuckling under to the Council which had consequently meant that the initiative had of late lain more often with the latter. The rapporteur's idea that the European Parliament had to urge the governments via the national assemblies to provide fresh impetus did not go far enough; the House should rather discuss with the Council the present situation and the future development of Europe.

<sup>1</sup> The report on this sitting of Parliament was prepared from the German edition of 'Informations' published by Parliament's General Secretariat.

The Political Group and nationality of members speaking in the debates are indicated in brackets after their names and abbreviated as follows: C-D = Christian Democrats, S = Socialist Group, L = Liberal and Allied Group, C = European Conservatives, EPD = European Progressive Democrats, COM = Communist and Allied Group (SF, Ind. Sin.); B = Belgium, DK = Denmark, G = Federal Republic of Germany, F = France, IRL = Ireland, I = Italy, L = Luxembourg, NL = Netherlands, GB = Great Britain.

<sup>2</sup> The complete texts of the Resolutions passed by Parliament during the May sitting are reproduced in OJ C 62 of 30.5.1974 and the verbatim report of the sitting is contained in OJ Annex 176.

For the Liberal and Allied Group, Lord *Gladwyn* (GB) endorsed these criticisms, but saw a gleam of hope in that the need for unity would grow under the increasing weight of problems. Speaking for the Conservatives, Mr *Kirk* (GB) felt that the Community had now reached a point where sovereignties would have to be relinquished. Progress could only be made through democratization. Until then Parliament should primarily concentrate on the political issues. Mr *Nolan* (IRL) for the EDP Group deplored the lack of a real Community regional policy and stressed that the Community must every day prove its capability of solving economic problems successfully if it was to find favour with the people. The spokesman for the Communist and Allied Group, Mr *Leonardi* (I) complained of the purely descriptive nature of the Commission's report which offered no analysis of the causes behind the present critical situation. He urged that, with the whole Council in attendance, it should be debated whether the customs union had up to now created the conditions for economic and monetary union or whether it had perhaps acted in the opposite direction.

Mr *Johnston* (L, GB) advocated that a new summit conference of heads of governments be held including the opposition parties and that a permanent council of Ministers for Europe be formed. Mr *Bersani* (C-D, I) warned against arguing about the legal and political basis of the Commission. He went on to stress the Community's responsibilities towards the developing countries who must not be disadvantaged by the current situation. Mr *James Hill* (C, GB) warned against an over-negative view of the Community's activities; this could only weaken their effect. Mr *Maigaard* (COM, DK) contended that apart from a description of the crisis the Report contained nothing but repetitions. He asked for a new policy to overcome the crisis, a policy which took account of the new geographical circumstances and the social

problems. Sir Douglas *Dodds-Parker* (C, GB) claimed that the General Report was an interesting document for the new members. He stressed the need for more effective activity on the part of the European Parliament. Mr. *Cifarelli* (S, I) pointed to the responsibility and weight of the parties in European politics. In the European Parliament we should not be afraid to name those responsible for the various crisis situations. Mr *Normanton* (C, GB) highlighted the value of a common industrial policy which had not been mentioned in the Rossi report, but which was crucially significant in relation to Great Britain's continued membership of the EEC.

The President of the Commission, Mr *Ortoni*, speaking at the close, dealt with the various criticisms of the procedure for debating the General Report. He declared that even in this crisis year some reflection on past events was of value. Since it did not have the executive authority the Commission could not be held responsible for the present difficulties; like Parliament, it was trying to grapple with the problems. He urged the House to convey the Community problems into the national Parliaments; the crisis gave us the chance to give fresh thought to the question of how Europe's future was to be designed.

In the Resolution it was primarily noted that the deeper roots of the crisis now besetting the Community were to be sought not only in the considerable change in the world economic and monetary system but also in an excessively technical approach in the process of European construction and in the weakening of the political role of the Community's institutions. The failure to carry out the commitments made at the 1972 and 1973 Summit Conferences was disturbing because of its effect on public opinion. The House considered that action is required in the following areas in order to provide a fresh impetus:

(i) Democratization and Community Efficacy: by strengthening the authority of the European Parliament and its direct election; by the Commission and the Council returning to the tasks assigned to them under the Treaty.

(ii) Intensification of the Economic and Monetary Union: by a return to Community discipline in the monetary sector and through effective coordination of national economic policies to combat the grave problem of inflation;

(iii) Reaffirmation of European Solidarity and Identity: by strengthening political cooperation, enabling the Community to speak economically and politically with one voice in the major international groups.

#### Effects of the Italian trade restrictions (14 May)

2403. The Italian Government's measures to improve the Italian economy<sup>1</sup> and their effect on intra-Community trade were the subject of four Oral Questions from the Socialist Group and two other M.P.s to the Commission and Council, which were dealt with in the House.

Oral Questions with debate on behalf of the Socialist Group were put by Mr Fellermaier (G), Mr Van der Hek (NL) and Mr Wohlfahrt (L):

1. Is it possible to reconcile the measures the Italian Government has just taken to repair the state of the economy with the provisions of the Treaty of Rome, and in particular with Articles 108 and 109?

2. Does the Council consider that a sudden crisis has overtaken the Italian balance of payments? Are the Italian measures such as to cause as little disturbance as possible to the functioning of the Common Market?

3. Does the Council consider that these Italian measures are an efficient means of restoring economic equilibrium in that country?

4. What are the reasons for the deterioration of the economic situation in Italy? What measures has the Council already proposed to improve the situation, and what, if any, were the results?

5. Does the Council consider that these Italian measures are likely to have serious repercussions on the future of the Common Market? If so, what action does the Council intend to take to ensure that the Italian measures are abolished as soon as possible, and to prevent undesirable effects on the conduct of other Member States?

6. Does the Council consider that unilateral decisions by Member States can only be avoided when the Commission finally takes energetic measures to bring about economic and monetary union?

Oral Question without debate from Mr Scott-Hopkins (C, GB) to the Commission:

'The Commission is asked what steps are being taken to ensure the free flow of trade in meat and livestock between Italy and the remaining eight Member States of the EEC, and will the Commission define the term "raw material" as it applies to meat and livestock mentioned in the Italian Government's communiqué of 30 April 1974?'

Oral Question without debate from Mr Früh (C-D, G) to the Commission:

1. Does the Commission consider the unilateral measures which the Italian Government took recently and which seriously hamper the free movement of goods within the Community compatible with the letter and spirit of the EEC Treaty?

2. Does the Commission feel that these measures will enable Italy to solve its economic difficulties in the foreseeable future?

3. What possibilities does the Commission see of protecting particularly hard hit branches of industry in the other Member States against adverse effects, or of opening up additional outlets for them outside the Community?

4. What repercussions does the Commission foresee for the agricultural sector, particularly the milk and meat industries of those parts of the Community whose production has hitherto been geared to Italy with a view to contributing towards an intra-Community solution to that country's supply problems?

<sup>1</sup> Points 1101 to 1107.

5. In the Commission's opinion could the measures taken by the Italian Government have been avoided if the Community had in the past made greater progress towards economic and monetary union?"

For the Socialist Group, Mr *Fellermäier* spoke to the Questions which with Mr *Van der Hek* and Mr *Wohlfahrt*, he had put to the Commission and Council. The Italian measures were to be regarded as a symptom of the overall renationalization process in the Community; the Italian Government was therefore not to be singled out for blame.

The speaker could see the reason for this resurgence of nationalism, which began when France disassociated herself from the currency 'snake', in the failure of all the Member States' governments to agree on joint short-term economic action. Only economic and monetary union could halt the disintegration of the Community; the Italian measures were therefore to be regarded as a distress signal which via the national parliaments must be clearly relayed to the governments. At all events the Italian Government must follow the recommendations of the Commission in stabilizing its balance of payments.

Mr *Scott-Hopkins* thought that the grounds for Italy's action were the rising prices and trade deficit on the meat market. The effects of the intra-Community meat trade were not to be underestimated. A shrinkage in the volume of trade between Germany, Italy and the Netherlands was especially to be feared. Owing to the poor scope for storing meat, the pressure of supply would be increased on other markets especially in Great Britain. This would aggravate the difficulties for British farmers and would mean higher meat prices for the consumer.

Mr *Früh* justified his question with concern that the flow of trade in the Community could be disturbed. After all the trouble, especially in southern Germany, over integrating agriculture, hopes in the common market would be dashed and feelings would be aroused which might lead

to a distorted trade flow. The speaker warned against the dangers of imitation. It was crucially important to clarify the question as to how far imports from third countries, additional quantities of meat via Germany to Italy, were being forwarded and to what extent Italy was herself importing meat from East European countries.

Vice-President *Haferkamp* of the Commission pointed out that since the Paris Summit the Commission had been putting forward Proposals for joint resistance against inflation in order to avoid diverse approaches which would inevitably lead to divergent political economies among the Member States. The Council had approved these principles but not adhered to them. Moreover early in the year the Commission had warned against using the oil crisis as an excuse for devaluation and trade restrictions. The Council had accepted this analysis but not drawn the conclusions from it.

Mr *Haferkamp* went on to say that the Italian measures were giving cause for alarm because basic principles such as the customs union and the agricultural market which had so far been regarded as sacrosanct were now being compromised, thus constituting a direct threat of disintegration. The guarantee regulations could not by themselves lead to an improvement in the balance of payments; Italy had to make a national effort to curb the dilation of overall demand and bring down the inflation spiral to acceptable proportions. The Commission had made firm recommendations to Italy on interest, credit and budgetary policy. It would also set a deadline for introducing the measures on the agricultural market and would propose alternative solutions such as suspending frontier compensatory amounts or devaluing the 'green' Lira. In any case, the Commission would take care that these special Italian measures were limited in time and remained under Community control. Commenting on the overall economic

context, Mr Haferkamp said that everyone had been living above his means and that it was now time to cut the growth rate of private consumption. It was now only a question of whether the Member States and their citizens were prepared to make this sacrifice.

The President-in-Office of the Council, Mr *Apel*, the German Parliamentary Secretary of State, accused those criticizing the Council and Member States' governments of 'European Schizophrenia' because in the European House they gave vent to their anger over inflation and the steadily deteriorating economic situation whilst in the national parliaments their demands were helping to dilate the national budgets. Dealing with the specific Italian problem, he conceded that criticism of the Council's inertia was fair comment. In the face of this inability to take a decision it was up to the Commission 'to show what it could do'. There was a big difference between the Italian measures and the action taken in Denmark. Admittedly neither country had consulted the Community before ratifying their decisions. Nevertheless the Danish measures to increase taxes on consumer goods could not be equated with the Italian guarantee regulation. This latest development could not be labelled as 'renationalization'; it simply went to show that everyone was dumping his problems onto his neighbours.

The question of who was to blame for the Community's tribulations set off an argument between the Council representative and several M.P.s. Mr *Bertrand* (C-D, B) rebutted Mr Apel's attempt to deflect criticisms of the Council and Commission onto the Parliament. The Italian measures were the result of the Commission's lethargy and the Council's lack of political resolve. Like Mr *Bertrand*, Mr *Scholten* (C-D, NL) on behalf of the Christian Democrats urged the Commission to look for a 'Community' solution but which would take discipline and solidarity on the part of the Member States, since

the impact of the energy crisis would rebound onto other countries.

For the Socialist Group, Mr *Lange* (G) contended that the Member governments and their Council representatives were neither able nor willing to carry out a common policy. The European Parliament, the weakest Community body, must take the opportunity to put forward proposals for the joint exercise of legislative powers by the Council and Parliament and for reinforcing the Commission's position. Mr Lange warned that other powers could exploit the Community's weaknesses which could not be eliminated by isolated action.

Mr *Premoli* (L, I) stressed the need for a common structural policy and a Regional Development Fund. He attacked the practices which led to higher intervention prices for meat in Italy as compared with those in Germany. Lord *Reay* felt that curbs on domestic consumption and the creation of an international credit system offered a solution for Europe's economic problems.

Mr *Bousch* (EPD, F) claimed that the Italian measures not only clashed with GATT; they harmed the customs union even more than the exceptional measures applied by France in 1986. Mr *Leonardi* (COM, I) described the Italian action as the alarm call from a country distinguished by the lowest per capita income and the lowest employment level in the Community. He put responsibility for the present crisis on the Council who had failed to implement a structural policy.

Later in the debate Mr *Radoux* (S, B) rebutted the remarks of the Council President that the national parliaments were partly responsible. The basic cause of the confidence crisis was the inertia of the Council. A summit conference in the second half of the year would offer a chance to overcome the crisis provided it was carefully prepared and inspired with the will to

succeed. Mr Cifarelli (S, I) on the other hand, supported Mr Apel's views regarding the responsibility of the national assemblies. Mr Blumenfeld (C-D, G) doubted the efficacy of the Italian decisions and the application of Article 108, section 3 of the EEC Treaty. We had all been living above our means and had set off a crisis of confidence with regard to the people. Mr Noè (C-D, I) asked for more strenuous and more continuous action by the Council and Commission in order to stave off future chain reactions. Mr John Hill (C, GB) thought that the compensatory amounts deriving from monetary policy decisions were the cause of the distortions in the trade in farm products.

Mr De Koning (C-D, NL) placed the Italian import curbs against the background of the market for farm products which in the case of meat was already coloured by an oversupply and a stagnant demand. He asked the Commission whether it was planning to bring in measures to stimulate demand and promote Italy's own production in the meat sector. Mr Brewis (C, GB) alluded to the ill effects of the Italian restrictions on trade in industrial goods and asked whether the Italian meat trade could not be temporarily financed out of EAGGF resources.

Mr Bersani (C-D, I) urged a resolute application of Articles 108 and 109 of the EEC Treaty in which clear-cut responsibility was assigned to the Community institutions. Mr Normanton (C, GB) said that only the establishment of a European Parliament vested with the necessary powers and responsibility could ensure that the manifold problems would be solved. Mr Concas (S, I) pointed out that the impact of economic crises always fell heavily on the workers; Member States in a relatively sound economic situation must feel themselves duty bound to give a hand to their endangered partners instead of thinking of reprisals.

In his concluding remarks the President of the Council Mr Apel tried to clarify the consensus of

opinion which emerged concerning the Italian measures. But he still maintained that the national problems could be traced to the disparate financial policies of the Member States which had been decisively endorsed by the parliaments. He saw in the Commission a decisive and perhaps final chance for European integration. The Council was only as good as the national interests of the national representatives could make it.

The criticisms of the various speakers were summarized by Vice-President Haferkamp in his closing words with the comment that the Commission in its Proposals to the Council had worked from the premise that Italy must make appropriate efforts to put her economy in order; the Community and the other Member States must stand by her. In this sense the Commission would make full use of the scope offered by Article 108 of the EEC Treaty. Mr Gundelach of the Commission confirmed this view to the effect that the Commission's recommendations amounted to an effective and continuous control of the measures by the Community in close collaboration with the Italian authorities. The deposit regulation must be limited in time and be relieved by measures which were to be reconciled with the CAP. The problem of imbalances on the meat market must be tackled globally. Even if the Commission had proposed a modification in the exchange rate of the 'green' Lira, compensatory amounts in the CAP were unfortunately still required if no further progress could be made in the monetary field.

#### Question time (14 May)

#### Meeting of Community Heads of Government

Question from Sir Douglas Dodds-Parker (C, GB) to the Council: 'The Council is asked what proposals there are for calling an *ad hoc* meeting of Community

Heads of Government, in cases where Foreign Ministers fail to reach agreement. What political institution is available to forecast where and when such disagreements may arise!

**2404a.** The President of the Council, Mr *Apel*, replied that summit conferences were usually called at the request of one or more Heads of State or Government after agreement with other governments. But they did not represent a court of appeal for decisions of the Community institutions, for which the Treaties were the guide.

Sir Douglas observed that no headway had apparently been made in transferring foreign policy decision-making to the Community institutions. The Council President acknowledged that a link was needed between general foreign policy and the work of the Community.

Lord *Chelwood* (C, GB) asked when could the Foreign Ministers' Conference be expected to be included within the Community institutions. The Council President recognized the need for the Council of Foreign Ministers to become an institution where predominantly the major issues of foreign policy would be discussed. He asked members to use their influence in their own countries so that this objective could be achieved.

#### *Relations between the European Parliament and Portugal*

Question from Mr *Patijn* (S, NL) to the Commission: 'In the recent talks between some Members of the Commission and the Portuguese socialist, Mario Soares, were relations between the EEC and Portugal discussed and if so what information can the Commission give?'

**2404b.** Vice-President, Sir Christopher *Soames*, welcomed the plans of the Portuguese junta to install a democratically elected govern-

ment and advocated closer relations between the Community and Portugal.

Mr *Patijn* asked Sir Christopher whether in his talk with Mr Soares any ideas had already developed on future relations with the Community in the form of an association or something like it. Sir Christopher replied that it had been essentially a private conversation on which he did not want to give any further details. He said that the question from Mr *Fellermann* (S, D) about firm preparations by the Commission for eventual future negotiations was a hypothetical one. Mr *Johnston* (L, GB) asked whether the new conditions in Portugal did not in the Commission's view justify the Community taking the initiative. Sir Christopher said the question was premature.

#### *Law of the sea*

Question from Mr *Brewis* (C, GB) to the Commission: 'Will the Commission report on progress made in connection with the adoption of the common policy on marine law by Member States and thereby other related questions?'

Question from Mr *Concas* (S, I) to the Commission: 'On the basis of the major Directives and guidelines in the Commission's Memorandum<sup>1</sup> to the Council, was it possible to reach agreement on a common attitude by the Community and the Member States during the Conference?'

**2404c.** Sir Christopher *Soames* replied that the Commission was hoping that the Council would adopt its Memorandum as the basis for joint action. Mr *Brewis* (C, GB) in a supplementary question asked what the Commission thought of extending the territorial waters to a zone of 200 miles and the impact of this on the fishery economy. Sir Christopher replied that the Commission favoured maintaining the 12 mile zone but with stronger controlling rights

<sup>1</sup> Bull. EC 3-1974, point 2323.

within the 200 mile zone. Mr *Seefeld* (S, DK) asked the Commission what form its participation in the Conference on the Law of the Sea was going to take.

In reply Sir Christopher said he believed that all the Member States regarded the Commission as the appropriate representative of Community interests. More important than the question of 'Who takes part?' was the matter of a common viewpoint. Mr John Hill (C, GB) asked whether since no agreement was in the offing the Commission considered it was in a position to put forward a viewpoint for the whole Community and whether the Commission did not see the extension of fishing zones as a secure basis for a common fishing policy. In replying Sir Christopher stressed the need for a common viewpoint without which Community participation was pointless. The consequences for the common fishery policy should be considered after the Conference. Mr *Laban* (S, NL) asked whether the Commission was aware of the common viewpoint of the Netherlands and the Soviet Union with regard to maintaining the 12 mile zone and whether agreement had prevailed in the Commission. Sir Christopher stressed that agreement in the Commission was voiced in the document which had been laid before the House. At all events the Commission did not claim always to be right. Mr *Concas* (S, I) in a supplementary question asked whether the Commission could undertake to keep Parliament regularly informed concerning the third Conference on the Law of the Sea and especially on the way in which European identity had been displayed. Sir Christopher agreed to this.

### Economic situation of the Community (15 May)

*Commission Memorandum to the Council on adapting the economic policy guidelines of the Community for 1974* (Report by Mr *Bousch*, EPD, F)

2405. The rapporteur, Mr *Bousch*, summarized why the Economic and Monetary Affairs Committee considered the proposed measures to combat inflationary trends to be inadequate. For the Christian Democrat Group, Mr *Notenboom* (NL) supported the *Bousch* report. For the Socialists, Mr *Nørgaard* (DK) stressed the need for a common economic policy which would prevent the Community being endangered time and again as a result of the balance of payments deficits of some countries. For the Communist and Allied Group, Mr *Leonardi* (I) contended that the proposed measures would be ineffective as long as national economic policy was determined by the interests of the private sector. For the Conservatives, Mr *Normanton* (GB) felt that the key to a successful monetary, financial and industrial policy was the political resolve to achieve the political union. Mr *Cifarelli* (S, I) urged the Commission to keep the attention of the Member States' governments constantly focussed on the Community's economic needs.

For the Commission, Vice-President *Haferkamp* said that the Commission's main idea was to get the growth rates of private consumption below that of gross national products. This would release the resources needed to further the effort in investments and exports. Nominal incomes everywhere had to rise more slowly if more inflation and further problems over the balances of payments was to be avoided. At all events the immediate aim was to prevent the Community from drifting further apart and then to try to bring the various groups together again.

In the Resolution Parliament regretted that the Commission's Recommendations largely reflected the economic policy measures planned by the Member States rather than the needs of the Community. It was noted that the Council had not adhered to the provisions contained in the Council Decision of 18 February 1974 on attaining a high degree of convergence in the economic

policies of Member States. The House felt that the Commission's view of the employment situation was over optimistic and that the problem of restructuring production had been inadequately tackled by both the Commission and the Member States.

### Protecting Europe's cultural heritage (13 May)

2406. Arguing the case for her report on the Resolution motion moved by Mr Premoli (I) for the Liberal and Allied Group and concerning the protection of Europe's cultural heritage, Lady Elles (C, GB) pointed out that European identity<sup>1</sup> found its most secure basis in the cultural heritage binding the European peoples which we must do our utmost to preserve:

In the debate Mr Broeksz (NL) speaking for the Socialist group stressed the importance of preserving the cultural monuments for future generations. He referred in particular to the responsibility of the national governments and regional administrative bodies and said the basic problem was finance. For the Liberal and Allied Group, Mr Premoli (I) took as an example his country's need to 'democratize' the cultural heritage, meaning that it be brought into daily life by installing works of art in public buildings. He warned against nationalism in cultural affairs. Mr Cifarelli (S, I) urged the Council to work together with the Council of Europe and stressed the urgency of harmonizing taxation in the cultural field and the need for measures to prevent the illegal importing and transfer of cultural goods.

Vice-President Scarascia Mugnozza said that the Commission was ready to examine Parliament's Proposals. Preservation of our cultural heritage was a task which went beyond the scope of the Community; it mainly involved the governments

and the regional administrations. The Commission's job could be to provide an impetus and coordinate action.

In the Resolution Parliament highlighted the value of drawing up an inventory of the European cultural heritage and of educating the younger generation towards a greater appreciation of cultural works, both ancient and modern. The House appreciated the work done up to now at State regional level and urged the Member States' governments to increase and promote the activity still further. The House welcomed the organization in 1975 by the Council of Europe of a 'European architectural-heritage year' and the formation within the Commission of two new administrative units: the 'Environment and Consumer Protection Department' and the 'Cultural Problems Division'.

The House hoped that questions of common cultural interest would be taken up by the Council. The Commission was asked to put forward Proposals on the following: removal of administrative barriers hampering the exchange of cultural works; harmonization of fiscal arrangements; creation of a Fund for the restoration of cultural monuments; action against illegal traffic in works of art. The House also stressed the value of the UNESCO Convention signed in November 1970 concerning measures to prohibit and prevent the import, export and transfer of illicitly acquired cultural goods.

### Consumer protection (13 May)

*Commission Proposal to the Council for a preliminary Community programme for consumer information and protection (Report by Mr Bersani, C-D, I)*

2407. The rapporteur approved the Commission's proposed programme. Besides con-

<sup>1</sup> Declaration on the European Identity. Bull. EC 12-1973, point 2501.

taining specific measures it also envisaged a global policy as called for by the Paris Summit Conference. He welcomed the initiative to amplify the consumer organizations which except in some individual Member States were poorly developed.

For the Christian Democrat Group, Mr Scholten (NL) approved the Commission Proposal. He referred to the three pillars of consumer policy: prices, consumer protection and consumer information. Information had to be objective meaning that it must not generate any distortion of competition to the disadvantage of smaller undertakings. For the Socialists, Mr Orth (G) endorsed the proposed programme and its priorities although the Commission's Proposal was somewhat vague and should be more clearly itemized. At this time of crisis a sound consumer policy could well bring the Community nearer the people. Speaking for the EPD Group, Mr Laudrin (F) also supported the principles of the consumer protection programme.

Vice-President Scarascia Mugnozza said that the Commission felt that the consumer as a responsible citizen was entitled to share in the life of the Community. To this end, both the Community and the Member States must support the consumer organizations which today were still inadequate.

In the Resolution the House urged the Commission to supplement its programme priorities on various points: Community legislation on health and safety must be considerably amplified over the next three years; guarantees on consumer goods must respect certain minimum requirements; advertising must indicate the main specifications of the product. The House also called for a draft Directive laying down conditions for hire-purchase and consumer credit. There was also a need for a Community-wide service to deal free of charge with consumer complaints, advice and redress. Parliament considered that a basic Directive on informative

labelling was required. Misleading packaging must be prohibited. Efforts must be made to ensure that at least as much time is devoted to consumer information as to television advertising. The Commission should also promote the comparative testing of products so that any harmonization of laws would be based on the most advanced legislation.

### Miscellaneous

#### *Quality requirements for abstraction of drinking water (13 May)*

*Commission Proposal to the Council for a Directive on the quality required of surface water intended for the abstraction of drinking water in the Member States (Report by Mr Premoli, L, I)*

2408. Mr Premoli highlighted the value of the proposed measures which represent an initial application of the Community's 1973 action programme for protecting the environment and the supply of drinking water and water for agricultural and industrial use, in view of the increased water consumption in every quarter. He particularly warned against the dangers of radioactivity.

For the Christian Democrat Group, Mr Jahn (G) said that he was basically in agreement with the Commission's Proposal. He urged that the obligation on Member States to consult their partners should be extended to cover overall statutory provisions. Mr Scot-Hopkins (GB) brought up the question of the processing and re-use of waste water and its limitations and mentioned the moral problems of publicly available additives for drinking water (fluorine, for example). Mr Noè (C-D, I) said that the proprob-  
be considered in isolation. They were inextricably linked.

Vice-President *Scarascia Mugnozza* of the Commission pointed out that in its Proposals the Commission had taken Article 235 of the EEC Treaty (activity in the Community in fields not covered by the Treaty) as its basis in order to determine whether there actually was sufficient political will among the Member States to apply Article 235 and in order to consult Parliament. He endorsed the House's suggestions.

In its Resolution Parliament approved the Commission's proposed Directive but with the following reservations: (a) provision must be made for the discharge of nuclear power-station wastes at a safe distance from the points of abstraction of water intended for drinking; (b) limits should be set on the radioactivity level of such water by laying down Community standards; (c) water which did not meet the minimum requirements may not be used as drinking water, even temporarily; (d) quality must be more frequently and more strictly monitored.

#### Testing pharmaceuticals

(15 May)

*Amendments to the Commission Proposals to the Council for Directives on approximating Member States' laws on (i) analytical, pharmaceutical, toxicological and clinical standards and protocols in respect of the testing of proprietary medicinal products, (ii) on publicity and package leaflets for same and (iii) on colouring additives which may be added to proprietary medicinal products (Report by Mr Della Briotta, S, I)*

2409. Parliament approved the Commission's Proposals.

#### Protection of wild birds

(15 May)

2410. In speaking to his Oral Question without debate on protecting migratory wild birds, Lord *Chelwood* (C, GB) referred to the example

of the Council of Europe which had already attacked this problem. Millions of these birds were slaughtered every year especially in the Mediterranean countries. Lord *Chelwood* urged that the shooting and capture of wild birds and their importation into other countries should be closely controlled by Community statutory regulations. He asked for information on the results of the investigation assigned to the Commission.

Vice-President *Haferkamp* said that the Commission had had the whole matter investigated through a study contract with the Frankfurt Zoological Society headed by Professor Grzimek. The Commission would make the results, expected for July this year, known to Parliament and the public and, if need be, would propose Community regulations.

#### Council

During May the Council held two sessions devoted to general matters and agriculture.<sup>1</sup> The session on agriculture scheduled for 21 May was postponed until 4 June.

**285th Session—General matters**  
(Brussels, 7 May 1974)

**286th Session—Agriculture**  
(Brussels, 7 May 1974)

2411. Presidents: Mr *Friderichs*, Minister of Economy, Mr *Apel*, Parliamentary Secretary of State for Foreign Affairs, Mr *Ertl*, Federal Minister of Agriculture (Germany).

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<sup>1</sup> For the various issues examined during the Council sessions, see the relevant Chapters of this number of the Bulletin.

*From the Commission:* Mr Ortoli, President, Mr Haferkamp, Sir Christopher Soames, Vice-Presidents, Mr Spinelli, Mr Borschette, Mr Dahrendorf, Mr Thomson, Mr Gundelach, Mr Cheysson, Members.

*Member States' Governments* were represented by: Mr Van Elslande, Foreign Minister, Mr Lavens, Minister of Agriculture (Belgium); Mr Guldberg, Foreign Minister, Mr Kofoed, Minister of Agriculture and Fisheries, Mr Christensen, Secretary of State for Foreign Affairs, Mr Hansen, Secretary of State for Economic Affairs (Denmark); Mr Friderichs, Minister of Economy, Mr Ertl, Minister of Agriculture, Mr Apel, Parliamentary Secretary of State for Foreign Affairs, Mr Rohr, Secretary of State for Agriculture, Mr Poehl, Financial Secretary of State, Mr Schlecht, Secretary of State for Economic Affairs (Germany); Mr Jobert, Foreign Minister, Mr Marcellin, Minister of Agriculture and Rural Development, Mr Deniau, Secretary of State at the Ministry of Agriculture and Rural Development (France); Mr Clinton, Minister of Agriculture and Fisheries, Mr Keating, Minister of Trade and Industry (Ireland); Mr Moro, Foreign Minister, Mr Colombo, Treasury Minister, Mr Bisaglia, Minister of Agriculture, Mr Pedini, Under-Secretary of State for Foreign Affairs (Italy); Mr Thorn, Foreign Minister, Mr Ney, Minister of Agriculture (Luxembourg); Mr Van der Stoel, Foreign Minister, Mr Van der Stee, Minister of Agriculture, Mr Lubbers, Minister for Economic Affairs, Mr Brinkhorst, Secretary of State for Foreign Affairs (Netherlands); Mr Callaghan, Foreign and Commonwealth Secretary, Mr Shore, Secretary of State for Trade, Mr Peart, Minister of Agriculture, Fisheries and Food, Mr Hattersley, Minister of State for Foreign and Commonwealth Affairs (United Kingdom).

The two meetings were held partly in parallel and partly in joint session. Most of the proceedings on 'general matters' were devoted to the

measures taken by the Italian Government. The meeting of Ministers of Agriculture dealt solely with arrangements to be made in the farming sector in the wake of the Italian measures.

*Italian measures:* The Council made a thorough review of the situation in the Community following the Italian Government's action to restabilize the balance of payments. The Ministers of Agriculture took a hard look at the consequences for the farming sector. Having stipulated that it would resume its scrutiny of all the Commission's Recommendations during the session of 4 June, the Council took note of the Commission's intention to take a Decision based on Article 108, section 3 of the EEC Treaty.

*Negotiations with the ACP States:* The Council got down to a broad discussion on the status of negotiations with the African, Caribbean and Pacific countries. Various measures were contemplated for speeding up the adoption of further negotiatory Directives. So that the necessary arrangements could be adopted before its next session, the Council asked the Committee of Permanent Representatives to finalize as swiftly as possible the terms of the negotiatory Directive on the scheme to be applied to Community imports of farm products from the ACP countries. It was understood that the Directive would be approved through the written procedure as soon as agreement was reached between the delegations.

*Relations with State-trading countries:* The Council reiterated that from now on any trade negotiations must be led by the Community. The Community was willing to embark on such negotiations with any State-trading country who wished to do so.

*Supplementary and Corrective Budget No 1:* The Council considered the preliminary draft of the Supplementary and Corrective Budget No 1 submitted by the Commission. It was decided not

to draw up a draft on that basis. Temporary arrangements were adopted to meet the Commission's requirements.<sup>1</sup>

The Council also reviewed the following matters:

- (i) Regional policy.
- (ii) The proposed Decision to introduce a prior consultation procedure for Cooperation Agreements between Member States and non-member countries.
- (iii) The budgetary powers of the European Parliament.

In conclusion the Council formally adopted the Decision to issue Directives to the Commission for negotiating a Guarantee Agreement between the EAEC, the United Kingdom and the IAEA.

## Commission

### Activities

2412. The Commission held five meetings in May. Among the major issues dealt with were the Italian measures and the energy policy.

The Commission's proceedings were dominated by the Italian measures brought in to stabilize the balance of payments. Since the Council at its meeting of 7 May was unable to reach agreement on the mutual aid proposed by the Commission, the latter assumed the responsibilities which devolve on it under Article 103, paragraph 3 of the EEC Treaty.<sup>2</sup> The Commission also examined the fiscal measures decided by the Danish Government.

Regarding energy the Commission completed its work on the 'new strategy' for Community energy policy and adopted a general Memorandum and several Proposals.<sup>3</sup> A report was also adopted concerning the effects of the energy crisis on the Community employment situation.<sup>4</sup>

Concerning exceptional action for the benefit of the developing countries hardest hit by the increased prices of oil and raw materials, the Commission proposed to the Council that the Community declare itself willing to participate with a sum of 500 million dollars for twelve months.

### President Ortoli's visit to the United Kingdom

2413. The President of the Commission, Mr François-Xavier Ortoli, went to London on 13 May 1974 at the invitation of the British Foreign and Commonwealth Secretary, Mr James Callaghan.

Mr Ortoli talked with the Prime Minister, Mr Harold Wilson, and as well with Mr Callaghan and other members of the British Government. He also met the Leader of the Opposition, Mr Edward Heath, the former Primer Minister.

### Departmental organization

2414. The Commission appointed Mr Jean-Albert Dinkespiller as Deputy Director-General of the Joint Research Centre, responsible for the Ispra establishment.

The following have also been appointed by the Commission: Mr Norbert Koch and Mr Bernard Paulin as Legal Advisers in the Legal Service. Mr Paul Graff as Head of Division (Market Access) in the Directorate-General of Transport and Mr Giuseppe Valentini as Head of Division (Preparation of R & D programmes,

<sup>1</sup> Bull. EC 1-1974, point 2464.

<sup>2</sup> Points 1101 to 1107.

<sup>3</sup> Points 1201 to 1212 and 2251 to 2255.

<sup>4</sup> Point 2208.

R & D projects of Community interest, inter-service sectoral groups, secretariat of the CST, secretariat of COST studies) in the Directorate-General of Research, Science and Education. Mr Pierre Ohlmann has been assigned to the post of Head of Division (Capital Markets) in the Directorate-General of Economic and Financial Affairs.

## Court of Justice

### New Cases

*Case 28/74—Commission Official vs. the Commission*

2415. This is an appeal to quash a Commission Decision which refused the plaintiff entitlement to the payment of the 'volontariat' allowance on the basis of Article 42 of the ECSC Treaty and which set the terms for conversion of sums due.

*Case 30/74—Commission Official vs. the Commission*

2416. As a follow-up to an initial appeal (Case 4/74)<sup>1</sup> this petition concerns the validity of the Commission's implied decision to dismiss the plaintiff's objections concerning the termination of his duties under the 'volontariat'. The petition was backed by a claim for damages against financial loss suffered as a result of the termination.

*Case 31/74—Pubblico Ministero italiano vs. Mr Filippo Galli*

2417. On 13 May 1974 the Rome Pretore filed a request with the Court of Justice for a

preliminary ruling on the compatibility of the price-freezing scheme in Italy with the Articles of the EEC Treaty covering the free movement of goods and the CAP. This refers particularly to products subject to the joint organization of the cereal and oils and fats market.

*Case 32/74—Entry in the Commercial Register of the firm Haaga GmbH, Stuttgart*

2418. Having to rule on a legal point, the Bundesgerichtshof filed a request on 14 May 1974 with the Court of Justice for a preliminary ruling. It wanted to know whether under the German law on limited liability companies, amended after the first Council Directive on coordinating company law,<sup>2</sup> and when the Articles of such a company authorize the appointment of one or several directors (*gérants*), it must be declared in the commercial register, in addition to the system of representation applicable if several directors are appointed, that when only one director is appointed, he alone represents the company.

*Case 33/74—Mr J.H.M. van Binsbergen, Beesel, vs. Bestuur van de Bedrijfsvereniging voor de Metaalnijverheid, The Hague*

2419. On 15 May 1974 the Centrale Raad van Beroep filed a request with the Court of Justice for a preliminary ruling on the direct applicability of Articles 59 and 60 of the EEC Treaty (freedom to offer services) and on interpretation of those Articles, in particular the last sentence of Article 60.

*Case 34/74—Roquette Frères S.A., Lestrem vs. the French Government represented by the Customs Administration*

<sup>1</sup> Bull. EC 1-1974, point 2445.

<sup>2</sup> OJ L 65 of 14.3.1968.

2420. As a follow-up to a claim for damages against the Commission (Case 26/74),<sup>1</sup> the Lille Appeal Court (tribunal d'instance) filed a request with the Court of Justice on 16 May 1974 for a preliminary ruling on interpretation of Article 4a in the Council Regulation 974/71 of 12 May 1971 concerning short-term economic policy measures to be taken in agriculture following the temporary widening of certain Member States' currency fluctuation margins.<sup>2</sup>

*Case 35/74—Alliance nationale des mutualités chrétiennes, Brussels vs. Mr Thomas Rzepa, Péronnes-lez-Binche*

2421. In a legal action over the repetition of payments made in error (invalidity insurance benefits), the Mons Labour Tribunal filed a request with the Court of Justice on 24 May 1974 for a preliminary ruling on the time limitation in Community law.

*Case 36/74—(1) Mr B.N.O. Walrave, Loenen aan de Vecht, and (2) Mr L.J.N. Koch, Utrecht, vs. (1) Association Union cycliste internationale, Geneva, (2) Koninklijke Nederlandsche Wielren Unie, The Hague, and (3) Federacion Española Ciclismo, Madrid*

2422. The Arrondissementsrechtbank of Utrecht dealing with a legal action over a provision in the rules for the world championships of the Union cycliste internationale, which stipulates that in races with a Derny machine the pacemaker must be of the same nationality as the cyclist, filed a request with the Court of Justice on 24 May 1974 for a preliminary ruling on whether that provision contravened Article 48 of the EEC Treaty and the Regulation 1612/68 of 15 October 1968 (free movement of workers within the Community)<sup>3</sup> or was out of line with either Article 7 or Article 59 of the Treaty.

*Case 37/74—Commission Official vs. the Commission*

2423. This is an appeal for the granting of indemnity allowance.

### Judgments

*Case 4/73—Firma J. Nold, Kohlen- und Baustoffgrosshandlung, Darmstadt, vs. the Commission*

2424. On 31 January 1973 a German firm had lodged an appeal with the Court of Justice to quash the Commission Decision of 21 December 1972 on authorization of the new selling rules for the Ruhrkohle ('handelsregelung Ruhr')<sup>4</sup> and on a claim for damages against prejudice suffered. It also asked for a Court order to stay execution of the contested Decision.

In its Decree of 14 May 1974, the Court entirely rejected the appeal as unfounded. But the Court did reiterate in the Decree that it was prepared to guarantee effective protection for basic rights.

*Joint Cases 160, 161 and 170/73—Miles Druce & Co. Ltd., High Wycombe, vs. the Commission*

2425. A British company had lodged an appeal with the Court of Justice to quash the Commission's Decision of 18 July 1973, declaring that it was not authorized to take temporary protective measures against the repurchase of that company's capital shares by another British firm. Miles Druce had also lodged two appeals

<sup>1</sup> Bull. EC 3-1974, point 2442.

<sup>2</sup> OJ L 110 of 18.5.1971.

<sup>3</sup> OJ L 257 of 19.10.1968.

<sup>4</sup> OJ L 120 of 7.5.1973.

against negligence on the part of the Commission in that the latter by refusing to take the action requested had not discharged its obligations under the ECSC Treaty.

With its Order of 28 May 1974 the Court struck these Cases from the record.

#### *Case 172/73—Commission vs. Italy*

2426. On 9 October 1973, the Commission had lodged an appeal against Italy claiming that she had failed to discharge her obligations under the EEC Treaty by imposing landing charges on goods imported by sea from Member States or exported by air to Member States.

By the Court Order of 1 May 1974, the case was struck from the record, since Italy had complied with her obligations by approving a circular to the competent authorities banning the collection of the disputed charges.

#### *Case 183/73—Osram GmbH, Munich vs. Oberfinanzdirektion Frankfurt/Main*

2427. In a legal action over official particulars concerning customs tariffs binding on the German authorities ('bindende Zolltarifauskunft') the Bundesfinanzhof had asked the Court of Justice on 19 November 1973 for a preliminary ruling on the customs classification of pressed-glass lenses and reflectors, infra-red radiators and bulbs for slide projectors.

By Decree of 8 May 1974 the Court ruled on the customs classifications of these products.

#### *Case 184/73—Bestuur van de Nieuwe Algemene Bedrijfsvereniging, Amsterdam, vs. Mr H.W. Kaufmann, Neuwied*

2428. In dealing with a legal action over the granting of an allowance under invalidity insurance, the Centrale Raad van Beroep had lodged

an appeal with the Court of Justice on 21 November 1973 for a preliminary ruling on interpretation of Article 11, paragraph 2 of Regulation 3 concerning migrant workers' social security,<sup>1</sup> and with special reference to interpretation of the reduction or suspension clause stipulated by the laws of a Member State when a benefit is cumulated with other benefits.

By its Decree of 15 May 1974 the Court ruled that (i) a national provision with the purpose of prohibiting the cumulative gain of a sickness insurance benefit and an invalidity insurance benefit amounted to a reduction or suspension clause in the sense of the abovementioned Article; (ii) the concept of 'benefit acquired under a scheme of another Member State' could not be confined to the one case where the non-cumulation clause was expressed in terms covering the general nature of benefit acquired under both the scheme in other Member States and that of the Member State in question; (iii) that the expression 'benefit acquired under a scheme of another Member State' can refer only to the sum actually disbursed as a benefit of equal status.

#### *Case 185/73—Hauptzollamt Bielefeld vs. OHG in Firma H.C. König, Steinhagen/Westphalia*

2429. In a legal action on import levies on aromatized alcohol from Belgium, the Bundesfinanzhof had filed a request with the Court of Justice on 3 December 1973 for a preliminary ruling on the validity of Regulation 7a concerning the registration of certain products on the list of Annex II of the EEC Treaty<sup>2</sup> and concerning the determination of customs headings 22.09 A II and 22.09 C V b.

<sup>1</sup> OJ 30 of 16.12.1958.

<sup>2</sup> OJ 7 of 30.1.1961.

By its Decree of 29 May 1974 the Court ruled that the Regulation was valid and pronounced on the content of the abovementioned customs headings.

*Case 186/73—Firma Norddeutsches Vieh- und Fleischkontor GmbH, Hamburg, vs. Einfuhr- und Vorratsstelle für Schlachtvieh, Fleisch und Fleischerzeugnisse, Frankfurt/Main*

2430. Dealing with a legal action over imports of beef and veal into Germany, the Frankfurt Verwaltungsgericht had asked the Court of Justice on 5 December 1973 to give a preliminary interpretation of Article 15, paragraph 5a of Regulation 1373/70 on common terms for applying the scheme of import, export and pre-fixing certificates for farm products subject to a single-price system (the problem of completing excise import formalities).<sup>1</sup>

By its Decree of 15 May 1974, the Court ruled that for the purpose of setting the date on which, in the sense of Article 15, paragraph 1a of the above Regulation, the obligation to import under the certificate is considered fulfilled, acceptance by the customs service, in the sense of Article 15, paragraph 5a, of the document whereby the declarer indicates his intention to put the goods into free circulation, did not require the excise procedure to be finally closed to the profit of the declarer. The Court also ruled that for Article 15, paragraph 1 to apply, the goods, having been charged to the certificate in compliance with the provisions of Article 8, paragraph 2, sub-paragraph 2a, must have actually been put into free circulation.

*Case 187/73—Mrs Odette Verbeke, née Callemyen, Mouscron, vs. Belgium, represented by the Ministre de la Prévoyance sociale (Disablement Allowances Dept.)*

2431. On 7 December 1973, the Tournai Labour Tribunal, in receipt of an appeal for the

grant of disablement allowances had filed a request with the Court of Justice for a preliminary ruling on whether the Belgian scheme of disablement allowances, insofar as it covers workers, falls within the application range of Council Regulation 1408/71 of 14 June 1971 with respect to application of social security schemes to wage-earning workers and their families who relocate within the Community.<sup>2</sup>

The Labour Tribunal also wanted to know whether this Regulation superceded the temporary European Agreement concerning social security schemes for old age, invalidity and survivors, which was signed in Paris on 11 December 1953 and is referred to in Article 7 of the Regulation, where it is of greater advantage to the entitled parties.

By the Decree of 28 May 1974 the Court ruled that the benefits referred to in Article 4, paragraph 1b of Regulation 1408/71 include those laid down in national provisions granting allowances for the disabled and the handicapped insofar as those provisions cover workers in the sense of Article 1a of this Regulation and afford them a legally protected entitlement to such benefits. The Court also ruled that within its personal and material coverage Regulation 1408/71 takes precedence over the abovementioned Agreement to the extent that the Regulation is more advantageous for the entitled parties than the Agreement.

*Case 191/73—Mr R. Niemann, Müllheim, vs. the Bundesversicherungsanstalt für Angestellte, Berlin*

2432. Having to rule in a case concerning compulsory and voluntary old age and invalidity subscriptions, the Freiburg Sozialgericht asked the Court of Justice on 17 December 1973 for a

<sup>1</sup> OJ L 158 of 20.7.1970.

<sup>2</sup> OJ L 149 of 5.7.1971.

preliminary ruling on the compatibility of Article 28, paragraph 3, first sentence of Regulation 3 and the compatibility of Article 13, paragraphs 1b and 5 of Regulation 4 on migrant workers' social security,<sup>1</sup> with Article 51 of the EEC Treaty.

By its Decree of 28 May 1974, the Court ruled that, insofar as Article 28, paragraph 3 of Regulation 3 implies totalization of periods and consecutive prorating, resulting in the grant of several benefits by different Member States, but with a total sum lower than the worker's entitlement solely under the law of one Member State, the said Article is incompatible with Article 51 of the EEC Treaty and as such is henceforth invalid. The Court also ruled that the provisions of Article 13, paragraphs 1b and 5 of Regulation 4 do not cover the cases where there is maximum pension without recourse to insurance periods in another Member State, so that the question on the validity of those provisions has no point.

**Case 3/74—Einfuhr- und Vorratsstelle für Getreide und Futtermittel, Frankfurt/Main, vs. Firma Pfützenreuter, Dusseldorf-Benrath**

2433. On 11 January 1974 the Bundesverwaltungsgericht had asked the Court of Justice for a preliminary ruling on interpretation of the term 'importation' in the sense of Article 7, paragraph 2 of Regulation 102/64 concerning import and export certificates for cereals, products processed from cereals, rice, brokens and products processed from rice;<sup>2</sup> and secondly for a preliminary ruling on application of the provisions covering cases of 'force majeure' anticipated by the Regulation.

By its Decree of 28 May 1974 the Court ruled that Article 7 of this Regulation does not object to 'importation', in the sense of Article 7 being considered as the crossing of the importing country's frontier duly recorded by the competent customs authorities, provided that it is also

established that the goods have been decustomized and put into free circulation. The Court also ruled that Article 8 does not lay down a specific deadline for filling applications for the consideration of circumstances amounting to 'force majeure', but that it does require the importers or exporters involved to state their cases as promptly as possible.

## Economic and Social Committee

2434. The Economic and Social Committee held its 120th plenary session in Brussels on 29 and 30 May 1974, with the Chairman, Mr Lappas, presiding. Mr Simonet, Vice-President of the Commission attended part of the proceedings. The Committee adopted 21 Opinions and one study.

### *Opinions issued by the Committee*

Opinion on '*employment and the new situation in the Community*'

2435. In view of the new conditions prevailing in the Community, which stem from both the energy crisis and constantly mounting inflation, the Committee insisted on taking a position on the crucial problem of employment. The Opinion, prepared from the report by Mr Debuinne (Belgium—Workers Group) was adopted unanimously apart from two abstentions.

The Committee reiterated that the right to work must be guaranteed and emphasized that the concept of full and better employment must be a prime consideration in any decision on structural or technological changes. Any economic development must also make allowance for workers' aims and options. The Committee insisted that mechanisms be installed to absorb future shocks

<sup>1</sup> OJ 30 of 16.12.1958.

<sup>2</sup> OJ 126 of 5.8.1964.

and that some Community policies might have to be revised. The Committee also suggested short-term measures which it considers imperative for protecting employment in the Community, since the Commission's estimates raise fears of some reduction in working hours, cuts which would inevitably provoke loss of jobs or partial unemployment as a result of the changed situation. In conclusion the Committee appealed to the competent authorities not to act in isolation with the risk of contravening Community objectives and prejudicing employment.

*Proposed fifth Directive for coordinating the guarantees required of companies in the Member States, in the sense of Article 58, section 2 of the Treaty, to protect the interests of both partners and third parties with respect to the structure of joint stock companies (sociétés anonymes) and the authority and responsibilities of their organs*

2436. In the Opinion prepared from the reports by Mr Friederichs (Germany—Workers Group) and Mr De Bièvre (Belgium—Employers Group) and adopted unanimously apart from sixteen abstentions, the Committee highlighted the existing relationships between Member States' laws on joint stock companies and the statute of the 'European joint stock company', pointing out the importance for the Community of avoiding completely divergent development between the two sources of legislation. With regard to the company organs, the Committee proposed that application of the twofold system be allowed in the Member States who so far have only had the traditional system. This means that the twofold system be provided for in the company law of all Member States and that States with the traditional system be authorized to maintain it alongside the twofold system so that companies in those countries can choose between the two. Furthermore, the Opinion of the Committee did not accept the alternative Proposals which the Commission was contemplating with regard to worker participation. The Committee asked the Commission

to amend and consolidate its proposed Directive insofar as the provisions laid down could not be applied to a traditionally structured joint stock company.

*Proposed first Council Directive on coordination of legal and administrative provisions concerning access to the activity and practice of direct life insurance*

*Proposed Council (EEC) Directive to abolish restrictions on the freedom of establishment in direct life insurance*

2437. The Opinion, prepared from the reports by Mr De Bruyn (Belgium—General Interests Group) and Mr Peyromaure-Debord-Broca (France—Employers Group) was adopted by sixty-six votes against nine with seven abstentions.

By and large the Committee approved the aims of the proposed Directives. It was observed that the obligation on companies in some Member States to transfer in reinsurance part of their subscription to agencies designated by national regulations could prove a serious obstacle and that it would be advisable for Member States to steadily reduce the frequency of these transfers.

*Proposed Council Directive on the approximation of Member States' laws concerning the making-up by weight or volume of prepackaged products (Report by Mr Lécuyer, France—General Interests Group)*

*Proposed Council (EEC) Directive on fifth amendment to the Council Directive of 27 June 1967 concerning approximation of legal and administrative provisions with respect to the grading of packaging and labelling for dangerous substances (Report by Mr Kramer, Germany—Employers Group)*

*Proposed Council Directive on the approximation of Member States' laws concerning the mounting of lights and light signals on motor vehicles and their trailers (Report by Mr Masprone, Italy—Employers Group)*

*Proposed Council Directive on the approximation of Member States' laws concerning the external projections of motor vehicles (Report by Mr Masprone, Italy—Employers Group)*

*Proposed Council Directive on the approximation of Member States' laws concerning motor-vehicle fog lights (Report by Mr Masprone, Italy—Employers Group)*

*Proposed Council Directive on the approximation of Member States' laws concerning reflex reflecting devices on motor vehicles and their trailers (Report by Mr Masprone, Italy—Employers Group)*

2438. The Committee approved the above Proposals which come under the elimination of technical barriers to trade.

*Proposed Council (EEC) Regulation on exemption from CCT charges for imports of educational, scientific or cultural material*

2439. In the Opinion prepared from the report by Mr De Grave (Belgium—Workers Group) and adopted unanimously, the Committee approved the proposed Regulation. Regarding the Excise Regulations Committee, which the Proposal would bring into being, the Committee felt that it should have been covered by a special Regulation. The Committee also hoped that a similar Regulation would extend duty exemption to cover prosthesis equipment such as Bath-chairs and wondered whether exemption should not be allowed for all materials intended for handicapped people.

*Proposed Council (EEC) Regulation consolidating Regulation EEC 2142/70 concerning the import scheme for carp and trout*

2440. With this Opinion, prepared from the report by Mr Clavel (France—General Interests Group) the Committee approved the Commission's Proposal as it stood, with nineteen votes against and seven abstentions.

*Proposed Council (EEC) Regulation on Community financing of expenditure incurred by supplying agricultural products as food aid*

2441. This Opinion, prepared from the report by Mr Zijlstra (Netherlands—General Interests Group) was unanimously adopted apart from one abstention.

The Committee contended that the breakdown of expenditure incurred under the proposed Community food aid policy would yield a more accurate assessment of the cost of the policy and of the cost of the CAP for the products in question. For the outlay on food aid, it was considered advisable to maintain a scheme of advances akin to the system already running for the EAGGF.

*Proposed Council Directive on harmonizing levies on mineral oils*

2442. This Opinion, prepared from the report by Mr De Bièvre (Belgium—Employers Group) was adopted by a majority with twenty votes against and six abstentions.

The Committee approved the proposed Directive subject to certain observations. It particularly deplored the slow and scrappy progress made in fiscal harmonization.

The Committee also contended that it was more advisable to handle the financing of measures for protecting the environment within the span of a general regulation rather than under a proposed Directive of fiscal nature.

*Proposed Council Directive amending Article 5 paragraph 2 of the Directive of 17 July 1969, concerning indirect taxation on capital formation (Report by Mr De Bièvre, Belgium—Employers)*

*Proposed third Council Directive concerning taxes other than turnover tax on the consumption of manufactured tobaccos (Report by Mr Friederichs, Germany—Workers Group)*

2443. With these two unanimously adopted Opinions, the Committee approved the Commission's Proposals.

*Commission Memorandum to the Council concerning the creation of a European Foundation for the improvement of living and working conditions; Proposed Council Regulation*

2444. The Opinion, prepared from the report by Mr De Grave (Belgium—Workers Group) was adopted by a majority with four votes against and three abstentions.

The Committee approved the Commission Proposal but emphasized that a more prominent place should be given to the social claims represented on the Scientific and Technical Committee so as to forge a close link between the true needs of the working world.

*Proposed Council Directive on the quality of surface waters intended for the abstraction of drinking water in the Member States* (Report by Mr Gayley, United Kingdom—Employers Group)

*Draft Council resolution on the adaptation to technical progress of Directives concerned with protection and improvement of the environment* (Report by Mr Ramaekers, Belgium—General Interests Group)

2445. With these two unanimously adopted Opinions, the Committee approved the Commission's Proposals.

*Commission Report to the Council on certain application problems of Council Regulation 1174/68 of 30 July 1968 concerning the introduction of a system of bracket rates applicable to intra-Community road freight haulage*

*Proposed Council regulation amending Regulation 1174/68 on the introduction of a system of bracket rates*

2446. This Opinion, prepared from the report by Mr Fredersdorf (Germany—General Interests

Group) was adopted unanimously apart from twelve abstentions. Whilst wholeheartedly approving the streamlining of the system of publication, the Committee could not support the Commission Proposal particularly with regard to private contracts involving the application of prices lower than the brackets and with regard to the carriage of live animals.

*Proposed Council Regulation on extending Regulation (EEC) 1174/68 concerning the introduction of a system of bracket rates applicable to intra-Community road freight haulage*

2447. With this Opinion also prepared from the report by Mr Fredersdorf (Germany—General Interests Group) and adopted by a majority with eight abstentions, the Committee agreed in principle with the Commission's Proposal.

*Proposed Memorandum to the Council addressed to the Member States and concerning application of the principle of a forty-hour week and four weeks paid annual leave*

2448. This Opinion, prepared from the report by Miss Mackie (United Kingdom—Workers Group) was adopted by a majority with five abstentions.

The Committee welcomed the proposed Recommendation. But it was considered unrealistic to require working hours to be spread in principle over five working days, since this ignored the need in certain industries to define a work schedule based on a seven-day cycle, which was both acceptable and practicable. With respect to paid leave or vacation, the Committee noted that considerable variations in the number of national holidays and other feast days from one State to another were a major obstacle to harmonized progress. The Commission should revise its Proposal to enable Member States to allow for the number of national and religious holidays when applying the Recommenda-

tion. Noting that the Recommendation did not cover either the self-employed or housewives, the Committee held that these groups should not be overlooked.

*Study on 'the objectives and content of a common energy policy'* (Report by Mr Delourme, Belgium—Workers Group)

2449. Vice-President Simonet of the Commission attended the presentation of the study which was adopted by a big majority with six votes against and ten abstentions. The Committee concluded that the Community's prime objective must be to reduce its dependence on external sources of energy supply. It then proposed that a common energy policy be adopted based on the following principles: (i) reduction of the Community's dependence on imported energy, (ii) more efficient use of energy, (iii) development of nuclear energy, (iv) development of other sources and new forms of energy, (v) cooperation with the energy-exporting countries, (vi) cooperation with all non-member countries.

tee's expressed Opinion,<sup>1</sup> because it did not yet take into account the repercussions of the oil crisis. The new version of the report considered the effects of the crisis and took note of the social clashes which had since occurred in the United Kingdom.

The slackening of activity in certain industrial sectors and notably in the motor sector had already affected steel consumption. All the same the estimates for steel consumption in the programme prepared at the end of 1973 and in the revised programme hinted that the effects of the energy crisis were of little consequence. For 1974 the internal consumption of steel is expected to rise by 2.3%. Crude steel output should reach 155 000 000 tonnes. Between 1 January 1973 and 1 March 1974 prices rose by 20 to 60% according to country.

In taking a position the Committee Members felt that there was no need to be unduly pessimistic about the short-term situation which for 1974 should not be detrimental to steel.

Asked about the impact of the Italian Government's measures the Commission spokesman replied that according to information to hand, all steel products as such were not affected by the measures; but steel would be hit through the provisions covering the processing and construction industries. There was therefore no denying that, if the measures announced were confirmed, we would see a slackening of the exports of other Member States.

2451. Taking a position on the Commission's 'Market and Prices' report (Rapporteur, Mr Mortimer) on the publication of prices and terms for the carriage of coal and steel and on the publication of steel price-scales, the Commission spokesman said that the latter was intended to

## The ECSC Consultative Committee

### 163rd Session

The consultative Committee met in Luxembourg on 3 May 1974 with Sir David Davies in the Chair.

2450. The main item on the agenda was the review of the *Forecast Steel Programme* for 1974. The Commission representative recalled that the Forecast Steel Programme drawn up in December 1973 had not been published in the Official Journal in compliance with the Commit-

<sup>1</sup> Bull. EC 12-1973, point 2469.

slow down the increase in prices without, however, falling back on restrictive Articles of the ECSC Treaty.

Several members of the Committee emphasized the clear-cut objective of the ECSC Treaty, namely to establish the transparency of 'delivered' prices i.e. including the carriage rates. They felt that the scheme was now being jeopardized by the Commission's Proposals for widening the rate bracket. In view of the sizable proportion of coal carriage charges in the price of the delivered product, the Commission's Proposal made it difficult to assess the various elements of the price. The comments of the Coal Producers indicated that the bracket proposed by the Commission was felt to be too wide and consequently bore too wide a margin of doubt.

All the Coal Producers, the French Coal Workers and most of the Coal Users sharply rejected the Commission's Proposal which would contravene the very principles of the Treaty. Conversely, the majority of the Steel Producers came out in favour of the Proposal, although one of them suggested that different rules be laid down for coal and for steel.

In these circumstances the Committee did not adopt an Opinion on the amendments to the publication of prices and terms for coal and steel carriage. But it did issue a favourable Opinion on the Commission's Proposal to extend to 15 days the waiting period between the submission and application dates of the coal and steel price scales.

2452. The 'Consultative Committee unanimously approved the submitted *steel research projects* which involved financial aid totalling 4 500 000 u.a.

## European Investment Bank

### Loans granted

#### *Denmark*

2453. The European Investment Bank has granted a loan equivalent to 16 million Danish kroner (2.1 million u.a.) to Frederikshavn Værft A/S for the construction of a new dry dock at Frederikshavn, North Jutland (Denmark). Under the terms of a contract signed in Luxembourg on 16 May 1974 the loan has been granted for 15 years at 9.5% a year.

North Jutland has a relatively weak economic structure and a higher unemployment rate than average for Denmark. By creating 200 permanent jobs, the project will make a considerable contribution to the improvement of the labour market.

#### *France*

2454. The European Investment Bank has granted Électricité de France a loan of the equivalent of 83.3 million French francs (14 million u.a.), running for 20 years at 9.50% a year. The money will be used to help finance the second phase of the Bugey nuclear power station, under construction at Saint Vulbas, on the Rhône (Department of Ain).

This is the EIB's third loan to the power station which will house a pressure water reactor with a net power rating of 925 MW.<sup>1</sup>

The new loan means that since 1967 the Bank has granted seventeen loans totalling 323 million u.a. for the construction of ten nuclear power stations.

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<sup>1</sup> Bull. EC 12-1973, point 2472 and 3-1974, point 2461.

### *United Kingdom*

2455. The EIB has granted a loan of the equivalent of £10.4 million (20 million u.a.) to the North of Scotland Hydro-Electric Board. The loan, which is for a period of 20 years at a rate of 9½% will contribute to the financing of the 1 320 MW power station which the Board is constructing at Peterhead in Aberdeenshire.

The north-east coast of Scotland where the new power station is situated will be one of the principal beneficiaries of the oil and gas discoveries in the North Sea, and rapid progress in development of industry and associated onshore activities is expected in the remainder of the 1970s. Official forecasts are that demand for electricity in the area served by the North of Scotland Board will double between 1972/73 and 1980/81. The power to be produced at Peterhead will meet this demand and reduce the necessity for large-scale transfers of power from the South of Scotland Electricity Board's system to the northern system which are required at present.

The Peterhead station will basically be fired by oil to be delivered to a specially constructed jetty in Peterhead harbour but it will also be adaptable for gas firing if use of gas from the Frigg field which will be delivered to a terminal at St. Fergus not far from Peterhead, should seem advantageous.

### *Turkey*

2456. Under the skeleton contract signed with Turkey on 12 February 1973 pledging a sum of 15 million u.a. to finance industrial projects in the private sector through the Turkiye Sinai Kalkinma Bankasi—TSKB (Industrial Development Bank of Turkey), the European Investment Bank has made an appropriation of 1975 000

u.a. (equivalent to approximately US\$ 2.4 million) for the setting up of an integrated cotton textile mill at Edirne in Western Turkey.

The project is being promoted by Kartaltepe Mensucat Fabrikasi A.S., a Turkish joint-stock company.

The project, the cost of which is put at 14.8 million u.a., is in line with the targets set by Turkey's Third Five-Year Plan. One of its aims is to establish industries entailing the application of modern production methods. It is also a project tailored to local demand as consumption of cotton textiles is increasing faster than capacity and it will have a favourable effect on the balance of payments since it will lead to increased exports, despite the limitations due to buoyant local demand. Finally, it will have a considerable effect on employment by creating 600 new jobs in a region where unemployment is estimated to be above 10%.

The EIB grants its financing facilities in Turkey at present under the terms of reference of the second Financial Protocol between the EEC and Turkey which came into effect on 1 January 1973. After extension to the new EEC Member Countries, this provides for the granting of loans on favourable conditions up to a maximum of 242 million u.a. until May 1976. The loans are granted by the EIB on the mandate of the Member State of the Community from the resources made available to the Bank by these States.

### **Financing Community activities**

#### **Own resources**

2457. From 1 January 1975 the Community Budget will in principle be entirely financed by

own resources created by the Decision of 21 April 1970 to replace Member States' financial contributions by Community own resources.

Partial financing by VAT revenue hinges on the approval and application of the sixth Directive on harmonizing Member States' laws on turnover taxes, concerning a uniform basis for VAT. The draft of the Directive is now being reviewed by the Council and an Opinion has just been issued by the European Parliament.

Against the possibility of a standard basis being applied on 1 January 1975 in at least three Member States, the Commission departments are drawing up a proposed Regulation on the methods of collecting and disposal of resources deriving from VAT.

A Working Party has been formed to review an initial draft Regulation. This group has just approved the Articles concerning the recording, disposal and monitoring of VAT resources. Scrutiny of the provisions, particularly the financial arrangements, will probably be completed during 1974.

Failing a uniform basis for VAT, the financing of the Community Budget not covered by excise duties, levies and miscellaneous receipts will be ensured through subscription computed on the basis of the gross national product.

The Commission departments sent a relevant working document to the Council after it had been discussed by the Advisory Committee on Own Resources. It reiterates the provisions already adopted whereby financing of the Budget will be insured from 1 January 1975 if the common VAT basis has not taken effect on that date.

#### *Consultative Committee on Own Resources*

2458. The Consultative Committee on Own Resources held its 11th meeting on 29 April

1974. The Committee finalized a list of agricultural levies covered by Article 2(a) of the Council Decision of 21 April 1970<sup>1</sup> concerning the replacement of Member States' financial contributions by Community own resources. The list which will be forwarded to the Member States under the official procedure will serve as the basis for the Community controls under the Council Regulation of 21 January 1974<sup>2</sup> which defined the responsibility and authority of the agents authorized by the Commission.

The Committee also took note of the programme of checks on own resources which will be carried out in the Member States during 1974.

During May supervisory visits were made to the administrative bodies in Ireland, Germany and Britain.

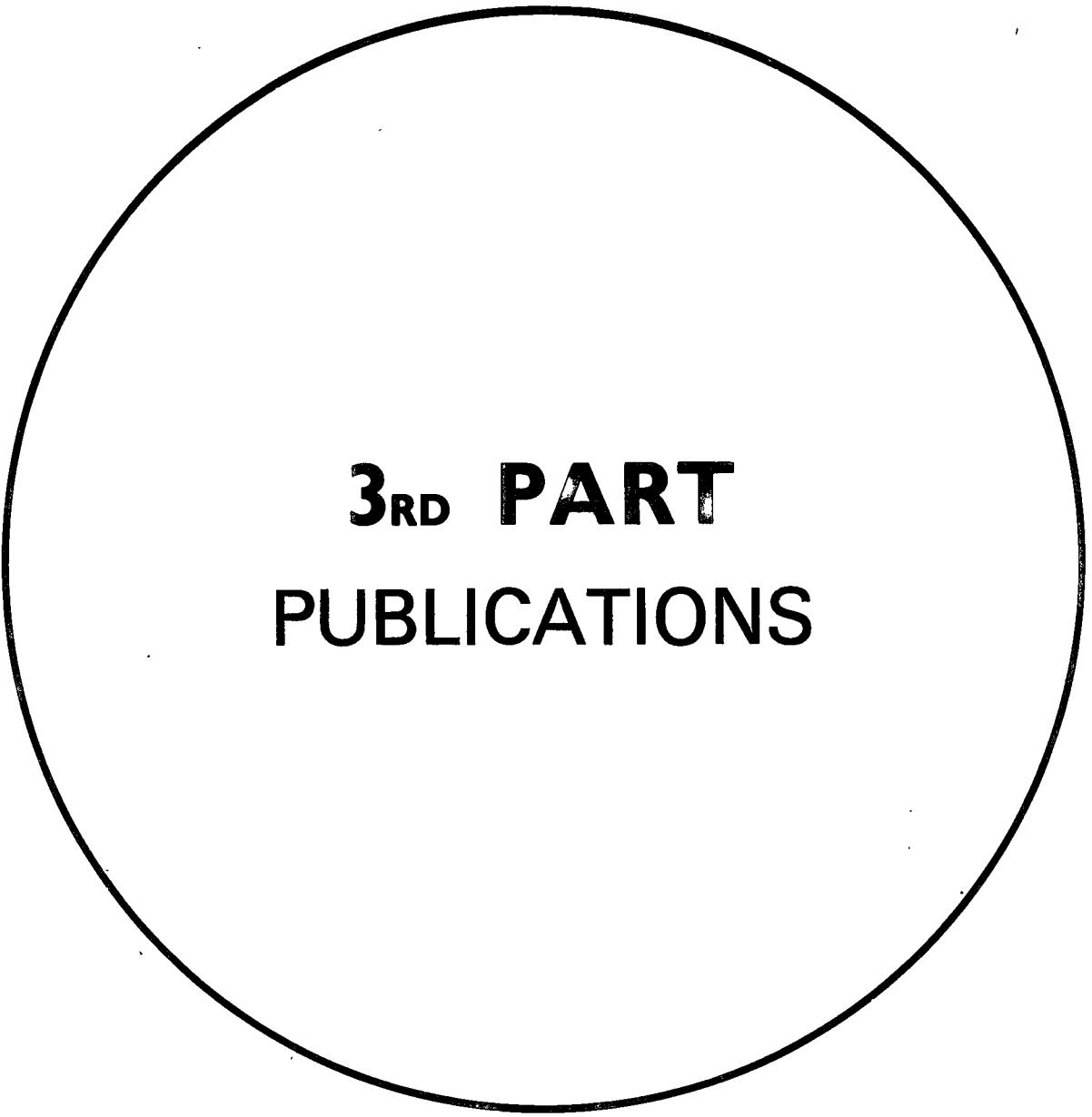
#### **Supplementary and Corrective Budget No 1-1974**

2459. During the session of 7 May 1974, the Council noted the initial reactions of the European Parliament to the preliminary draft of the Supplementary and Corrective Budget 1-1974, submitted by the Commission. Careful consideration was then given to the preliminary draft and it was decided not to draw up a draft on this basis. The Council agreed to advise Parliament of its deliberations.

But to give some satisfaction to the Commission's requests the Council did adopt a number of provisional arrangements.

<sup>1</sup> OJ L 94 of 28.4.1970.

<sup>2</sup> OJ L 20 of 24.1.1974.



**3<sub>RD</sub> PART  
PUBLICATIONS**

# Published in the Official Journal

Published in the Official Journal

This tabulation covers the numbers of the Official Journal published during May 1974.

## European Parliament

### 1974-1975 Session

*Report of Proceedings of the sitting from 3 to 5 April 1974*

Annex 174, April 1974

*Report of Proceedings of the sitting from 22 to 25 April 1974*

Annex 175, April 1974

*Minutes of the sitting of Monday, 22 April 1974*

C 55, 13.5.1974

Opinion on the proposal for a Directive concerning the harmonization of the laws relating to vehicle driving licences

Opinion on the proposals for four Directives concerning the approximation of the laws of the Member States relating to:

1. the installation of lighting and light signalling devices on motor vehicles and their trailers
2. fog lights for motor vehicles
3. the external projections of motor vehicles
4. reflex reflecting devices for motor vehicles and their trailers

Oral Question with debate, put by Mr Lagorce on behalf of the Socialist Group to the Commission of the European Communities: recycling and re-utilization of waste

*Minutes of the sitting of Tuesday, 23 April 1974*

C 55, 13.5.1974

Opinion on the proposal for a Resolution on guidelines for the mutual recognition of diplomas, certificates and other evidence of formal qualifications by virtue of Article 57 of the EEC Treaty

Resolution on the memorandum on education in the European Community

Resolution on the proposal for a resolution on the creation of European uranium enrichment capacities

Opinion on the Communication on the implementation of the 'guidelines and priority measures for a Community energy policy'

Opinion on the proposal for a Regulation establishing a procedure of consolidation

*Minutes of the sitting of Wednesday, 24 April 1974*  
C 55, 13.5.1974

### Question Time

Questions addressed to the Council of the European Communities:

1 by Lord O'Hagan: Application of Article 113 of the EEC Treaty

2 by Mr Brewis: Caracas Conference on maritime law

Questions addressed to the Commission of the European Communities:

3 by Sir Tufton Beamish: Aid to be given to Palestinian refugees

4 by Mr Noë: Safeguard clause adopted by Italy in the beef sector

5 by Mr Bousch: Financial effects of the energy crisis

6 by Mr Laban: Sharp rise in energy prices in the horticultural and fisheries sectors

7 by Mr Seefeld: Behaviour of multinational concerns in respect of cartel agreements

8 by Mr Fellermaier: Deflection of profits by multinational concerns

9 by Mr Flämig: Taxation of profits deflected by multi-national concerns

Oral Question with debate, put by the Political Affairs Committee to the Commission of the European Communities: Present state of the Community

Oral Question with debate, put by Mr Durieux on behalf of the Liberal and Allies Group to the Commission of the European Communities: Commission's role as guardian of the EEC Treaty pursuant to Article 155

Oral Question with debate, put by Mr Durieux on behalf of the Liberal and Allies Group to the Council of the European Communities: Improper procedure in Council deliberations

Resolution on the strengthening of relations between the European Parliament and the Canadian Federal Parliament

Opinion on the proposal for a Regulation laying down conditions for granting national aid under the common structural policy for sea-fishing

**Published in the Official Journal**

Opinion on the proposal for a Regulation amending Council Regulation (EEC) 3609/73 of 27 December 1973 on the customs treatment applicable to certain fishery products originating in Norway

Opinion on the amendment to the proposal for a Regulation supplementing Regulation 1009/67/EEC on the common organization of the market in sugar

Oral Question with debate, put by Mr Gibbons, Mr Herbert, Mr Lenihan, Mr Liogier and Mr Rivierez to the Commission of the European Communities: EAGGF Guidance Section

Oral Question with debate, put by Mr Jakobsen, Mr Brewis, Mr John Hill, Lord St. Oswald and Mr Scott-Hopkins to the Commission of the European Communities: Increases in agricultural prices

*Minutes of the sitting of Thursday, 25 April 1974*  
C 55, 13.5.1974

Resolution on the report on the development of the social situation in the Community in 1973

Opinion on the proposal for a Directive on the approximation of the laws of the Member States concerning the application of the principle of equal pay for men and women contained in Article 119 of the EEC Treaty

Resolution on the first report on the activities of the new European Social Fund, financial year 1972

Opinion on the proposal for a recommendation addressed to the Member States regarding the application of the principle of the 40-hour week and four weeks annual paid holidays

Resolution on the draft annual accounts of the European Parliament for the financial year 1973 (1 January to 31 December 1973)

*Minutes of the sitting of Monday, 13 May 1974*  
C 62, 30.5.1974

Resolution on the motion for a resolution submitted on behalf of the Liberal and Allies Group on measures to protect the European cultural heritage

Opinion on the proposal for a Directive concerning the quality required of surface water intended for the abstraction of drinking water in the Member States

Opinion on the proposal for a preliminary Community programme for consumer information and protection

**Published in the Official Journal**

*Minutes of the sitting of Tuesday, 14 May 1974*  
C 62, 30.5.1974

**Question Time**

Question addressed to the Council of the European Communities:

- (i) 1 by Sir Douglas Dodds-Parker: Meetings of Heads of Governments of the Community

Questions addressed to the Commission of the European Communities:

- (i) 4 by Mr Patijn: Relations between the European Community and Portugal
- (ii) 5 by Mr Brewis and 6 by Mr Concas: Third Conference on the law of the sea

Oral Question with debate put by Messrs. Fellermaier, Van der Hek, and Wohlfart on behalf of the Socialist Group to the Commission of the European Communities: Italian Government measures

Oral Question with debate put by Messrs. Fellermaier, Van der Hek and Wohlfart on behalf of the Socialist Group to the Council of the European Communities: Italian Government measures

Oral Question without debate put by Mr Scott-Hopkins to the Commission of the European Communities: Flow of trade between Italy and the other Member States

Oral Question without debate put by Mr Früh to the Commission of the European Communities: Recent measures taken by the Italian Government

Resolution on the Seventh General Report from the Commission of the European Communities on the activities of the Communities in 1973

*Minutes of the sitting of Wednesday, 15 May 1974*  
C 62, 30.5.1974

Oral Question without debate put by Lord Chelwood to the Commission of the European Communities: Protection of wild birds, especially migratory birds

Resolution on the economic situation in the Community

Opinion on the amendments to the proposals for:

- I. a Directive on the approximation of the laws of the Member States relating to analytical, pharmacotoxicological and clinical standards and protocols in respect of the testing of proprietary medicinal products

II. a Directive on the approximation of the laws of the Member States relating to publicity for proprietary medicinal products and to package leaflets

III. a Directive on the approximation of the laws of the Member States relating to matters which may be added to proprietary medicinal products for colouring purposes

### ***Written questions with Replies***

Written Question 401/72 by Mr Berkhouwer to the Commission of the EC  
Subject: Use of milk powder in foodstuffs (Supplementary Answer)  
C 53, 9.5.1974

Written Question 490/73 by Lord O'Hagan to the Council of the EC  
Subject: North Sea oil  
C 53, 9.5.1974

Written Question 526/73 by Mr Jahn to the Council of the EC  
Subject: Protectionist tendencies of the planned world textile agreement  
C 53, 9.5.1974

Written Question 560/73 by Lord O'Hagan to the Commission of the EC  
Subject: Information from Governments of the Member States  
C 53, 9.5.1974

Written Question 574/73 by Lord Reay to the Commission of the EC  
Subject: Member States' revenue from duties on tropical products  
C 53, 9.5.1974

Written Question 575/73 by Lord O'Hagan to the Commission of the EC  
Subject: Derelict land  
C 53, 9.5.1974

Written Question 578/73 by Lord O'Hagan to the Commission of the EC  
Subject: IUCN Convention on endangered species  
C 53, 9.5.1974

Written Question 601/73 by Miss Lulling to the Commission of the EC  
Subject: Building loans to officials of the European institutions  
C 53, 9.5.1974

Written Question 602/73 by Lord O'Hagan to the Commission of the EC  
Subject: East African Flying Doctor Services  
C 53, 9.5.1974

Written Question 605/73 by Lord O'Hagan to the Council of the EC  
Subject: Public sessions of legislatures

Written Question 606/73 by Lord O'Hagan to the Council of the EC  
Subject: Public sessions of Council  
C 53, 9.5.1974

Written Question 607/73 by Lord O'Hagan to the Council of the EC  
Subject: Rules of procedure of Council  
C 53, 9.5.1974

Written Question 614/73 by Mr Cousté to the Commission of the EC  
Subject: American and British investment in the food industry in the six original Member States  
C 53, 9.5.1974

Written Question 619/73 by Lord O'Hagan to the Council of the EC  
Subject: Procedure of Council for answering written questions  
C 53, 9.5.1974

Written Question 639/73 by Mr Klepsch to the Council of the EC  
Subject: Harmonization of policies on export credit insurance and export financing  
C 53, 9.5.1974

Written Question 640/73 by Mr Antoniozzi to the Commission of the EC  
Subject: Harmonization of the cinematographic industry in the Community  
C 53, 9.5.1974

Written Question 642/73 by Mr Durieux to the Council of the EC  
Subject: Community aid to the Sahel  
C 53, 9.5.1974

Written Question 643/73 by Mr Vals to the Council of the EC  
Subject: Conference of Ministers of Justice  
C 53, 9.5.1974

Written Question 645/73 by Mr Müller and Mr Kater to the Commission of the EC  
Subject: The health risk involved in the manufacture and processing of PVC plastics  
C 53, 9.5.1974

**Published in the Official Journal**

Written Question 647/73 by Mr Martens to the Commission of the EC  
Subject: Agricultural structural policy  
C 53, 9.5.1974

Written Question 648/73 by Mr Früh to the Commission of the EC  
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- (i) Agreement between the European Economic Community and the Arab Republic of Syria on the supply of flour of common wheat as food aid
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Council Decision of 21 March 1974 on the conclusion of the Agreement between the European Economic Community and the Democratic Republic of Somalia on the supply of flour of soft wheat and husked rice as food aid

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**74/252/Euratom:**

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**74/223/EEC:**

Commission Decision of 29 March 1974 on the special Rice Section of the Advisory Committee on Cereals

L 123, 6.5.1974

**74/233/ECSC:**

Commission Decision of 14 March 1974 authorizing the acquisition by Guest Keen & Nettlefolds Ltd of Miles Druce & Co Ltd

L 132, 15.5.1974

**74/250/EEC:**

Commission Decision of 10 April 1974 authorizing the French Republic not to apply Community treatment to toys of wood and other (except motors and movement mechanisms for toys and working models of a kind used for recreational purposes, and parts thereof), falling within heading 97.03 A and ex B of the Common Customs Tariff, originating in Taiwan, and in free circulation in the other Member States

L 135, 18.5.1974

**74/251/EEC:**

Commission Decision of 18 April 1974 authorizing the French Republic not to apply Community treatment to cotton undergarments, knitted or crocheted, not elastic or rubberized, falling within heading 60.04 A of the Common Customs Tariff, originating in Romania, and in free circulation in the other Member States

L 135, 18.5.1974

**74/234/EEC:**

Commission Decision of 16 April 1974 relating to the institution of a Scientific Committee for Food

L 136, 20.5.1974

**74/242/EEC:**

Commission Decision of 22 April 1974 authorizing the Italian Republic to permit the marketing of 'certified seed of the second generation' of the varieties of rice 'romeo', 'rosa Marchetti' and 'Vialone nano', satisfying less stringent requirements, for a period which expires on 30 June 1974

L 136, 20.5.1974

**74/243/EEC:**

Commission Decision of 23 April 1974 amending the Decision of 7 November 1973 issuing a standing invitation to tender for the export of 50 000 metric tons of barley held by the German intervention agency

L 136, 20.5.1974

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**74/244/EEC:**

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**74/254/Euratom:**

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L 139, 22.5.1974

**74/257/EEC:**

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L 141, 24.5.1974

**74/258/EEC:**

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L 141, 24.5.1974

**74/259/EEC:**

Commission Decision of 18 April 1974 on the communication by Member States of the quantities of common wheat used in the production of compound feedingstuffs  
L 141, 24.5.1974

**74/262/EEC:**

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L 141, 24.5.1974

**74/266/EEC:**

Commission Decision of 2 May 1974 authorizing the French Republic to permit, for a period which expires on 31 May 1974, the marketing of certified spring barley seed satisfying less stringent requirements  
L 141, 24.5.1974

**74/267/EEC:**

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L 141, 24.5.1974

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**74/268/EEC:**

Commission Directive of 2 May 1974 laying down special conditions concerning the presence of 'Avena fatua' in fodder plant and cereal seed  
L 141, 24.5.1974

**74/269/EEC:**

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L 141, 24.5.1974

**74/271/EEC:**

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L 143, 28.5.1974

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L 143, 28.5.1974

**74/280/EEC:**

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74/256/EEC:

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18027 (4)

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