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## Information and Notices

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### Contents

#### I *Information*

##### European Parliament

Written Question No 227/73 by Mr Müller and Mr Della Briotta to the Commission of the European Communities Subject: Protection of European art treasures .....	3
Written Question No 344/73 by Mr Willi Müller to the Commission of the European Communities Subject: Tax exemptions in international travel .....	3
Written Question No 345/73 by Mr Scholten to the Council of the European Communities Subject: Meeting of Finance Ministers on reform of the monetary system .....	4
Written Question No 365/73 by Mr Früh to the Commission of the European Communities Subject: Common agricultural policy .....	5
Written Question No 368/73 by Lord O'Hagan to the Commission of the European Communities Subject: Safety in road transport .....	6
Written Question No 393/73 by Lord O'Hagan to the Commission of the European Communities Subject: Increase in farm land prices in the Community .....	7
Written Question No 398/73 by Mr Notenboom to the Commission of the European Communities Subject: Reorganization of the French footwear industry .....	8
Written Question No 399/73 by Lord O'Hagan to the Commission of the European Communities Subject: French Government bill making foreign workers eligible to become members of works councils, staff representatives and trade union representatives .....	9
Written Question No 428/73 by Mr Mursch to the Commission of the European Communities Subject: Liberalization of the building market within the EEC countries .....	10
Written Question No 432/73 by Mr Willi Müller to the Commission of the European Communities Subject: 'Black market' in veterinary pharmaceuticals .....	11
Written Question No 441/73 by Mr Kater and Mr Müller to the Commission of the European Communities Subject: Prohibition of insecticides .....	12

Contents (continued)

Written Question No 443/73 by Mr Scholten to the Commission of the European Communities Subject: Coordination of Member States' budgets .....	13
Written Question No 445/73 by Mrs Walz to the Commission of the European Communities Subject: Harmonization of basic research in the individual Member States .....	14
Written Question No 446/73 by Mrs Walz to the Commission of the European Communities Subject: Action programme 1 (3) .....	14
Written Question No 450/73 by Mr Schwörer to the Commission of the European Communities Subject: Subsidies for the shoe industry in France and Italy .....	15
Written Question No 457/73 by Lord O'Hagan to the Commission of the European Communities Subject: Whales .....	16
<b>Written Question No 467/73 by Mrs Walz to the Council of the European Communities</b> Subject: Report on European union .....	16
Written Question No 471/73 by Mr Brewis to the Commission of the European Communities Subject: Retrospective abrogation of national patent rights by provisions purporting to prohibit the artificial division of the common market .....	17
Written Question No 472/73 by Mr Brewis to the Council of the European Communities Subject: Retrospective abrogation of national patent rights by provisions purporting to prohibit the artificial division of the common market .....	17
Written Question No 473/73 by Mr Fellermaier to the Commission of the European Communities Subject: Motor vehicle guarantees .....	18
Written Question No 476/73 by Mr Johnston to the Commission of the European Communities Subject: Aid from the ESF to the Six .....	19
Written Question No 484/73 by Mr Johnston to the Commission of the European Communities Subject: European Educational Research Centre .....	20
Written Question No 485/73 by Mr Cousté to the Commission of the European Communities Subject: Harmonization of Member States' budgets .....	20
Written Question No 486/73 by Mr Cousté to the Commission of the European Communities Subject: Protection of consumers in the Community .....	21
Written Question No 487/73 by Mr Seefeld to the Commission of the European Communities Subject: Customs difficulties for railway passengers at the border between Belgium and Germany .....	21
Written Question No 497/73 by Mr Johnston to the Commission of the European Communities Subject: Current size of the EDF .....	22
Written Question No 510/73 by Mr Johnston to the Commission of the European Communities Subject: Alternatives to road transport .....	23
Written Question No 513/73 by Mr Jahn to the Commission of the European Communities Subject: VAT on stamps (collectors' sets) purchased privately by permanent subscriptions	23

Contents (continued)	Written Question No 515/73 by Lord O'Hagan to the Council of the European Communities	
	Subject: Political cooperation meetings .....	24
	Written Question No 517/73 by Lord O'Hagan to the Commission of the European Communities	
	Subject: Television programmes on European topics .....	25
	Written Question No 528/73 by Mr Lagorce to the Commission of the European Communities	
	Subject: Measures to prevent the maltreatment of children .....	25
	Written Question No 539/73 by Sir Tufton Beamish to the Council of the European Communities	
	Subject: European Political Cooperation on Foreign Policy – Consultations entrusted to Ambassadors .....	26
	Written Question No 540/73 by Sir Tufton Beamish to the Council of the European Communities	
	Subject: Studies in the framework of European Political Cooperation on Foreign Policy ..	26
	Written Question No 541/73 by Sir Tufton Beamish to the Council of the European Communities	
	Subject: European Political Cooperation on Foreign Policy – reports from the Ambassadors of Member States .....	27
	Answer to Written Questions Nos 539/73, 540/73 and 541/73 by Sir Tufton Beamish . . . . .	27
	Written Question No 545/73 by Lord O'Hagan to the Commission of the European Communities	
	Subject: Public understanding of the work of the Commission .....	27

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II *Preparatory Acts*

**Commission**

Proposal for a Council Regulation laying down, in respect of hops, the amount of the aid to producers for the 1972 harvest . . . . .	28
Proposal for a Council Regulation amending Regulation (EEC) No 816/70 as regards the definition of liqueur wine and of certain grape musts . . . . .	29
Proposal for a Council Regulation on the European Cooperation Grouping (ECG)	30
Proposal for a Council Regulation on the importation free of Common Customs Tariff duties of educational, scientific and cultural materials . . . . .	35
Proposal for a Council Regulation on the total or partial suspension of customs duties on certain products falling within Chapters 1 to 24 of the Common Customs Tariff . . . . .	41
Proposal for a Council Directive on the harmonization of procedures for the release of goods for free circulation . . . . .	45
Proposal for a Council Regulation concerning Community financing of expenditure incurred in respect of the supply of agricultural products as food aid . . . . .	51
Proposal for a Council Directive delaying the implementation of Council Directive No 72/160/EEC concerning measures to encourage the cessation of farming and the reallocation of utilized agricultural area for the purposes of structural improvement of 17 April 1972, for the Kingdom of Denmark . . . . .	53

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(Continued overleaf)

**Commission**

Notice of invitation to tender from Fonds d'Orientation et de Régularisation des marchés Agricoles (FORMA), Paris, for the costs of delivery of 1 999 metric tons of skimmed-milk powder as food aid . . . . . 54

Notice from the Einfuhr- und Vorratsstelle für Fette (EVSt-F), Frankfurt, of invitation to tender for the costs of delivery of 1 000 metric tons of skimmed-milk powder to Ethiopia as food aid . . . . . 55





## I

(Information)

**EUROPEAN PARLIAMENT**

**WRITTEN QUESTION No 227/73**

**by Mr Müller and Mr Della Briotta**

**to the Commission of the European Communities**

(16 July 1973)

*Subject:* Protection of European art treasures

In spite of the many national regulations prohibiting and imposing penalties on trade in and the sale of works of art of historical value, works of art of this type are repeatedly offered for sale on the international art market and bought by wealthy individuals or groups, and are thus lost to the European public.

What possibilities does the Commission see of providing greater protection than at present against loss of European works of art of historical importance?

**Answer**

(17 January 1974)

The safeguarding of the European cultural heritage must cover all manifestations of man's creative genius, and presupposes an enhanced public awareness which can result only from a wider diffusion of cultural assets through the establishment of a true common market therein.

While awaiting Community action in cultural matters, the European heritage must be protected by a coordinated effort on the part of the public authorities, particularly with a view to defining the restrictions and controls required to prevent all illicit exports and any departure from Europe of a cultural asset of a Member State.

**WRITTEN QUESTION No 344/73**

**by Mr Willi Müller**

**to the Commission of the European Communities**

(25 September 1973)

*Subject:* Tax exemptions in international travel

Pursuant to the Second Council Directive of 12 June 1972 <sup>(1)</sup> on tax exemptions in international travel,

travellers between Member States may import duty-free, *inter alia*, 300 cigarettes or a corresponding quantity of other tobacco products and 1.5 litres of high-proof spirits; this is 1.5 times as much as the quantities that may be imported duty-free in travel between third countries and the Community.

<sup>(1)</sup> OJ No L 139, 17. 6. 1972, p. 28.

A condition for the importation of these increased quantities, however, is that the goods imported must be in free circulation on the domestic market. This means that the traveller is allowed exemption from duty on 300 cigarettes and 1.5 litres of high-proof spirits only if he bought them, for instance, in Denmark at the domestic market price, that is to say, already taxed.

This has resulted in travellers by sea within the EEC, for instance, being treated differently from travellers by air.

Can the Commission indicate:

1. How and when this discrimination in the treatment of travellers within the Community will be brought to an end?
2. Whether it is a basic condition of such a regulation that tax-free sales of goods in airports and ships within the Community should be stopped?

### Answer

(10 January 1974)

The Directive of 28 May 1969 <sup>(1)</sup>, amended by the Directive of 12 June 1972, set out a system of tax exemption for goods contained in travellers' personal luggage which compels the Member States to grant the exemptions listed in Articles 2 and 4 (1) col. II in intra-Community relations.

By virtue of Article 6 (1), on the other hand, the Member States must ensure that no goods with a value equal to or lower than the amount of the abovementioned exemptions are obtained tax free by a traveller whose domicile, habitual residence or place of work is in a Member State. Thus all tax avoidance is in principle prevented.

In view of the difficulty of establishing rules for devising on a strictly national scale an appropriate system for the taxation of sales in airports and seaports, and on board aircraft, ships and boats, at the request of the Member States the Commission submitted to the Council on 22 September 1972 <sup>(2)</sup> a

proposal for a Directive making it impossible to purchase goods free of turnover tax and/or excise duty on an intra-Community flight or sea-crossing.

It goes without saying that where they originate from non-member countries, these goods must have previously been placed in free circulation.

In order to meet this requirement, the Commission addressed to the Council on 16 November 1972 <sup>(3)</sup> a proposal for a Regulation on the tariff system to be applied to goods acquired by travellers at airport sales' counters and on board aircraft, ships or hovercraft plying between two or more Member States, with the aim of limiting the opportunity for travellers holding a ticket to a direct destination issued in a non-member country to acquire goods not fulfilling the conditions of Articles 9 and 10 of the EEC Treaty during their voyage.

Both the Commission's proposals are under review in the Council.

<sup>(1)</sup> OJ No L 133, 4. 6. 1969, p. 6.

<sup>(2)</sup> OJ No C 113, 28. 10. 1972, p. 15.

<sup>(3)</sup> OJ No C 134, 27. 12. 1972, p. 34.

### WRITTEN QUESTION No 345/73

by Mr Scholten

to the Council of the European Communities

(25 September 1973)

*Subject:* Meeting of Finance Ministers on reform of the monetary system

1. Is the Council aware of rumours and press reports that the meeting of Ministers of Finance

held within the framework of the Group of 20, in July 1973 in the United States, on reform of the monetary system was preceded by a meeting in which not all Ministers of Finance of the Member States of the European Communities, which are also members of the Group of 20, took part?



2. Does the Council share the view of the author of this question that a split in ranks among the Ministers of Finance of the European Communities in consultations intended to prepare for reform of the world monetary system is a serious threat to the endeavours of the Community to make the maximum possible contribution to efforts to reform the monetary system and also prevents the Member States from presenting a united front?

3. Is the Council prepared to support a procedure whereby each meeting of the Group of 20

at ministerial level would be preceded by a meeting of the Council?

4. If the reply to question 3 is in the negative, is the Council prepared to call on the Finance Ministers of the Member States to take an unfavourable attitude to any attempts to arrange meetings within the Group of 20 to which not all Ministers of Finance of the Member States have been invited?

#### Answer

(15 January 1974)

It should first be pointed out that the principle according to which the Member States should work out a common attitude regarding monetary relations with third countries and international organizations was stressed in the 1971 Resolution on Economic and Monetary Union. The elements on which this common attitude is based are set out in the Declaration of the Heads of State or of Government of October 1972.

As regards the other points, the joint position is constantly being elaborated and strengthened either at Council meetings or, where appropriate, at informal coordinating sessions held by the representatives of all the Member States prior to meeting the representatives of other countries.

#### WRITTEN QUESTION No 365/73

by Mr Früh

to the Commission of the European Communities

(1 October 1973)

*Subject:* Common agricultural policy

An article on agricultural policy was published in 'Berichte und Informationen' — No 33, 20 August 1973 — by the European Communities' Bonn Liaison Office. The following questions arise in this connection:

1. Does the Commission share the view of its Liaison Office that the common agricultural policy, 'once the mortar holding the European Communities together, has turned increasingly into an explosive threatening to tear them apart?'
2. Does the Commission agree with the author of the article that no solution to agricultural problems is in sight?
3. What does the Commission think of the opinion expressed in the article that present agricultural output is likely to double by the mid 1980's?

4. Does the Commission share the view that the market can be influenced by applying pressure to agricultural product prices?

5. Does the Commission have any idea how losses of agricultural income resulting from pressure on prices can be compensated by transferring non product-based income, and are any estimates available of the sums which might be involved for a price reduction of 1 %?

6. Does the Commission share the view that 'the artificial system of border compensation payments within the Community must be abolished' despite constant monetary instability and before the completion of Economic and Monetary Union?

**Answer***(14 January 1974)*

1. The Commission does not share this view. On the contrary, it considers that the common agricultural policy will continue to play a vital part in European integration.

2. The Commission believes that the common agricultural policy cannot of itself, with the instruments at its disposal, solve all the problems of European agriculture. The solution of some of these problems requires the implementation of a coherent Community action programme both under the common agricultural policy alone and as part of its gradual integration with other policies, as proposed in the Memorandum on the Adjustment of the Common Agricultural Policy 1973 to 1978 (COM (73) 1850 final of 31 October 1973).

3. The Commission does not share this opinion.

4. The Commission considers that the market and prices policy is a rational instrument for the guiding of production.

5. As stated in its Memorandum on the Adjustment of the Common Agricultural Policy, the Commission has come to the conclusion that additional measures in the form of more or less

generalized direct aid to agricultural incomes might slow down the structural evolution of agriculture, create major administrative problems in most of the Member States and result in a level of expenditure which would be too high to be met from public sector budgets.

In the same Memorandum, the Commission considers that the set of measures already taken in the socio-structural field, together with the new measures in the agricultural and other fields now being discussed in the Council, supplemented by certain factors contained in the Memorandum, will enable agricultural incomes to increase at an equitable and appropriate rate without aggravating the market situation.

6. The Commission considers that, in the light of the economic and monetary union provided for in the Council Resolution of 22 March 1971 and confirmed by the Summit Conference of October 1972, the re-establishment of the single market not later than 31 December 1977 — the date on which the 'accession' compensatory amounts will be abolished — must remain a fundamental objective of the common agricultural policy.

**WRITTEN QUESTION No 368/73****by Lord O'Hagan****to the Commission of the European Communities***(1 October 1973)**Subject: Safety in road transport*

In most of our States, legislation on safety in road transport is complex, which makes it difficult to take action against the most serious infringements. To take only the French example, as illustrated by Mr Hubert Emmanuel in 'Le Figaro' (31 July 1973, p. 6), a dishonest coach operator who does not keep his vehicles in a proper state of repair is liable under articles of the penal code which are as varied as they are inappropriate, leaving it to the courts' discretion to impose upon the convicted operator a

fine of between 3 and 20 French francs (!) or a more substantial fine (from 500 to 6 000 francs). In this way, a coach accident causing the deaths of several persons could easily involve a ridiculously small fine, in contempt of all moral principles.

Does the Commission intend to propose to the Member States that criminal legislation on road safety be harmonized without delay, and simplified? Has it already carried out any studies with a view to comparing the various national criminal legislations on this matter?

**Answer***(10 January 1974)*

The Commission has to date neither carried out studies of the national legislations on this matter nor addressed proposals to the Council for the harmonization of criminal law as such.

The Commission does not intend to make any proposals under the 'Note on the Guidelines for Community Action Aimed at Contributing Towards Improved Road Safety' laid before the European Parliament on 21 March 1971.

As regards the general measures relating to road safety proposed or envisaged by the Commission, the Honourable Member is requested to refer to the answer to his Written Question No 205/73 <sup>(1)</sup>.

<sup>(1)</sup> OJ No C 102, 24. 11. 1973, p. 10.

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WRITTEN QUESTION No 393/73

by Lord O'Hagan

to the Commission of the European Communities

(8 October 1973)

*Subject:* Increase in farm land prices in the Community

How much did the price of farm land increase in the UK, as compared to other Member States, between March 1972 and March 1973?

Does the Commission consider that the price increase in Britain is mainly due, as stated by Peter Shore, to the 'massive further increase in guaranteed prices under the CAP which will be paid to farmers by 1978'?

Answer

(17 January 1974)

The Honourable Member will find in the appended table the most recent official figures available to the Commission on the comparative market value of agricultural land in the various Member States.

Comparative figures are not available for 1973. However, it appears that in the United Kingdom the upward trend in land prices has continued since 1972.

As to the main causes of this upward movement, the Commission wishes to draw the Honourable Member's attention to its answer dated 15 May 1973 to Written Question No 582/72 <sup>(1)</sup> from Mr Vredeling on the same subject.

The Commission said at the time that it was difficult to assess whether or to what extent the increase in agricultural land values in the United Kingdom was in any way connected with the country's Accession to the EEC.

It seems that the effects of monetary inflation have encouraged investment in real estate in the United Kingdom.

In Belgium and in the Netherlands, where land prices have levelled off somewhat, and in the case of Belgium have even dropped, a new upward trend caused mainly by monetary inflation, is also under way.

<sup>(1)</sup> OJ No C 47, 26. 6. 1973, p. 10.

Member State	Market values of agricultural land in u.a./hectare <sup>(1)</sup>			
	1969	1970	1971	1972
<i>Federal Republic of Germany</i> <sup>(2)</sup>	4 213	4 253	4 317	—
<i>France</i>				
Arable land	1 368	1 449	1 530	1 692
Natural pastures	1 350	1 368	1 404	1 530
Overall	1 350	1 422	1 476	1 620
<i>Italy</i>				
Arable land, unit values	1 200	1 157	1 152	—
<i>Netherlands</i>				
Arable land	2 238	2 395	2 381	—
Pastures	1 983	2 016	2 006	—
<i>Belgium</i> <sup>(3)</sup>				
Arable land	5 891	5 611	5 233	—
Pastures	4 507	4 311	3 980	—
<i>Luxembourg</i> <sup>(4)</sup>				
Arable land	—	—	—	—
Pastures	—	—	—	—
<i>England and Wales</i>	1 180	1 186	1 139	1 263
<i>Scotland</i>	836	979	—	—
<i>Northern Ireland</i>	—	979	—	—
<i>Ireland</i>	992	1 018	1 152	1 913
<i>Denmark</i> <sup>(5)</sup>	1 489	1 608	1 689	2 031

<sup>(1)</sup> Exchange rates on 15 February 1971: 100 u.a. = Bfrs or Lfrs 5 000; DM 366; FF 555.42; Fl 362; Lit 62 500; £ 41.666 and Dkr 750.

<sup>(2)</sup> Unit values for purchasing by plots.

<sup>(3)</sup> Weighted average of public and private treaty sales.

<sup>(4)</sup> There is no statistical survey of land prices beyond 1967; the Department of Rural Economy's estimate for 1971/72 is 2 600 u.a./hectare.

<sup>(5)</sup> These figures include agricultural land with and without buildings.

### WRITTEN QUESTION No 398/73

by Mr Notenboom

to the Commission of the European Communities

(10 October 1973)

*Subject:* Reorganization of the French footwear industry

Is the Commission aware that enterprises in the French footwear industry participating in a

reorganization programme are enjoying various facilities to promote their exports, in particular:

- (a) credit from the Société Ufinex at lower rates of interest than those generally obtainable on the capital market in France to finance the consolidation of sales outlets abroad;

(b) facilities to enable them to offset 20 to 30 % of sums invested abroad against profits taxable in France.

Does the Commission not consider that the aid described under (a) is contrary to the EEC Treaty?

Can the Commission indicate that the facility described under (b), which it has already condemned as an unjustifiable double tax

concession, either has not yet been applied or has not yet become effective?

Can the Commission say whether the two 'taxes parafiscales', which have been levied in the French footwear industry, i.e. for the financing of technical research and for the reorganization programme, are being applied in such a way that they will not affect competition to the detriment of enterprises in other EEC Member States?

#### Answer

(7 January 1973)

The French Government has not, under the provisions of Articles 92 *et seq* of the EEC Treaty, informed the Commission of the financing arrangements to which the Honourable Member refers in point (a) of his question. The Commission cannot therefore make any statement regarding the eventual arrangements until it has obtained the necessary information from the French authorities.

As regards the measure referred to in point (b), the Honourable Member is requested to refer to the Commission Decision of 25 July 1973 <sup>(1)</sup>, according to which the French Government is obliged to take the measures necessary to put an end to the tax advantages concerned.

Regarding the Honourable Member's question on the financing of technical research and sectoral restructuring in France, it should be noted that:

1. The Commission has initiated the procedure provided for in Article 93 (2) of the Treaty

<sup>(1)</sup> OJ No L 253, 10. 9. 1973, p. 10.

against the French system of 'taxes parafiscales' (charges having an effect equivalent to taxes) applied to the Centre technique du cuir. In this context it has requested the French Government to exempt products imported from other Member States from taxation. The procedure is currently under way.

2. The 'taxes parafiscales' which go to the Comité de développement de l'industrie de la chaussure (Development Committee for the Footwear Industry), to be used for the restructuring of small and medium-sized firms in the sector, are levied for a three-year period on sales of French products only. The revenue is paid to this Development Committee, the purpose of which is to foster nationalization in the sector. In view of this and bearing in mind the small amounts involved in this operation, the Commission considers that the work undertaken by the Committee may be regarded as being compatible with the EEC Treaty as regards aid.

#### WRITTEN QUESTION No 399/73

by Lord O'Hagan

to the Commission of the European Communities

(11 October 1973)

*Subject:* French Government bill making foreign workers eligible to become members of works councils, staff representatives and trade union representatives

On 26 September 1973 the French Government approved a bill modifying the conditions governing access to membership of works councils and to the function of staff representative and shop steward with a view to making foreign workers eligible for such posts whatever their country of origin.

1. Has the French Government in any way informed the Commission of this draft law?
2. What is the position in this connection in the other Member States in which migrant workers are employed?
3. What proposals, if any, does the Commission have in mind for extending the French Government measures to the rest of the Community?

**Answer**

(10 January 1974)

1. The Commission has not been informed of the French bill mentioned by the Honourable Member. Although the Member States are obliged to comply with the provisions of Article 8 of Council Regulation (EEC) No 1612/68 <sup>(1)</sup> on the right of eligibility of workers from a Member State employed on their territory for workers' representative bodies in the undertaking, they are nevertheless not bound to inform the Commission of bills which would extend this right to all migrant workers.

<sup>(1)</sup> OJ No L 257, 19. 10. 1968, p. 2.

2. The Commission is keeping a close watch on the situation in the various Member States. It will shortly request up-to-date information from the governments and will not fail to inform the Honourable Member of its findings.

3. The Commission welcomes all measures aimed at improving the working conditions of all migrant workers. Its 'Programme of Social Action' (COM (73) 1600), which it laid before the Council on 25 October 1973, also includes proposals to this effect and suggests action to be taken in cooperation with the Member States.

**WRITTEN QUESTION No 428/73**

by Mr Mursch

to the Commission of the European Communities

(25 October 1973)

*Subject:* Liberalization of the building market within the EEC countries

1. Have the liberalizing and coordinating directives issued by the Council on 26 July 1971, which require all Member States of the Community to coordinate their procedures for advertising and awarding public works contracts on the basis of uniform criteria and to allow undertakings from other EEC countries to tender freely, been implemented in the Community countries?

2. In what Community countries, if any, is this not the case and what are the differences in this matter in the various countries?

3. How can all building firms in the EEC Member States be assured of equal opportunities in

competition for contracts advertised in all EEC countries?

4. Can the Commission state that:

(a) the relevant documents are made available to all building firms in the Community at more or less the same time so that each firm has the same amount of time to prepare its tender?

(b) all building firms are treated equally with regard to the right to tender?

(c) the advertising documents are published in all the Community languages at the same time?

5. If the fourth question cannot be answered in the affirmative, what steps does the Commission

intend taking to ensure that all building firms enjoy equal conditions?

6. In the course of progressive liberalization, can it be presumed that in the near future:

(a) contracts below the limit of 1 million units of account will also be sufficiently widely

advertised to give smaller building firms an opportunity to tender?

(b) national provisions which stipulate the use of certain materials or building parts of domestic origin will be revoked?

#### Answer

(15 January 1974)

1 and 2. The Commission is at present studying the application of Directives 71/304/EEC <sup>(1)</sup> and 71/305/EEC <sup>(2)</sup> by Member States. It would therefore be premature to say which Member States, if any, are failing to conform with the Directives. However, once a decision has been reached, the Commission will not hesitate to invoke Article 169 of the Treaty, if the circumstances warrant it.

3. If the Directives are complied with, construction firms throughout the common market should have equal chances to compete for tenders.

4. (a) Subject to the exigences of international communication, it is certainly the intention of the Directives concerned that firms should have an equal time in which to tender.

(b) It is also the object of the Directives, and indeed of the Treaty itself, that tenderers should be selected without discrimination based on the nationality of Community applicants.

(c) Except in the special case of the 'accelerated procedure' envisaged in Directive 71/305/EEC, it is the object of the Directive that the

conditions of tender should be published simultaneously in the official languages of the Community.

5. By Council Decision 71/306/EEC of 26 July 1971 <sup>(3)</sup> an Advisory Committee for Public Works Contracts was created, on which experts from all Member States serve. This Committee is required to examine regularly, on the initiative of the Commission or of a Member State, the problems raised by the application of the Directives including individual cases arising in this area. Among these problems is the matter of international communication.

6. (a) The Commission and the Advisory Committee are keeping a close watch on the effectiveness of the provisions relating to Community publicity. The Commission considers it too early to judge, whether in the light of the available experience, the threshold value of public works contracts subject to the Directives should be modified.

(b) National requirements as to the use of local building materials are not *ipso facto* contrary to the provisions of the Directives; but they will be carefully scrutinized by the Commission.

<sup>(1)</sup> OJ No L 185, 16. 8. 1971, p. 1.

<sup>(2)</sup> OJ No L 185, 16. 8. 1971, p. 5.

<sup>(3)</sup> OJ No L 185, 16. 8. 1971, p. 15.

#### WRITTEN QUESTION No 432/73

by Mr Willi Müller

to the Commission of the European Communities

(29 October 1973)

*Subject:* 'Black market' in veterinary pharmaceuticals

1. Does the Commission consider justified the report that there exists in the Federal Republic of Germany a 'black market' in veterinary pharmaceutical products which is alleged to involve about DM 50 million a year, calculated on the basis of consumer prices?

2. Does the Commission feel that the legal and official measures taken to counteract this development are sufficient to put a stop to the illegal use of highly potent pharmaceutical products?
3. Have similar abuses which are prejudicial to human health been noted in other countries of the Community?
4. What steps does the Commission intend to take in order to meet its responsibility in this matter?

**Answer**

(7 January 1974)

1. Yes.
- 2, 3 and 4. Because of disparities observed in the laws governing the marketing of veterinary drugs, and the consequences of these disparities in the Community, the Commission intends shortly to forward proposals to the Council on this subject.  
  
These proposals will have the economic aim of ensuring the free circulation of these drugs, and the public-health aim of avoiding the administration of harmful substances to the population via animal products and foodstuffs.

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**WRITTEN QUESTION No 441/73**

**by Mr Kater and Mr Müller**

**to the Commission of the European Communities**

(29 October 1973)

*Subject:* Prohibition of insecticides

Since the spring of 1971, the use of the insecticide DDT has been (with negligible exceptions) prohibited in the Federal Republic of Germany.

1. How does the Commission view the fact that the latest findings show that the DDT content in the air has remained constant while the DDT concentration in German reservoirs has fallen slightly?
2. Have reports of similar experiences been received from other Member States?
3. Does the Commission agree that even the smallest quantities of DDT in the air and water can have alarming consequences for fauna and may lead to the extinction of certain species?
4. Will the Commission use its influence to prohibit once and for all the manufacture and use of DDT and other insecticides having similar effects?

**Answer**

(15 January 1974)

1. The data available at the moment cannot be considered truly to reflect the situation in Germany, since the monitoring operations were carried out over too short a period of time and in a limited manner. It would therefore be unwise to draw conclusions of a general nature, especially as the monitoring operations are being continued in order to provide a more valid overall view. The DDT which is found in the air is brought there mainly by dusts. There is nothing to indicate that this has any



connection with the concentration of this substance in drinking water. The connection is more probably with the DDT content in surface waters.

2. The information concerning the other Member States is also too fragmentary to afford a satisfactory picture of the situation.

3. The consequences of DDT levels on environmental factors, and the significance of these levels are being studied in connection with the priority projects of the Community action

programme on 19 July 1973. The problem raised by the Honourable Members has already been examined at various meetings of experts. A new examination is, however, necessary as the data are still too imprecise.

4. The use of DDT is no longer allowed in the majority of Member States for many agricultural purposes. However, its production continues, as its use is still of great importance for some of the developing countries, particularly in the struggle against insect-borne or parasite-borne diseases.

### WRITTEN QUESTION No 443/73

by Mr Scholten

to the Commission of the European Communities

(30 October 1973)

*Subject:* Coordination of Member States' budgets

1. Is the Commission aware of the question put and reply given, during the preliminary discussion of general financial policy in the Second Chamber of the States-General (Session 1973/4-12600), on whether the Dutch budget for 1974 complies with the Commission's proposals on the coordination of budgets of Member States?

2. Is the Commission also aware of the supplementary statement made by the Minister of Finance, Mr W. F. Duisenberg, on 11 October 1973, to the Second Chamber of the States-General?

3. Can the Commission confirm that the views and interpretations stated by the Netherlands Government coincide with the opinions and proposals of the Commission?

### Answer

(10 January 1974)

1 and 2. Yes.

3. The Commission would remind the Honourable Member that it does not usually comment on statements made by Ministers of Member State governments.

However, in order to avoid misunderstanding, the Commission draws the Honourable Member's attention to the fact that the discussions within the Second Chamber of the Netherlands States-General concerned the draft Annual Report on the economic situation in the Community as presented by the Commission on 18 September 1973. It had not been possible in this draft to gauge the repercussions of

the revaluation of the florin on budgetary policy. During its 261st meeting, held on 9 November 1973, the Council adopted the following guideline on the Netherlands budgetary policy for 1974: 'It will, moreover, be necessary in 1974 to limit the net remaining amount to be financed to Fl 15 thousand million (on a cash basis). This means that government spending must not increase by more than 10 % in 1974. This will be achieved mainly by assigning strict priorities for transfers to households and businesses, and by restricting recruitment by government bodies. A slightly more growth-orientated budget should not be considered unless the employment situation fails to improve following the revaluation of the florin'.

**WRITTEN QUESTION No 445/73****by Mrs Walz****to the Commission of the European Communities***(30 October 1973)*

*Subject:* Harmonization of basic research in the individual Member States

Part 1, Chapter 2 of the action programme for scientific and technological policy states that one responsibility of the European Scientific Foundation will be to promote the harmonization of basic research in the individual Member States. What are the Commission's objectives here and to which specific areas do they refer, in view of the fact that in the natural sciences in particular the right of primogeniture in respect of new scientific findings is often the determining impulse towards scientific discovery and competition encourages scientific progress?

**Answer***(7 January 1974)*

In its proposals for an action programme on scientific and technological policy the Commission suggested that the Community support the European Science Foundation now being set up. The Commission has certainly no intention of limiting the autonomy for the healthy development of basic research in national research institutions and bodies; on the contrary it believes that it should contribute usefully to basic research by promoting exchanges between research workers and national organizations, by encouraging international relations and by facilitating the necessary cooperation, coordination and joint exploitation in those areas where heavy equipment is required. For this purpose a comparison of basic research activities in the various European States might be organized. This would not imply a rejection of the principle of competition or of any other mechanism stimulating scientific discovery.

**WRITTEN QUESTION No 446/73****by Mrs Walz****to the Commission of the European Communities***(30 October 1973)*

*Subject:* Action programme 1 (3)

Does the Commission not consider that it should extend its first programme on measures of support for Community policy (Action programme 1 (3)) to include 'the promotion of new technologies' since they alone make it possible to achieve all the other interim objectives?

**Answer***(10 January 1974)*

The absence of any explicit reference to new technologies in the 'Programme for Action in the Field of Scientific and Technological Policy' is mainly a matter of presentation, since the chapters were selected to coincide with the Community's sectoral policies.

However, several projects proposed in this document relate to advanced technologies, such as quiet jet aero-engines and advanced materials for the electronics industry, including computer memories. Others deal with new technologies, such as (pages 7 to 12, Part II) the harnessing of solar energy, the underground fluidization of coal, applications of superconductors, and thermo-nuclear fusion.

In order to be able to extend the range of subjects covered as quickly as possible, the Commission is drawing up further proposals. For this purpose it must hold numerous consultations and take into account not only technical or scientific considerations but also problems of methods of collaboration, industrial property, etc.

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WRITTEN QUESTION No 450/73

by Mr Schwörer

to the Commission of the European Communities

(9 November 1973)

*Subject:* Subsidies for the shoe industry in France and Italy

1. Is the Commission aware that in two EEC Member States, France and Italy, vigorous efforts are being made to protect and promote the domestic shoe industry in competition with its EEC rivals, particularly by granting credits at a lower rate of interest than is normally charged on the capital market?

Does the Commission not consider this aid incompatible with the EEC Treaty?

2. Is the Commission aware of the rumours, which persist despite occasional denials to the effect that the abovementioned EEC countries subsidize, at least indirectly, those branches of industry which have a particularly strong export trade? One case in point is the Italian shoe industry. The Italian Government is said to be taking over the social costs on the proportion of production intended for export. What measures does the Commission intend taking to obtain a clear answer to the question as to whether the Italian Government is granting indirect subsidies, whether by assuming the social costs due on production for export or by giving favourable credits, not merely when goods are delivered but even as soon as orders are made, or by the illegal levy of a parafiscal tax?

**Answer**

(7 January 1974)

The systems of aid to the shoe industry in France and Italy as reported to the Commission by the French and Italian Governments under the provisions of Articles 92 and ff of the EEC Treaty do not correspond to those described by the Honourable Member, which consist in the grant of low interest credits and, in Italy, general measures under which the State assumes the social costs imputable to the quantities exported, or grants loaned when orders are placed.

The Commission is consequently unable to make any statement on the aid in question until it has obtained the necessary information from the French and Italian authorities; it is at present trying to do so.

As regards parafiscal taxes, the Commission has had occasion to assess those which exist in France, and would accordingly request the Honourable Member kindly to refer to the answer to Question No 398/73 from Mr Notenboom <sup>(1)</sup>.

<sup>(1)</sup> See page 8 of this Official Journal.

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**WRITTEN QUESTION No 457/73****by Lord O'Hagan****to the Commission of the European Communities***(31 October 1973)**Subject: Whales*

Has the Commission any plans to submit proposals to the Council for a European ban on whale products?

If not, why not?

**Answer***(14 January 1974)*

The problem raised by the Honourable Member is one of those covered by the Convention on international trade in wildlife species threatened with extinction, which was concluded in Washington on 2 March 1973.

As a result of the experience gained from the implementation of this Convention, once it has been ratified, the Commission might, if necessary, propose that measures be taken at Community level.

The Commission also reminds the Honourable Member of its answer to his Written Question No 203/73 <sup>(1)</sup>.

<sup>(1)</sup> OJ No C 102, 24. 11. 1973, p. 10.

**WRITTEN QUESTION No 467/73****by Mrs Walz****to the Council of the European Communities***(31 October 1973)**Subject: Report on European union*

The October 1972 Summit Conference urged the Community Institutions to prepare a report on European union by 1975. Several meetings have taken place between Mr Nørgaard, President of the Council, Mr Ortoli, President of the Commission, and Mr Berkhouwer, President of the European Parliament, to discuss this matter. Was the President of the European Court of Justice, the fourth Institution, also invited to these discussions?

**Answer***(15 January 1974)*

Since October 1972, several meetings have taken place between the Presidents of the Institutions. During these meetings, organized by the Presidents in turn, relations between the Institutions and, amongst other things, the preparation of the report on European union, were discussed.

The President of the Court of Justice attended the first of these meetings.

It is envisaged that further meetings will take place between the four Presidents.

## WRITTEN QUESTION No 471/73

by Mr Brewis

to the Commission of the European Communities

(6 November 1973)

*Subject:* Retrospective abrogation of national patent rights by provisions purporting to prohibit the artificial division of the common market

previously existing is not hampered at all by such patents;

will the Commission give assurances that neither by

Having regard to the facts:

(i) the making and application of decisions pursuant to Article 85 of the Treaty of Rome

(a) That many persons nationals of Member States legitimately have obtained, and will obtain, national patent rights for inventions in some but not all of the Member States of the Community;

nor by

(ii) imposition of terms in the Community Patent Convention now being drafted

(b) that valid patents are by definition granted for something new and therefore additional to what existed before the date of the invention patented, so that when a patent gives a patentee for a limited period some exclusive right for that addition to the prior art, the free flow of things

will there be any abrogation of the principle that the importation of infringing products into the territory of a patentee's national patent rights by any independent third party shall not be exempt from suit under those national patent rights?

**Answer**

(17 January 1974)

The Commission is aware of the importance of national patent laws, the existence of which is guaranteed by the EEC Treaty. Under the terms of that Treaty, restrictions and prohibitions on the free movement of goods are allowed in so far as the existence of national patent laws is concerned. However, limits have been imposed on the exercise of these rights attaching to national patents. In particular, the rules in Articles 30 to 36 of the EEC Treaty may be infringed when the rights attaching to patents are used to prevent imports of products which have been marketed by the holders of the rights themselves or by third parties with their

consent. Similarly, the Commission may say that Articles 85 and 86 of the Treaty have been infringed, in its decisions concerning specific cases when such imports are prevented by agreements restricting competition or by the abuse of a dominant position.

The Commission considers that the provisions of the draft Convention on the European patent for the common market are in accordance with the above principles. It would not be possible to accept for the Community patent even temporary provisions not in accordance with the above Treaty rules.

## WRITTEN QUESTION No 472/73

by Mr Brewis

to the Council of the European Communities

(6 November 1973)

*Subject:* Retrospective abrogation of national patent rights by provisions purporting to prohibit the artificial division of the common market

Having regard to the facts:

(a) that many persons nationals of Member States legitimately have obtained, and will obtain,

national patent rights for inventions in some but not all of the Member States of the Community;

- (b) that valid patents are by definition granted for something new and therefore additional to what existed before the date of the invention patented, so that when a patent gives a patentee for a limited period some exclusive right for that addition to the prior art, the free flow of things previously existing is not hampered at all by such patent;

will the Council give assurances that neither by

(i) the making and application of decisions pursuant to Article 85 of the Treaty of Rome

nor by

(ii) imposition of terms in the Community Patent Convention now being drafted

will there be any abrogation of the principle that the importation of infringing products into the territory of a patentee's national patent rights by any independent third party shall not be exempt from suit under those national patent rights?

### Answer

(15 January 1974)

1. The Council would draw the Honourable Member's attention to the fact that application of Article 85 of the Treaty of Rome to particular cases is a matter for the Commission. It is not therefore for the Council to take a position on the matter.

2. The text of the draft Convention<sup>(1)</sup> for the European patent for the common market was drawn up by a working party and will be submitted to a Conference of Member States to be held in Luxembourg in May 1974. The following replies are therefore based on this draft Convention, to which amendments may, however, be made at the abovementioned Conference.

3. With regard to the free movement of goods and the harmonization of conditions of competition,

<sup>(1)</sup> The draft was published in 1973 by the Official Publications Office of the European Communities, Luxembourg.

this draft pursues objectives identical to those of the EEC Treaty.

Under the terms of this draft, the question of whether the proprietor of a national patent may institute proceedings under his national law against the importer of a product covered by his patent depends on whether or not his rights have been exhausted. Rights attaching to a national patent are said to be exhausted when the product covered by the patent is offered for sale in the territory of any one of the Member States by the proprietor of the patent or by the proprietor of a national patent — granted in another Member State for the same invention — who has economic links with the patentee in the first State, or by the proprietor of a contractual licence or a licence of right.

4. The question of whether the rules set out above will enter into force after a transitional period has not yet been settled.

### WRITTEN QUESTION No 473/73

by Mr Fellermaier

to the Commission of the European Communities

(6 November 1973)

*Subject:* Motor vehicle guarantees

1. Having regard not only to the requirements of road safety but also to consumer policy, how does the Commission view the fact that some motor vehicles manufactured in the EEC are guaranteed for six months or 10 000 km, while others are guaranteed for one year or 20 000 km?

2. In view of the state of technological progress in the motor vehicle industry, does the Commission not consider that all manufacturers should extend their guarantee to at least one year or 20 000 km?

3. Is the Commission aware that some motor vehicle manufacturers offer different guarantees in different countries to remain competitive on the national market?

4. What conclusions will the Commission draw from this state of affairs, which is incompatible with the common market?

**Answer**

(17 January 1974)

1 and 2. The Commission naturally supports the greatest possible measure of protection for the consumer. However, the question of guarantees going beyond the normal protection afforded by the national law concerned, given by motor manufacturers and dealers to their customers is a matter left to private initiative, and is not therefore appropriate for legally binding action by the Commission under the harmonization of laws provisions of the Treaty.

3 and 4. Differences in conditions of sale and, therefore differences in guarantee periods offered by manufacturers, can in certain cases be a manifestation of proper competitive behaviour. The Commission has no reason to assume that differences in guarantee periods offered by the motor trade, whether these are applied differentially as between different brands of car, or as between different regions in respect of the same brand, are not the result of competition.

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**WRITTEN QUESTION No 476/73**

**by Mr Johnston**

**to the Commission of the European Communities**

(6 November 1973)

*Subject:* Aid from the ESF to the Six

Does the Commission expect the relative proportion of aid from the ESF to each of the original Member States to continue in the future?

**Answer**

(7 January 1974)

There are no quotas reserved for individual Member States in respect of the aid granted under the European Social Fund.

The Commission takes its decisions in accordance with the Council Decision of 1 February 1971 <sup>(1)</sup> and its Supplementary Regulations, taking into account the Community interest of the proposed projects, their intrinsic value, the funds available and the opinions formulated by the Committee of the European Social Fund.

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<sup>(1)</sup> OJ No L 28, 4. 2. 1971, p. 15.

**WRITTEN QUESTION No 484/73****by Mr Johnston****to the Commission of the European Communities***(6 November 1973)**Subject:* European Educational Research Centre

Will the Commission consider putting forward proposals to establish a European Educational Research Centre?

**Answer***(10 January 1974)*

In the development of proposals for future work in the educational field the Commission will be interested in facilitating closer contact and cooperation between educational research workers. The Commission takes the view, however, that the question of establishing institutional machinery for this purpose is a matter for consideration in the light of further knowledge and experience as the specific programmes develop.

**WRITTEN QUESTION No 485/73****by Mr Cousté****to the Commission of the European Communities***(7 November 1973)**Subject:* Harmonization of Member States' budgets

Can the Commission of the European Communities state whether it is finding it possible to make significant progress towards budgetary harmonization between the Member States in the light of the priority objective of economic and monetary union?

Can the Commission give details of the progress achieved so far and of the difficulties encountered?

**Answer***(15 January 1974)*

1. The Commission is aware that, in order to achieve the degree of coordination of the Member States' budgets necessary to bring about economic and monetary union, national budgetary arrangements will have to be altered. The Commission has already stated its position on the main aspects of the problem raised by the Honourable Member in its answer to Written Question No 117/73 <sup>(1)</sup> dealing with the adjustment of budgetary timetables.

2. The trend towards synchronization displayed in the budget preparation timetables of the original Member States has helped to coordinate their budgetary policies. The fact that the budgetary and

calendar years do not coincide in the three new Member States has raised some problems in this connection to which a solution is being sought by converting the data from these States into data for the calendar year. Last May, moreover, the Irish Government gave notice that as from 1 January 1975 it would make the budgetary and calendar years coincide in respect of all State expenditure and the greater part of the budget revenue. Coordination of budgetary policies would be further helped by greater harmony in the procedures for the preparation, presentation and implementation of budgets. The problem of harmonizing budgets to the extent necessary for economic and monetary union confronts the whole enlarged Community and can only be solved gradually, because of its institutional implications.

<sup>(1)</sup> OJ No C 78, 29. 9. 1973, p. 29.



## WRITTEN QUESTION No 486/73

by Mr Cousté

to the Commission of the European Communities

(7 November 1973)

*Subject:* Protection of consumers in the Community

Will the Commission indicate what progress has been made in the preparation of a programme of action for the protection of consumers in the Community?

Can it name the consumer organizations with which it is already in touch either at European or national level?

Can it state what steps it intends to take for the protection of the consumer?

## Answer

(11 January 1974)

1. On 5 December 1973 the Commission sent a preliminary programme for consumer information and protection to the Council. A consultation of the European Parliament and the Economic and Social Committee have been required.

2. The Commission is in regular contact with the six European organizations recognized by its Decision of 28 June 1972 as representing consumers at Community level. These are:

— The European Office of Consumer Unions (BEUC) (Bureau européen des Unions des consommateurs);

— The Committee of Family Organizations for the European Communities (COFACE) (Comité des organisations familiales auprès des Communautés européennes);

— The European Community of Consumer Cooperatives (EURO-COOP) (Communauté européenne des coopératives de consommation);

— The European Confederation of Trade Unions (CES) (Confédération européenne des syndicats);

— The European Organization of the World Confederation of Labour (EO-CMT) (Confédération mondiale du travail);

— The Liaison Office of the 'Confédération générale du travail' (CGT)

— Confederazione generale del Lavoro (CGIL).

The Commission also has contacts with many national consumer organizations too numerous to specify individually.

A Consumers' Consultative Committee whose members are representatives of the abovementioned organizations has been established and is in operation.

3. In addition to the work already done in the field of consumer protection, the objectives for the immediate future are set out as priorities in the programme referred to in paragraph 1 above.

## WRITTEN QUESTION No 487/73

by Mr Seefeld

to the Commission of the European Communities

(7 November 1973)

*Subject:* Customs difficulties for railway passengers at the border between Belgium and Germany

1. Is the Commission aware that passengers using the buffet car on Belgian trains crossing the border between Belgium and Germany are obliged to leave for customs reasons and are not allowed to return until the border has been crossed?

2. Does the Commission share my view that this is detrimental to intra-Community travel?
3. What steps does the Commission envisage taking in order to remedy this state of affairs?

**Answer**

*(15 January 1974)*

The maintenance of certain restrictions on the duty-free entry of goods contained in travellers' personal baggage, which results mainly from the insufficient harmonization of the rates of excise duties in the Member States, and the national differences between other regulations such as those on the traffic in drugs, arms, etc., may cause the Member States to carry out a frontier customs check on the goods carried by travellers in their personal baggage. This explains the measure referred to by the Honourable Member. The Commission nevertheless agrees with the Honourable Member that the said measure is hardly compatible with the image which a traveller ought to form of the common market after fifteen years of integration.

The Commission therefore proposes to ask the Member States to reconsider the methods currently used for the check in question with a view to making certain improvements.

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**WRITTEN QUESTION No 497/73**

**by Mr Johnston**

**to the Commission of the European Communities**

*(8 November 1973)*

*Subject:* Current size of the EDF

Is the Commission satisfied with the current size of the EDF and what proposals, if any, does it have to increase the size of the fund?

**Answer**

*(7 January 1974)*

Pursuant to the arrangements made under the Third European Development Fund, the Member State signatories of the Second Association Agreement have placed at the disposal of the Commission, in respect of the five-year period ending 31 January 1975, the amount of 900 000 000 units of account. This amount was subsequently increased by 5 000 000 units of account when Mauritius became a party to the Yaoundé Convention. As this Convention only came into effect on 1 January 1971, almost four years will elapse before the total 905 000 000 units of account has to be committed.

By 31 December 1973 commitments had risen to about 650 000 000 units of account leaving a credit balance of some 250 000 000 units of account to be

allocated between now and January 1975 to a variety of projects (preparations for which are already well advanced).

So far an amount of 30 000 000 units of account has had to be allocated in the form of special aid under Article 20 of the Yaoundé Convention. For this reason the Commission would find it very difficult to authorize any further allocations of this kind in aid of Sahel countries hit by drought, without seriously compromising long-standing programmes drawn up in response to request for financing from the Associated States. The Commission therefore welcomes the European Parliament's amendment to Chapter X of the Draft Budget, setting up a disaster fund of 35 000 000 units of account under the

heading 'Commission' (not counting the 5 000 000 units of account required to meet food-aid transport costs).

The question of the amount to be allocated to the next EDF is due to be examined in the course of the current negotiations on the renewal of the Association Agreement. It would be premature at present to speculate about the size of this amount.

Nevertheless, the Commission's Directive to negotiate, assigned to it by the Council on

15 January 1973, stipulates that the new Agreement shall ensure that the African and Malagasy States and Mauritius shall continue to retain, right across the board, benefits equivalent to those which they now enjoy and that, furthermore, the new Associated States shall be placed on an equal footing with them. As stated in the Commission Memorandum, this must mean that what has been achieved must be seen as a reality and that, given a comparable situation, the new Associated States must be treated similarly to the original parties to the Agreement.

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**WRITTEN QUESTION No 510/73**

**by Mr Johnston**

**to the Commission of the European Communities**

*(16 November 1973)*

*Subject:* Alternatives to road transport

In the light of the fears for the environment voiced in certain Member States concerning the current discussions on the size and weight of juggernaut lorries, what plans does the Commission have to encourage the usage of alternative means of transport such as railways and waterways?

**Answer**

*(10 January 1974)*

The Commission is paying particular attention to the environmental problems raised by heavy road vehicles, and is taking them into account in the work it is doing under the common transport and environmental policies, and in the planning of policies to deal with the energy supply problem.

In its communication to the Council of 24 October 1973 <sup>(1)</sup> on the evolution of the common transport policy, the Commission recommended the gradual introduction of a coherent Community transport system taking into account the requirements of the

economic and monetary union and functioning at the lowest cost to society.

The Commission is therefore of the opinion that optimum traffic distribution must result from the application of the market economy principle. The principle must be appraised in the light of the measures to be taken at Community level and in particular the pricing of the use of infrastructures, the choice between investments in different types of infrastructure and the development of mixed transport systems. In addition, certain existing or planned measures aimed at limiting nuisances, in particular those carried by noise, congestion and pollution, are likely to affect the alternatives quoted by the Honourable Member.

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<sup>(1)</sup> COM (73) 1725.

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**WRITTEN QUESTION No 513/73**

**by Mr Jahn**

**to the Commission of the European Communities**

*(20 November 1973)*

*Subject:* VAT on stamps (collectors' sets) purchased privately by permanent subscription

Recently many stamp collectors in the Grand Duchy of Luxembourg have found that stamps ordered by permanent subscription from the Stamp Collectors'

Mail Centre in Frankfurt (West Germany) and other Member States are only being delivered by the Luxembourg Post Office on payment of 10 % Value Added Tax.

The Commission is asked:

1. What reason can there be for the Luxembourg authorities to start imposing VAT on private collectors, who for years and, even, decades have been obtaining collectors' sets from other Member States without payment of any form of tax?

2. Does this practice accord with the spirit and letter of the EEC Treaty?
3. Does it not conflict with the expressed aim of the Commission to make the general population more aware of the reality of the common market?
4. What measures does the Commission intend to take to put an immediate stop to this action by the Luxembourg authorities which runs counter to the movement towards European integration?

#### Answer

(10 January 1974)

The first Council Directive of 11 April 1967<sup>(1)</sup> on the harmonization of legislation of Member States concerning turnover tax expressly stated that VAT had to be levied as widely as possible and that it should, in principle, cover all stages of production and distribution, including the importing of goods and the provision of services.

As part of its proposal for a sixth Directive to the Council on the harmonization of legislation of Member States concerning turnover tax addressed by the Commission to the Council on 29 June 1973<sup>(2)</sup>, the Commission felt *inter alia* that the

common list of exemptions should be as small as possible, in view of the nature of the tax.

The Commission's proposal therefore exempts only deliveries of mint postage stamps having face value within the country, to the exclusion of deliveries by stamp dealers.

The imposition of VAT by the Luxembourg authorities on collectors' stamps thus calls for no comment from the Commission, since the taxation of collectors' stamps is fully compatible with the provisions of the first and second Directives on VAT of 11 April 1967, and will even become obligatory in the Member States if the proposal for the sixth Directive on VAT now under discussion in the Council is adopted by this body.

<sup>(1)</sup> OJ No 71, 14. 4. 1967, p. 1301.

<sup>(2)</sup> OJ No C 80, 5. 10. 1973, p. 1.

#### WRITTEN QUESTION No 515/73

by Lord O'Hagan

to the Council of the European Communities

(23 November 1973)

*Subject:* Political cooperation meetings

What progress has the Council made towards agreeing that political cooperation meetings should be held in the same place as Council meetings, and after one another?

**Answer***(15 January 1974)*

The Council is not empowered to fix the date and place of political cooperation meetings.

These meetings are fixed by agreement between the Ministers for Foreign Affairs of the Member States in accordance with the rules they drew up on 23 July 1973 in Copenhagen. The Council requests the Honourable Member to refer to the reply given by the President-in-Office of the Council, Mr Nørgaard, to Oral Question No 75/73 <sup>(1)</sup> put by Mr Bertrand at the meeting of the European Parliament in Luxembourg on 18 September 1973.

<sup>(1)</sup> Debates of the European Parliament No 165, p. 34.

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**WRITTEN QUESTION No 517/73****by Lord O'Hagan****to the Commission of the European Communities***(23 November 1973)*

*Subject:* Television programmes on European topics

At its 270th meeting the Commission instructed its services to draw up a report on the time devoted by the national television channels to European topics in their programmes; is the Commission prepared to forward this report to the European Parliament?

What does the Commission intend to do to increase the frequency and importance of television programmes on European questions?

**Answer***(10 January 1974)*

As the Honourable Member himself indicates, the decision mentioned in his question was only taken by the Commission during its meeting of 31 October 1973. Since the document is not yet completed the Commission cannot as yet indicate what measures it intends to take.

However it can assure the Honourable Member that it is very much concerned with increasing coverage of Community policies and activities through the medium of television and will be glad to discuss its proposals to this end with the relevant parliamentary Committee in due course.

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**WRITTEN QUESTION No 528/73****by Mr Lagorce****to the Commission of the European Communities***(27 November 1973)*

*Subject:* Measures to prevent the maltreatment of children

Has the Commission ever discussed the problem of the maltreatment of children? Does it, for example, know that, according to a recent press report, 700 children die every

year, i.e. two a day, in Britain alone, often in atrocious circumstances following maltreatment tantamount to torture inflicted by their parents?

Can it not draw up, within the framework of the policy on children and youth that it is trying to introduce in numerous fields, proposals on behalf of the Member States for the more effective application in all Member States of stricter legislation to combat particularly odious crimes against innocent children?

**Answer**

(7 January 1974)

The Commission considers that this is a matter primarily within the competence of the Member States. Should the Commission consider, in its further work on the social action programme, particularly within the field of family policy, that action was required it would not hesitate to bring the matter to the attention of the Member States.

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**WRITTEN QUESTION No 539/73**

**by Sir Tufton Beamish**

**to the Council of the European Communities**

(5 December 1973)

*Subject:* European Political Cooperation on Foreign Policy — consultations entrusted to Ambassadors <sup>(1)</sup>

In which countries have the Ambassadors of the nine Community countries been entrusted with consultations on specific subjects:

- (a) at the seat of the Presidency at the request of the Political Committee, the Presidency or another Member State;
- (b) in another capital at the request of the Foreign Ministry;

and has in all such cases one Community spokesman been appointed to maintain the necessary contacts?

<sup>(1)</sup> See 'Second Report on European Political Cooperation on Foreign Policy'.

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**WRITTEN QUESTION No 540/73**

**by Sir Tufton Beamish**

**to the Council of the European Communities**

(5 December 1973)

*Subject:* Studies in the framework of European Political Cooperation on Foreign Policy

What specific subjects for study has the Political Committee of the Member States of the European Communities suggested to the Foreign Ministers; and which subjects have been referred to groups of experts, research groups, or for special analysis respectively for the formulation of common Community attitudes in the medium or long term?

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**WRITTEN QUESTION No 541/73****by Sir Tufton Beamish****to the Council of the European Communities***(5 December 1973)*

*Subject:* European Political Cooperation on Foreign Policy — reports from the Ambassadors of Member States

On how many occasions has the Political Committee required a common report to be prepared on specific questions by the Ambassadors of all Member States of the Community; and on what subjects?

**Answer to Written Question Nos 539/73, 540/73 and 541/73***(15 January 1974)*

As the Honourable Member indicates in the questions themselves, they relate to the field of Political Cooperation on Foreign Policy between Member States.

This cooperation does not fall within the competence of the Council but that of the Ministers of Foreign Affairs of the Member States.

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**WRITTEN QUESTION No 545/73****by Lord O'Hagan****to the Commission of the European Communities***(6 December 1973)*

*Subject:* Public understanding of the work of the Commission

Will the Commission publish a comprehensive organigram illustrating fully its internal structure, in order to improve public understanding of its work?

**Answer***(15 January 1974)*

Because of the numerous changes which took place in the Commission's departments throughout 1973 as a result of enlargement (departure of officials, appointment of new officials), the Commission thought it would not be worthwhile during that period to publish an organization chart which would have rapidly become out of date.

The Commission's new organization chart will be published, as in the past, in a special supplement to the Bulletin of the European Communities during January 1974.

As the Honourable Member doubtless knows, the Bulletin of the European Communities is a publication widely circulated among interested circles in the Community and some non-member countries.

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## II

*(Preparatory Acts)*

## COMMISSION

Proposal for a Council Regulation laying down, in respect of hops, the amount of the aid to producers for the 1972 harvest

*(Submitted to the Council by the Commission on 10 December 1973)*

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

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

Having regard to Council Regulation (EEC) No 1696/71 <sup>(1)</sup> of 26 July 1971 on the common organization of the market in hops, amended by the Act <sup>(2)</sup> concerning the Conditions of Accession and the Adjustment to the Treaties, and in particular Article 12 <sup>(5)</sup> thereof;

Having regard to the proposal from the Commission;

Having regard to the Opinion of the European Parliament;

Whereas Article 12 Regulation (EEC) No 1696/71 provides for the possibility of granting aid to hop producers to enable them to achieve a fair income; whereas the amount of this aid is fixed per hectare and differs according to variety, taking into account the average return in comparison with the average

returns for previous harvests, the current position of the market and price trends;

Whereas the study of the results of the 1972 harvest gives rise to the fixing of aid for some varieties of hops; whereas for one variety, the aid should be higher than for the other varieties,

HAS ADOPTED THIS REGULATION:

*Article 1*

For the 1972 harvest aid shall be granted for the following varieties of hops: Hallertauer, Saaz, Spalter, Strisselspalt and Tardif de Bourgogne.

The amount of the aid shall be that set out in the Annex to this Regulation.

*Article 2*

This Regulation shall enter into force on the third day following its publication in the *Official Journal of the European Communities*.

This Regulation shall be binding in its entirety and directly applicable in all Member States.

<sup>(1)</sup> OJ No L 175, 4. 8. 1971, p. 1.

<sup>(2)</sup> OJ No L 73, 27. 3. 1972, p. 14.

## ANNEX

## Amounts of aid granted to hop producers for the 1972 harvest

<i>Varieties</i>	<i>Amount in u.a./hectare</i>
Hallertauer	300
Saaz	300
Spalter	300
Strisselspalt	600
Tardif de Bourgogne	300



**Proposal for a Council Regulation amending Regulation (EEC) No 816/70 as regards  
the definition of liqueur wine and of certain grape musts**

*(Submitted to the Council by the Commission on 21 December 1973)*

THE COUNCIL OF THE EUROPEAN  
COMMUNITIES,

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

Having regard to the proposal from the Commission;

Having regard to the Opinion of the European Parliament;

Whereas 'liqueur wine' and 'grape must with fermentation arrested by the addition of alcohol', which is a product normally used in the preparation of products processed from wine or musts, are covered at present by the same definition, namely that set out in Annex II to Council Regulation (EEC) No 816/70 <sup>(1)</sup> of 28 April 1970 laying down additional provisions for the common organization of the market in wine, as last amended by Regulation (EEC) No 2592/73 <sup>(2)</sup>; whereas the absence of a separate definition for 'grape must with fermentation arrested by the addition of alcohol' means that two products whose uses, inherent characteristics and prices are very different, are treated in similar fashion; whereas it is therefore desirable that a separate definition for 'grape must with fermentation arrested by the addition of alcohol' be drawn up;

Whereas the definition of concentrated grape must set out in item 4 of Annex II to Regulation (EEC) No 816/70 does not allow the dehydration of grape must by the direct heat of a fire; whereas that practice is traditional in certain areas of the Community, and in view of the fact that the product obtained in this way is marketed and used in the preparation of certain liqueur wines, provision should be made to authorize this treatment by introducing a definition for 'caramelized grape must';

Whereas the definition of liqueur wine should be amended in order to allow the addition of caramelized grape must in the preparation of certain liqueur wines;

Whereas certain technical amendments to the provision of Regulation (EEC) No 816/70 are

required as a result of the introduction of these new definitions; whereas it is necessary in particular, in order to prevent distortion of competition in respect of liqueur wines to introduce a provision limiting the use of grape must with fermentation arrested by the addition of alcohol,

HAS ADOPTED THIS REGULATION:

*Article 1*

In the second indent of Article 1 (4) (b) of Regulation (EEC) No 816/70 there is inserted, after the expression 'concentrated grape must', the following: 'caramelized grape must, grape must with fermentation arrested by the addition of alcohol'.

*Article 2*

In Article 25 (1) of Regulation (EEC) No 816/70 the phrase 'under items 11 and 21' is replaced by 'under items 3a, 11 and 21'.

*Article 3*

In Article 27 (4) of Regulation (EEC) No 816/70 the following first subparagraph is inserted before the existing first subparagraph:

'Grape must with fermentation arrested by the addition of alcohol may be used only in the preparation of products falling within heading No 22.06 of the Common Customs Tariff.'

*Article 4*

In Article 28 (2) of Regulation (EEC) No 816/70 the following subparagraph is added:

'Grape must with fermentation arrested by the addition of alcohol may be used only in the preparation of products falling within heading No 22.06 of the Common Customs Tariff.'

*Article 5*

Annex II to Regulation (EEC) No 816/70 is amended as follows:

<sup>(1)</sup> OJ No L 99, 5. 5. 1970, p. 1.

<sup>(2)</sup> OJ No L 269, 26. 9. 1973, p. 1.

1. The following item is added after item 3:

'3a. *Grape must with fermentation arrested by the addition of alcohol:*

Grape must of an actual alcoholic strength of not less than 12° and not more than 21° obtained by the addition to grape must derived exclusively from the vine varieties referred to in Article 16 and produced in the Community:

- of neutral alcohol of vinous origin having an actual alcoholic strength of not less than 95°, or
- of an unrectified product derived from the distillation of wine and having an actual alcoholic strength of not less than 52° and not more than 80°; provided that products falling within the definition of liqueur wine shall not be regarded as grape must with fermentation arrested by the addition of alcohol.'

2. The following item is added after item 4:

'4a. *Caramelized grape must:*

Grape must:

- obtained by partial dehydration of grape must through the application of the direct heat of

a fire at normal atmospheric pressure causing partial caramelization of the sugar contained in that must;

- derived exclusively from vine varieties referred to in Article 16;
  - produced in the Community, and
  - obtained from grape must having a natural alcoholic strength of at least 10°.'
3. Subparagraph (iii) of the second sub-indent of item 11 is replaced by the following:

'(iii) of concentrated grape must, or, in the case of certain quality liqueur wines produced in specified regions being wines appearing on a list to be drawn up of those wines for which such practice is traditional, of caramelized grape must.'

#### *Article 6*

This Regulation shall enter into force on the third day following its publication in the *Official Journal of the European Communities*.

This Regulation shall be binding in its entirety and directly applicable in all Member States.

### Proposal for a Council Regulation on the European Cooperation Grouping (ECG)

*(Submitted to the Council by the Commission on 21 December 1973)*

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community, and in particular Article 235 thereof;

Having regard to the proposal from the Commission;

Having regard to the Opinion of the European Parliament;

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

Whereas a harmonious development of economic activities throughout the Community and a continuous and balanced expansion must be brought about by the establishment of a common market in which conditions will be the same as those on a national market; whereas, to attain this objective,

the legal conditions under which persons, firms and companies carry on business there must be such as to facilitate the adaptation of their activities to the economic conditions of an enlarged market; whereas for this purpose it is necessary that such persons, firms and companies should have at their disposal not only the appropriate legal machinery for restructuring their undertakings, but also the means whereby cooperation can take place between them irrespective of frontiers;

Whereas cooperation of this nature would at present be fraught with legal, fiscal and psychological difficulties; whereas the various forms under which it could take place under the national laws are not suitable for cooperation at Community level precisely because they are the creatures of national legal systems;

Whereas it appears therefore that action should be taken by the Community to attain the Community objectives referred to above;

Whereas these problems could not be dealt with by harmonizing national provisions as provided for by the Treaty; whereas, in particular, this would not solve the problem posed by a legal instrument which is supposed to be operating at multinational level and with undertakings from several countries remaining subject exclusively to the national law of the country to which the member undertakings belong; whereas a new legal instrument should be introduced into Community law to enable such cooperation to take place in a satisfactory manner, particularly among small- and medium-sized undertakings; whereas the most suitable means of achieving this end is the introduction of a vehicle for cooperation with a contractual basis under the form of a 'European Cooperation Grouping', whereas the formation and operation of such an instrument would remain subject to the Community rules on competition and the measures taken for their implementation;

Whereas the Treaty does not provide the necessary powers for the creation of this legal instrument;

Whereas to ensure flexibility for the grouping its founders should have wide powers to organize its functioning; whereas a subsidiary law must be applicable in respect of any matter for which this Regulation or the constitutive contract makes no provision;

Whereas the grouping must not in any way be a substitute for firms or companies, commercial or otherwise, since the purpose, objects and legal structure of the latter are completely different; whereas its activities should derive from those of its members and should remain co-terminous with them and ancillary to them;

Whereas, since there are in the Community a large number of undertakings owned by individuals, the grouping should be available to natural persons as well as firms and companies;

Whereas above all the grouping should be a vehicle for cooperation between undertakings carrying on business on the territory of the Member States;

Whereas, since the object of the grouping is to promote cooperation between its members, their involvement must of necessity be on a basis of equal rights;

Whereas, to enable the grouping to accomplish effectively the tasks set for it by the law and by the contract, it should be endowed with legal capacity;

Whereas, as a counterbalance the fact that whilst no capital is required, the grouping nonetheless has legal capacity, third parties should be protected by

ensuring that liability on the part of its members is personal and joint and several, and that the affairs of the grouping are subject to disclosure;

Whereas the grouping must be able to have its own financial resources, to be contributed in the normal way by the members in cash or otherwise; whereas it should under no circumstances issue debentures or invite investment by the public;

Whereas the contract forming the grouping is one which is very much personal to the members and their rights should therefore not be transferable without the agreement of members in general meeting;

Whereas since the rules governing the liabilities of the grouping are strict, rules should be laid down to govern the consequences of a member entering or leaving the grouping;

Whereas the various matters which may result in the nullity of the contract may also affect the grouping and therefore, for the protection of third parties, it should not be possible to rely on such matters against them;

Whereas, in view of the limitations imposed on its objects, the grouping should not in principle make profits; whereas, however, the possibility cannot be excluded that profits may arise in certain cases; whereas, since the grouping does not constitute an economic entity distinct from its members, any profits arising should be taxed only in the hands of the members,

HAS ADOPTED THIS REGULATION:

#### *Article 1*

1. European cooperation groupings may be formed by contract for a fixed term, upon and subject to the terms and conditions and in the manner and with the effects laid down by this Regulation.

2. Where in respect of any matter no provision is made by this Regulation, the law applicable thereto shall be the law in force in the State where is situated the head office as specified by the contract forming the grouping.

3. A grouping shall, from the date of its registration as provided by Article 4 (2) of this Regulation, have the capacity to enjoy and be bound by rights and obligations, to make contracts or accomplish other legal acts, and to sue and to be sued.

*Article 2*

1. The purpose of groupings shall be to facilitate or develop the business of their members and to improve or increase the results of such business. Groupings shall not seek to make profits for themselves.

The object of a grouping shall be defined in the contract forming the grouping and must conform to the requirements of paragraph 2 below.

2. The activities of a grouping shall be limited to:

- the provision of services exclusively to its members;
- the processing of goods, or the packaging of finished products, exclusively for the purposes of its members;

3. A grouping may not exercise management functions in respect of the business of its members.

4. A grouping may not have more than 250 employees.

*Article 3*

1. A grouping shall consist of at least:

- (a) two companies or firms, within the meaning of Article 58 of the Treaty establishing the European Economic Community, established under the laws of different Member States;
- (b) two natural persons each of whom operates an industrial, commercial, small craft or agricultural undertaking and whose respective business is carried on principally in different Member States;
- (c) a natural person carrying on one of the activities specified in subparagraph (b) above and a company or firm established under the law of another Member State.

2. Every member of a grouping must be resident in a Member State for tax purposes.

*Article 4*

1. The contract forming a grouping shall designate the head office thereof, which must be situated within the Community.

The contract shall furthermore contain at least the following:

- (a) the name of the grouping;
- (b) the object for which the grouping is formed;
- (c) the names, and business names, if any, legal form, permanent address or registered office, and where appropriate the number and place of registration, of each member of the grouping;
- (d) the term for which grouping is formed.

2. The grouping shall be entered in a register designated for that purpose by the Member State where the head office is situated. The contract shall be filed at the time of registration; any subsequent amendments shall be filed also.

The matters referred to in paragraph 1 above shall be published in accordance with formalities to be adopted pursuant to Article 19 of this Regulation and any change in such matters shall be published in like manner. The same shall apply in respect of the names and addresses of the persons referred to in Article 7 (1) of this Regulation and, where appropriate, the indication that they must act jointly.

3. Failing completion of the formalities of registration and publication required by this Regulation the matters which should be published may not be relied upon by administrative parties, who may however themselves rely on such matters.

*Article 5*

1. A judicial decision shall be necessary for the contract forming a grouping to be declared void;

2. Such a decision may be relied upon against third parties only with effect from the date of publication of the judgment in the Official Journal referred to in Article 19 (1) of this Regulation, unless it can be proved that the third parties knew at the time when they entered into contractual relations with the grouping that the contract forming the grouping was void.

*Article 6*

1. Subject to paragraphs 2 to 5 below and to Article 7 of this Regulation, the organs and the internal regulations of a grouping shall be determined by the contract.

2. The widest powers to pass any resolution or execute or do any act or thing for the purpose of achieving the object of the grouping shall be vested in the members of the grouping in general meeting.

3. Resolutions shall be passed in accordance with the provisions of the contract or of this Regulation.

Unless otherwise provided by the contract, resolutions of the general meeting to amend the contract, for the winding up of the grouping before the expiry of the contractual term or for the extension of the term of the grouping shall be taken unanimously.

4. Each member shall have at least one vote. The contract may however give more than one vote to certain members.

5. A general meeting shall be convened at the request of a manager of the grouping or of at least one quarter in number of the members of the grouping.

#### *Article 7*

1. A grouping shall be managed by one or more natural persons appointed by the contract or by the general meeting.

2. The acts of a manager shall be binding on the grouping as against third parties even where they do not fall within the objects of the grouping. The contract may however provide that the grouping may be validly bound only by two or more managers acting jointly. Any other limitation on their powers, whether under the contract or a decision of the general meeting, may not be relied upon against third parties, even if it is published.

3. The name and address, or names and addresses, of the person or persons referred to above, and where appropriate an indication that they must act jointly, shall be published in accordance with the rules on publicity contained in Article 4 of this Regulation.

#### *Article 8*

1. The contract may require the members to make contributions in cash, in kind or by way of services. It may also lay down the terms and conditions on which the members are to make contributions, where necessary, to meet any excess of expenditure over revenue. If no such provision is made by the contract, such terms and conditions shall be laid down by the general meeting, failing which such contribution shall be made in equal shares.

2. Any assignment of a member's rights shall be subject to authorization by the general meeting. Unless otherwise expressly provided by the contract, such decision shall be taken unanimously by the members of the grouping and shall be published in accordance with the rules on publicity contained in Article 4 of this Regulation.

3. A grouping may not issue debentures or invite investment by the public.

#### *Article 9*

1. The members of a grouping shall be jointly and severally liable out of their own property for the debts thereof.

2. Creditors of the grouping may not proceed for repayment against an individual member unless they have first made a written demand for payment from the grouping and failed to obtain satisfaction.

3. If a member is proceeded against in respect of debts of the grouping he may rely on any defence which would be available to the grouping itself.

#### *Article 10*

On letters and orders issued by a grouping there shall be indicated legibly:

- the name of the grouping, followed by the words 'European Cooperation Grouping';
- the number under which the grouping is registered as provided by Article 4 (2) of this Regulation and the name of the register in which it is entered;
- the place where the grouping has its head office.

If the grouping is in liquidation, this fact shall also be indicated.

#### *Article 11*

1. Unless otherwise expressly provided by the contract, a unanimous resolution of the members of the grouping in general meeting shall be required for the admission of new members.

2. Every new member shall be responsible, in accordance with Article 9, for the debts of the grouping, including those incurred prior to his admission.

*Article 12*

1. The contract may provide for members to be able to withdraw by resigning. If it does so, it shall lay down precisely the terms and conditions on which resignation may take place, failing which the clause providing for resignation shall be void.
2. The members of the grouping in general meeting may expel any member who is regularly in breach of his obligations, or whose conduct disturbs the smooth running of the grouping. The decision shall be taken in accordance with the relevant provisions of the contract or, failing those, by the other members of the grouping unanimously.
3. If a member resigns or is expelled, the grouping shall continue to exist amongst the remaining members on the terms and conditions contained in the contract or laid down by the general meeting.

*Article 13*

1. A grouping shall be wound up:
  - (a) upon the attainment or the extinction of its object;
  - (b) upon the expiry of its term;
  - (c) by a resolution passed by the members in accordance with Article 6 (3) of this Regulation;
  - (d) if the number of members falls below two.
2. A grouping which has come to consist exclusively of members subject to the law of one Member State shall be wound up, unless within six months it once more satisfies the requirements of Article 3 (1).
3. Unless otherwise provided by the contract, a grouping shall also be wound up:
  - (a) if one of its members being a natural person is declared bankrupt or being a company goes into liquidation by reason of insolvency;
  - (b) upon any other judicial or administrative measure being taken as the consequence of insolvency or suspension of payment of debts by one of its members;
  - (c) upon the death or incapacity of one of its members being a natural person or upon the winding up of one of its members being a company;
  - (d) upon the abandonment by one of its members of his or its business as mentioned in Article 3 (1) (b) or (c) or of his or its residence within the Community for tax purposes.

4. If the contract provides in any of the cases referred to in paragraph 3 above that the grouping is to continue in existence, the member concerned shall cease to be a member of the grouping. The latter shall continue to exist amongst the remaining members on the terms and conditions contained in the contract or laid down by the general meeting.

*Article 14*

1. Where the object of a grouping as defined by the contract, or the business of a grouping, does not conform to the provisions of Article 2 of this Regulation, the court shall, on application by any person who proves a legitimate interest, order the winding-up of the grouping.
2. On application by a member, the court may order the winding-up of a grouping if it is just and equitable to do so.

*Article 15*

1. If one of the members of a grouping ceases to be a member thereof, a valuation shall be made of the assets of the grouping in order to determine the value of claims by or on that member. Unless the contract expressly provides otherwise, this valuation shall be carried out by the manager or managers, who shall be responsible for settling the position of the outgoing member.
2. A member who ceases to be a member of a grouping shall, for a period of five years from the date of publication of such cessation in accordance with the rules on publicity contained in Article 4 of this Regulation, remain responsible, in accordance with Article 9, for debts of the grouping having arisen prior to such publication.
3. The provisions of paragraph 1 shall not apply in the case of an assignment of the rights of a member in accordance with Article 8 (2) of this Regulation.

*Article 16*

1. Upon the winding-up of a grouping being resolved or ordered its liquidation shall be commenced. Unless otherwise expressly provided by the contract or resolved by the general meeting, liquidation shall be carried out by the manager or managers for the time being in office. Where winding-up is ordered by the court pursuant to Article 14, or, on an application, stating the reasons on which it is based, by one of the members, a liquidator or liquidators may be appointed by the court.

2. The grouping shall retain its capacity within the meaning of Article 1 (3) of this Regulation so far as is necessary for the purposes of the liquidation. A grouping in liquidation shall be represented by its liquidators.

3. The fact that a grouping is being wound up, together with the name or names of the liquidator or liquidators, shall be registered and published in accordance with Article 4 of this Regulation.

#### Article 17

1. The liquidators shall complete current transactions, recover the debts, and realize the assets to such extent as may be necessary for the purpose of meeting liabilities and of any distribution of assets among the members. Any balance of assets remaining after the debts have been paid shall be distributed amongst the members of the grouping in accordance with the provisions of the contract. In the absence of such provisions, such distribution shall be in equal shares.

2. The liquidators shall place on deposit or otherwise secure any sums of money, or other property, due to any creditor to whom they are unable to make payment or to any member to whom they are unable to distribute.

3. If any legal proceedings are commenced in connection with the distribution of the assets, the liquidators shall, as regards the sums in question, suspend the distribution until a judgment or other pronouncement is given or made by the court having jurisdiction.

4. The liquidators shall register and publish the completion of the liquidation in accordance with the provisions of Article 4 of this Regulation.

#### Article 18

1. Rights of action against a grouping, or by a grouping against one of its members in connection

with the performance of the contract forming the grouping, shall be barred five years after the publication of the completion of the liquidation of the grouping.

2. This period of limitation shall run from the date of publication of the completion of the liquidation as provided by Article 17 (5) of this Regulation.

#### Article 19

1. Member States shall take all necessary steps to ensure that the rules of this Regulation on publicity are applied.

They shall ensure that the matters referred to in Article 4 (1), and any changes in such matters, and in addition any other matters which this Regulation requires to be publicized, are published in the Official Journal for the publication of matters relating to companies in the State in which the grouping has its head office. They shall also ensure that all persons have access to the register designated under Article 4 (2) of this Regulation and to the documents filed therein.

2. Member States shall take appropriate steps to penalize:

(a) the unlawful use of the description 'European Cooperation Grouping', or of any other expression likely to give rise to confusion therewith, by any grouping which is not constituted in accordance with the provisions of this Regulation.

(b) any offence against Article 10.

#### Article 20

Any profits made by a grouping shall only be taxable in the hands of its members.

### Proposal for a Council Regulation on the importation free of Common Customs Tariff duties of educational, scientific and cultural materials

*(Submitted to the Council by the Commission on 21 December 1973)*

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community and in particular Article 28 thereof;

Having regard to the proposal from the Commission;

Having regard to the Opinion of the European Parliament;

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

Whereas, in order to facilitate the free exchange of ideas as well as the exercise of cultural activities and scientific research within the Community, it is necessary to allow, by all possible means, the admission free of Common Customs Tariff duties of educational, scientific and cultural materials imported from third countries; whereas, moreover, the Agreement of Florence, drawn up under the auspices of the United Nations Educational, Scientific and Cultural Organization (UNESCO), which entered into force on 21 May 1952 and which provides a basis for the relative provisions to be implemented in the majority of the Member States, makes provision for such customs duty-free admission to be granted;

Whereas, the application of customs duty-free admission in respect of educational, scientific and cultural materials must be uniform throughout the Community;

Whereas, in respect more especially of scientific instruments or apparatus, and in order to take into account the manufacturing potentials of Community industry, granting of duty-free admission must be subject to instruments or apparatus of equivalent scientific value not being available in the Community, and not just in the Member State in which the importation takes place;

Whereas, due to rapid technical progress in the sphere of scientific apparatus and instruments, recognition of this fact calls for a Community procedure of consultation under a Committee to allow close and effective collaboration between the Member States and the Commission in this respect, whereas it is important to ensure the uniform implementation of the provisions of this Regulation and for this purpose to make provision for a Community procedure to allow the adoption of methods of implementation for it within the appropriate period of time,

HAS ADOPTED THIS REGULATION:

#### *Article 1*

Educational, scientific and cultural materials listed in Annex I shall be admitted free of Common Customs Tariff duties, irrespective of the use for which they are intended.

#### *Article 2*

1. Educational, scientific and cultural materials, listed in Annex II shall be admitted free of Common Customs Tariff duties when they are intended:

- either for public establishments and organizations or public institutions of an educational, scientific or cultural character,
- or for public establishments and organizations or public institutions within the specified categories in respect of each article in column 3 of the said Annex, in as far as they may have been approved for this purpose by the competent authorities of the Member States.

2. Duty-free admission referred to in paragraph 1 shall be granted directly by the competent authorities of the Member State on whose territory is situated the importing establishment or organization, and in accordance with the procedures which they shall lay down.

#### *Article 3*

1. Scientific instruments and apparatus not included in Articles 1 and 2 which are imported exclusively for educational purposes or for scientific pure research shall be admitted free of Common Customs Tariff duties, when:

(a) they are intended for:

- public establishments or institutions whose principal activity is education or scientific research,
- scientific or educational establishments of a private nature, approved for this purpose by the competent authorities of the Member States, and when

(b) instruments or apparatus of equivalent scientific value are not currently manufactured in the Community.

2. Duty-free admission referred to in paragraph 1 shall, subject to the production of all necessary evidence, be applicable to components, spare parts and accessories necessary for the operation of scientific instruments and apparatus which are themselves admissible duty-free.

3. For the implementation of the provisions of this Article,

— by 'scientific pure research' shall be understood research carried out for non-commercial purposes;

— 'equivalent scientific value' shall be assessed by comparison of the characteristics and the specifications appropriate to the instrument or apparatus which is the subject of the request, with



those of the corresponding instrument or apparatus manufactured in the Community, in order to determine whether the latter may be used for the same scientific purposes as those for which the instrument or apparatus which is the subject of the request are intended, and whether it can be used for purposes comparable with those expected from the latter.

— a scientific instrument or apparatus shall be considered as currently being manufactured in the Community when its delivery period, counting from the time of the order (account being taken of commercial practices in the manufacturing sector under consideration), is not appreciably longer than the delivery period of the instrument or apparatus in respect of which the request is made, or, when this period does not exceed the latter delivery period to such an extent that the destination or use initially intended for the instruments or apparatus would be appreciably affected by it.

4. Normal materials of equipment shall, in any case, be excluded from duty-free admission, unless they portray certain particularities not possessed by materials available in the Community.

#### *Article 4*

Duty-free admission referred to in Article 3 shall be granted by the competent authority of the Member State on whose territory the receiving establishment or organization is situated.

Granting of duty-free admission shall be subject to the condition laid down, among the conditions fixed in accordance with the procedure referred to in Article 8, that instruments or apparatus of equivalent scientific value to those instruments or apparatus for which duty-free admission is requested shall not currently be manufactured in the Community.

#### *Article 5*

1. The articles listed in Annex II and the scientific instruments and apparatus referred to in Article 3, which have been admitted duty-free may not be lent, hired out or transferred either on payment, or free of charge without the prior agreement of the competent authority of the Member State in which entry was made for release of the goods for free circulation.

2. Should an article be lent, hired out or transferred either on payment or free of charge to an establishment or organization entitled to benefit

from duty-free admission by virtue of Article 2 (1) or Article 3 (1), then duty-free admission shall remain granted in so far as the latter uses the article, instrument or apparatus for non-commercial purposes.

In other cases, the loan, hire or transfer either on payment or free of charge, of an article shall be subject to prior payment of customs duties, at rates in force at the date of the loan, hire or transfer, calculated according to the type of goods and their value for customs purposes applicable at that date, by the competent authorities of the Member State in which entry was made for release of the goods for free circulation.

#### *Article 6*

1. A General Customs Procedures Committee shall be set up, hereinafter referred to as the 'Committee', composed of representatives of Member States, and with a representative of the Commission as Chairman.

2. The Committee shall set up its own internal arrangements.

#### *Article 7*

The Committee shall examine all questions relating to the implementation of this Regulation which are put to it by its Chairman, whether on his own initiative or at the request of the representative of a Member State.

#### *Article 8*

1. The provisions necessary for the implementation of Articles 3 and 4, second subparagraph, and Article 5 shall be adopted in accordance with the procedure set out in paragraphs 2 and 3.

2. The Commission representative shall submit to the Committee a draft of the measures to be taken. The Committee shall give its opinion on this draft within a time limit which the Chairman may fix depending on the urgency of a particular question. It shall decide by a majority of the forty three votes, the votes of the Member States being subject to the considerations provided for in Article 148 (2) of the Treaty. The Chairman shall not vote.

3. (a) The Commission shall adopt the proposed measures when they are in conformity with the opinion of the Committee.

(b) When the proposed measures are not in conformity with the opinion of the

Committee, or in the absence of any opinion, the Commission shall without delay submit a proposal to the Council in respect of the measures to be taken. The Council shall act by a qualified majority.

then the proposed measures shall be adopted by the Commission.

Article 9

(c) If at the expiry of a time limit of three months, counting from the date of submission to the Council, it has not acted,

This Regulation shall enter into force on . . . . .

This Regulation shall be binding in its entirety and directly applicable in all Member States.

ANNEX I

CCT heading No	Description
49.11	<p>A. <i>Books, publications and documents</i></p> <p>Other printed matter, including printed pictures and photographs:</p> <p>ex B. Other:</p> <ul style="list-style-type: none"> <li>— Books and documents produced by processes other than printing including micro-copies on opaque materials</li> <li>— Official documents, parliamentary and administrative, published in their country of origin</li> <li>— Travel posters and travel literature (pamphlets, guides, timetables, leaflets and similar publications), whether illustrated or not, including those published by private commercial enterprises, whose purpose is to stimulate travel outside the European Communities</li> <li>— Publications whose purpose is to stimulate study outside the European Communities</li> <li>— Catalogues of books and publications, being books and publications offered for sale by publishers or booksellers established outside the European Communities</li> <li>— Catalogues of films, recordings or other visual and auditory material of an educational, scientific or cultural character, being catalogues issued by or on behalf of the United Nations, or any of its specialized agencies</li> </ul>
ex 90.21	<p>Geographical, hydrographical or astronomical relief maps and charts, produced by processes other than printing</p> <p>Note: the following are excluded from duty-free admission:</p> <ul style="list-style-type: none"> <li>(a) Books, publications and documents (except catalogues, travel posters and travel literature referred to above) published by or for a private commercial enterprise, essentially for advertising purposes</li> <li>(b) Newspapers and periodicals in which the advertising matter is in excess of 70 % by space</li> <li>(c) all other items (except catalogues referred to above) in which the advertising matter is in excess of 25 % by space. In the case of travel posters and literature, this percentage shall apply only to private commercial advertising matter</li> </ul>

CCT heading No	Description
	B. <i>Audio and visual materials of an educational, scientific or cultural character</i>
37.04	Sensitized plates and films exposed but not developed, negative or positive: A. Cinematograph films: ex II. Other positives, of an educational, scientific or cultural character, produced by the United Nations or any of its specialized agencies
ex 37.05	Plates, unperforated film and perforated film (other than cinematograph film) exposed and developed, negative or positive, of an educational, scientific or cultural character produced by the United Nations or any of its specialized agencies
ex 37.07	Other cinematograph film, exposed and developed, whether or not incorporating sound track, negative or positive: — Newsreels (with or without sound track), depicting events of current news value at the time of importation, and imported for copying, either in negative form, exposed and developed, or in positive form, exposed and developed, duty-free entry being limited to two copies of each subject
92.12	Gramophone records or other sound or similar recordings; matrices for the production of records, prepared record blanks, film for mechanical sound recording, prepared tapes, wires, strips and like articles of a kind commonly used for sound or similar recording: B. Recorded: ex II. Other, of an educational, scientific or cultural character, produced by the United Nations or any of its specialized agencies C. <i>Articles for the blind</i>
ex 49.03	Children's picture books and painting books, in raised characters for the blind
49.11	Other printed matter, including printed pictures and photographs: ex B. Other, in raised characters for the blind

## ANNEX II

CCT heading No	Description	Entitled establishments or organizations
37.04	<i>Visual and auditory materials of an educational, scientific or cultural character</i> Sensitized plates and film, exposed but not developed, negative or positive: A. Cinematograph film: ex II. Other positives, of an educational, scientific or cultural character	Any organization (including broadcasting and television organizations) and any public or private educational, scientific or cultural institution or society approved by the competent authorities of the Member States

CCT heading No	Description	Entitled establishments or organizations
ex 37.05	Plates, unperforated film and perforated film (other than cinematograph film), exposed and developed, negative or positive, of an educational, scientific or cultural character	Any organization (including broadcasting and television organizations) and any public or private educational, scientific or cultural institution or society approved by the competent authorities of the Member States
37.07	<p>Other cinematograph film, exposed and developed, whether or not incorporating sound track, negative or positive:</p> <p>B. Other positives:</p> <p>ex I. Newsreels (with or without sound track), depicting events of current news value at the time of importation, not intermediate positives</p> <p>ex II. Other, of an educational, scientific or cultural character</p>	<p>Any organization (including broadcasting and television organizations) approved by the competent authorities of the Member States</p> <p>Any organization (including broadcasting and television organizations) and any public or private educational, scientific or cultural institution or society approved by the competent authorities of the Member States</p>
49.11	<p>Other printed matter, including printed pictures and photographs:</p> <p>ex B. Other:</p> <p>— Murals intended exclusively for demonstrational and educational purposes</p>	Public or private educational, scientific or cultural establishments approved by the competent authorities of the Member States
ex 90.21	<p>Instruments, apparatus or models designed for demonstrational purposes (for example, in education or exhibition), unsuitable for other uses:</p> <p>— Models, scale models and murals intended exclusively for demonstrational and educational purposes</p>	Public or private educational, scientific or cultural establishments approved by the competent authorities of the Member States
92.12	<p>Gramophone records and other sound or similar recordings; matrices for the production of records, prepared record blanks, film for mechanical sound recording, prepared tapes, wires, strips and like articles of a kind commonly used for sound or similar recording:</p> <p>ex B. With sound recordings of an educational, scientific or cultural character</p> <p><i>Articles for the blind</i></p>	Any organization (including broadcasting and television organizations) and any public or private educational, scientific or cultural institution or society approved by the competent authorities of the Member States
ex 66.02	<p>Walking-sticks (including climbing-sticks and seat-sticks, canes, whips, riding-crops and the like:</p> <p>— White walking-sticks for the blind</p>	Any institution for the blind or organization concerned with the welfare of the blind approved by the competent authorities of the Member States

CCT heading No	Description	Entitled establishments or organizations
90.19 B	Hearing aids and other appliances which are worn or carried, or implanted in the body, to compensate for a defect or disability: ex II. Other: — Apparatus for guiding the blind	Any institution for the blind or organization concerned with the welfare of the blind approved by the competent authorities of the Member States
ex 91.01	Pocket watches, wrist watches and others watches, including stop-watches: — Braille watches for the blind, with cases in materials other than precious metal	Any institution for the blind or organization concerned with the welfare of the blind approved by the competent authorities of the Member States
97.04	Equipment for parlour, table and funfair games for adults or children (including billiard tables and pin-tables and table-tennis requisites): ex B. Other: — Tables for games adapted for use by the blind	Any institution for the blind or organization concerned with the welfare of the blind approved by the competent authorities of the Member States
Miscellaneous articles	Other objects (for example, apparatus to facilitate reading for the blind), specially designed for the educational, scientific or cultural development of the blind	Any institution for the blind or organization concerned with the welfare of the blind approved by the competent authorities of the Member States

**Proposal for a Council Regulation on the total or partial suspension of customs duties on certain products falling within Chapters 1 to 24 of the Common Customs Tariff**

*(Submitted to the Council by the Commission on 21 December 1973)*

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community, and in particular Articles 43 and 113 thereof;

Having regard to Council Regulation (EEC) No 1059/69 <sup>(1)</sup> of 28 May 1969 laying down the trade arrangements applicable to certain goods resulting from the processing of agricultural products, as last amended by Council Regulation (EEC) No 1491/73 <sup>(2)</sup>, and in particular Article 12 thereof;

Having regard to the proposal from the Commission;

Having regard to the Opinion of the European Parliament;

Whereas under Annex I to the Agreement establishing an association between the European Economic Community and Malta, the Community must totally or partially suspend the Common Customs Tariff duties applicable to certain products; whereas it also appears necessary on a provisional basis to adjust or supplement some of these tariff advantages provided for in the abovementioned Annex; whereas the Community should suspend in respect of the products contained in the list annexed to this Regulation, originating in Malta, during the period from 1 January to 31 December 1974, at the levels indicated in respect of

<sup>(1)</sup> OJ No L 141, 12. 6. 1969, p. 1.

<sup>(2)</sup> OJ No L 151, 7. 6. 1973, p. 1.

each of them, either the fixed component of the charge applicable to the goods coming under Regulation (EEC) No 1059/69 or the customs duty applicable to the other products,

in question. These measures may also be taken in the event of serious loss or the threat of serious loss limited to a single region of the Community.

HAS ADOPTED THIS REGULATION:

*Article 3*

*Article 1*

1. From 1 January until 31 December 1974, the products originating in Malta listed in the Annex shall be admitted for import into the Community at the customs duties indicated in respect of each of them.

2. For the purposes of this Regulation, 'originating products' mean those products which fulfil the requirements of the Protocol concerning the definition of the concept of 'originating products' and methods of administrative cooperation, annexed to the Agreement establishing an Association between the European Economic Community and Malta.

1. In order to ensure the application of Article 2, the Commission may decide by means of a regulation to reintroduce Common Customs Tariff duties for a limited period.

2. In the action of the Commission was requested by a Member State the Commission shall take a decision within a maximum period of ten working days from receiving the request and shall inform the Member States of the action taken.

3. Any Member State may remit to the Council the measure taken by the Commission within a period of ten working days following the day of its notification. The intervention of the Council shall not have a suspensory effect. The Council shall meet without delay. It may by qualified majority modify or annul the measure in question.

*Article 2*

When the imports of products benefiting from the arrangements provided for in Article 1 come into the Community in quantities or at prices which cause or threaten to cause serious loss to the Community producers of similar products or directly competitive products, the Common Customs Tariff duties may be partially or wholly reintroduced for the products

*Article 4*

This Regulation shall enter into force on 1 January 1974.

This Regulation shall be binding in its entirety and directly applicable in all Member States.

ANNEX

CCT heading No	Description	Rate of duty
1	2	3
02.01	Meat and edible offals of the animals falling within heading No 01.01, 01.02, 01.03, or 01.04; fresh, chilled or frozen: A. Meat: III. Of swine: b) Other . . . . .	Free
05.03	Horsehair and horsehair waste, whether or not put up as a layer or between two layers of other material: B. Other . . . . .	Free

CCT heading No	Description	Rate of duty
1	2	3
15.10	Fatty acids; acid oils from refining; fatty alcohols:	
	C. Other fatty acids; acid oils from refining . . . . .	Free
15.13	Margarine, imitation lard and other prepared edible fats	20 %
16.02	Other prepared or preserved meat or meat offal:	
	A. Liver:	
	I. Goose or duck liver . . . . .	12 %
	B. Other:	
	II. Game or rabbit meat or offal . . . . .	12 %
	III. Other:	
	ex 1. Containing bovine meat or offal:	
	— Prepared or preserved bovine tongue . . . . .	18 %
	2. Not specified:	
	aa) Ovine meat or offal . . . . .	16 %
	bb) Other . . . . .	18 %
20.02	Vegetables prepared or preserved otherwise than by vinegar or acetic acid:	
	E. Sauerkraut . . . . .	16 %
	ex F. Capers . . . . .	16 %
20.07	Fruit juices (including grape must) and vegetable juices, whether or not containing added sugar, but unfermented and not containing spirits:	
	A. Of a specific gravity exceeding 1.33 at 15 °C:	
	III. Other:	
	ex a) Of a value exceeding 30 u.a. per 100 kg net weight:	
	— Fruits falling within heading No 08.01 excluding pineapples . . . . .	25 %
	b) Of a value not exceeding 30 u.a. per 100 kg net weight:	
	ex 1. With an added sugar content exceeding 30 % by weight:	
	— Fruits falling within heading No 08.01, excluding pineapples . . . . .	25 % + (L)
	ex 2. Other:	
	— Fruits falling within heading No 08.01, excluding pineapples . . . . .	25 %
	B. Of a specific gravity of 1.33 or less at 15 °C:	
	II. Other:	
	a) Of a value exceeding 30 u.a. per 100 kg net weight:	
	2. Grapefruit juice . . . . .	12 %

CCT heading No	Description	Rate of duty
1	2	3
20.07 (cont'd)	ex 3. Other citrus fruit juices: <ul style="list-style-type: none"> <li>aa) Containing added sugar . . . . .</li> <li>bb) Other . . . . .</li> </ul> ex 6. Other fruit and vegetable juices, excluding apricot and peach juices <ul style="list-style-type: none"> <li>aa) Containing added sugar . . . . .</li> <li>bb) Other . . . . .</li> </ul> 7. Mixtures: <ul style="list-style-type: none"> <li>ex bb) Other, excluding mixtures containing either separately or together, over 25 % of grape, citrus fruit, pineapple, apple, pear, tomato, apricot or peach juice:               <ul style="list-style-type: none"> <li>11. Containing added sugar . . . . .</li> <li>22. Other . . . . .</li> </ul> </li> </ul> b) Of a value of 30 u.a. or less per 100 kg net weight: <ul style="list-style-type: none"> <li>2. Grapefruit juice:               <ul style="list-style-type: none"> <li>aa) With an added sugar content exceeding 30 % by weight . . . . .</li> <li>bb) Other . . . . .</li> </ul> </li> <li>4. Other citrus fruit juices:               <ul style="list-style-type: none"> <li>aa) With an added sugar content exceeding 30 % by weight . . . . .</li> <li>bb) With an added sugar content of 30 % or less by weight . . . . .</li> <li>cc) Not containing added sugar . . . . .</li> </ul> </li> <li>ex 7. Other fruit and vegetable juices, but not of apricots and peaches:               <ul style="list-style-type: none"> <li>aa) With an added sugar content exceeding 30 % by weight . . . . .</li> <li>bb) With an added sugar content of 30 % or less by weight . . . . .</li> <li>cc) Not containing added sugar . . . . .</li> </ul> </li> <li>8. Mixtures:               <ul style="list-style-type: none"> <li>ex bb) Other, excluding mixtures containing either separately or together, over 25 % of grape, citrus fruit, pineapple, pear, tomato, apricot or peach juice:                   <ul style="list-style-type: none"> <li>11. With an added sugar content exceeding 30 % by weight . . . . .</li> <li>22. With an added sugar content of 30 % or less by weight . . . . .</li> <li>33. Not containing added sugar . . . . .</li> </ul> </li> </ul> </li> </ul>	11 % 11 % 13 % 13 % 13 % 13 % 12 % + (L) 12 % 11 % + (L) 11 % 11 % 13 % + (L) 13 % 13 % 13 % + (L) 13 % 13 %



CCT heading No	Description	Rate of duty
1	2	3
21.06	Natural yeasts (active or inactive): prepared baking powders: A. Active natural yeast: II. Bakers' yeast: a) Dried . . . . .	7 % + v.c.
	b) Other . . . . .	7 % + v.c.
23.01	Flours and meals, of meat, offals, fish, crustaceans or molluscs, unfit for human consumption; greaves: B. Flours and meals of fish, crustaceans or molluscs	Free

**Proposal for a Council Directive on the harmonization of procedures for the release of goods for free circulation**

*(Submitted to the Council by the Commission on 21 December 1973)*

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community and in particular Article 100 thereof;

Having regard to the proposal from the Commission;

Having regard to the Opinion of the European Parliament;

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

Whereas the Community is based on a customs union;

Whereas, without prejudice to the transitional measures laid down in Title I, Chapter I, Part IV of the Act <sup>(1)</sup> on the Conditions of Accession and the Adjustments to the Treaties, the final formulation of this customs union is governed, in the main, by the provisions of Title I, Chapter I, Part II of the Treaty; whereas this Chapter comprises a range of precise requirements concerning in particular the elimination of customs duties between Member States, the setting up and the progressive formulation of the Common Customs Tariff as well as the amendments or autonomous suspensions of it;

Whereas, although Article 27 makes provision for the Member States to take steps to align their provisions

laid down by law, regulation or administrative action in respect of customs matters, before the end of the first stage, and in as far as may be necessary, this Article does not, however, confer on the Community institutions the power to adopt mandatory provisions on this subject; whereas a thorough examination which has been undertaken with the Member States has nevertheless brought to light the necessity to determine, in certain respects, the measures by mandatory Community Acts indispensable for the final formulation of a customs legislation ensuring uniform application of the Common Customs Tariff, and various charges laid down under the Common Agricultural Policy;

Whereas for this purpose the Council has already adopted, *inter alia*, the Directive of 30 July 1968 on the harmonization of the provisions laid down by law, regulation or administrative action relating to: (1) customs treatment of goods entering the customs territory of the Community, (2) temporary storage of such goods <sup>(2)</sup>, hereinafter referred to as the 'Directive relating to customs treatment of goods', as well as the Directive of 4 March 1969, on the harmonization of provisions laid down by law, regulation or administrative action for deferred payment of customs duties, charges having equivalent effect and agricultural levies <sup>(3)</sup>, hereinafter referred to as the 'Directive relating to deferred payment';

<sup>(1)</sup> OJ No L 73, 27. 3. 1972, p. 14.

<sup>(2)</sup> OJ No L 194, 6. 8. 1968, p. 13 (Directive 68/312/EEC).

<sup>(3)</sup> OJ No L 58, 8. 3. 1969, p. 14 (Directive 69/76/EEC).

Whereas the release for free circulation, within the meaning of Article 10 (1) of the Treaty, of goods imported from a third country into a Member State, has effects throughout the Community; whereas in consequence this assumes a specifically Community character and, in this respect, differs from the release for home use of these same goods which requires moreover the implementation of different national provisions, particularly of a fiscal nature, and can only take place in the Member State where such goods are effectively consumed;

Whereas the provisions laid down by law, regulation or administrative action of Member States determine the rules of procedure which, in most cases, are devised exclusively for the release of goods for home use; whereas, as a result, the release for free circulation of such goods can for the most part take place only in isolated cases, with regard notably to their subsequent release for home use in another Member State;

Whereas these provisions moreover show important disparities the effect of which is the implementation in differing conditions, not only of Common Customs Tariff duties, taxes having equivalent effect, agricultural levies or other charges laid down under the Common Agricultural Policy, but also of other Community measures on which the release of goods for free circulation may be conditional; whereas the distortions of treatment which result for Community importers, depending on the Member State where the customs clearance formalities take place, may lead to deflection of trade and artificial movement activities;

Whereas these provisions have a direct bearing on the setting up and operation of a common market;

Whereas, taking into account the extent of the achievement of the customs union, it is necessary to fix common rules of procedure for the release of goods for free circulation, at least in the form of a Directive; whereas the same rules may also be followed for the release for home use of these same goods in the Member State of importation;

Whereas these common rules must ensure the correct application of customs duties, taxes having equivalent effect, agricultural levels and other charges laid down under the Common Agricultural Policy, as well as other Community provisions on which the release of goods for free circulation may be conditional; whereas they must in any case be free of all superfluous formality; whereas they must moreover be sufficiently flexible to be adaptable to differing circumstances and to take into account the

progress of administration technique, particularly with regard to informatics;

Whereas it is important to ensure uniform implementation of these common rules and to provide for this purpose a Community procedure which will allow measures of implementation to be adopted for it within the appropriate period of time; whereas it is necessary to have recourse to the General Customs Procedure Committee set up under Council Regulation (EEC) No . . . . of . . . ., on the importation free of Common Customs Tariff duties of educational, scientific and cultural materials, in order to arrange close and effective collaboration between the Member States and the Commission in this sphere,

HAS ADOPTED THIS DIRECTIVE:

#### *Article 1*

Without prejudice to the application of any special provisions which may be adopted under specific Community legislation, this Directive prescribes the rules which must be incorporated in the provisions laid down by law, regulation or administrative action in Member States, in respect of the release for free circulation within the meaning of Article 10 (1) of the Treaty establishing the EEC, of goods which:

- have been produced to customs and which may be placed under temporary storage procedure, in accordance with the conditions laid down in the Directive relating to customs treatment of goods,
- or
- have previously been placed under another customs procedure.

#### Title I

#### General procedure

#### *Article 2*

Release for free circulation of goods specified in Article 1 shall be conditional upon an entry (referred to hereinafter as 'entry') for release for free circulation being presented at a customs office.

*Article 3*

Entry may be made by any natural or legal person resident in the Community able to produce to the customs authority the goods as well as all the documents which are required to be produced before this entry may be accepted.

The natural or legal person who makes entry shall be hereinafter referred to as 'the declarant'.

*Article 4*

1. The entry shall be in writing and signed by the declarant.

It shall contain information necessary for the identification of the goods and for the application of customs duties, taxes having equivalent effect, agricultural levies and other charges laid down under the Common Agricultural Policy, as well as all other Community provisions which must be complied with before the goods in question may be released for free circulation.

2. There shall accompany the entry all documents which it is necessary to produce for the correct application of customs duties, charges having equivalent effect and agricultural levies and other charges laid down under the Common Agricultural Policy, as well as such other Community provisions which must be complied with before the goods in question may be released for free circulation.

3. Exceptionally, the customs authority may fix a time limit, either for the completion of an entry which does not contain certain of the information referred to in paragraph 1, second subparagraph, or else for the production of one or several of the documents referred to in paragraph 2. In this case, the release from customs control for free circulation of the goods referred to in Article 13, must be conditional on security being given.

Information necessary for the identification of the goods to which it refers must in any case appear in the entry.

*Article 5*

The person entitled to make entry, by virtue of the provisions of Article 3, and who cannot furnish all the details necessary for this purpose, shall be permitted, under conditions determined by the customs authority, to examine the goods beforehand and to take samples.

*Article 6*

1. The entry may be presented at any customs office in the Community which is competent for the release for free circulation of the goods to which the entry relates.

2. Where the provisions of the Additional Note 3, Section XVI of the Common Customs Tariff apply, an entry must be presented for each part of a machine sent in split consignments.

3. The customs authority may allow the entry to be presented before the declarant is in a position to produce the goods to it. This authorization must however carry a time limit determined by the circumstances.

*Article 7*

Subject to the provisions of Article 4 (3), irregular entries and those not accompanied by the documents which are required to be produced, shall not be acceptable.

Entries are likewise not acceptable which are presented at a customs office which is not competent for the release for free circulation of goods to which the entry relates or which concerns goods not in conformity with the Community provisions which must be complied with before their being released for free circulation.

*Article 8*

1. Entries considered to be in order by the customs authority shall be accepted by it immediately in accordance with the procedures laid down in each Member State.

However, where, in application of Article 6 (3), an entry has been presented before the goods to which it relates have arrived at the customs office or at another place designated by the customs authority, such an entry may only be accepted immediately after this arrival and in so far as the formalities mentioned in Article 3 of the Directive concerning customs treatment have been fulfilled.

2. The date of acceptance of the entry must be noted on that document so that it constitutes the operative date for the application of customs duties, taxes having equivalent effect and agricultural levies and other charges laid down under the Common Agricultural Policy, as well as of all Community provisions which must be complied with prior to the goods in question being released for free circulation.

*Article 9*

1. Entries accepted under the conditions referred to in Article 8 may be amended by the declarant as regards one or several items of information referred to in Article 4 (1). However, these amendments may only be authorized provided that the goods have not been released for free circulation by the customs authority and that no infraction on the part of the declarant has then been found.

The customs authority may allow the amendments referred to in the previous subparagraph to be effected by means of presenting a new entry intended to replace the original entry. The date of acceptance of this new entry shall be that of the acceptance of the original entry.

2. Where the declarant considers it necessary, the customs authority may also permit him, subject to the same conditions as those referred to in paragraph 1, first subparagraph, second sentence, to withdraw an entry or to replace it by an entry for another customs procedure.

*Article 10*

1. The customs authority shall, where it deems it necessary, examine all or part of the entered goods.

2. The goods shall be examined in the places designated for that purpose and during the hours when the customs offices are open.

However, the customs authority may permit, at the request of the declarant and at his expense, examination of goods at places and at times other than those specified above.

3. Transport of goods to places for the purpose of examination, unpacking, repacking and all other operations necessitated by the examination shall be undertaken by the declarant or on his authority. He will in all events bear the charges.

4. Goods taken to places for the purpose of examination shall not be handled in any way whatsoever without permission from the customs authority.

5. The examination of goods shall take place in the presence of the declarant or of a person acting on his behalf. In cases where examination cannot take place, within the time limit prescribed by the customs authority, on account of the absence of the declarant or of his representative, the conditions under which examination may nevertheless take place shall be determined by the Member States.

6. The customs authority may, at the time of examination of goods, take samples for the purpose of analysis or for detailed examination.

The costs arising from analysis or detailed examination shall be borne by the administrative authority.

*Article 11*

1. Customs duties, taxes having equivalent effect and agricultural levies and other charges laid down under the Common Agricultural Policy, as well as other Community measures laid down in respect of goods entered for free circulation, shall be applied on the basis of the results of the examination undertaken by the competent authorities in respect of the information contained in the entry and the accompanying documents, as well as of examination which may be made of the goods.

When examination is made of only part of the goods, the results of this examination shall cover the whole of the goods which are the subject of the entry.

However, in cases of dispute on the part of the declarant concerning the results of the partial examination, the declarant may request that the whole of the goods which are the subject of the entry should be examined.

2. The provisions of paragraph 1, first subparagraph shall not preclude possible amendment of the taxation justified by the results of controls carried out subsequently by the customs authority.

*Article 12*

1. Without prejudice to special rules applicable under general or specific Community legislation, and subject to the provisions of paragraphs 2 to 4, customs duties, taxes having equivalent effect and agricultural levies and other charges laid down under the Common Agricultural Policy, shall be imposed in accordance with the rates and amounts in force at the date of acceptance of the entry. The same date shall be the operative date for determining other elements of taxation as well as for the application of other Community provisions which must be complied with before the release of goods for free circulation.

2. Where customs duties, taxes having equivalent effect, agricultural levies or other charges laid down under the Common Agricultural Policy, applicable to goods, are reduced after the date of acceptance of the entry but before the release of such goods for free circulation has been allowed by the customs

authority, the declarant shall have the right to claim the application of the most favourable rate or amount.

However, these provisions shall not be applicable:

- (a) where the customs authority has been unable to release the goods for free circulation for reasons solely attributable to the declarant;
- (b) where goods are subject to agricultural levies which are advance fixed.

3. Where goods imported from a third country are transported under Community transit procedure from the customs office of arrival in the Community to another customs office where they are entered for free circulation, the customs duties, taxes having equivalent effect or agricultural levies or other charges laid down under the Common Agricultural Policy applicable to these goods shall be those in force at the date when the customs Community transit document was presented, (external procedure), provided that:

- (a) the declarant can show that the benefit of the provisions of this paragraph had been requested on this same date at the customs office of departure;
- (b) the appropriate documents, which are required to be presented as a condition of release of the goods in question for free circulation, were currently valid at that date.

The same provisions are applicable where goods are transported to an inland customs office of the Community in conformity with Article 3 or Article 7 (1) of Regulation (EEC) No 542/69 <sup>(1)</sup> of 18 March 1969 relating to Community transit, the date when the goods are taken into customs control by the customs office of arrival in the Community replacing the date of the presentation of the customs Community transit document referred to in the previous subparagraph.

Where recourse is made to the provisions of this paragraph, release of goods for free circulation must take place when they arrive at the customs office of arrival or at places designated by the customs authority.

4. The provisions of this Article shall be applicable when release for free circulation is allowed for each component of machines which are sent in split consignments, with the application of customs duties laid down in respect of assembled machines, in conformity with the provisions of Additional Note 3, Section XVI of the Common Customs Tariff.

<sup>(1)</sup> OJ No L 77, 29. 3. 1969, p. 1.

#### Article 13

The customs authority may only release goods for free circulation when customs duties, taxes having equivalent effect or agricultural levies or other charges laid down under the Common Agricultural Policy which are applicable to them have been paid or guaranteed, or are the subject of deferred payment, under conditions laid down in the Directive relating to deferred payment.

### Title II

#### Special procedures

##### Article 14

Save as otherwise provided in Articles 15 to 19, the provisions of Title I shall apply to the special procedures laid down in these Articles.

##### Article 15

Without prejudice to the application of the special provisions laid down with regard to consignments by letter post and parcel post, the Member States may make provisions for goods imported for non-commercial purposes, as well as goods of small value, in particular those contained in the personal baggage of travellers, to be the subject of an oral declaration, or a tacit declaration.

By way of derogation from the provisions of Article 3, the declarant authorized to make oral declaration shall not be required to be resident in the Community.

##### Article 16

1. The customs authority may authorize the declarant to furnish, or insert at a later date, certain information as part of the entry in the form of supplementary entries which may be of a general, periodic or recapitulative character.

2. Statements made in supplementary entries, together with statements made in entries in respect of which they refer, shall respectively be deemed to constitute a single indivisible instrument taking effect at the date when the corresponding initial entry was accepted.

##### Article 17

1. Provided that similar facilities are granted to it concerning release for home use of goods which it imports from third countries, any business undertaking may be authorized by the customs authority to carry or have carried such goods to its premises, or to other places designated as such, in

order to be able to make use of them without their having been produced to the customs authority at the time of their arrival at destination and before the entry relating to them has been presented.

The provisions of this paragraph apply to goods imported directly from third countries as well as to goods coming from a free zone, or which have been placed under customs arrangements including suspended customs duties, taxes having equivalent effect, agricultural levies and other charges laid down under the Common Agricultural Policy.

2. The goods must be entered in the records of the undertaking at the time of their arrival at destination.

3. The entry relating to goods imported under the conditions set out in this Article must be presented at the customs office designated for this purpose within the time limit fixed by the customs authority.

For the purposes of the application of the provisions of Article 12 (1), the date of entry of the goods in the stock records of the undertaking shall be used in place of the date of acceptance of the entry relating to these goods.

4. In so far as the provisions of paragraph 3 (2) are not affected, the customs authority may allow the goods to be the subject of regularizing general or periodic entries, without prejudice, as the case may be, to the application of the provisions of Article 19.

5. The authorization referred to in paragraph 1 shall be granted subject to conditions fixed by the customs authority. In particular, the latter may require immediate notification, in the manner in which they lay down, of all arrivals of goods at destination.

The authorization may be restricted to certain goods particularly specified by the customs authority. It shall be essentially revocable.

6. The implementation of the provisions of this Article shall in no way preclude the exercise by the customs authority of any controls which it considers necessary in order to ensure that the operations are regular.

#### *Article 18*

Persons benefiting under the provisions of Articles 16 and 17 must give an undertaking to the customs authority to comply with the resulting special obligations. The customs authority may for this purpose require a guarantee, the nature and amount of which they shall determine.

#### *Article 19*

1. The entry in writing prescribed in Article 4 may be replaced by the declarant sending to the customs office designated for this purpose, codified data, or data made out in any form fixed by the customs authority, corresponding to the information required for entries in writing, which is intended for use by computer.

2. The customs authority shall determine the circumstances in which this data may be sent.

### **Title III**

#### **Final provisions**

#### *Article 20*

1. Without prejudice to the application of the provisions which might be adopted in Community Regulations concerning indirect taxes and countervailing measures referred to in Article 99 of the EEC Treaty, the provisions laid down by law, regulation or administrative practice of Member States may prescribe that the procedures provided for in this Directive may equally be used for the application of national measures which are required to be complied with before goods entered for free circulation are released for home use.

2. The competent national authorities shall take all measures necessary to ensure free movement within the Community of goods released for free circulation.

To this end, goods which are in free circulation may be placed under a customs procedure ensuring observance of the national measures which are required to be complied with before goods are released for home use. Where they are intended to be transported immediately to a destination in another Member State, they shall be placed under a customs procedure which will ensure free movement within the Community.

#### *Article 21*

The provisions necessary for the implementation of Articles 4, 5, 6, 7, 9, 10, 12, 17, 18 and 19 of this Directive shall be adopted in accordance with the procedure prescribed in Article 8 of Regulation (EEC) No . . . . .

#### *Article 22*

1. The Member States shall bring into force the measures necessary to comply with this Directive not later than . . . . .

2. Each Member State shall inform the Commission of the provision which it makes for the application of this Directive.

The Commission shall communicate this information to the other Member States.

*Article 23*

This Directive is addressed to the Member States.

**Proposal for a Council Regulation concerning Community financing of expenditure incurred in respect of the supply of agricultural products as food aid**

*(Submitted to the Council by the Commission on 21 December 1973)*

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community, and in particular Articles 43 and 209 thereof;

Having regard to the proposal from the Commission;

Having regard to the Opinion of the European Parliament;

Whereas the Community grants food aid to developing or disaster-stricken countries and guarantees the finance;

Whereas the rules operative at present provide that this expenditure is financed in various ways depending on the products and the conditions, being either totally chargeable to Chapter 90 of the General Budget of the Communities called 'Food aid expenditure' or to the Guarantee Section of the European Agricultural Guidance and Guarantee Fund or partially to each;

Whereas in these circumstances it is not possible to obtain a clear picture of the cost of the common market policy for the sectors concerned or of the cost of the food aid policy; furthermore it complicates the management of appropriations, since expenditure is sometimes charged against the Guarantee Section of the EAGGF sometimes against Chapter 90 of the Budget and sometimes partly against each;

Whereas it is advisable to harmonize in the different sectors the conditions of Community financing of expenditure resulting from the supply of agricultural products as food aid, and to alter the rules at present in operation by derogation from Council Regulation (EEC) No 729/70 <sup>(1)</sup> of 21 April 1970 on financing of the common general policy, as last

amended by Regulation (EEC) No 2788/72 <sup>(2)</sup>, and in particular Articles 1 and 3 as to charge expenditure corresponding to the difference between Community internal prices and world prices against the EAGGF and expenditure other than that borne by the EAGGF against Chapter 90;

Whereas the present provisions apply to expenditure on food aid supplied pursuant to conventions, agreements or Council Regulations adopted after 30 November 1973;

Whereas amendments should therefore be made to Council Regulation (EEC) No 2306/70 <sup>(3)</sup> of 10 November 1970 on the financing of intervention expenditure in respect of the internal market in milk and milk products, as amended by Regulation (EEC) No 2681/72 <sup>(4)</sup>, so that it will apply only to deliveries made in respect of conventions or agreements already completed;

Whereas it is desirable, in order to facilitate the carrying out of Community food aid measures, to institute a system of advance payments for expenditure coming under Chapter 90 of the Budget based on the system established for the EAGGF;

Whereas it is desirable that provision be made for the Commission to lay down implementing rules, should need arise,

HAS ADOPTED THIS REGULATION:

*Article 1*

By way of derogation from Regulation (EEC) 729/70, expenditure in respect of the supply of

<sup>(2)</sup> OJ No L 295, 30. 12. 1972, p. 1.

<sup>(3)</sup> OJ No L 249, 17. 11. 1970, p. 4.

<sup>(4)</sup> OJ No L 289, 27. 12. 1972, p. 12.

<sup>(1)</sup> OJ No L 94, 28. 4. 1970, p. 13.

agricultural products as food aid pursuant to Council Regulations adopted after 30 November 1973 or to conventions or agreements concluded by the Council after that date shall be financed by the Community and shall be charged in part against the Guarantee Section of the EAGGF and in part against Chapter 90 — 'Food aid expenditure' — of the Budget of the European Communities.

This expenditure shall include the value of the merchandise and the expenses arising out of the execution of the various phases which are chargeable to the Community by reason of the provisions in respect of the aforementioned supplies, but shall not include administrative expenses.

#### Article 2

1. The Guarantee Section of the EAGGF shall be responsible for expenditure in respect of refunds on exports to third countries with the exception of refunds for certain destinations.

2. That portion of the expenditure envisaged in Article 1 which is not covered by the previous paragraph shall be charged against Chapter 90 — 'Food aid expenditure' — of the Budget of the European Communities.

#### Article 3

1. The Member States shall designate the authorities, departments and bodies empowered to make payments in respect of the expenditure defined in the present Regulation. The Member States shall, should this not already have been done, inform the Commission as soon as possible of the nature and constitutions of such authorities, departments and bodies, of the administrative and accounting rules under which they operate and shall each forward any report or part of a report concerning such expenditure from the relevant supervisory authorities.

2. For this expenditure, the Commission, after consultation with the Committee in accordance with Article 11 of Regulation (EEC) No 729/70:

— shall grant advances to the Member States concerned, periodically and on demand by them;

— shall audit the accounts of the Member States on the basis of supporting documents forwarded by those Member States to the Commission.

#### Article 4

Council Regulation (EEC) No 2306/70 of 10 November 1970 is amended as follows:

1. Article 4 (1) (i) is completed by the insertion following the word 'Council' of the following text:

'adopted before 1 December 1973 and ...'.

2. Article 5 (1) (i) is completed by the insertion following the word 'Council' of the following text:

'adopted before 1 December 1973 and ...'.

#### Article 5

The provisions of Article 8 and 9 of Regulation (EEC) No 729/70 are applicable by analogy to expenditure envisaged by the present Regulation.

#### Article 6

Rules for the implementation of this Regulation shall be adopted, should the need arise, in accordance with the provisions of Article 13 of Regulation (EEC) No 729/70.

#### Article 7

This Regulation shall enter into force on the third day following its publication in the *Official Journal of the European Communities*.

It shall have effect from 1 December 1973.

This Regulation shall be binding in its entirety and directly applicable in all Member States.



**Proposal for a Council Directive delaying the implementation of Council Directive No 72/160/EEC concerning measures to encourage the cessation of farming and the reallocation of utilized agricultural area for the purposes of structural improvement of 17 April 1972, for the Kingdom of Denmark**

*(Submitted to the Council by the Commission on 21 December 1973)*

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

HAS ADOPTED THIS DIRECTIVE:

Having regard to the Treaty establishing the European Economic Community, and in particular Articles 42 and 43 thereof;

Having regard to the proposal from the Commission;

Having regard to the Opinion of the European Parliament;

Whereas the Danish Government is experiencing difficulties in bringing into force in that country, Council Directive No 72/160/EEC <sup>(1)</sup> concerning measures to encourage the cessation of farming and the reallocation of utilized agricultural area for the purposes of structural improvement;

Whereas the difficulties invoked are of a temporary nature;

Whereas it is therefore advisable to authorize the Danish Government to postpone the implementation of the said Directive;

Whereas, during the transitional period, the Community must be able to obtain adequate information concerning the development of agricultural structures in Denmark,

*Article 1*

By way of derogation from Article 17 of Directive No 72/160/EEC and Article 1 of Directive No 73/210/EEC <sup>(2)</sup> the Kingdom of Denmark is hereby authorized to bring into force the measures necessary to comply with Directive No 72/160/EEC by 31 December 1976 at the latest.

*Article 2*

1. Every year, before 1 May, the Kingdom of Denmark shall provide the Commission with all the necessary information concerning the development of the structural situation in agriculture; this information shall be submitted for each region.

2. The data provided by the Kingdom of Denmark in accordance with the foregoing subparagraph shall be used in the annual report submitted by the Commission and examined by the Council in accordance with Article 15 of Directive No 72/160/EEC.

*Article 3*

This Directive is addressed to the Kingdom of Denmark.

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<sup>(1)</sup> OJ No L 96, 23. 4. 1972, p. 9.

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<sup>(2)</sup> OJ No L 207, 24. 7. 1973, p. 48.

## III

*(Notices)*

## COMMISSION

Notice of invitation to tender from Fonds d'Orientation et de Régularisation des marchés Agricoles (FORMA), Paris, for the costs of delivery of 1 999 metric tons of skimmed-milk powder as food aid

Pursuant to Regulation (EEC) Nos 2721/73 <sup>(1)</sup>, 1885/73 <sup>(2)</sup> and 348/74 <sup>(3)</sup> and pursuant to the invitation to tender for the costs of delivery by way of food aid of skimmed-milk powder held by the intervention agencies <sup>(4)</sup>, the FORMA hereby invites tenders for the costs of delivery fob Dunkerque, le Havre or Marseille of 1 999 metric tons of skimmed-milk powder, to be taken over from the warehouses appearing in the Annex.

Delivery fob shall be made on a date determined by the intervention agency as follows: after 14 but before 31 March 1974.

The closing date for submission of tenders is 26 February 1974 at 12 noon.

<sup>(1)</sup> OJ No L 291, 28. 12. 1972, p. 28.

<sup>(2)</sup> OJ No 192, 13. 7. 1973, p. 31.

<sup>(3)</sup> OJ No L 41, 13. 2. 1974, p. 5.

<sup>(4)</sup> OJ No C 66, 15. 8. 1973, p. 14.

## ANNEX

Magasins généraux Champagne Ardennes 08000 Charleville Mezières	540 metric tons
Docks Sursol 49260 Montreuil Bellay	909 metric tons
Magasins généraux 54000 Nancy	160 metric tons
Clamageran 76000 Rouen	100 metric tons
Cie. des Docks et Entrepôts 76000 Rouen	120 metric tons
SA Laiterie St Père en Retz 85600 Montaigu	170 metric ton

**Notice from the Einfuhr- und Vorratsstelle für Fette (EVSt-F), Frankfurt, of invitation to tender for the costs of delivery of 1 000 metric tons of skimmed-milk powder to Ethiopia as food aid**

In accordance with the provisions of Regulation (EEC) Nos 2721/72 <sup>(1)</sup>, 1885/73 <sup>(2)</sup>, 192/74 <sup>(3)</sup> and 349/74 <sup>(4)</sup>, and pursuant to the notice of invitation to tender for the costs of delivery, as food aid, of skimmed-milk powder held by the intervention agencies <sup>(5)</sup>, EVSt-F invites tenders for the delivery cif of 1 000 metric tons of skimmed-milk powder to Ethiopia. The delivery shall be effected as follows:

- 250 metric tons cif Djibouti,
- 500 metric tons cif Assab,
- 250 metric tons cif Massawa.

The skimmed-milk powder shall be removed from the premises of the German intervention agency to the warehouses mentioned in the Annex as are mentioned in the tender.

The embarkation shall take place on 5 April 1974 at the latest.

The tenderer shall as soon as possible notify the German intervention agency and the recipient country of the items referred to in Article 5 (1) (a) and (b) of Regulation (EEC) No 349/74.

The time limit for the submission of tenders is 12 March 1974, at 12 noon.

<sup>(1)</sup> OJ No L 291, 28. 12. 1972, p. 28.

<sup>(2)</sup> OJ No L 192, 13. 7. 1973, p. 31.

<sup>(3)</sup> OJ No L 21, 25. 1. 1974, p. 33.

<sup>(4)</sup> OJ No L 41, 13. 2. 1974, p. 7.

<sup>(5)</sup> OJ No C 66, 15. 8. 1973, p. 14.

ANNEX

Wilhelm Rotermund GmbH 2390 Flensburg Postfach 281 Lager: Flensburg-Jarplund	250 metric tons
Rhenus AG 2102 Hamburg 93 Postfach 930423 Lager: Hadermarschen	250 metric tons
Johann Hanssen 2240 Heide (Holst.) Meldorfer Straße 141 Lager: Heide	250 metric tons
Röhlig & Co. 2800 Bremen 1 Postfach 85 Lager: Neumünster	250 metric tons