

Textual Analysis of the Treaty of Rome and of Seventy Laws Containing Provisions that Delegate Powers to the European Commission

‘Efficiency or credibility? Testing the two logics of delegation to the European Commission’ JEPP 9(5)

Note: see end of document for the results of the factor analysis of the constraints

Rules for counting the number of major provisions of a legislative act

The number of major provisions in an act is counted following these rules: 1) Articles and numbered paragraphs count as separate provisions; 2) Subparagraphs and indents do not count if they merely elaborate on the previous paragraph, but they do count if they include new substantive authority; 3) Unnumbered paragraphs count as separate provisions only if they are substantively distinct; 4) If a paragraph is followed by a colon and a list of elements, even if numbered, and if the elements of the lists merely elaborate on the main point of the paragraph, then the paragraph and accompanying list count as one provision; 5) I count two provisions if, even in a single sentence or a paragraph, the Commission and the Member States are delegated substantively different policy authority; 6) I count only one provision if the Commission and the Member States are delegated, in a sentence or a paragraph, policy authority on exactly the same issue (an example is where Member States may take some measures but they need the Commission’s authorization).

Statutory constraints

Statutory constraints are considered if they are designed to restrain the Commission’s executive action.

These are

- 1) *Time Limits*, but the estimated time of common measures has not been coded as a constraint.
- 2) *Spending Limits*, but the estimated total contribution of common measures has not been coded as a constraint.
- 3) *Reporting Requirements*. They include reporting to committees.
- 4) *Consultation Requirements*. They include a consultation procedure, called the *advisory committee procedure*, but the simple notification of measures has not been coded as a constraint.
- 5) *Public Hearings*.
- 6) *Rule-making Requirements*.
- 7) *Exemptions*.
- 8) *Committee Control*. It includes *management* and *regulatory committee procedures*.
- 9) *Member State Control*.
- 10) *Council Control*. It includes ex ante and ex post approval by unanimity and qualified majority voting.

An eighth constraint (*Appeals Procedures*) has not been considered because it appears only in the Treaty of Rome.

Treaty of Rome (original text)

The analysis is done from the viewpoint of the Council of Ministers, as the institution representing the members of the IGC and delegating executive powers to other institutions.

The powers of constitutional, legislative and budgetary nature in Parts Five and Six are disregarded (e.g. appointment powers, legislative procedures), but powers related to the infringement procedure and implementation of the budget are included because are of more executive nature.

Major provisions

M = 404

Provisions delegating authority to Commission

Dc = 43

PART ONE: PRINCIPLES

Establishment Commission – art. 4.1 – It is considered in Epstein and O’Halloran, but disregarded here

PART TWO, TITLE I: MOVEMENT OF GOODS: CUSTOMS UNION

- 1) Commission to adopt directives for the abolition of customs duties – art. 13.2
- 2) Commission to authorise the retaining of duties - art. 17.4
- 3) Commission to determine how to consider customs duties of fiscal nature – art. 22 first paragraph
- 4) Commission to grant Member States tariff quotas at a reduced rate (List E and F)– art. 25.2
- 5) Commission to authorise Member State to suspend collection of duties or to grant tariff quotas at a lower rate (Annex II list) – art. 25.3
- 6) Commission to authorise Member States to postpone the lowering or raising of duties – art. 26

QUANTITATIVE RESTRICTIONS

- 7) Commission to decide quotas where there is no national output – art. 33.2
- 8) Commission to approve quota calculations – art. 33.6
- 9) Commission to issue directives specifying methods and timing for abolishing quotas – art. 33.7

- 10) Commission to authorise M/S safeguard measures – art. 37.3

TITLE II: AGRICULTURE

- 11) Commission to draw up directives for the implementation of long-term contracts – art. 45.2
- 12) Commission to authorise measures beyond countervailing charges – art. 46 second paragraph (new Major Provision)

TITLE III: MOVEMENT OF PERSONS, SERVICES AND CAPITAL: WORKERS MOVEMENT

- 13) Commission to issue implementing regulations for workers to live in the territory after being employed there – art. 48.3d

RIGHT OF ESTABLISHMENT, PROVISION OF SERVICES

CAPITAL MOVEMENT

- 14) Commission to authorise and set conditions and particulars for M/S to take protective measures – art. 73.1
- 15) Commission to decide that M/S should abolish or modify their urgent protective measures – art. 73.2 second sentence (new Major Provision)

TITLE IV: TRANSPORT

- 16) Commission to take decision against carrier discrimination – art. 79.4
- 17) Commission to take decisions about M/S measures of support and protection – art. 80.2

PART THREE: COMMUNITY POLICY: TITLE I: COMMON RULES: COMPETITION

- 18) Commission to investigate infringements under art. 85 and 86 – art. 89.1
- 19) Commission to adopt a decision and authorise M/S to take measures after setting conditions and particulars – art. 89.2

- 20) Commission to issue directive and decisions regarding public enterprises - art. 90.3

DUMPING

- 21) Commission to authorise M/S to take protective anti-dumping measures and set conditions and particulars – art. 91.1
- 22) Commission to lay down rules regarding re-import – art. 91.2

STATE AID

- 23) Commission to decide the abolition or modification of existing M/S aid – art. 93.2
- 24) Extension of Commission's powers to new or modification of M/S aids – art. 93.3

FISCAL PROVISIONS

- 25) Commission to issues directives and decisions where rate do not comply with art. 96-96 – art. 97 second paragraph (New Major Provision)

LAWS APPROXIMATION

TITLE II: ECONOMIC POLICY: BALANCE OF PAYMENTS

- 26) Commission to authorise and set conditions and particulars for M/S to take countervailing measures regarding exchange rate – art. 107.2
- 27) Commission to authorise and set conditions and particulars for M/S to take safeguard measures regarding BoP problems – art. 108.3

COMMERCIAL POLICY

- 28) Commission to conduct commercial negotiations – art. 113.3
- 29) Commission to authorise and set conditions and particulars for M/S to take safeguard measures regarding commercial traffic – art. 115 first paragraph
- 30) Commission to revoke or amend M/S safeguard measures regarding commercial traffic in cases of emergency – art. 115 second paragraph second part (new Major Provision)

EUROPEAN SOCIAL FUND

- 31) Commission to administer the ESF – art. 124 first paragraph (new Major Provision)
- 32) Commission to give prior approval to conversion plan to ESF – art. 125.2

PART FIVE: INSTITUTIONS OF THE COMMUNITY

- 33) Commission to refer matters to the ECJ – art. 169
- 34) Commission power of appeal – art. 173
- 35) Commission to refer matters to the ECJ in case of Council inaction – art. 175
- 36) Commission to implement the budget – art. 205
- 37) Commission may transfer holdings of funds between currencies – art. 208
- 38) Commission to make direct reference to the ECJ in case of M/S improper use of art. 223-4 – art. 225
- 39) Commission to authorise and set conditions and particulars for M/S to take safeguard measures during the transitional period in cases of serious difficulties – art. 226.2
- 40) Commission to negotiate agreement between the Community and one or more States or an international organisation – art. 228.1
- 41) Commission to ask preliminary ECJ opinion on agreements – art. 228.1 second paragraph
- 42) Commission to ensure all suitable contacts with all international organisation (establishment of Commission representations?) – art. 229
- 43) Commission to conclude contracts of limited duration until statutes are adopted – art. 246.3

Not included:

Commission to conduct commercial negotiations during the transitional period – art. 111.2, because it repeats art. 113 and there's no time real time limit as art. 113 will apply after the transitional period

Constraints to Commission Cc = 8

1) Rule-making requirements Criteria for the abolition of customs duties – art. 14.2, 14.3, 14.4

Retaining of duties – art. 17.4

Criteria regarding Commission's authorisation to postpone lowering or raising of duties – art. 26

Criteria for quotas – art. 33.1-5

Criteria for long-term contracts – art. 45.2

Criteria for ESF funding – art. 125.1-2

2) Consultation: Commission to consult the Monetary Committee before authorising and setting conditions and particulars for M/S to take protective measures – art. 73.1

Commission to consult the Monetary Committee before deciding that a M/S should abolish a measure – art. 73.2 second paragraph

Commission to consult the M/S before taking decision against carrier discrimination – art. 79.4

Commission to consult the M/S before authorising measures of support and protection – art. 80.2

Commission to give notice and wait from comments of interested parties before deciding the abolition or modification of a M/S aid – art. 93.2 and 93.3

Commission to consult the Monetary Committee while authorising and setting conditions and particulars for M/S to take countervailing measures regarding exchange rate – art. 107.2

Commission to consult a special Committee while conducting commercial negotiations – art. 113.3

3) Council Control

M/S can request the Council to adopt its aid by unanimity, Commission's measure is suspended but default condition is the Commission's measure if the Council does not act within three months – art. 93.2 and 93.3

Council to revoke or amend by qualified majority Commission's authorisation and conditions for M/S to take safeguard measures regarding BoP problems – art. 108.3

4) Reporting Requirements

Commission to include in the annual report a special chapter on the development of the social situation (related to art. 156) – art. 122

Commission to publish an annual general report – art. 156

Commission to submit accounts of the preceding financial year and balance sheet – art. 206

5) Appeals Procedure

Any natural or legal person has a standing in Commission decisions affecting him/her – art. 173

M/S, other Community institutions and any legal or natural persons to refer matters to the ECJ in case of Commission inaction – art. 175

Any natural or legal person can invoke inapplicability of a Commission regulation if subject of in a legal proceedings – art. 184

M/S to ask preliminary ECJ opinion on agreements negotiated by the Commission – art. 228.1 second paragraph

6) Exemption

Exemption of sea and air transport from the provisions of the Title on transport – art. 84.2

A general exemption of all Treaty provisions in cases of national security, production and trade of arms, ammunition and war material – art. 223

List of areas where the Treaty applies (and hence where it does not apply) to Algeria and French overseas departments – art. 227.2

Treaty provisions do not affect ECSC and EAEC provision – art. 232

Treaty provisions do not affect prior conventions – art. 234

7) Time Limits

Commission to authorise derogations and set conditions and particulars for M/S to take safeguard measures in cases of serious difficulties, only during the transitional period – art. 226.2

Commission to conclude contracts of limited duration until statutes are adopted – art. 246.3

8) Spending Limits

ESF funding to cover 50% of expenses – art. 125.1

Quotas of financial contributions for the ESF – art. 200.2

Weights for the adoption of ESF-related budget – art. 203.5

Legislation

Keys for the Number (following the CELEX database)

3 secondary legislation
yy year of adoption
R/L regulation/directive
xxxx number of the act

Number 360R0011

Title

Regulation No 11 concerning the abolition of discrimination in transport rates and conditions, in implementation of Article 79 (3) of the Treaty establishing the European Economic Community

Description: Abolition of discrimination in transport rates and conditions

Major provisions M = 51

Provisions delegating authority to Commission Dc = 10

- 1) Commission may, by regulation, postpone entry into force for some classes of transport – art. 7.2
- 2) Commission may request information on tariffs and agreements from undertakings and M/S beyond that in art. 5 (similar to a power of investigation) – art. 11.1
- 3) Commission may request from undertakings proof that their conditions are not discriminating – art. 12.1
- 4) Commission may request information on rate conditions from forwarding and other agents (similar to a power of investigation, extension of art. 11.1) – art. 13.1
- 5) Extension of power under art. 13.1 to providers of ancillary services – art. 13.2
- 6) Commission may send officials to check and supervise compliance – art. 14.2
- 7) Commission may, by decision, impose penalties if undertakings do not supply information or supply false information – art. 17.1
- 8) Commission may repeat decision to impose penalties if undertakings do not supply information or supply false information – art. 17.1 last sentence (New Major Provision)
- 9) Commission may, by decision, impose penalties if there is discrimination – art. 18.1
- 10) Commission may, by decision, impose penalties if discrimination continues – art. 18.2

Not included: Simple notification of information to Commission – art. 5.1; Setting time limits for the supply of information – art. 11.2

Number of constraints to Commission Cc = 5

1) Exemptions – art. 1, 8, 9

2) Consultation: Commission to consult Council before issuing regulations under art. 7.2; M/S consultation - 18.1 (see Treaty), 18.2 (see Treaty), 18.3

3) Rule-making requirements: Limits on penalties – art. 17.1, 18.1, 18.2

4) Time Limit: Commission can issue regulation under art. 7.2 only before 1/7/61 – art. 7.2

5) Hearing of interested parties: Commission to hear explanations from undertakings before action – art. 25.1

Not included: Notification without further requirements art. 11.3, 14.2, 20; M/S have rights to submit an application requesting investigation (powers of and constraints on the Commission are defined by the Treaty in this case) – art. 24; also not included: these references are not appeals procedure constraint as they do not go beyond Treaty art. 173: Specification of ECJ sole jurisdiction – art. 25.2; Commission cannot proceed with penalty enforcement until the period allowed for appeal has expired - art. 25.2

Number 360L0921

Title

First Directive for the implementation of Article 67 of the Treaty

Description: Liberalisation of movement of some types of capital

Major provisions

M = 18

Provisions delegating authority to Commission

Dc = 1

1) Commission to initiate art. 169 infringement procedure (List A, Annex I) – art. 1.2

Not included: Commission to examine and issue recommendations – art. 2.2, 2.3, 3.2, 3.3; Commission to receive information – art. 7; Commission to receive a report from the monetary committee – art. 4

Number of constraints

Cc = 1

1) Rule-making requirements : Detailed list A of Annex I of the capital movements where the Commission can act (It can also be considered an exemption, but it is only one type of constraint)

Not included: Consultation of the Monetary committee because there is no delegation of powers – art. 2.2, 2.3, 3.2

Number 361R0015

Title

Règlement n° 15 relatif aux premières mesures pour la réalisation de la libre circulation des travailleurs à l'intérieur de la Communauté

Description: First measures for free movement of workers

Major provisions

M = 91

Provisions delegating authority to Commission

Dc = 4

- 1) European Coordination Bureau to carry out the matching of labor demand and supply – art. 23c
- 2) Commission to set the rules and conditions for the visits and *stages of fonctionnaires* – art. 26
- 3) Commission to adopt rules to apply regulation to artists and musicians – art. 46.2
- 4) Commission to authorize derogation for Luxembourg – art. 49.2

Not included: The Commission to devise a uniform method for the exchange of information – art. 18.2; Functions of the Coordination Bureau – art. 23; Design of standard documents by the Bureau – art. 25.1; General call upon the Commission to adopt implementing measures – art. 49.1

Number of constraints to Commission

Cc = 5

- 1) Rule-making requirements: same constraints to those of Member States
- 2) Exemptions: types of contracts, employment and workers excluded – art. 2.3, 42.1, 42.3, 45a
- 3) Reporting Requirements: the European Coordination Bureau to produce an annual report of the labor market activities – art. 25.4
- 4) Consultation Requirements: The Commission to consult the Technical Committee when setting the rules and conditions for the visits and *stages of fonctionnaires* – art. 26; Commission needs proposal from the Technical Committee to adopt rules for artists and musicians – art. 46.2
- 5) Member State Control: European Co-ordination Office needs agreement of specialist services before carrying out vacancy clearance – 23c

Number 362R0017

Title

Regulation No 17: First Regulation implementing Articles 85 and 86 of the Treaty

Description: Rules for the implementation of competition policy

Major provisions

M = 67

Provisions delegating authority to Commission

Dc = 22

- 1) Commission may decide to give negative clearance – art. 2
- 2) Commission may decide to require termination of infringements – art. 3.1
- 3) Commission may take a decision pursuant to Treaty art. 85.3 – art 6.1
- 4) Commission to fix, by decision, the time of the prohibition under Treaty art. 85.1 – art. 7.1
- 5) Commission may renew a Treaty art. 85.3 decision, on application – art. 8.2
- 6) Commission may revoke, amend decisions or to prohibit acts – art. 8.3
- 7) Commission may obtain all necessary information from Governments and authorities (a supporting power of investigation) – art. 11.1
- 8) Commission may require information by decision if there is no co-operation from undertakings – art. 11.5
- 9) Commission may decide to conduct a general inquiry – art. 12.1
- 10) Expansion of art. 12.1 powers – art. 12.2
- 11) Expansion of art. 12.1 powers – art. 12.3
- 12) Extension of powers to request information and investigating powers to general inquiries, reference to art. 11.1, 11.5, 13.1, 14.1 and 14.3 – art. 12.4
- 13) Commission can request M/S authorities to undertake investigations – art. 13.1
- 14) Commission may undertake all necessary investigations – art. 14.1
- 15) Commission can use the power of decision to conduct investigation – art. 14.3
- 16) Commission may, by decision, impose penalties if incorrect or misleading information is supplied – art. 15.1
- 17) Commission may, by decision, impose penalties in case of infringement of art. 8.1 and Treaty art. 85.1, 86 – art. 15.2
- 18) Commission may, by decision, impose periodic penalties – art. 16.1
- 19) Extension of Commission's power to amend the imposition of periodic penalties – art. 16.2
- 20) Extension of Commission's decision to revoke, amend decisions or to prohibit acts to decisions of national authorities – art. 23.1
- 21) Extension of Commission's power to renew a Treaty art. 85.3 decision to decision of national authorities – art. 23.2
- 22) Commission's power to adopt implementing provisions (more extensive than a simple call for execution, similar to a power to decide procedures) – art. 24

Not included: Commission's recommendation – art. 3.3

Number of constraints to Commission Cc = 4

- 1) Exemption – type of agreement that must not be notified – art. 4.2, 5.2; Exemption from art. 6.1 powers – 6.2
- 2) Consultation – Prior consultation of the Advisory Committee on Restrictive Practices and Monopolies – art. 10.3, 12.4, 15.3, 16.3; Prior consultation of Member States authorities for Commission's decisions – art. 14.4
- 3) Rule-making Requirements: Limits on penalties - art 15.1, 15.2, 15.5, 16.1
- 4) Public hearing of interested parties Hearings of undertakings and other natural or legal persons – art. 19.1-3

Not included: Art. 8.3 specifies criteria to take decision but are relatively general; these reference to the ECJ are not appeals procedure constraint as they do not go beyond Treaty art. 173: Specification that the ECJ review Commission's decisions – art. 9.1; Rights of undertakings to ECJ review of Commission's decisions – art. 11.5, 14.3

ECJ can cancel, reduce or increase Commission's penalties – art. 17

Number 362R0019

Title

Règlement n° 19 portant établissement graduel d'une organisation commune des marchés dans le secteur des céréales

Description: Establishment of a common market organisation for cereals

Major provisions

M = 82

Provisions delegating authority to Commission

Dc = 26

- 1) Commission to set prices *franco frontière*, following procedure of art. 26 – art. 3
- 2) Commission to set threshold prices (if not adopted by Member States), following procedure of art. 26 – art. 4
- 3) Commission to adopt quantities and rules for the selling of *blé* and *seigle* for non-human consumption, following the procedure of art. 26 – art 7.4
- 4) Commission to revise threshold prices (products of art. 1c), following procedure of art. 26 – art. 8.2
- 5) Commission to set the *montants forfaitaires*, following the procedure of art. 26 – art. 9.1
- 6) Commission to revise *montants forfaitaires* in case of disruptions, following the procedure of art. 26 – art. 9.2
- 7) Commission to set *CAF* prices, following procedure of art. 26 (products a and c, import levies) – art. 10.3
- 8) Commission to set prices replacing *CAF* prices, following procedure of art. 26 (products a and c, import levies) – art. 10.4
- 9) Commission to set the difference between threshold price and prices *franco frontière*, following procedure of art. 26 (*blé dur*, intra-Community levies) – art. 11.1
- 10) Commission to set *CAF* prices, following procedure of art. 26 (*blé dur*, import levies), referred to art. 10.3 – art. 11.2
- 11) Commission to set prices replacing *CAF* prices, following procedure of art. 26 (*blé dur*, import levies), referred to art. 10.4 – art. 11.2 (New Major Provision)
- 12) Commission to specify the varieties that follow under the denomination of *blé dur*, following procedure of art. 26 – art. 11.8
- 13) Commission to set the rules governing control of *blé dur* provisions, following procedure of art. 26 - art. 11.9
- 14) Commission to set the standard of quality and the coefficients of equivalence, following procedure of art. 26 – art. 12
- 15) Commission to set an additional intra-Community levy on products d, following procedure of art. 26 – art. 14.2
- 16) Commission to set the rules to modify levies and for implementation, following procedure art. 26 – art. 15.2
- 17) Commission to adopt rules to avoid arbitrage, following procedure art. 26 – art. 15.4
- 18) Commission to adopt rules governing import certificates, following procedures of art. 26 (especially products c and d) – art. 16.3
- 19) Commission to adopt the scale of premiums – art. 17.2
- 20) Extension of Commission's powers to decide the abolition or modification of existing M/S aid to cereals, reference to Treaty art. 93.2 – art. 19.1
- 21) Extension of Commission's powers to new or modification of M/S aids to cereals, reference to Treaty art. 93.3 – art. 19.1 (new Major Provision)
- 22) Commission to adopt rules governing intra-Member States reimbursements of intra-Community levies, following procedure of art. 26 (products a, b and c) – art. 19.2b
- 23) Commission to adopt rules governing Member States reimbursements related to import levies, following procedure of art. 26 (products a, b and c) – art. 20.2
- 24) Commission to decide if a Member State measure has to be maintained, modified or repealed and the type of measures for the other Member States to adopt – art. 22.2
- 25) Commission to adopt directives on the respect of conditions for derogation – art. 23.2
- 26) Commission to adopt transitional measures, following procedure of art. 26 – art. 29

Note (*this applies to all acts on the common organisation of agricultural and fishery markets*):

As we have seen above, according to Treaty article 42, the powers conferred upon the Commission by the provisions of the Chapter related to the rules of competition [i.e. art. 85-94] do not apply to agriculture.

Article 19 of this regulation extends the Commission's powers under Treaty article 92-4 to this specific sector. Further, this provision delegates the Commission the power to 1) decide on the abolition or modification of existing M/S aid (Treaty art. 93.2) and 2) authorise new or modification of M/S aids (Treaty art. 93.3).

Not included: Reference to art. 7 in art. 11.5 because art. 7 already include the *blé dur* – art. 11.5

Number of constraints to Commission

Cc = 5

- 1) Rule-making requirements: detailed rules for setting intra-Community levies – art. 2.1, 11.1, 14.1

Detailed rules setting prices (*franco frontière* FOB, threshold prices) - art. 3, 4,

Detailed rules for *montants forfaitaires* – art. 9

Detailed rules for import levies and *CAF* prices - art. 10, 11.2, 17.2

Detailed criteria for reimbursements of intra-Community levies – art. 19.2

- 2) Committee Control – rules to be adopted following the management committee procedure IIa of art. 26 (Management committee on cereals) – art. 3, 4, 7.4, 8.2, 9.1, 9.2, 10.3, 10.4, 11.1, 11.2, 11.8, 11.9, 12, 14.2, 15.2, 15.4, 16.3, 19.2, 20.2, 29

3) Reporting: Commission to produce an annual report on import certificate – art. 16.2

4) Consultation requirements – Commission to give notice and wait from comments of interested parties before deciding the abolition or modification of a M/S aid to cereals, reference to Treaty art. 93.2-3 – art. 19.1
Consultation of M/S within the Management committee for cereals – art. 22.2, 23.2

5) Council Control – M/S can request the Council to adopt its aid to cereals by unanimity, Commission's measure is suspended but default condition is the Commission's measure if the Council does not act within three months, reference to Treaty art. 93.2-3 - art. 19.1
Council can modify Commission's decision under art. 22.2 (ex-post approval), if Council's meeting is called within 3 days by the involved Member State, the Commission's decision is suspended for 10 days (ex-ante approval) (Commission's measure stands in case of Council inaction)– art. 22.3

Note (*this applies to all acts on the common organisation of agricultural and fishery markets*):

The extension of the Commission's powers under Treaty articles 92-4 adds also two constraints on the Commission:
1) Consultation and 2) Council Control (both in Treaty article 93.2).

seigle = rye

blé = wheat

Number 362R0026

Title

Regulation No 26 applying certain rules of competition to production of and trade in agricultural products

Description: Application of competition rules to agriculture

Major provisions

M = 11

Provisions delegating authority to Commission

Dc = 5

- 1) Extension of powers of Treaty art. 89.1 to agricultural products (Commission to investigate infringements under art. 85 and 86) – art. 1 (New Major Provision)
- 2) Extension of powers of Treaty art. 89.2 to agricultural products (Commission to adopt a decision and authorise M/S to take measures after setting conditions and particulars) – art. 1
- 3) Extension of powers of Treaty art. 90.3 to agricultural products (Commission to issue directive and decisions regarding public enterprises) – art. 1 (New Major Provision)
- 4) Commission to decide which agreements fulfil conditions of art. 2.1 – art. 2.2
- 5) Extension of powers of Treaty art. 91.1 to agricultural products (Commission to authorise M/S to take protective anti-dumping measures and set conditions and particulars) – art. 3.1

Not included: Commission measures under art. 3.2 second paragraph simply repeat art 3.1

References in art. 4 to Treaty art. 93.1 and 93.3 include no delegation of powers

Number of constraints to Commission

Cc = 3

1) Exemption: Exemption of application of Treaty art. 85.1 to farmers in some cases – art. 2.1

2) Consultation: Commission to consult Member States prior to taking decision – art. 2.2

3) Public hearing of interested parties: Commission to hear from undertakings and any natural or legal person before decision – art. 2.2

Not included: This provision does not go beyond Treaty art. 173: Specification that the ECJ review Commission's decisions – art. 2.2

Number 364R0017

Title

Regulation No 17/64/EEC of the Council of 5 February 1964 on the conditions for granting aid from the European Agricultural Guidance and Guarantee Fund

Description: Operation of the EAGGF

Major provisions

M = 72

Dc = 14

Provisions delegating authority to Commission

- 1) Commission to decide the adoption of coefficients following art. 7 (related to art. 26 of Reg. 19/62) – art. 2.3
- 2) Commission to adopt rules to implement the paragraph following art. 26 – art. 2.4
- 3) Commission to assess guarantees following art. 7 (related to art. 26 of Reg. 19/62) - art. 2.4 last paragraph (new Major Provision)
- 4) Commission to adopt special provisions following art. 26 – art. 3.2
- 5) Commission to compute the lowest average refund following art. 26 – art. 4.1
- 6) Commission to compute non representative quantities following art. 26 – art. 4.2
- 7) Commission to compute correction to average refunds following art. 26 – art. 4.3
- 8) Commission to determine the rules for the application for reimbursement following art. 26 – art. 9.2
- 9) Commission to decide on the reimbursement applications of guarantee section – art. 10
- 10) Commission to adopt rules of application of Community programmes following art. 19.1 – art. 16.3
- 11) Commission to adopt rules of aid application following art. 19.1 – art. 20.5
- 12) Commission to decide on aid application under the guidance section following art. 20 and art. 19.1 – art. 21.1
- 13) Commission's power to carry out inspection on the spot – art. 22.2
- 14) Commission decision to suspend, reduce or discontinue aid following art. 19.1 – art. 22.2 second paragraph

Number of constraints to Commission

Cc = 6

- 1) Rule-making requirements: criteria for the 'basic products' method – art. 2.1

Adoption of standard coefficient – art. 2.3; Calculation of net quantities exported – art. 2.4

Detailed rules to compute the rate of refund and non-representative quantities – art. 4.2

Detailed rule for the correction of average refund – art. 4.3

- 1) Committee Control – rules to be adopted following the management committee procedure IIa of art. 7 that relates to art. 26 of Reg. 19/62 (Product-specific management committee, for guarantee section) – art. 2.3, 2.4 rules to be adopted following the management committee procedure IIa of art. 26 (EAGGF Fund committee, for guarantee section) – art. 2.4, 3.2, 4.1, 4.2, 4.3, 9.2

rules to be adopted following the management committee procedure IIa as referred in art. 19.1 (Standing Committee on Agricultural Structures, for guidance section) that relates art. 26 – art. 16.3, 20.5

Commission's decision on aid application (and eventual suspension or reduction) to be adopted following the management committee procedure IIa as referred in art. 19.1 (Standing Committee on Agricultural Structures) that relates art. 26 – art. 21.1, 22.2 second paragraph

- 3) Consultation requirements – prior consultation of the EAGGF Fund committee – art. 10, 16.3, 21.1, 22.2 second paragraph

4) Member State Control – prior approval of a Member State for aid applications under the guidance section following art. 20 – art. 20.3

- 5) Reporting requirements: Commission to produce a report on the developments – art. 17.1, 18.2

- 6) Spending limit: of 25% on subsidizing projects in guidance section – art. 18.1

Number 364R0038

Title

Règlement n° 38/64/CEE du Conseil du 25 mars 1964 relatif à la libre circulation des travailleurs à l'intérieur de la Communauté

Description: Measures for free movement of workers

Major provisions

M = 110

Dc = 4

Provisions delegating authority to Commission

- 1) Commission to specify by regulation the border zones – art. 3.2
- 2) Commission to specify by regulation municipalities inside the border zones – art. 3.3
- 3) European Coordination Bureau to carry out the matching of labor demand and supply – art. 33
- 4) Commission to set rules and conditions for the visits and mission of officials – art. 37

Not included: European Co-ordination Office has been established with Regulation 15/61; General call upon the Commission to adopt implementing measures – art. 56

Number of constraints to Commission

Cc = 5

- 1) Exemption : ECSC and EAEC exemption – art. 53.1, 53.3, 54a
- 2) Rule-making requirements: Criteria specifying border workers – art. 3.2; Criteria for matching of labor demand and supply – art. 30.2
- 3) Member State Control: Commission to specify by regulation the border zones only if two Member States require so, and has to change if two Member States agree – art. 3.2; Commission needs Member State approval for the specification of municipalities inside the border zones – art. 3.3; European Co-ordination Office needs agreement of specialist services before carrying out vacancy clearance – 33
- 4) Reporting requirements: Commission to produce a report on the Community labor market – art. 29.1
European Coordination Bureau to produce an annual report on labor market activities – art. 36.4
- 5) Consultation: Commission to consult the Technical Committee when set rules and conditions for the visits and mission of officials – art. 37

Number 364L0222

Title

Council Directive 64/222/EEC of 25 February 1964 laying down detailed provisions concerning transitional measures in respect of activities in wholesale trade and activities of intermediaries in commerce, industry and small craft industries

Description: Specify conditions for requiring proof of qualification

Major provisions

M = 12

Provisions delegating authority to Commission

Dc = 1

1) Commission to authorise and specify rules to M/S to require proof from foreign nationals – art. 3.1

Number of constraints to Commission

Cc = 1

1) Rule-making requirements – criteria specifying what consists proof of qualification – art. 2.2, 4.1; rules when proof cannot be asked – art. 3.1 second paragraph

Number 364L0427

Title

Council Directive 64/427/EEC of 7 July 1964 laying down detailed provisions concerning transitional measures in respect of activities of self-employed persons in manufacturing and processing industries falling within ISIC Major Groups 23-40 (Industry and small craft industries)

Description: Specify conditions for requiring proof of qualification for Major Groups 23-40

Major provisions

M = 15

Provisions delegating authority to Commission

Dc = 2

- 1) Commission to authorise and specify rules to Member States to require proof from foreign nationals – art. 5.1
- 2) Commission to authorise and specify conditions for suspension of art. 3 in Luxembourg – art. 5.3

Number of constraints to Commission

Cc = 1

- 1) Rule-making requirement – detailed criteria for proving professional knowledge and ability – art. 3; rules when proof cannot be asked – art. 5.1 second paragraph

Number 364L0432

Title

Council Directive 64/432/EEC of 26 June 1964 on animal health problems affecting intra-Community trade in bovine animals and swine

Description: Measures for the control of animal diseases in intra-Community trade

Major provisions

M = 38

Provisions delegating authority to Commission

Dc = 1

1) Commission to specify general rules applying to the formulation of opinions of veterinary experts – art. 10.2

Number of constraints to Commission

Cc = 1

1) Consultation: Consultation of M/S before specifying rules applying to veterinary experts' opinions – art. 10.2

Not included: Exemption in art. 8 because there is no delegation

Number 365R0019

Title

Regulation No 19/65/EEC application of Article 85 (3) of the Treaty to certain categories of agreements and concerted practices

Description: Commission can exempt agreements and practices from application of Treaty art. 85.3

Major provisions

M = 14

Dc = 4

Provisions delegating authority to Commission

- 1) Commission may, by regulation, exempt categories of agreements from Treaty art. 85.1 – art. 1.1
- 2) Extension of Commission's powers of art 1.1 to categories of concerted practices – art. 1.3
- 3) Commission's power to repeal and amend regulations where circumstances have changed – art. 2.2
- 4) Commission may withdraw the benefit of application of an art. 1.1 regulation and issue a decision – art. 7

Cc = 3

- 1) Rule-making requirements – Criteria on the type of agreement and practices that can be exempted – art. 1.1, 1.3
- 2) Public hearings of interested parties – Persons to submit comments before the adoption of a regulation – art. 5
- 3) Consultation: of the Advisory Committee on Restrictive Practices and Monopolies – art. 6.1-2

Number 366R0136

Title

Regulation No 136/66/EEC of the Council of 22 September 1966 on the establishment of a common organisation of the market in oils and fats

Description: Establishment of a common organisation of the market in oils and fats

Major provisions

M = 80

Provisions delegating authority to Commission

Dc = 13

- 1) Commission to adopt rules for the granting of subsidies (olive oil), following procedure art. 38 – art. 10.3
- 2) Commission to determine new main intervention centres (olive oil), following procedure art. 38 – art. 11.4
- 3) Commission to adopt rules about quality and size of consignments (olive oil), following procedure art. 38 – art. 11.5
- 4) Commission to fix levy (some discretion in art. 13) (olive oil) – art. 13.4 first sentence (New Major Provision)
- 5) Commission to adopt rules and criteria for determining c.i.f. and other prices (olive oil), following procedure art. 38 – art. 13.4 second sentence
- 6) Commission to adopt rules on import/export licenses (olive oil), following procedure art. 38 – art. 17.3
- 7) Commission to determine new main intervention centres and fixing other derived intervention prices (other vegetable oils, oil seeds), following procedure art. 38 – art. 22.2
- 8) Commission to adopt rules about quality and size of consignments (other vegetable oils, oil seeds), following procedure art. 38 – art. 26.3
- 9) Commission to fix the amount of subsidy – art. 27.4
- 10) Commission to adopt rules of application (other vegetable oils, oil seeds), following procedure art. 38 – art. 27.5
- 11) Extension of Commission's powers to decide the abolition or modification of existing M/S aid to oils and fats, reference to Treaty art. 93.2 – art. 33
- 12) Extension of Commission's powers to new or modification of M/S aids to oils and fats, reference to Treaty art. 93.3 – art. 33 (new Major Provision)
- 13) Commission may adopt transitional measures, following procedure art. 38 – art. 43

Number of constraints to Commission

Cc = 5

- 1) Committee Control – Management – rules to be adopted following the management committee procedure IIa of art. 38 (Management Committee for Oils and Fats) – art. 10.3, 11.5, 13.4, 17.3, 26.3, 27.5, 43
new main intervention centres to be determined following the management committee procedure IIa of art. 38 (Management Committee for Oils and Fats) – art. 11.4, 22.2
- 2) Consultation : Consultation of Member States before determining new main intervention centres – art. 11.4, 22.2
Commission to give notice and wait from comments of interested parties before deciding the abolition or modification of a M/S aid to oils and fats, reference to Treaty art. 93.2-3 – art. 33
- 3) Spending Limits: Limits for the fixing of subsidies by the Commission – art. 27.1
- 4) Council Control: M/S can request the Council to adopt its aid to oils and fats by unanimity, Commission's measure is suspended but default condition is the Commission's measure if the Council does not act within three months, reference to Treaty art. 93.2-3 - art. 33
- 5) Time limits: Commission can adopt transitional measures only in the first year – art. 43

Number 367R0120

Title

Regulation No 120/67/EEC of the Council of 13 June 1967 on the common organisation of the market in cereals

Description: Re-organisation of the common organisation of the market in cereals

Major provisions

M = 92

Dc = 21

Provisions delegating authority to Commission

- 1) Commission to adopt the commercialization centres and the derived intervention prices, following procedure art. 26 (expect those where M/S has large production) – art. 4.6
- 2) Commission to adopt the threshold prices (products art. 1 c), following procedure of art. 26 – art. 5.6
- 3) Commission to adopt minimum quantities and qualities, scale of premium, various procedure and rules, following procedure of art. 26 – art. 7.5
- 4) Commission to decide nature and application of specific measures, following procedure of art. 26 – art. 8
- 5) Commission to adopt implementation rules and minimum quantities, following procedure of art. 26 – art. 9.6
- 6) Commission to adopt implementation and other rules about validity of import/export licenses, following procedure of art. 26 – art. 12.2
- 7) Commission to adopt implementation rules, coefficients of equivalence, *CAF* prices, and margins (products in art. 1 a,b,c), following procedure of art. 26 – art. 13.4
- 8) Commission set the import levies (products in art. 1 a,b,c) – art. 13.5
- 9) Commission can set additional charge to import levy (product under art. 1d), following procedure of art. 26 – art. 14.2
- 10) Commission set the import levies (products in art. 1 d) – art. 14.4
- 11) Commission can decide to apply art. 15.2 to products under art. 1 c,d, following procedure of art. 26 – art. 15.3
- 12) Commission to adopt the scale of premium – art. 15.5
- 13) Commission to periodically grant export subsidies (*restitution à l'exportation*), following procedure of art. 26 – art. 16.2
- 14) Commission can modify export subsidies in case of urgency – art. 16.2 last sentence (New Major provision)
- 15) Commission to adopt rules implementing art. 16, following procedure of art. 26 – art. 16.6
- 16) Commission to decide measures, with immediate effect, in case of serious disturbances – art. 20.2
- 17) Extension of Commission's powers to decide the abolition or modification of existing M/S aid to cereals, reference to Treaty art. 93.2 – art. 22
- 18) Extension of Commission's powers to new or modification of M/S aids to cereals, reference to Treaty art. 93.3 – art. 22 (new Major Provision)
- 19) Commission to set rules for implementation for Italian import levies, following procedure of art. 26 – art. 23.5
- 20) Commission to take transitional measures, following procedure of art. 26 – art. 32.1
- 21) Commission can set the derived intervention prices of *blé dur* equal to the lowest ones, following procedure art. 26 – art. 32.3

Not included: rules for the exchange of data, following procedure under art. 26, only information exchange – art. 24

Number of constraints to Commission

Cc = 7

- 1) Committee Control – centres, prices, rules and other elements to be determined following the management committee procedure IIa of art. 26 (Management Committee for Cereals) – art. 4.6, 5.6, 7.5, 8, 9.6, 12.2, 13.4, 14.2, 15.3, 16.2, 16.6, 23.5, 32.1, 32.3

- 1) Consultation: Commission to consult M/S prior to adoption of the commercialization centres and the derived intervention prices – art. 4.6

Commission to give notice and wait from comments of interested parties before deciding the abolition or modification of a M/S aid to cereals, reference to Treaty art. 93.2-3 – art. 22

- 2) Rule making requirements: Details rules for setting prices (derived intervention prices, threshold prices, *CAF* prices) – art. 4.1, 5.1, 13

Rules for levies of products under art. 1d – art. 14; Rules of export subsidies – art. 16

Criteria for Italy setting lower import levies – art. 23.1, 23.2

- 3) Reporting requirements: Commission to produce a report about the measures taken under art. 8 – art. 8

- 4) Council Control: Council can modify or amend the measure by qualified majority if a M/S refers it to the Council within three days, measure should stand in case of inaction – art. 20.3

M/S can request the Council to adopt its aid to cereals by unanimity, Commission's measure is suspended but default condition is the Commission's measure if the Council does not act within three months, reference to Treaty art. 93.2-3 - art. 22

- 6) Time Limit: Commission can take transitional measures only until 31/7/68 – art. 32.1

Commission can set the derived intervention prices of *blé dur* equal to the lowest ones only in 1967-9 – art. 32.3

- 7) Member State Control: Commission can set the derived intervention prices of *blé dur* equal to the lowest ones, only upon request of a M/S – art. 32.3

seigle = rye

blé tendre = common wheat

Number 368R0234

Title

Regulation (EEC) No 234/68 of the Council of 27 February 1968 on the establishment of a common organisation of the market in live trees and other plants, bulbs, roots and the like, cut flowers and ornamental foliage

Description: Establishment of a common organisation of the market in live trees, plants et al.

Major provisions

M = 29

Provisions delegating authority to Commission

Dc = 7

- 1) Commission to adopt adjustment to quality standards, following procedure art. 14 – art. 4
- 2) Commission to adopt rules for the carrying out quality inspections, following procedure art. 14 – art. 5.2
- 3) Commission to set minimum prices for exports to third countries, following procedure art. 14 – art. 7.1
- 4) Commission to adopt rules for export to third countries, following procedure art. 14 – art. 7.2
- 5) Commission to decide upon the necessary (and immediately applicable) measures in case disturbances – art. 9.2
- 6) Extension of Commission's powers to decide the abolition or modification of existing M/S aid to live plants, reference to Treaty art. 93.2 – art. 11
- 7) Extension of Commission's powers to new or modification of M/S aids to live plants, reference to Treaty art. 93.3 – art. 11 (new Major Provision)

Number of constraints to Commission

Cc = 3

- 1) Committee Control – measures to be adopted following the management committee procedure IIa of art. 14 (Management Committee for Live Plants) – art. 4, 5.2, 7.1, 7.2
- 2) Council Control : Commission's protective measure may be referred to the Council within 3 days, Council may amend or repeal the measure (it does not say, but Commission's measure should stand in case of inaction) – art. 9.3
M/S can request the Council to adopt its aid to live plants by unanimity, Commission's measure is suspended but default condition is the Commission's measure if the Council does not act within three months, reference to Treaty art. 93.2-3 - art. 11
- 3) Consultation: Commission to give notice and wait from comments of interested parties before deciding the abolition or modification of a M/S aid to live plants, reference to Treaty art. 93.2-3 – art. 11

Number 368R0459

Title

Regulation (EEC) No 459/68 of the Council of 5 April 1968 on protection against dumping or the granting of bounties or subsidies by countries which are not members of the European Economic Community

Description: Anti-dumping and subsidies regime (anti-dumping and countervailing duties)

Major provisions

M = 83

Dc = 9

Provisions delegating authority to Commission

- 1) Commission to reject forthwith a complaint submitted to it, if it lacks particulars and there is no evidence of dumping and injury – art. 9 (New Major Provision, because it is for complaints directed to the Commission)
- 2) Commission can obtain all necessary information (a supporting power of investigation) – art. 10.3a
- 3) Commission can request to carry out checks and inspections – art. 10.5a
- 4) Commission to decide that protective measures are unnecessary and terminate proceeding – i.e. determination of either no dumping or no injury - (it is not well specified in the article who takes such decision, I suggest the Commission because it is responsible of carrying out investigations) – art. 14.1a
- 5) Commission to accept exporters' voluntary undertaking (revision of prices or cessation of export) – art. 14.2a
- 6) Commission to decide on provisional anti-dumping duties – art. 15.1a
- 7) Commission can amend or revoke provisional anti-dumping duties, if the Council had not renewed them or taken a final decision – art. 18.2a
- 8) Commission to decide whether and to what extent M/S should grant importers' applications, where there are objections to M/S initial decision – art. 19.4b
- 9) Extension to bounties, subsidies and countervailing duties of the powers under art. 6-21 – art. 25

Not included: Commission can object to other M/S's initial rejection – art. 9; Commission to commence examination at Community level – art. 10.1; Commission to determine no injury, repetition of art. 14.1a – art. 14.2b

Number of constraints to Commission

Cc = 7

1) Rule-making requirements: Criteria specifying dumped product – art. 3; Rules on duties – art. 19.3; Rules on bounties and subsidies and reference to art. 3.5, art. 22,23

2) Member State Control: Rejection can be overruled if, within ten days, a M/S has not objected; in case of objection the Commission shall start examination at community level – art. 9

3) Council Control: The decision to terminate the proceedings can be referred to the Council (which decides by qualified majority) if the advisory committee has objected; Commission's decision stands in case of Council's inaction – art. 14.1a (no decision rule is specified for the committee, it is similar to a M/S referring a Commission's measure to the Council)

If Commission rejects a M/S requests for a provisional duty, the Council may set such duty by qualified majority – art. 15.1c

Council may either confirm or amend a provisional anti-dumping duty – art. 16.1

Council can decide differently when Commission amend or revoke provisional anti-dumping duties – art. 18.2a

4) Public Hearing of Interested Parties: Commission to hear explanations from interested parties if they so required in a written request – art. 10.6a; Parties shall have, on request, also an opportunity to meet – art. 10.6b;

5) Consultation: Consultation of the advisory committee – art. 13, 14.2a, 15.1b, 18.2, 19.4b

6) Reporting: Commission to submit to the Council a report on the results of the investigation, if a member of the advisory committee objects, with a proposal for termination – 14.1a

7) Time limits: Provisional anti-dumping duties last three months, it can only be renew by the Council – art. 15.2a,

Not included: criteria determining injury (they are rather general) – art. 4; consultations under art. 18.1 are not included because they are ex-post

Number 368R0802

Title

Regulation (EEC) No 802/68 of the Council of 27 June 1968 on the common definition of the concept of the origin of goods

Description: Common definition of the concept of the origin of goods

Major provisions

M = 24

Provisions delegating authority to Commission

Dc = 3

- 1) Commission to determine the circumstance in which the presumption of origin shall apply to essential spare parts, following procedure of art. 14 – art. 7
- 2) General call for Commission to adopt provisions for applying art. 4-7, 9 and 8, following procedure of art. 14 (included because articles and procedure are clearly specified) – art. 14.1
- 3) Commission may authorize M/S deferral of application of provision under art. 14 – art. 15

Number of constraints to Commission

Cc = 4

1) Exemption: Regulation does not apply to petroleum products listed in Annex I – art. 3

2) Rule-making requirement: Detailed criteria on goods wholly produced in one country – art. 4.2

3) Committee Control: rules to be adopted following the regulatory committee procedure IIIa of art. 14 (Committee on origin) - art. 7, 14.1

4) Time limit: Deferral for a maximum of one year, and article 15 remains in force for five years – art. 15

Number 368R0803

Title

Regulation (EEC) No 803/68 of the Council of 27 June 1968 on the valuation of goods for customs purposes

Description: Valuation of goods for customs purposes

Major provisions

M = 54

Provisions delegating authority to Commission

Dc = 11

- 1) Commission to determine exceptions in good valuation when rights are held by a person in a M/S, following procedure art. 17 – art. 3.2
- 2) Commission to establish criteria for goods with low value, following procedure art. 17 – art. 3.5c
- 3) Commission to determine exceptions to normal price rules for goods in split consignments, following procedure art. 17 – art. 4.2
- 4) Commission to determine place of introduction in case of third country involvement, following procedure art. 17 – art. 6.2
- 5) Commission to determine rules for goods sent by post, following procedure art. 17 – art. 8.1
- 6) Commission to determine length and goods entitled of period of grace, following procedure art. 17 – art. 10.4
- 7) Commission may, exceptionally, suspend the periods of grace, following procedure art. 17 – art. 10.7
- 8) Commission to adapt rules for home use goods following another customs procedure, following procedure art. 17 – art. 11.6
- 9) Commission to determine the exchange rate in abnormal cases, following procedure art. 17 – art. 12.3
- 10) Commission to set rules and criteria for standard average values, following procedure art. 17 – art. 13.2
- 11) Commission to determine the particulars for customs authorities, following procedure art. 17 – art. 14

Not included: General call for Commission to adopt provisions for applying art. 1-3, and 6-11, following procedure of art. 17 – art. 17.1

Number of constraints to Commission

Cc = 2

- 1) Rule-making requirements: Normal price – art. 1.2; Sale in the open market – art. 2.1; Valuation rules – art. 3, Material time – art. 5; Place of introduction – art. 6, Costs – art. 7, Paid or payable price – art. 9, 10, Cash price payable – art. 11; Exchange rates – art. 12
- 2) Committee Control: rules to be adopted following the regulatory committee procedure IIIa of art. 17 (Customs Valuation Committee) - art. 3.2, 3.5c, 4.2, 6.2, 8.1, 10.4, 10.7, 11.6, 12.3, 13.2, 14, 17.1

Number 368R0804

Title

Regulation (EEC) No 804/68 of the Council of 27 June 1968 on the common organisation of the market in milk and milk products

Description: Common organisation of the market in milk and milk products

Major provisions

M = 100

Dc = 19

Provisions delegating authority to Commission

- 1) Commission to adopt rules about the aid for private storage (butter), following procedure of art. 30 – art. 6.7
- 2) Commission to adopt rules for application (milk powder), following procedure of art. 30 – art. 7.5
- 3) Commission to adopt rules for application (cheese), following procedure of art. 30 – art. 8.5
- 4) Commission to adopt rules of intervention measures (cheese), following procedure of art. 30 – art. 9.3
- 5) Commission to adopt rules for application (milk powder for feeding), following procedure of art. 30 – art. 10.3
- 6) Commission to adopt aid rules (casein milk), following procedure of art. 30 – art. 11.3
- 7) Commission to adopt rules for application (butterfat), following procedure of art. 30 – art. 12.3
- 8) Commission to adopt rules about licenses, following procedure of art. 30 – art. 13.3
- 9) Commission to adopt rules on methods to determine price and margin, following procedure of art. 30 – art. 14.7
- 10) Commission to fix import levies – art. 14.8
- 11) Commission to adopt rules on measures for control of butter imports, following procedure of art. 30 – art. 16.2
- 12) Commission to adopt rules for application (export refund), following procedure of art. 30 – art. 17.4
- 13) Commission to fix export refunds at regular intervals, following procedure of art. 30 – art. 17.4 second paragraph (New Major Provision)
- 14) Commission may alter refunds in the intervening period – art. 17.5
- 15) Commission to take the necessary and immediately applicable measures in case of disturbances – art. 21.2
- 16) Extension of Commission's powers to decide the abolition or modification of existing M/S aid to milk products, reference to Treaty art. 93.2 – art. 23
- 17) Extension of Commission's powers to new or modification of M/S aids to milk products, reference to Treaty art. 93.3 – art. 23 (new Major Provision)
- 18) Commission to adopt rules for compensatory amounts, following procedure of art. 30 – art. 25.5
- 19) Commission to adopt transitional measures, following procedure of art. 30 – art. 35

Not included: Commission to adopt rules for the communication and distribution of information, following procedure of art. 30 (rule only for information exchange) – art. 28; Necessary measures to be taken (it does not specify the institution taking the measures) – art. 20.1; Application of CCT rules – art. 36

Number of constraints to Commission

Cc = 5

- 1) Committee Control – rules to be adopted following the management committee procedure IIa of art. 30 (Management Committee for Milk and Milk Products) – art. 6.7, 7.5, 8.5, 9.3, 10.3, 11.3, 12.3, 13.3, 14.7, 16.2, 17.4, 25.5, 28, 35
- 2) Rule-making requirements: Detailed rules in import levies – art. 14.3; Rules on compensatory amounts – art. 25.3; Export refund art. 17
- 3) Council Control: Commission's measures are immediately applicable but may be referred to the Council by any M/S within three working days, Council amends or repeal by qualified majority, Commission's measures should stand in case of inaction – art. 21.3

M/S can request the Council to adopt its aid to milk products by unanimity, Commission's measure is suspended but default condition is the Commission's measure if the Council does not act within three months, reference to Treaty art. 93.2-3 - art. 23

- 4) Consultation : Commission to give notice and wait from comments of interested parties before deciding the abolition or modification of a M/S aid to milk products, reference to Treaty art. 93.2-3 – art. 23

- 5) Time limits: Rules on compensatory amounts can be adopted only until 31/12/69 – art. 25.1

Transitional measures applicable until 28/7/69 – art. 35

Number 368R0805

Title

Regulation (EEC) No 805/68 of the Council of 27 June 1968 on the common organisation of the market in beef and veal

Description: Common organisation of the market in beef and veal

Major provisions

M = 83

Provisions delegating authority to Commission

Dc = 19

- 1) Commission to adopt intervention measures, prices, products and rules, following procedure art. 27 – art. 6.4
- 2) Commission to adopt selling prices and conditions for release, following procedure art. 27 – art. 7.2
- 3) Commission to adopt rules for private storage aid, following procedure art. 27 – art. 8.2
- 4) Commission to adopt rules on import prices and levies, following procedure art. 27 – art. 10.5
- 5) Commission to fix levies (calves and adult bovine animals) – art. 10.6
- 6) Commission to adopt rules on time limits and controls (calves), following procedure art. 27 – art. 11.2
- 7) Commission to fix coefficients, following procedure art. 27 – art. 12.5
- 8) Commission to fix levies (meat) – art. 12.6
- 9) Commission to adopt rules of application (frozen meat), following procedure art. 27 – art. 13.5
- 10) Commission to fix levies (frozen meat) – art. 13.6
- 11) Commission to adopt required measures and rules, following procedure art. 27 – art. 14.4
- 12) Commission to adopt rules about licenses, following procedure art. 27 – art. 15.3
- 13) Commission to fix regularly export refunds, following procedure art. 27 - art. 18.5
- 14) Commission may alter refund in the intervening period – art. 18.5 second sentence (new Major Provision)
- 15) Commission to adopt rules on export refunds, following procedure art. 27 - art. 18.6
- 16) Commission to adopt necessary and immediately applicable measures in case of disturbances – art. 21.2
- 17) Extension of Commission's powers to decide the abolition or modification of existing M/S aid to beef and veal, reference to Treaty art. 93.2 – art. 24
- 18) Extension of Commission's powers to new or modification of M/S aids to beef and veal products, reference to Treaty art. 93.3 – art. 24 (new Major Provision)
- 19) Commission to adopt transitional measures, following procedure art. 27 – art. 33.1

Not included: Commission to establish an estimate of the meat intended for the processing industry, following procedure of art. 27 (no delegation of powers, only collection of information) – art. 14.2; Application of CCT rules – art. 20.1, 33.2; Commission to adopt rules for communication and distribution of information, following procedure art. 27 – art. 25

Number of constraints to Commission

Cc = 5

- 1) Rule-making requirement: definition of calves – art. 3.3; Rules for intervention measures – art. 6.1, 6.2; Rules for levies – art. 10.1, 10.3, 11.1, 121, 12.4, 13; Export refund art. 18
- 2) Committee Control – rules to be adopted following the management committee procedure IIa of art. 27 (Management Committee for Beef and Veal) – art. 6.4, 7.2, 8.2, 10.5, 11.2, 12.5, 13.5, 14.4, 15.3, 18.5, 18.6, 33.1
- 3) Council Control: Commission's measures are immediately applicable but may be referred to the Council by any M/S within three working days, Council amends or repeal by qualified majority, Commission's measures should stand in case of inaction – art. 21.3

M/S can request the Council to adopt its aid to beef and veal by unanimity, Commission's measure is suspended but default condition is the Commission's measure if the Council does not act within three months, reference to Treaty art. 93.2-3 - art. 24

- 4) Consultation : Commission to give notice and wait from comments of interested parties before deciding the abolition or modification of a M/S aid to beef and veal, reference to Treaty art. 93.2-3 – art. 24

- 5) Time limit: Transitional measures can be adopted only until 28/7/69 – art. 33.1

Number 368R0827

Title

Regulation (EEC) No 827/68 of the Council of 28 June 1968 on the common organisation of the market in certain products listed in Annex II to the Treaty

Description: Common organisation of the market in Treaty Annex II products

Major provisions

M = 15

Dc = 4

Provisions delegating authority to Commission

- 1) Commission to adopt necessary and immediately applicable measures in case of disturbances – art. 3.2
- 2) Extension of Commission's powers to decide the abolition or modification of existing M/S aid to Annex II products, reference to Treaty art. 93.2 – art. 5
- 3) Extension of Commission's powers to new or modification of M/S aids to Annex II products, reference to Treaty art. 93.3 – art. 5 (new Major Provision)
- 4) Commission to adopt transitional measures, following procedure of art. 6 – art. 9

Number of constraints to Commission

Cc = 4

- 1) Council Control: Commission's measures are immediately applicable but may be referred to the Council by any M/S within three working days, Council amends or repeal by qualified majority, Commission's measures should stand in case of inaction – art. 3.3

M/S can request the Council to adopt its aid to Annex II products by unanimity, Commission's measure is suspended but default condition is the Commission's measure if the Council does not act within three months, reference to Treaty art. 93.2-3 - art. 5

- 2) Consultation : Commission to give notice and wait from comments of interested parties before deciding the abolition or modification of a M/S aid to Annex II products, reference to Treaty art. 93.2-3 – art. 5
- 3) Committee Control – transitional measures determined following the management committee procedure IIa of art. 26 of Reg. 120/67 (Management Committees), reference in art. 6 – art. 9
- 4) Time Limit: Transitional measures applicable until 30/6/69 – art. 9

Number 368R1017

Title

Regulation (EEC) No 1017/68 of the Council of 19 July 1968 applying rules of competition to transport by rail, road and inland waterway

Description: Application of rules of competition to transport

Major provisions

M = 85

Dc = 25

Provisions delegating authority to Commission

- 1) Commission to address directives and decisions to M/S with regard to public undertakings – art. 9.3
- 2) Commission to decide that there has been a restrictive practice (article 2) or an abuse of dominant position (article 8) (complaint or own initiative procedure) – art. 11.1
- 3) Commission to decide cessation of agreements and practices of SME undertakings abusing the exemption from article 2 and incompatible with article 5, reference to art. 4.2 (complaint or own initiative procedure) – art. 11.2
- 4) Commission to decide the rejection of a complaint (complaint or own initiative procedure) – art. 11.3
- 5) Commission to decide the non-applicability of article 2 on prohibition of restrictive practices (application of article 5 – non applicability of the prohibition) (complaint or own initiative procedure) – art. 11.4
- 6) Commission to decide that article 5 is not applicable after 90 days but before the expiry of three years (extension of powers under art. 12.4) (application of art. 5 procedure) – art. 12.3
- 7) Commission to decide the non-applicability of article 2 on prohibition of restrictive practices (application of article 5 – non applicability of the prohibition) (application of art. 5 procedure) – art. 12.4
- 8) Commission may renew decision under art. 11.4 and 12.4 – art. 13.2
- 9) Commission may revoke or amend decisions or prohibit specified acts – art. 13.3
- 10) Commission to decide not to apply prohibition of article 2 on restrictive practices to agreement reducing disturbances, application of article 6 – art. 14.2
- 11) Commission may renew the decision under article 14.2 – art. 14.3
- 12) Commission may revoke or amend decisions or prohibit specified acts under article 14, reference to article 13.3 – art. 14.6
- 13) Commission may decide to conduct a general inquiry in the sector – art. 18.1
- 14) Extension of art. 18.1 powers – art. 18.2
- 15) Extension to general inquiries of powers to request information (article 19), to request national authorities to undertake investigations (article 20) and to conduct investigations (article 21) – art. 18.3
- 16) Commission may obtain all necessary information from M/S and undertakings (a supporting power of investigation) - art. 19.1
- 17) Commission to require information by decision if undertakings do not co-operate – art. 19.5
- 18) Commission can request M/S authorities to undertake investigations – art. 20.1
- 19) Commission to undertake all necessary investigations – art. 21.1
- 20) Commission can use the power of decision to undertake investigations – art. 21.3
- 21) Commission may impose fines by decision if incorrect or misleading information is supplied – art. 22.1
- 22) Commission may impose fines by decision in case of infringement of art. 2, 8, 13.1, 14.4 – art. 22.2
- 23) Commission may impose periodic penalty payments by decision – art. 23.1
- 24) Extension of Commission's powers in case of periodic penalties payments – art. 23.2
- 25) Commission's power to adopt implementing provisions (more extensive than a simple call for execution, similar to a power to decide procedures) – art. 29

Not included: Initiation of proceedings by the Commission – art. 10

Number of constraints to Commission**Cc = 7**

- 1) Exemption: of small and medium-sized undertakings – art. 4
- 2) Rule-making requirements: Detailed rules for SME agreements – art. 4.1; Decision under art. 11.4 and 12.4 to be valid for at least six years – art. 13.1; Limits on fines – art. 22.1, 22.2, 23.1
- 3) Council Control: Commission to decide not to apply prohibition of article 2 on restrictive practices to agreement reducing disturbances (application of article 6) only after Council declare by unanimity a state of crisis – art. 6.2; Similar decision by the Council is needed for a renewal of the decision – art. 14.3
- 4) Reporting requirement: Commission to produce a report for the Council to declare a state of crisis – art. 6.2; Commission to produce a general report on the operation of the regulation – art. 31.2
- 5) Consultation of the advisory committee prior to decisions under articles 12.3, 12.4, 14.2, 14.3, 29 – art. 16.3; other consultations of the committee, 18.3 (general inquiry), 22.3, 23.3 (fines); article 17 contains a procedure similar to a consultation of the Council that the Commission has to take into account – art. 17.4, 18.3, 22.3
Consultation of M/S authorities before taking decisions – art. 18.3 (reference to art.21), 21.4, 23.3
- 6) Public hearing of interested parties: If Commission applies article 5, must publish decision and invite all interested parties to submit comments within 30 days – art. 12.2; Hearing and legal standing of parties and third persons – art. 26.1-3
- 7) Time Limit: Decisions applying article 6 valid for only three years, cessation within six months of measures under article 6.1 – art. 14.2, 14.5;
Not included: report after the consultation of the advisory committee, it is not an additional constraint, it is part of consultation – art. 16.6; constraint which does not go beyond Treaty art. 173: specification that Commission decisions are subject to review by the ECJ – art. 15, 19.5, 21.3, 24

Number 368R1174

Title

Regulation (EEC) No 1174/68 of the Council of 30 July 1968 on the introduction of a system of bracket tariffs for the carriage of goods by road between Member States

Description: Introduction of a system of bracket tariffs for the carriage of goods by road

Major provisions

M = 40

Provisions delegating authority to Commission

Dc = 2

1) Commission to adopt tariffs (overlap with article 4.1) – art. 4.2b

2) Commission to decide conditions and rules of application of art. 7 and 8 – art. 9

Note: Although the conditions and rules of article 9 are on the distribution and exchange of information, these data may have a substantial impact on the working of the transport market, this is why it has been included.

Number of constraints to Commission

Cc = 7

1) Rule-making requirements : Brackets at 23% - art. 2.2

2) Member State Control: Commission can adopt brackets tariffs only if negotiations between M/S fail and if a M/S requires the Commission action – art. 4.2b

3) Consultation: of the specialized Committee – art. 4.2b, 9

4) Council Control: Commission's decision is applicable after 20 days, but, in this period, a M/S can require the Council intervention, Council can decide different tariffs within in 20 days (nothing said in case of inaction, Commission's measure likely to stand) – art. 4.2b

5) Exemption: Types of transports that are exempt – art. 16

6) Time Limit: Regulation valid until 31/12/71, with one year extension – art. 17

7) Reporting requirement: Commission to publish a report – art. 8.2

Number 368R1612

Title

Regulation (EEC) No 1612/68 of the Council of 15 October 1968 on freedom of movement for workers within the Community

Description: Freedom of movement for workers

Major provisions

M = 80

Dc = 4

Provisions delegating authority to Commission

1) Commission to decide the suspension of the machinery for vacancy clearance – art. 20.3

2) European Co-ordination Office to carry out vacancy clearance – 22.1c

3) Commission to set conditions for and organize visits, assignments and advance programmes – art. 23

4) Commission to organize visits, assignments and advance programmes – art. 23 (New Major Provision)

Note: Article 23 differs from similar articles in previous legislation because, this time, the Commission is in charge for the organization of the visits.

Not included: Commission to determine rules and uniform criteria for communication and information exchange – art. 14.2; European Co-ordination Office to establish a uniform system of information exchange – art. 15.2; General call upon the Commission to adopt implementing measures – art. 44; European Co-ordination Office has been established with Regulation 15/61 – art. 21

Number of constraints to Commission

Cc = 6

1) Reporting requirement: The Commission to draw up a report on the result of the vacancy clearance – art. 19.1

2) Member State Control: European Co-ordination Office needs agreement of specialist services before carrying out vacancy clearance – 22.1c; Commission to organize visits, assignments and advance programmes in agreement with competent M/S authorities – art. 23

3) Council Control: Upon request of a M/S within two weeks, the Council can annul or amend, within two weeks, Commission's decision to suspend vacancy clearance (nothing said about inaction, but measure is likely to stand) – art. 20.3

4) Consultation: Commission set conditions and procedure for visits and programmes on the basis of an opinion of the Technical Committee – art. 23

5) Exemption: ECSC and EAEC workers exemption – art. 42

6) Rule-making requirements: Rules for the operation of the machinery for vacancy clearance – art. 16

Number 369R2603

Title

Regulation (EEC) No 2603/69 of the Council of 20 December 1969 establishing common rules for exports

Description: Common rules for exports

Major provisions

M = 29

Provisions delegating authority to Commission

Dc = 4

- 1) Commission may request M/S to exercise surveillance over export and specify procedure (a mild control power but that can have considerable economic impact) - art. 5 first sentence
- 2) Commission may make export of a product subject to export authorization with limits and provisions – art. 6.1
- 3) Commission to decide on request of intervention – art. 6.4
- 4) Commission may amend or revoke measures if Council has not acted – art. 9.2a

Number of constraints to Commission

Cc = 3

- 1) Consultation: within the advisory committee, before the introduction of measures of articles 5-7 – art. 3.2
- 2) Council Control: If Commission rejects a M/S requests for a export authorization, the Council may decide differently by qualified majority – art. 6.4; Any M/S may, within 12 days, refer Commission's measures to the Council that may decide differently by qualified majority – art. 6.5

The Commission's decision on export authorization is immediately applicable, but it is revoked if the Council does not adopt measures under article 7 within six weeks – art. 6.6

- 3) Reporting: Commission to deliver a report to the Council if it amends or revokes measures – art. 9.2a

Not included: Exemption in article 10 does not affect the Commission's powers; Products where provisions do not apply in art. 12 is not an exemption as these products enjoys similar prerogatives (export restrictions and licenses), the provision states complementarity

Number 370L0156

Title

Council Directive 70/156/EEC of 6 February 1970 on the approximation of the laws of the Member States relating to the type-approval of motor vehicles and their trailers

Description: Type-approval of motor vehicles and their trailers

Major provisions

M = 30

Provisions delegating authority to Commission

Dc = 1

1) Commission to adopt changes to Annexes and some Directive provisions to take account of the technical progress, following procedure of art. 13 – art. 11

Number of constraints to Commission

Cc = 1

1) Committee Control: changes to be adopted following the regulatory committee procedure IIIa of art. 13 (Committee on the Adaptation to Technical Progress) - art. 11

Not included: Rule making requirement in the annexes as criteria to modify them are not specified

Number 370R0727

Title

Regulation (EEC) No 727/70 of the Council of 21 April 1970 on the common organisation of the market in raw tobacco

Description: Establishment of a common organisation of the market in raw tobacco

Major provisions

M = 68

Dc = 11

Provisions delegating authority to Commission

- 1) Commission to adopt rules on premium and on administrative supervision, following procedure art. 17 – art. 3.3
- 2) Commission to adopt rules on fixing of scales, procedures and conditions, following procedure art. 17 – art. 5.6
- 3) Commission to adopt rules on fixing of scales, procedures and conditions (derived intervention prices), following procedure art. 17 – art. 6.10
- 4) Commission to adopt rules on procedures and conditions of disposal, following procedure art. 17 – art. 7.4
- 5) Commission to decide the exceptional cases for different calculation of export refund, following procedure art. 17 – art. 9.1
- 6) Commission to fix export refunds, following procedure art. 17 – art. 9.2
- 7) Commission may alter the export refund in the intervening period – art. 9.2 last sentence (New Major Provision)
- 8) Commission to adopt rules on export refund, following procedure art. 17 – art. 9.5
- 9) Commission to decide, immediately applicable, measures in case of disturbances – art. 10.2
- 10) Extension of Commission's powers to decide the abolition or modification of existing M/S aid to tobacco, reference to Treaty art. 93.2 – art. 11
- 11) Extension of Commission's powers to new or modification of M/S aids to tobacco, reference to Treaty art. 93.3 – art. 11 (new Major Provision)

Not included: Commission to adopt rules on the communication and distribution of information (only information exchange) following procedure art. 17 – art. 15

Number of constraints to Commission

Cc = 4

- 1) Committee Control – rules to be adopted following the management committee procedure IIa of art. 17 (Management Committee for Tobacco) – art. 3.3, 5.6, 6.10, 7.4, 9.1, 9.2, 9.5
- 2) Council Control: M/S may refer to Council Commission's measures, within 3 days, Council decides by qualified majority (it does not say but, as in similar legislation, Commission's measure stays in case of inaction) – art. 10.3 M/S can request the Council to adopt its aid to tobacco by unanimity, Commission's measure is suspended but default condition is the Commission's measure if the Council does not act within three months, reference to Treaty art. 93.2-3 - art. 11
- 3) Consultation : Commission to give notice and wait from comments of interested parties before deciding the abolition or modification of a M/S aid to tobacco, reference to Treaty art. 93.2-3 – art. 11

Not included: Intervention prices should be 90% of norm prices (not included because prices are set by the Council – art. 2.2; Commission to produce a report (this is not a constraint because it is unrelated to a delegation of powers) – art. 13.1, 13.6 (report on overproduction)

- 4) Rule-making requirement: Rules on Export refund art. 9.

Number 370R0729

Title

Regulation (EEC) No 729/70 of the Council of 21 April 1970 on the financing of the common agricultural policy

Description: Financing of the common agricultural policy

Major provisions

M = 41

Provisions delegating authority to Commission

Dc = 6

- 1) Commission to adopt implementation rules, following procedure art. 13 – art. 4.4
- 2) Commission to adopt implementation rules concerning transactions and payments (guarantee section), following procedure art. 13 – art. 5.3
- 3) Commission to adopt rules on continued applicability of some provisions, following procedure art. 13 – art. 6.4
- 4) Commission to decide on aid from the Fund (guidance section) – art. 7.1
- 5) Commission to determine rules for the application of common measures – art. 7.2
- 6) Commission to carry out inspection on the spot – art. 9.2

Not included: Commission to make available credits to designated authorities – art. 4.2; Commission to decide advance and additional payments – art. 5.2 (these provisions are only concerning the authorization of funds for the guarantee section, no real discretion); Commission to arrange inspections with administrative authorities is part of power of inspection – art. 9.2 last paragraph

Number of constraints to Commission

Cc = 3

- 1) Committee Control – rules to be adopted following the management committee procedure IIa of art. 13 (Committee for the European Agricultural Guidance and Guarantee Fund) – art. 4.4, 5.3, 6.4
- 2) Consultation: of Fund committee – art. 7.1, 7.2; of Standing Committee on Agricultural Structures – art. 7.2
- 3) Reporting requirements: Commission to submit a financial report on Fund administration – art. 10

Number 370R1107

Title

Regulation (EEC) No 1107/70 of the Council of 4 June 1970 on the granting of aids for transport by rail, road and inland waterway

Description: AIDS to transport

Major provisions

M = 12

Provisions delegating authority to Commission

Dc = 2

- 1) Extension of Commission's powers to decide the abolition or modification of existing M/S aid to transport, reference to Treaty art. 93.2 – art. 2
- 2) Extension of Commission's powers to new or modification of M/S aids to transport, reference to Treaty art. 93.3 – art. 2 (new Major Provision)

Note: This is an extension of Commission's powers because Treaty article 77 exempted from Commission's control 'aid [to transport by rail, road and inland waterway] which meet the needs of transport co-ordination or which constitute reimbursement for certain obligations inherent in the concept of public utility'. Article 2 extends Commission's power toward this type of aid, within the limit of this regulation.

Number of constraints to Commission

Cc = 3

- 1) Council Control: M/S can request the Council to adopt its aid to transport by unanimity, Commission's measure is suspended but default condition is the Commission's measure if the Council does not act within three months, reference to Treaty art. 93.2-3 - art. 2
- 2) Consultation : Commission to give notice and wait from comments of interested parties before deciding the abolition or modification of a M/S aid to transport, reference to Treaty art. 93.2-3 – art. 2
- 3) Exemption: AIDS exempted from Commission control – art. 3.1, 3.2, 4

Number 370R1308

Title

Regulation (EEC) No 1308/70 of the Council of 29 June 1970 on the common organisation of the market in flax and hemp

Description: Common organisation of the market in flax and hemp

Major provisions

M = 30

Provisions delegating authority to Commission

Dc = 7

- 1) Commission to adopt rules on the system of aid, following procedure art. 12 – art. 4.5
- 2) Commission to take a decision to allow storage contracts in case of imbalances, following procedure art. 12 – art. 5.1
- 3) Commission to adopt rules on storage contracts, following procedure art. 12 – art. 5.3
- 4) Commission to decide necessary measures in case of imbalances – art. 8.2
- 5) Extension of Commission's powers to decide the abolition or modification of existing M/S aid to flax and hemp, reference to Treaty art. 93.2 – art. 9
- 6) Extension of Commission's powers to new or modification of M/S aids to flax and hemp, reference to Treaty art. 93.3 – art. 9 (new Major Provision)
- 7) Commission to adopt transitional measures, following procedure art. 12 – art. 16

Not included: Commission to determine information and procedures for communication and information exchange – art. 10

Number of constraints to Commission

Cc = 5

- 1) Reporting requirements: Commission to submit an annual report assessing aid – art. 4.2
- 1) Committee Control: rules and decisions to be adopted following the management committee procedure IIa of art. 12 (Management Committee for Flax and Hemp) – art. 4.5, 5.1, 5.3, 16
- 3) Council Control: M/S may refer to Council Commission's measures, within 3 days, Council decides by qualified majority (it does not say, but as in similar legislation, Commission's measure stand in case of inaction) – art. 8.3 M/S can request the Council to adopt its aid to flax and hemp by unanimity, Commission's measure is suspended but default condition is the Commission's measure if the Council does not act within three months, reference to Treaty art. 93.2-3 - art. 9
- 4) Consultation : Commission to give notice and wait from comments of interested parties before deciding the abolition or modification of a M/S aid to flax and hemp, reference to Treaty art. 93.2-3 – art. 9
- 5) Time limit: Transitional measures can be adopted only until 31/7/71

Number 370R2142

Title

Regulation (EEC) No 2142/70 of the Council of 20 October 1970 on the common organisation of the market in fishery products

Description: Common organisation of the market in fishery products

Major provisions

M = 95

Provisions delegating authority to Commission

Dc = 19

- 1) Commission to adopt measures of technical adjustment of common marketing rules, following procedure art. 29 – art. 3
- 2) Commission to adopt measures of application of checks, following procedure art. 29 – art. 4.4
- 3) Commission to set a maximum withdrawal price, following procedure art. 29 – art. 7.1 third paragraph
- 4) Commission to adopt measures of application of withdrawal prices and intervention funds, following procedure art. 29 – art. 7.5
- 5) Commission to adopt measures of application and representative markets and ports, following procedure art. 29 – art. 9.3
- 6) Commission to adopt measures of application and withdrawal prices in some products (Annex I, lists A and C), following procedure art. 29 – art. 10.5
- 7) Commission to adopt rules on intervention in periods of serious crises, following procedure art. 29 – art. 11.5
- 8) Commission to adopt measures of application and representative markets and ports, following procedure art. 29 (products of annex II) – art. 13.4
- 9) Commission to adopt rules on amount and duration of aids to private storage and conditions for de-storage, following procedure art. 29 (products of annex II) – art. 14.3
- 10) Commission to adopt measures of application and representative markets and ports, following procedure art. 29 (products of annex III list A) – art. 15.6
- 11) Commission to adopt measures of application related to reference prices and suspension or limitation of imports, following procedure art. 29 – art. 18.6
- 12) Commission to adopt, modify or amend import levies, following procedure art. 29 – art. 18.6 second paragraph (New Major Provision)
- 13) Commission to decide upon the necessary and immediately applicable measures in case disturbances – art. 20.2
- 14) Commission to fix export refunds at regular intervals, following procedure of art. 29 – art. 21.4
- 15) Commission may alter refunds in the intervening period – art. 21.4 last sentence (New Major Provision)
- 16) Commission to adopt rules for export refunds, following procedure of art. 29 – art. 21.5
- 17) Extension of Commission's powers to decide the abolition or modification of existing M/S aid to fishery products, reference to Treaty art. 93.2 – art. 24
- 18) Extension of Commission's powers to new or modification of M/S aids to fishery products, reference to Treaty art. 93.3 – art. 24 (new Major Provision)
- 19) Commission to adopt transitional measures, following procedure of art. 29 – art. 31

Note: measures of application = rules

Not included: Article 18.6 third paragraph asserts that Commission measures under 18.6 second paragraph are immediately applicable before committee's meeting, it does not extend Commission's powers; Commission to adopt rules for the exchange of information, following procedure art. 29 – art. 27

Number of constraints to Commission

Cc = 6

- 1) Committee Control – rules and measures to be adopted following the management committee procedure IIa of art. 29 (Management Committee for Fishery Products) – art. 3, 4.4, 7.1 third paragraph, 7.5, 9.3, 10.5, 11.5, 13.4, 14.3, 15.6, 18.6, 18.6 second paragraph, 21.4, 21.5, 31
- 2) Rule making-requirements: Rules for the adoption of withdrawal, reference and entry prices – art. 10.4, 14.1, 18.2, 18.3; Countervailing charges – art. 18.4; Export Refunds – art. 21
- 3) Reporting requirement: Commission to produce a report – art. 12.1
- 4) Council Control: Commission's protective measure may be referred to the Council within 3 days, Council may amend or repeal the measure (Commission's measure should stand in case of inaction) – art. 20.3
M/S can request the Council to adopt its aid to fishery products by unanimity, Commission's measure is suspended but default condition is the Commission's measure if the Council does not act within three months, reference to Treaty art. 93.2-3 - art. 24
- 5) Consultation : Commission to give notice and wait from comments of interested parties before deciding the abolition or modification of a M/S aid to fishery products, reference to Treaty art. 93.2-3 – art. 24
- 6) Time Limit: Transitional measures are applicable of one year only after implementation of the regulation – art. 31

Number 371R0974

Title

Regulation (EEC) No 974/71 of the Council of 12 May 1971 on certain measures of conjunctural policy to be taken in agriculture following the temporary widening of the margins of fluctuation for the currencies of certain Member States

Description: Monetary Compensation Amounts (MCAs) in agriculture

Major provisions M = 15

Provisions delegating authority to Commission Dc = 3

- 1) Commission to alter compensatory amounts – art. 3
- 2) Commission to adopt rules for the application, following procedure art. 6.1 – art. 6.1
- 3) Commission to adopt rules on the fixing of MCAs, following procedure art. 6.1 – art. 6.2

Number of constraints to Commission Cc = 3

1) Rule-making requirement: Commission can alter compensatory amounts only for changes greater than 1% – art. 3; Use of compensatory amounts only if currency fluctuates by a margin wider than international rules and only for some products – art. 1; Constraints on the MCAs – art. 2, 4

2) Committee Control – rules and MCAs to be determined following the management committee procedure IIa of art. 26 of Reg. 120/67 (Management Committee for Cereals or any other Management Committee) – art. 6.1, 6.2

3) Reporting requirement: Commission to submit a report in the application of the regulation – art. 8.3

Not included: Time limit: Regulation ceases to be applicable when M/S apply international rules on exchange rates margins around official parity (not date specified not possible to predict) - art. 8.2

Number 371R1696

Title

Regulation (EEC) No 1696/71 of the Council of 26 July 1971 on the common organisation of the market in hops

Description: Common organisation of the market in hops

Major provisions

M = 60

Provisions delegating authority to Commission

Dc = 13

- 1) Commission to adopt measures derogating from article 3.1, following procedure art. 20 – art. 3.2
- 2) Commission to define the standard quality for hops, following procedure art. 20 – art. 4.2
- 3) Commission to verify equivalence of attestations of imported products, following procedure art. 20 – art. 5.2
- 4) Commission to adopt rules on imported products, following procedure art. 20 – art. 5.3
- 5) Commission to adopt rules on supply contracts, following procedure art. 20 – art. 6.5
- 6) Commission to adopt rules on recognition of producer groups and unions, following procedure art. 20 – art. 7.5
- 7) Commission to adopt rules on granting aids, following procedure art. 20 – art. 10.2
- 8) Commission to adopt rules on granting aids to registered areas, following procedure art. 20 – art. 13.4
- 9) Commission to decide on protective measures in case of disturbances – art. 15.2
- 10) Extension of Commission's powers to decide the abolition or modification of existing M/S aid to hops, reference to Treaty art. 93.2 – art. 16 first paragraph
- 11) Extension of Commission's powers to new or modification of M/S aids to hops, reference to Treaty art. 93.3 – art. 16 first paragraph (new Major Provision)
- 12) Commission to adopt rules for reimbursement, following procedure art. 13 of Reg. 729/70 – art. 17.7
- 13) Commission to adopt transitional measures, following procedure art. 20 – art. 23

Not included: Commission to adopt rules for communication and information, following procedure art. 20 (only information exchange) – art. 18

Number of constraints to Commission

Cc = 6

- 1) Committee Control – rules and measures to be adopted following the management committee procedure IIa of art. 20 (Management Committee for Hops) – art. 3.2, 4.2, 5.2, 5.3, 6.5, 7.5, 10.2, 13.4, 23 rules to be adopted following the management committee procedure IIa of art. 13 of Reg. 729/70 (Committee for the European Agricultural Guidance and Guarantee Fund) – art. 17.7
- 2) Rule-making requirements: Rules on the recognition of producers groups and unions – art. 7.3; Rules for reimbursement – art. 17.3
- 3) Reporting requirement: Commission to submit an annual report on production and marketing of hops – art. 11
- 4) Council Control : Commission's protective measure may be referred to the Council within 3 days, Council may amend or repeal the measure (Commission's measure should stand in case of inaction) – art. 15.3 M/S can request the Council to adopt its aid to hops by unanimity, Commission's measure is suspended but default condition is the Commission's measure if the Council does not act within three months, reference to Treaty art. 93.2-3 - art. 16 first paragraph
- 5) Consultation : Commission to give notice and wait from comments of interested parties before deciding the abolition or modification of a M/S aid to hops, reference to Treaty art. 93.2-3 – art. 16 first paragraph
- 6) Time limit: transitional measures will remain applicable until 31/7/72 – art. 23

Number 371R2821

Title

Regulation (EEC) No 2821/71 of the Council of 20 December 1971 on application of Article 85 (3) of the Treaty to categories of agreements, decisions and concerted practices

Description: Commission can exempt R&D and specialisation agreements and practices from application of Treaty art. 85.3

Major provisions

M = 12

Provisions delegating authority to Commission

Dc = 3

- 1) Commission may, by regulation, exempt R&D and specialization agreements from Treaty art. 85.1 – art. 1.1
- 2) Commission's power to repeal and amend regulations where circumstances have changed – art. 2.2
- 3) Commission may withdraw the benefit of application of a art. 1.1 regulation and issue a decision – art. 7

Number of constraints to Commission

Cc = 3

- 1) Rule-making requirements – Criteria on the type of agreement and practices that can be exempted – art. 1.1
- 2) Public hearings of interested parties – Persons to submit comments before the adoption of a regulation – art. 5
- 3) Consultation: of the Advisory Committee on Restrictive Practices and Monopolies – art. 6.1. 6.2

Number 372L0159

Title

Council Directive 72/159/EEC of 17 April 1972 on the modernization of farms

Description: Aid to modernize farms

Major provisions

M = 63

Provisions delegating authority to Commission

Dc = 7

- 1) Commission to authorize M/S to extend time limit of development plan, following procedure art. 18 – art. 4.6
- 2) Extension of Commission's powers to decide the abolition or modification of existing M/S aid to construction and transfer of farm buildings, reference to Treaty art. 93.2 – art. 14.1
- 3) Extension of Commission's powers to new or modification of M/S aids to construction and transfer of farm buildings, reference to Treaty art. 93.3 – art. 14.1 (new Major Provision)
- 4) Commission to decide whether M/S adopted measures satisfy conditions for Community financial contribution, following procedure art. 18 – art. 18.1
- 5) Commission to adopt rules for the application of spending limits, following procedure of art. 13 of Regulation 729/70 – art. 19.4
- 6) Commission to decide on granting of aid from the Fund (guidance section), reference to art. 7.1 of Regulation 729/70 – art. 21.2
- 7) Commission to adopt rules on reimbursement, following procedure art. 13 of Regulation 729/70 – art. 21.4

Not included: Commission to issue an opinion on M/S draft measures – art. 17.3; Commission to authorize payment on account (no delegation of power) – art. 21.3

Number of constraints to Commission

Cc = 6

- 1) Rule-making requirement: Rules on granting Community aid – art. 13.2, 19
- 2) Spending limit: Community contribution not to exceed 150-250 units of account and 25% of M/S expenditure – art. 19.3
- 3) Committee Control – authorization and decision to be given following the management committee procedure IIa as referred in art. 18 (Standing Committee on Agricultural Structures) – art. 4.6, 18.1
rules to be adopted following the management committee procedure IIa of art. 13 of Reg. 729/70 (EAGGF Committee) – art. 19.4, 21.4
- 4) Consultation: Commission to give notice and wait from comments of interested parties before deciding the abolition or modification of a M/S aid to construction and transfer of farm buildings, reference to Treaty art. 93.2-3 – art. 14.1
Consultation of the EAGGF Committee when Commission decides whether M/S adopted measures satisfy conditions for Community financial contribution, and the granting of aid (see reference to art. 7.1 of Reg. 729/70) – art. 18.1, 21.2
- 5) Reporting requirement: Commission to submit an annual report on national and Community measures – art. 22.1
- 6) Council Control: M/S can request the Council to adopt its aid to construction and transfer of farm buildings by unanimity, Commission's measure is suspended but default condition is the Commission's measure if the Council does not act within three months, reference to Treaty art. 93.2-3 - art. 14.1

Not included: Spending limit: Estimated total contributions – art. 16.3; Time limit: Estimated time of common measures is ten years – art. 16.1

Number 372L0160

Title

Council Directive 72/160/EEC of 17 April 1972 concerning measures to encourage the cessation of farming and the reallocation of utilized agricultural area for the purposes of structural improvement

Description: Measures to encourage the cessation of farming and the reallocation of utilized agricultural area

Major provisions

M = 42

Dc = 7

Provisions delegating authority to Commission

- 1) Commission to decide whether M/S adopted measures satisfy conditions for Community financial contribution, following procedure art. 9 – art. 9.1
- 2) Commission to adopt rules for the application of spending limits, following procedure of art. 13 of Regulation 729/70 – art. 10.4
- 3) Commission to decide on granting of aid from the Fund (guidance section), reference to art. 7.1 of Regulation 729/70 – art. 12.2
- 4) Commission to adopt rules on reimbursement, following procedure art. 13 of Regulation 729/70 – art. 12.4
- 5) Commission to adopt rules on non-compliance and recovery of sums, following procedure art. 13 of Regulation 729/70 – art. 13.4
- 6) Extension of Commission's powers to decide the abolition or modification of existing M/S aid to cessation and reallocation of farming, reference to Treaty art. 93.2 – art. 14
- 7) Extension of Commission's powers to new or modification of M/S aids to cessation and reallocation of farming, reference to Treaty art. 93.3 – art. 14 (new Major Provision)

Not included: Commission to issue an opinion on M/S draft measures – art. 8.3; Commission to authorize payment on account (no delegation of power) – art. 12.3

Number of constraints to Commission

Cc = 6

1) Spending limit: EAGGF funding limit of 900-600 units of account to annuities and premiums - art. 2.1; Limits of

25% and 65% financing of M/S expenditure – art. 10.2;

2) Rule-making requirements : Rules on eligibility of EAGGF funding – art. 2.1, 2.2, 10.1; Rule on unfavorable conditions in regions – art. 10.3

3) Committee Control – decision to be given following the management committee procedure IIa as referred in art. 9 (Standing Committee on Agricultural Structures) – art. 9.1

rules to be adopted following the management committee procedure IIa of art. 13 of Reg. 729/70 (EAGGF Committee) – art. 10.4, 12.4, 13.4

4) Consultation: of the EAGGF Committee – art. 9.1

Commission to give notice and wait from comments of interested parties before deciding the abolition or modification of a M/S aid to cessation and reallocation of farming, reference to Treaty art. 93.2-3 – art. 14

5) Council Control:

M/S can request the Council to adopt its aid to cessation and reallocation of farming by unanimity, Commission's measure is suspended but default condition is the Commission's measure if the Council does not act within three months, reference to Treaty art. 93.2-3 - art. 14

6) Reporting requirement: Commission to produce an annual report for Council and Parliament – art. 15.1

Not included: Spending limit: Estimated total contributions – art. 16.3; Time limit: Estimated time of common measures is ten years – art. 7.1

Number 372L0161

Title

Council Directive 72/161/EEC of 17 April 1972 concerning the provision of socio-economic guidance for and the acquisition of occupational skills by persons engaged in agriculture

Description: Measure for the acquisition of occupational skills by persons engaged in agriculture

Major provisions

M = 40

Dc = 6

Provisions delegating authority to Commission

- 1) Commission to decide whether M/S adopted measures satisfy conditions for Community financial contribution, following procedure art. 11 – art. 11.1
- 2) Commission to adopt rules for the application of spending limits, following procedure of art. 13 of Regulation 729/70 – art. 12.3
- 3) Commission to decide on granting of aid from the Fund (guidance section), reference to art. 7.1 of Regulation 729/70 – art. 14.2
- 4) Commission to adopt rules on reimbursement, following procedure art. 13 of Regulation 729/70 – art. 14.4
- 5) Extension of Commission's powers to decide the abolition or modification of existing M/S aid to socio-economic guidance schemes and courses, reference to Treaty art. 93.2 – art. 15
- 6) Extension of Commission's powers to new or modification of M/S aids to socio-economic guidance schemes and courses, reference to Treaty art. 93.3 – art. 15 (new Major Provision)

Not included: Commission to issue an opinion on M/S draft measures – art. 10.3; Commission to authorize payment on account (no delegation of power) – art. 14.3

Number of constraints to Commission

Cc = 6

- 1) Spending limit: Limits of 25% financing of M/S expenditure (reference to standard amounts of 7500, 4500, 1500 units of account) – art. 12.2;
- 2) Committee Control – decision to be given following the management committee procedure IIa as referred in art. 11 (Standing Committee on Agricultural Structures) – art. 11.1
rules to be adopted following the management committee procedure IIa of art. 13 of Reg. 729/70 (EAGGF Committee) – art. 12.3, 14.4
- 3) Consultation: of the EAGGF Committee – art. 11.1
Commission to give notice and wait from comments of interested parties before deciding the abolition or modification of a M/S aid to socio-economic guidance schemes and courses, reference to Treaty art. 93.2-3 – art. 15

4) Council Control:

M/S can request the Council to adopt its aid to socio-economic guidance schemes and courses by unanimity, Commission's measure is suspended but default condition is the Commission's measure if the Council does not act within three months, reference to Treaty art. 93.2-3 - art. 15

- 5) Reporting requirement: Commission to produce an annual report for Council and Parliament – art. 16

- 6) Rule-making requirements: Rules on setting up schemes that are eligible for funding – art. 3, 4.1

Not included: Spending limit: of the common measures – art. 9.3; Time limit: of ten years of the common measures – art. 9.1

Number 372R1035

Title

Regulation (EEC) No 1035/72 of the Council of 18 May 1972 on the common organization of the market in fruit and vegetables

Description: Common organization of the market in fruit and vegetables

Major provisions

M = 101

Dc = 24

Provisions delegating authority to Commission

- 1) Commission to adopt quality standards and dates, following procedure art. 33 – art. 2.2
- 2) Commission to amend current quality standards, following procedure art. 33 – art. 2.3
- 3) Commission to adopt exemption from and rules to apply quality standards, following procedure art. 33 – art. 3.5
- 4) Commission to adopt application of class III and requirements, following procedure art. 33 – art. 4.1
- 5) Commission to adopt measures derogating from applying standards or altering minimum size, following procedure art. 33 – art. 5.3
- 6) Commission to adopt rules for checking products, following procedure art. 33 – art. 8.2
- 7) Extension to imported goods of Commission's powers, reference to art. 3.5, 4.1, 5.3, 8.2 (following procedure art. 33) – art. 9 (New Major Provision)
- 8) Commission to adopt measures to ensure uniform application of checking and standards, following procedure art. 33 – art. 10.1
- 9) Commission to take measures to ensure that imported goods are of specific quality standards – art. 11
- 10) Commission to adopt derogation to quality standards applied to export, following procedure art. 33 – art. 12.1
- 11) Commission to adopt rules on product destined to export, following procedure art. 33 – art. 12.3
- 12) Commission to adopt rules governing withdrawal prices and intervention, following procedure art. 33 – art. 15.2
- 13) Commission to fix conversion factors, following procedure art. 33 – art. 16.4
- 14) Commission to draw up a list of representative markets, following procedure art. 33 – art. 17.2
- 15) Commission may decide to dispose products to the processing industry, following procedure art. 33 – art. 21.1 last paragraph (New Major Provision)
- 16) Commission to adopt rules for implementing and supervising arrangements and to set conversion factors and tenders criteria, following procedure art. 33 – art. 21.4
- 17) Commission to adopt rules, conversion factors and reference prices, following procedure art. 33 – art. 27.1
- 18) Commission to introduce, alter or withdraw countervailing charges, following procedure art. 33 – art. 27.2
- 19) Commission to adopt necessary measures in case of serious disturbances – art. 29.2
- 20) Commission to adopt rules on export refunds, following procedure art. 33 – art. 30.4 first sentence
- 21) Commission to fix export refunds, following procedure art. 33 – art. 30.4 second sentence (New Major Provision)
- 22) Commission may alter refunds in the intervening periods – art. 30.5
- 23) Extension of Commission's powers to decide the abolition or modification of existing M/S aid to fruit and vegetables, reference to Treaty art. 93.2 – art. 31
- 24) Extension of Commission's powers to new or modification of M/S aids to fruit and vegetables, reference to Treaty art. 93.3 – art. 31 (new Major Provision)

Not included: Article 27.2 second paragraph asserts that Commission measures under 27.1 first paragraph are immediately applicable before committee's meeting, it does not extend Commission's powers; Commission to adopt rules for the communication and distribution of information (information exchange only), following procedure art. 33 – art. 38.1

Number of constraints to Commission

Cc = 5

1) Rule-making requirement: Rule for imported goods – art. 9, 11; Rule of withdrawal prices – art. 16, 18; Rules on disposal – art. 21; Rule on reference and entry prices and countervailing charges – art. 23, 24, 25, 26; Export refund – art. 30

2) Committee Control – criteria to be adopted following the management committee procedure IIa of art. 33 (Management Committee for Fruit and Vegetables) – art. 2.2, 2.3, 3.5, 4.1, 5.3, 8.2, 9, 10.1, 12.1, 12.3, 15.2, 16.4, 17.2, 21.1, 21.4, 27.1, 27.2, 30.4

3) Time limit: Application of class III for only five years – art. 4.2

4) Council Control: Commission's protective measure may be referred to the Council within 3 days, Council may amend or repeal the measure (Commission's measure should stand in case of inaction) – art. 29.3

M/S can request the Council to adopt its aid to fruit and vegetables by unanimity, Commission's measure is suspended but default condition is the Commission's measure if the Council does not act within three months, reference to Treaty art. 93.2-3 - art. 31

5) Consultation : Commission to give notice and wait from comments of interested parties before deciding the abolition or modification of a M/S aid to fruit and vegetables, reference to Treaty art. 93.2-3 – art. 31

Not included: Commission to produce a report on the intervention system (no powers delegated in this case) – art. 19.5;

Number 375L0268

Title

Council Directive 75/268/EEC of 28 April 1975 on mountain and hill farming and farming in certain less-favoured areas

Description: Structural policy in favour of mountain and hill farming

Major provisions

M = 34

Provisions delegating authority to Commission

Dc = 1

- 1) Commission to amend the limits of less-favored farming areas, following procedure art. 18 of Directive 72/159 – art. 2.3

Number of constraints to Commission

Cc = 3

1) Committee Control – decisions to be given following the management committee procedure IIa as referred in art. 18 of Directive 72/159 (Standing Committee on Agricultural Structures) – art. 2.3

2) Member State Control: Amendment of the limits of less-favored farming areas only upon a request of a M/S – art. 2.3

3) Rule-making requirement: Amendments should not increase areas by more than 0.5% - art. 2.3; Criteria to define less-favored farming areas – art. 3

Number 375R0724

Title

Regulation (EEC) No 724/75 of the Council of 18 March 1975 establishing a European Regional Development Fund

Description: Establishment of the European Regional Development Fund

Major provisions

M = 47

Provisions delegating authority to Commission

Dc = 5

- 1) Commission to adopt rules on calculation of aid equivalent, reference to implementing regulation to be adopted, following procedure art. 12 – art. 4.2
- 2) Commission to decide the fund's assistance, following procedure art. 12 – art. 5.1
- 3) Commission to decide reduction or cancellation of fund's contribution – art. 9.1
- 4) Commission may suspend payment of aid – art. 9.5
- 5) Commission to adopt necessary measures of implementation, following procedure art. 12 – art. 17

Note: No supervisory powers are delegated to the Commission (as compared, for instance, to the EAGGF legislation), it can only ask competent authorities to carry out checks and fix a time limit.

Not included: Commission to make payments to M/S (a simple authorization of an appropriation) – art. 8.4; Commission may fix a time limit for carrying out on-the-spot checks – art. 9.3 last sentence

Number of constraints to Commission

Cc = 5

- 1) Spending limit: percentage distribution of resources across M/S – art. 2.1; Limits on amounts of contributions – art. 4.2
- 2) Rule-making requirements: Rules on the areas entitled for aids – art. 3; Rules on the types of investments entitled for aids – art. 4.1; Rules on Commission decision to grant fund's assistance – art. 5.1, 7.4, 9.6
- 3) Committee Control – rules to be adopted following the management committee procedure IIb of art. 12 (Fund committee) – art. 4.2, 5.1, 17
- 4) Consultation: of the Committee for Regional Policy for large infrastructural projects – art. 5.2; of Fund Committee – art. 9.1
- 5) Reporting requirements: Commission to present an annual report on the implementation of the ERDF – art. 16.1

Not included: Spending limit: total appropriations – art. 2.1

Number 375R2727

Title

Regulation (EEC) No 2727/75 of the Council of 29 October 1975 on the common organization of the market in cereals

Description: Common organization of the market in cereals

Major provisions

M = 94

Provisions delegating authority to Commission

Dc = 29

- 1) Commission to adopt marketing centres for common wheat and derived intervention prices for those centres, following procedure art. 26 – art. 4.6
- 2) Commission to adopt threshold prices for products listed in art. 1c, following procedure art. 26 – art. 5.6
- 3) Commission to adopt rules on qualities, quantities, scales, intervention etc, following procedure art. 26 – art. 7.5
- 4) Commission to determine nature and application of special intervention measures, following procedure art. 26 – art. 8
- 5) Commission to decide stock qualifying for payment, following procedure art. 26 – art. 9.1
- 6) Commission to adopt rules on minimum quantities and categories, following procedure art. 26 – art. 9.6
- 7) Commission to adopt rules on period of validity of licenses, following procedure art. 26 – art. 12.2
- 8) Commission to adopt rules on coefficients, CIF prices, margins, following procedure art. 26 – art. 13.4
- 9) Commission to fix import levies (products of art. 1a, b and c) – art. 13.5
- 10) Commission may add a fixed amount to import levies in some cases, following procedure art. 26 – art. 14.2
- 11) Commission to fix import levies (products of art. 1d) – art. 14.4
- 12) Commission to decide to add a premium to the levy (products art. 1c, d), following procedure art. 26 – art. 15.3
- 13) Commission to adopt rules on advance fixing, following procedure art. 26 – art. 15.5
- 14) Commission to fix scale of premiums – art. 15.6
- 15) Commission to decide on suspension of advance fixing provisions, following procedure art. 26 – art. 15.7
- 16) Commission may suspend advance fixing – art. 15.7 second paragraph (New Major Provision)
- 17) Commission to fix export refunds, following procedure art. 26 – art. 16.2
- 18) Commission may alter the refund – art. 16.2 last paragraph (New Major Provision)
- 19) Commission to fix corrective amounts, following procedure art. 26 – art. 16.4
- 20) Commission may alter the corrective amount – art. 16.4 second paragraph, last sentence (New Major Provision)
- 21) Commission to adopt rules on export refund and fixing amounts, following procedure art. 26 – art. 16.6
- 22) Commission to decide on suspension of advance fixing provisions (export refunds), following procedure art. 26 – art. 16.7
- 23) Commission may suspend advance fixing (export refund) – art. 16.7 second paragraph (New Major Provision)
- 24) Commission to adopt rules on measures if prices threaten the Community market, following procedure art. 26 – art. 19.3
- 25) Commission to decide upon measures in case of serious disturbances – art. 20.2
- 26) Extension of Commission's powers to decide the abolition or modification of existing M/S aid to cereals, reference to Treaty art. 93.2 – art. 22
- 27) Extension of Commission's powers to new or modification of M/S aids to cereals, reference to Treaty art. 93.3 – art. 22 (new Major Provision)
- 28) Commission to adopt rules for implementation of Italian imports by sea, following procedure art. 26 – art. 23.3
- 29) Commission to adopt rules on mobilization of products by purchases on the world market, following procedure art. 26 – art. 28.3

Not included: rules for the exchange of information, following procedure art. 26 – art. 24

Number of constraints to Commission

Cc = 5

1) Committee Control – centres, prices, rules and other elements to be determined following the management committee procedure IIa of art. 26 (Management Committee for Cereals) – art. 4.6, 5.6, 7.5, 8, 9.1, 9.6, 12.2, 13.4, 14.2, 15.3, 15.5, 15.7, 16.2, 16.4, 16.6, 16.7, 19.3, 23.3, 28.3

2) Consultation of M/S prior to adoption of marketing centres and derived intervention prices – art. 4.6

Commission to give notice and wait from comments of interested parties before deciding the abolition or modification of a M/S aid to cereals, reference to Treaty art. 93.2-3 – art. 22

3) Rule-making requirements for setting prices (derived intervention, threshold) – art. 4.1, 5.1, 5.2; carry-over payment – art. 9.3, 9.4; Rules on import levies – art. 13.1, 13.2, 14.1; Rules on export refund – art. 16.1

4) Time Limit: Commission may suspend advance fixing for a maximum of three days – art. 15.7 second paragraph

5) Council Control : Commission's protective measure may be referred to the Council within 3 days, Council may amend or repeal the measure (Commission's measure should stand in case of inaction) – art. 20.3

M/S can request the Council to adopt its aid to cereals by unanimity, Commission's measure is suspended but default condition is the Commission's measure if the Council does not act within three months, reference to Treaty art. 93.2-3 - art. 22

Number 375R2759

Title

Regulation (EEC) No 2759/75 of the Council of 29 October 1975 on the common organization of the market in pigmeat

Description: Common organization of the market in pigmeat

Major provisions

M = 68

Provisions delegating authority to Commission

Dc = 17

- 1) Commission to decide to take intervention measures and to adopt rules, following procedure art. 24 – art. 4.6
- 2) Commission to determine products, qualities, prices, aid and rules for intervention measures, following procedure art. 24 – art. 5.4
- 3) Commission to adopt rules on disposal of products, following procedure art. 24 – art. 6.2
- 4) Commission to adopt rules on private storage aid, following procedure art. 24 – art. 7.2
- 5) Commission to fix import levies, following procedure art. 24 – art. 8
- 6) Commission to fix coefficients for ratios, following procedure art. 24 – art. 10.4
- 7) Commission to fix sluice-gate prices, following procedure art. 24 – art. 12.1
- 8) Commission to adopt rules on additional amount and offer prices, following procedure art. 24 – art. 13.5
- 9) Commission to fix additional amount added to levies, following procedure art. 24 – art. 13.5 second paragraph (New Major Provision)
- 10) Commission to adopt rules on validity of licenses, following procedure art. 24 – art. 14.3
- 11) Commission to fix export refunds, following procedure art. 24 – art. 15.5
- 12) Commission may alter refunds – art. 15.5 last sentence (New Major Provision)
- 13) Commission to adopt rules on export refunds, following procedure art. 24 – art. 15.6
- 14) Commission to decide upon measures in case of serious disturbances – art. 18.2
- 15) Commission to take exceptional measures to support markets affected by animal disease, following procedure art. 24 – art. 20
- 16) Extension of Commission's powers to decide the abolition or modification of existing M/S aid to pigmeat, reference to Treaty art. 93.2 – art. 21
- 17) Extension of Commission's powers to new or modification of M/S aids to pigmeat, reference to Treaty art. 93.3 – art. 21 (new Major Provision)

Not included: rules for the exchange of information, following procedure art. 24 – art. 22

Number of constraints to Commission

Cc = 4

1) Rule-making requirements: Rules on intervention measures (103% of basic price) and prices – art. 4.2, 5.1; Rules on import levies and their components – art. 9.1, 10; Rules on sluice-gate prices – art. 12.2; Export refund – art. 15

2) Committee Control – decisions and rules to be taken following the management committee procedure IIa of art. 24 (Management Committee for Pigmeat) – art. 4.6, 5.4, 6.2, 7.2, 8, 10.4, 12.1, 13.5, 13.5 second paragraph, 14.3

3) Council Control : Commission's protective measure may be referred to the Council within 3 days, Council may amend or repeal the measure (it does not say but, as from other legislation, Commission's measure should stand in case of inaction) – art. 18.3

M/S can request the Council to adopt its aid to pigmeat by unanimity, Commission's measure is suspended but default condition is the Commission's measure if the Council does not act within three months, reference to Treaty art. 93.2-3 - art. 21

4) Consultation : Commission to give notice and wait from comments of interested parties before deciding the abolition or modification of a M/S aid to pigmeat, reference to Treaty art. 93.2-3 – art. 21

Number 375R2771

Title

Regulation (EEC) No 2771/75 of the Council of 29 October 1975 on the common organization of the market in eggs

Description: Common organization of the market in eggs

Major provisions

M = 47

Provisions delegating authority to Commission

Dc = 13

- 1) Commission to fix import levies, following procedure art. 17 – art. 3
- 2) Commission to fix coefficients for ratios, following procedure art. 17 – art. 5.2
- 3) Commission to fix sluice-gate prices, following procedure art. 17 – art. 7.1
- 4) Commission to fix overhead costs (products of art. 1.1b), following procedure art. 17 – art. 7.4
- 5) Commission to adopt rules on additional amount and offer prices, following procedure art. 17 – art. 8.4
- 6) Commission to fix additional amount added to levies, following procedure art. 17 – art. 8.4 second paragraph (New Major Provision)
- 7) Commission to fix export refunds, following procedure art. 17 – art. 9.2
- 8) Commission may alter refunds – art. 9.2 last sentence (New Major Provision)
- 9) Commission to adopt rules on export refunds, following procedure art. 17 – art. 9.3
- 10) Commission to decide upon measures in case of serious disturbances – art. 12.2
- 11) Commission to take exceptional measures to support markets affected by animal diseases, following procedure art. 17 – art. 14
- 12) Extension of Commission's powers to decide the abolition or modification of existing M/S aid to eggs, reference to Treaty art. 93.2 – art. 19
- 13) Extension of Commission's powers to new or modification of M/S aids to eggs, reference to Treaty art. 93.3 – art. 19 (new Major Provision)

Not included: rules for the exchange of information, following procedure art. 17 – art. 15

Number of constraints to Commission

Cc = 4

- 1) Rule-making requirements: Rules on import levies and their components – art. 4.1, 5, 8.1; Rules on sluice-gate prices – art. 7; Export refund – art. 9
- 2) Committee Control – decisions and rules to be taken following the management committee procedure IIa of art. 17 (Management Committee for Poultrymeat and Eggs) – art. 3, 5.2, 7.1, 7.4, 8.4, 8.4 second paragraph, 9.2, 9.3, 14
- 3) Council Control: Commission's protective measure may be referred to the Council within 3 days, Council may amend or repeal the measure (it does not say, but Commission's measure should stand in case of inaction) – art. 12.3

M/S can request the Council to adopt its aid to eggs by unanimity, Commission's measure is suspended but default condition is the Commission's measure if the Council does not act within three months, reference to Treaty art. 93.2-3 - art. 19

- 4) Consultation : Commission to give notice and wait from comments of interested parties before deciding the abolition or modification of a M/S aid to eggs, reference to Treaty art. 93.2-3 – art. 19

Number 375R2777

Title

Regulation (EEC) No 2777/75 of the Council of 29 October 1975 on the common organization of the market in poultrymeat

Description: Common organization of the market in poultrymeat

Major provisions

M = 48

Provisions delegating authority to Commission

Dc = 12

- 1) Commission to fix import levies, following procedure art. 17 – art. 3
- 2) Commission to fix coefficients for ratios, following procedure art. 17 – art. 5.3
- 3) Commission to fix sluice-gate prices, following procedure art. 17 – art. 7.1
- 4) Commission to adopt rules on additional amount and offer prices, following procedure art. 17 – art. 8.4
- 5) Commission to fix additional amount added to levies, following procedure art. 17 – art. 8.4 second paragraph (New Major Provision)
- 6) Commission to fix export refunds, following procedure art. 17 – art. 9.2
- 7) Commission may alter refunds – art. 9.2 last sentence (New Major Provision)
- 8) Commission to adopt rules on export refunds, following procedure art. 17 – art. 9.3
- 9) Commission to decide upon measures in case of serious disturbances – art. 12.2
- 10) Commission to take exceptional measures to support markets affected by animal diseases, following procedure art. 17 – art. 14
- 11) Extension of Commission's powers to decide the abolition or modification of existing M/S aid to poultrymeat, reference to Treaty art. 93.2 – art. 19
- 12) Extension of Commission's powers to new or modification of M/S aids to poultrymeat, reference to Treaty art. 93.3 – art. 19 (new Major Provision)

Not included: rules for the exchange of information, following procedure art. 17 – art. 15

Number of constraints to Commission

Cc = 4

- 1) Committee Control – decisions and rules to be taken following the management committee procedure IIa of art. 17 (Management Committee for Poultrymeat and Eggs) – art. 3, 5.3, 7.1, 8.4, 8.4 second paragraph, 9.2, 9.3, 14
- 2) Rule-making requirements: Rules on import levies and their components – art. 4.1, 5, 8.1; Rules on sluice-gate prices – art. 7; Export refund – art. 9
- 3) Council Control: Commission's protective measure may be referred to the Council within 3 days, Council may amend or repeal the measure (Commission's measure should stand in case of inaction) – art. 12.3
M/S can request the Council to adopt its aid to poultrymeat by unanimity, Commission's measure is suspended but default condition is the Commission's measure if the Council does not act within three months, reference to Treaty art. 93.2-3 - art. 19
- 4) Consultation : Commission to give notice and wait from comments of interested parties before deciding the abolition or modification of a M/S aid to poultrymeat, reference to Treaty art. 93.2-3 – art. 19

Number 376R0100

Title

Council Regulation (EEC) No 100/76 of 19 January 1976 on the common organization of the market in fishery products

Description: Common organization of the market in fishery products

Major provisions

M = 104

Provisions delegating authority to Commission

Dc = 20

- 1) Commission to adjust common marketing standards for technical progress, following procedure art. 32 – art. 3
- 2) Commission to adopt rules of checks, following procedure art. 32 – art. 4.4
- 3) Commission may set a maximum withdrawal price, following procedure art. 32 – art. 8.1 third paragraph
- 4) Commission to adopt measures of application of withdrawal prices and intervention funds, following procedure art. 32 – art. 8.5
- 5) Commission to adopt rules and representative markets and ports, following procedure art. 32 – art. 10.3
- 6) Commission to adopt rules and withdrawal prices in some products (Annex I, lists A and C), following procedure art. 32 – art. 11.5
- 7) Commission to adopt rules on intervention in periods of serious crises, following procedure art. 32 – art. 12.5
- 8) Commission to adopt rules and representative markets and ports, following procedure art. 32 (products of annex II) – art. 14.4
- 9) Commission to adopt rules on amount and duration of aids to private storage and conditions for de-storage, following procedure art. 32 (products of annex II) – art. 15.3
- 10) Commission to adopt rules and representative markets and ports, following procedure art. 32 (products of annex III list A) – art. 16.6
- 11) Commission to adopt rules on reference prices and suspension or limitation of imports, following procedure art. 32 – art. 19.6
- 12) Commission to adopt, modify or amend import levies, following procedure art. 32 – art. 19.6 second paragraph (New Major Provision)
- 13) Commission to adopt rules on reference prices for carps, following procedure art. 32 – art. 20.5
- 14) Commission to adopt, modify or amend countervailing charges, following procedure art. 32 – art. 20.5 last sentence (New Major Provision)
- 15) Commission to decide upon the necessary and immediately applicable measures in case disturbances – art. 22.2
- 16) Commission to fix export refunds at regular intervals, following procedure of art. 32 – art. 23.2
- 17) Commission may alter refunds in the intervening period – art. 23.2 last sentence (New Major Provision)
- 18) Commission to adopt rules for export refunds, following procedure of art. 32 – art. 23.5
- 19) Extension of Commission's powers to decide the abolition or modification of existing M/S aid to fishery products, reference to Treaty art. 93.2 – art. 26
- 20) Extension of Commission's powers to new or modification of M/S aids to fishery products, reference to Treaty art. 93.3 – art. 26 (new Major Provision)

Not included: Article 19.6 third paragraph asserts that Commission measures under 19.6 second paragraph are immediately applicable before committee's meeting, it does not extend Commission's powers; Commission to adopt rules for the exchange of information, following procedure art. 32 – art. 30

Number of constraints to Commission

Cc = 5

1) Committee Control – rules and measures to be adopted following the management committee procedure IIa of art. 32 (Management Committee for Fishery Products) – art. 3, 4.4, 8.1, 8.5, 10.3, 11.5, 12.5, 14.4, 15.3, 16.6, 19.6, 19.6 second paragraph, 20.5, 20.5 last sentence, 23.2, 23.5

2) Rule making-requirements: Rules for the adoption of withdrawal, reference and entry prices – art. 11.4, 15.1, 19.2, 19.3; Countervailing charges – art. 19.4, 20.3; Rules on reference prices for carps – art. 20.2; Refunds – art. 23

3) Reporting requirement: Commission to produce a report on the intervention system – art. 13.1

4) Council Control: Commission's protective measure may be referred to the Council within 3 days, Council may amend or repeal the measure (Commission's measure should stand in case of inaction) – art. 22.3

M/S can request the Council to adopt its aid to fishery products by unanimity, Commission's measure is suspended but default condition is the Commission's measure if the Council does not act within three months, reference to Treaty art. 93.2-3 - art. 26

5) Consultation: Commission to give notice and wait from comments of interested parties before deciding the abolition or modification of a M/S aid to fishery products, reference to Treaty art. 93.2-3 – art. 26

Not included: Commission's report on conversion factors (no delegation of powers) – art. 11.4

Number 376L0160

Title

Council Directive 76/160/EEC of 8 December 1975 concerning the quality of bathing water

Description: Quality of bathing water

Major provisions

M = 31

Provisions delegating authority to Commission

Dc = 1

1) Commission to adopt amendments to adapt to technical progress, following procedure art. 11 – art. 9

Number of constraints to Commission

Cc = 1

1) Committee Control: decisions to be adopted following the regulatory committee procedure IIIa of art. 11
(Committee on Adaptation to Technical Progress) - art. 9

Number 376R1418

Title

Council Regulation (EEC) No 1418/76 of 21 June 1976 on the common organization of the market in rice

Description: Common organization of the market in rice

Major provisions

M = 92

Provisions delegating authority to Commission

Dc = 28

- 1) Commission to determine marketing centres in surplus production areas, following procedure art. 27 – art. 4.6
- 2) Commission to adopt rules on qualities, quantities, corrective amounts, prices and intervention conditions, following procedure art. 27 – art. 5.5
- 3) Commission to determine nature and scope of special intervention measures, following procedure art. 27 – art. 6
- 4) Commission to adopt rules and quantity qualifying for payment, following procedure art. 27 – art. 8.5
- 5) Commission to adopt rules on period of validity of licenses, following procedure art. 27 – art. 10.2
- 6) Commission to fix import levies – art. 11.2
- 7) Commission may add a fixed amount to import levies (products of article 1.1c), following procedure art. 27 – art. 12.2
- 8) Commission to fix import levies (products of art. 1.1c) – art. 12.4
- 9) Commission to decide to add a premium to the levy (products art. 1.1c), following procedure art. 27 – art. 13.3
- 10) Commission to adopt rules on advance fixing, following procedure art. 27 – art. 13.5
- 11) Commission to fix scale of premiums – at. 13.6
- 12) Commission to decide on suspension of advance fixing provisions, following procedure art. 27 – art. 13.7
- 13) Commission may suspend advance fixing – art. 13.7 first paragraph, second sentence (New Major Provision)
- 14) Commission to determine varieties and threshold prices, following procedure art. 27 – art. 14.5
- 15) Commission to adopt rules on corrective amounts, method to calculate cif prices and margins, following procedure art. 27 – art. 16.5
- 16) Commission to fix export refunds, following procedure art. 27 – art. 17.2
- 17) Commission may alter the refund – art. 17.2 last paragraph (New Major Provision)
- 18) Commission to fix corrective amounts, following procedure art. 27 – art. 17.4
- 19) Commission may alter the corrective amount – art. 17.4 second paragraph, last sentence (New Major Provision)
- 20) Commission to adopt rules on export refund and fixing amounts, following procedure art. 27 – art. 17.6
- 21) Commission to decide on suspension of advance fixing provisions (export refund), following procedure art. 27 – art. 17.7
- 22) Commission may suspend advance fixing (export refund) – art. 17.7 second paragraph (New Major Provision)
- 23) Commission to determine conversion rates, processing costs and value of by-products, following procedure art. 27 – art. 19
- 24) Commission to adopt rules on measures if prices threaten the Community market, following procedure art. 27 – art. 21.3
- 25) Commission to decide upon measures in case of serious disturbances – art. 22.2
- 26) Extension of Commission's powers to decide the abolition or modification of existing M/S aid to rice, reference to Treaty art. 93.2 – art. 24
- 27) Extension of Commission's powers to new or modification of M/S aids to rice, reference to Treaty art. 93.3 – art. 24 (new Major Provision)
- 28) Commission to adopt rules on availability of rice for food-aid programmes, following procedure art. 27 – art. 25.3

Not included: rules for the exchange of information, following procedure art. 27 – art. 26

Number of constraints to Commission

Cc = 5

- 1) Committee Control – centres, prices, rules and other elements to be determined following the management committee procedure IIa of art. 27 (Management Committee for Cereals of art. 25 of Regulation 2727/75) – art. 4.6, 5.5, 6, 8.5, 10.2, 12.2, 13.3, 13.5, 14.5, 16.5, 17.2, 17.4, 17.6, 17.7, 21.3, 25.3
- 2) Consultation of M/S prior to determination of marketing centres – art. 4.6

Commission to give notice and wait from comments of interested parties before deciding the abolition or modification of a M/S aid to rice, reference to Treaty art. 93.2-3 – art. 24

- 3) Rule-making requirements Rules on import levies – art. 11.1, 12.1; rules on threshold and cif prices – art. 14.2, 14.3; Rules on export refund – art. 17.1

4) Time Limit: Commission may suspend advance fixing for a maximum of three days – art. 13.7, 17.7

- 5) Council Control : Commission's protective measure may be referred to the Council within 3 days, Council may amend or repeal the measure (Commission's measure should stand in case of inaction) – art. 22.3

M/S can request the Council to adopt its aid to rice by unanimity, Commission's measure is suspended but default condition is the Commission's measure if the Council does not act within three months, reference to Treaty art. 93.2-3 - art. 24

Number 377R0355

Title

Council Regulation (EEC) No 355/77 of 15 February 1977 on common measures to improve the conditions under which agricultural products are processed and marketed

Description: Common measures on production and marketing of agricultural products

Major provisions

M = 57

Dc = 11

Provisions delegating authority to Commission

- 1) Commission to take a decision on the approval of specific programmes, following procedure art. 22 – art. 5
- 2) Commission to determine the particulars and the form of presentation of applications for aid, following procedure art. 22 – art. 13.5
- 3) Commission to take decisions on applications of aids to projects, following procedure art. 22 – art. 14.1
- 4) Commission may increase contribution to 30% in some cases, following procedure art. 22 – art. 17.2c
- 5) Commission to carry out on-the-spot checks – art. 19.2
- 6) Commission may decide to suspend, reduce or discontinue aid and recover payment, following procedure art. 22 – art. 19.2 second paragraph (New Major Provision)
- 7) Commission to adopt rules of implementation, following procedure art. 13 of Regulation 729/70 – art. 19.5
- 8) Commission may decide to reverse decision if beneficiary does not submit report and recover payment, following procedure art. 22 – art. 20.2
- 9) Commission to adopt rules and content of the report, following procedure art. 22 – art. 20.3
- 10) Extension of Commission's powers to decide the abolition or modification of existing M/S aid to agricultural marketing and production measures, reference to Treaty art. 93.2 – art. 23
- 11) Extension of Commission's powers to new or modification of M/S aids to agricultural marketing and production measures, reference to Treaty art. 93.3 – art. 23 (new Major Provision)

Note: Article 13.5 requires the Commission to determine the particulars to include in an application for aid, I have included it because, even though it is about information provision, it is a important complementary power delegated in support of the power to decide the granting of aid.

Not included: Powers delegated in article 1.3 repeats the more specific powers of article 14.1;

Number of constraints to Commission

Cc = 7

1) Committee Control – decisions to be given following the management committee procedure IIa as referred in art. 22 (Standing Committee on Agricultural Structures or Standing Committee on Fisheries Structures and Standing Committee for the Fishing Industry) – art. 5, 13.5, 14.1, 17.2c, 19.2, 20.2, 20.3
rules to be adopted following the management committee procedure IIa of art. 13 of Regulation 729/70 (Committee for the European Agricultural Guidance and Guarantee Fund) – art. 19.5

- 2) Exemption: the regulation shall not apply to investments at the retail level and to other projects – art. 6.2, 15.2
- 3) Rule-making requirements: Criteria for projects entitled to aid – art. 3.1, 11.1, 12; Rules on the procedure to approve aids to projects – art. 13.2
- 4) Member State Control: Commission may grant aid only to projects approved by M/S (prior approval) – art. 13.3
- 5) Consultation: of the EAGGF Fund Committee – art. 13.5, 14.1, 19.2, 20.2, 20.3
Commission to give notice and wait from comments of interested parties before deciding the abolition or modification of a M/S aid to agricultural marketing and production measures, reference to Treaty art. 93.2-3 – art. 23
- 6) Spending Limits: Aid granted by the fund not to exceed 15-30% - art. 17.2c, 17.3
- 7) Council Control:

M/S can request the Council to adopt its aid to agricultural marketing and production measures by unanimity, Commission's measure is suspended but default condition is the Commission's measure if the Council does not act within three months, reference to Treaty art. 93.2-3 - art. 23

Not included: Time Limits of 3-5 years for the execution of programmes – art. 3.1g, 16.1; Spending limit: Estimated cost of the measures – art. 16.3

Number 379L0279

Title

Council Directive 79/279/EEC of 5 March 1979 coordinating the conditions for the admission of securities to official stock exchange listing

Description: Conditions for the admission of securities to official stock exchange listing

Major provisions

M = 45

Provisions delegating authority to Commission

Dc = 1

1) Commission to adjust the minimum amount of the foreseeable market capitalization – art. 21.1

Number of constraints to Commission

Cc = 1

1) Committee Control: decision to be adopted following the regulatory committee procedure IIIa of art. 21 (Contact committee) - art. 21.1

Number 380L0778

Title

Council Directive 80/778/EEC of 15 July 1980 relating to the quality of water intended for human consumption

Description: Quality of water for human consumption

Major provisions

M = 39

Provisions delegating authority to Commission

Dc = 2

1) Commission to take any appropriate measures upon analysis of information – art. 6.1

2) Commission to decide adaptation of the reference methods of analysis, following procedure art. 15 – art. 13

Note: article 6.1 does not specify the measures, it might include decisions

Number of constraints to Commission

Cc = 4

1) Exemption: of some types of waters - art. 4.1

2) Rule-making requirement: Reference methods of analysis listed in Annex III;

3) Reporting requirements: Commission to draw a comprehensive report for the Member States – art. 6.2

4) Committee Control: changes to be adopted following the regulatory committee procedure IIIa of art. 15 (Committee on the Adaptation to Scientific and Technical Progress) - art. 15

Number 380R1224

Title

Council Regulation (EEC) No 1224/80 of 28 May 1980 on the valuation of goods for customs purposes

Description: Valuation of goods for customs purposes

Major provisions

M = 66

Provisions delegating authority to Commission

Dc = 5

- 1) Commission to determine the place of introduction into the Community, following procedure art. 19 – art. 14.2
- 2) Commission to adopt special provisions for goods sent by post, following procedure art. 19 – art. 15.2a
- 3) Commission to determine the particulars and documents to be furnished to customs authorities, following procedure art. 19 – art. 16
- 4) Commission to adopt provisions of part I and annex I of the ‘Agreement on Implementation of Article VII of the General Agreement on Tariffs and Trade’, following procedure art. 19 – art. 19.1a
- 5) Commission may extend the validity of regulations, following procedure art. 19 – art. 22.4

Note: Article 19.1b repeats the provisions of arts. 14-6.

Number of constraints to Commission

Cc = 3

- 1) Rule-making requirements: Detailed rules to determine the customs value of imported goods – art. 3, 4, 5, 6, 7, 8; Determination of the place of introduction – art. 14; Determination of transport costs – art. 15
- 2) Committee Control: decisions to be adopted following the regulatory committee procedure IIIa of art. 19 (Customs Valuation Committee) - art. 14.2, 15.2a, 16, 19.1a, 22.4
- 3) Time limit: Validity of regulations can be extended for a maximum of six months beyond 30/6/80 – art. 22.4

Number 382R0288

Title

Council Regulation (EEC) No 288/82 of 5 February 1982 on common rules for imports

Description: Common rules for imports

Major provisions

M = 76

Provisions delegating authority to Commission

Dc = 8

- 1) Commission to seek and check all necessary information (power of investigation) – art. 6.2
- 2) Commission to decide the closing of investigations – art. 7.2
- 3) Commission to decide to impose community surveillance on import – art. 10.2
- 4) Commission may fix a different percentage of the value or quantity for free circulation – art. 11.3
- 5) Commission may limit period of validity of import documents – art. 15.1a
- 6) Commission may alter import rules – art. 15.1b (New Major Provision)
- 7) Commission may limit measures to import for certain Community regions – art. 15.3a
- 8) Commission to amend and revoke surveillance and community protective measures – art. 18.2b

Note: article 10 is not very clear but it is reasonable to assume that Commission's decision covers both retrospective and prior surveillance; article 15.3a does not specify that the Commission has the said power, this is an extension of powers under article 15.1

Not included: Commission to decide to have oral consultation within 5-8 days (no power delegated) – art. 5.4; Decisions on protective measures and surveillance are repeated in art. 7.3; Commission may amend the timetable for submitting information – art. 14.2

Number of constraints to Commission

Cc = 7

- 1) Exemption: of some products from the scope – art. 1.1
- 2) Consultation: with advisory committee before introduction of measures, checking information – art. 4, 5, 6.2, 7.2, 11.3, 18.2
- 3) Public Hearing of interested parties – hearing of parties when carrying investigations that may lead to surveillance and community protective measures - art. 6.4
- 4) Reporting requirements: Commission to submit a report on the investigation to the advisory committee – art. 7.1
- 5) Rule-making requirements: Determination of trend of imports, conditions, substantial injury or threat of substantial injury – art. 9; Rules on import surveillance – art. 10.2; Percentage should not exceed 10% - art. 11.3
- 6) Council Control: Even though Commission's decisions on import surveillance and protective measures are immediately applicable, upon a M/S referral, within one month, to Council, Council shall confirm, amend or revoke the measure by qualified majority; measure is revoked in case of inaction – art. 15.5-6, 17.4, 18.2
- 7) Time limit: Surveillance measures are valid until the end of the second half calendar year following that of introduction – art. 10.3

Number 383R0170

Title

Council Regulation (EEC) No 170/83 of 25 January 1983 establishing a Community system for the conservation and management of fishery resources

Description: Community system for the conservation and management of fishery resources

Major provisions

M = 31

Provisions delegating authority to Commission

Dc = 2

- 1) Commission to adopt rules to apply article 5.2, following procedure art. 14 – art. 5.2 second sentence (New Major Provision)
- 2) Commission to adopt rules for the application and the procedure for the establishment of licenses and the communication of vessels movements, following procedure art. 14 – art. 7.5

Number of constraints to Commission

Cc = 3

- 1) Committee Control – rules to be adopted following the management committee procedure IIa of art. 14 (Management committee for fishery resources) – art. 5.2 second sentence, 7.5
- 2) Rule-making requirements: Annex II fixes the regions, species and vessels where licensing system applies – art. 7 and Annex II
- 3) Reporting requirement: Commission to submit a report to the Council and the Parliament – art. 8.1, 8.3, 9.2; report of the scientific and technical committee – art. 12

Number 383L0189

Title

Council Directive 83/189/EEC of 28 March 1983 laying down a procedure for the provision of information in the field of technical standards and regulations

Description: Provision of information on technical standards

Major provisions

M = 34

Dc = 1

1) Commission can request the European standards institutions to draw up a European standard – art. 6.3

Not included: Commission may amend or supplement lists 1 and 2 (no power, the Commission changes the list of the institutions upon communication from M/S) – art. 2.1; Commission to draw up rules for the presentation of information and programmes – art. 2.2; Commission to notify the other Member States of any draft it has received – art. 8.1

Number of constraints to Commission

Cc = 1

1) Reporting requirement: Commission to submit to the Committee a report – art. 6.1

Not included: Consultation of the Committee – art. 2.2; 6.4, 6.5 (although these are provisions referring to consultation, they are not related to powers delegated to the Commission, the power to request a European standard is only constrained by the need to draft a report)

Number 384R2641

Title

Council Regulation (EEC) No 2641/84 of 17 September 1984 on the strengthening of the common commercial policy with regard in particular to protection against illicit commercial practices

Description: New commercial policy instrument against illicit practices

Major provisions

M = 49

Dc = 7

Provisions delegating authority to Commission

- 1) Commission to decide the opening of the examination procedure and conduct it – art. 6.1
- 2) Commission to seek and check all necessary information (complementary power of investigation) – art. 6.2
- 3) Commission to decide that the interests of the Community do not require any action to be taken, following procedure of article 12 – art. 9.1
- 4) Commission may decide to terminate international consultation or dispute settlement procedures, upon appropriate third country measures, following procedure art. 12, as referred in art. 11.2a – art. 9.2a
- 5) Commission to supervise measures, request and check information on third countries measures – art. 9.2b (New Major Provision)
- 6) Commission may decide the initiation or conduct of international consultation or dispute settlement procedures if third country measures are rescinded or suspended, following procedure art. 12, as referred in art. 11.2a – art. 9.2c (New Major Provision)
- 7) Commission may decide the initiation or conduct of international consultation or dispute settlement procedures to respond to illicit commercial practices, following procedure art. 12, as referred in art. 11.2a – art. 10.1

Not included: Commission's decision on the opening of the examination procedure is repeated in art. 6.1 and 6.8;

Number of constraints to Commission

Cc = 6

- 1) Rule-making requirements: Definition of Community industry – art. 2.4; Rules for examination of injury and threat thereof – art. 8; List of measures where international consultation or dispute settlement procedures has to be discharged – art. 10.3
- 2) Consultation: of the advisory committee – art. 5, 6.1, 9.1, 12; cooperation with M/S – art. 6.1c
- 3) Public hearing of interested parties – hearing of parties when carrying examination of illicit practices - art. 6.1a, 6.5, 6.6
- 4) Reporting requirements: Commission to present a report to the Committee on the investigation – art. 6.9
- 5) Council Control: Procedure of art. 12, similar to safeguard procedure IVa. Commission adopts a decision which is applicable after 10 days, however the measure is suspended if a M/S refers is to the Council which may revise the Commission's decision by qualified majority (Commission's measure stands in case of Council inaction) – art. 9.1, 9.2a, 9.2c, 10.1
- 6) Exemptions: of cases covered by other existing rules in the common commercial policy field – art. 13

Number 386R4056

Title

Council Regulation (EEC) No 4056/86 of 22 December 1986 laying down detailed rules for the application of Articles 85 and 86 of the Treaty to maritime transport

Description: Competition rules extended to maritime transport

Major provisions

M = 75

Dc = 23

Provisions delegating authority to Commission

- 1) Commission may adopt a decision to end a breach of art. 5 obligations attached to art. 3 exemptions – art. 7.1
- 2) Commission to negotiate with third country if competition is absent or eliminated as result of a third country action – art. 7.2c first paragraph
- 3) Commission to withdraw exemption benefits and set conditions for individual exemption if agreements have effects incompatible with the Treaty art. 85.3b – art. 7.2c second paragraph (New Major Provision)
- 4) Commission may adopt a decision to end an agreement with effects other than those of art. 7.2cii(i) – art. 7.2c last paragraph (New Major Provision)
- 5) Commission may withdraw exemption benefits and take measures to end infringements of Treaty art. 86 (abuse of dominant position) - art. 8.2
- 6) Commission to negotiate agreement with third countries in case of conflicts of international law – art 9.2
- 7) Commission may by decision require the undertakings to bring infringement of Treaty art. 85.1 and 86 to an end (complaint or own initiative procedure) – art. 11.1
- 8) Commission to issue decision rejecting unfounded complaint (complaint or own initiative procedure) – art. 11.3
- 9) Commission to issue decisions applying Treaty art. 85.3 (complaint or own initiative procedure) - art. 11.4
- 10) Commission to issue a decision applying Treaty art. 85.1 (procedure for Treaty art. 85.3) - art. 12.3
- 11) Commission shall issue a decision applying Treaty art. 85.3 (procedure for Treaty art. 85.3) - art. 12.4
- 12) Commission may renew decision if the conditions for applying Treaty art. 85.3 remain satisfied – art. 13.2
- 13) Commission may revoke or amend its decision or prohibit specified acts by the parties – art. 13.3
- 14) Commission may obtain all necessary information from M/S and undertakings (a supporting power of investigation) – art. 16.1
- 15) Commission can require information by decision if undertakings do not co-operate – art. 16.5
- 16) Commission can request M/S authorities to undertake investigations – art. 17.1
- 17) Commission may undertake all necessary investigations – art. 18.1
- 18) Commission can use the power of decision to undertake investigations – art. 18.3
- 19) Commission may by decision impose fines if incorrect or misleading information is supplied – art. 19.1
- 20) Commission may by decision impose fines when undertakings infringe, breach or not comply – art. 19.2
- 21) Commission may by decision impose on undertakings periodic penalty payments – art. 20.1
- 22) Commission may fix the total amount of the periodic penalty payment at a lower figure than that of original decision – art. 20.2
- 23) Commission's power to adopt implementing provisions (more extensive than a simple call for execution, similar to a power to decide procedures) – art. 26

Note: article 11.2 repeats the powers delegated under art. 7; Article 13.2 does not specify that the Commission may renew decision but it is obvious that it is so.

Number of constraints to Commission

Cc = 5

- 1) Exemption: of tramp vessel services – art. 1.2;
- 2) Rule-making requirements Rules governing exemptions – art. 5; Decisions to be taken under conditions laid down in Section II – art. 7.1, 7.2; Special circumstances – art. 7.2b; Validity of decisions of at least six years – art. 13.1; Cases when Commission may revoke or amend its decision or prohibit specified acts by the parties – art. 13.3; Limits on fines and periodic penalties – art. 19, 20; types of agreements where Treaty articles do not apply – art. 3, 6
- 3) Council Control: Negotiations are carried out under authorization and directives to be given by the Council - art. 7.2c first paragraph, 9.2
- 4) Consultation : of the Advisory committee – art. 9.2, 15.3, 19.3, 20.3; consultation with the competent authority of the M/S – art. 18.4
- 5) Public hearing of interested parties: for the application of Treaty art. 85.3 – art. 12.2; hearing of parties and third persons before taking decision – art. 23

Not included: reference to ECJ review do not go beyond the Treaty – art. 14, 16.5, 18.3, 21; report in art. 15.6 is part of the consultation proceedings

Number 387R2658

Title

Council Regulation (EEC) No 2658/87 of 23 July 1987 on the tariff and statistical nomenclature and on the Common Customs Tariff

Description: Tariff and statistical nomenclature and the Common Customs Tariff

Major provisions

M = 33

Provisions delegating authority to Commission

Dc = 4

- 1) Commission to establish an integrated tariff, i.e. the 'Taric', based on the combined nomenclature – art. 2
- 2) Commission to integrate measures into the Taric, attribute Taric codes, update the Taric – art. 6
- 3) Commission to apply and amend combined nomenclature, Taric, Annex, following procedure art. 10 – art. 9.1
- 4) Commission may fix conditions on the eligibility of goods for a favourable tariff arrangement, following procedure art. 10 – art. 11.1

Not included: Commission to adopt each year by means of a Regulation a complete version of the combined nomenclature (this provision does not delegate further powers – they have been delegated in the other articles -, it sets out how the nomenclature should be publicised) – art. 12; Commission to amend community acts which include the tariff or statistical nomenclature (this is not delegation of powers, the Commission has to replace codes and description of goods of one nomenclature into another)– art. 15.1

Number of constraints to Commission

Cc = 2

- 1) Rules-making requirements: combined nomenclature to use for the Taric and how to set the Taric – Annex I, art. 2; Rules on subheadings – art. 3; list of what measures shall not amend – art. 9.2
- 2) Committee Control: measures to be adopted following the management committee procedure IIb of art. 10 (Committee on Tariff and Statistical Nomenclature) - art. 9.1, 11.1

Number 387R3975

Title

Council Regulation (EEC) No 3975/87 of 14 December 1987 laying down the procedure for the application of the rules on competition to undertakings in the air transport sector

Description: Competition rules extended to air transport

Major provisions

M = 57

Dc = 18

Provisions delegating authority to Commission

- 1) Commission may certify there are no grounds under Treaty art. 85.1 and 86 for action on its part in respect of an agreement (complaint or own initiative, application by undertakings concerned) – art. 3.2
- 2) Commission may by decision require the undertakings to end infringement of Treaty art. 85.1 and 86 (complaint or own initiative) – art. 4.1
- 3) Commission to take a decision rejecting the complaint as unfounded (complaint or own initiative) – art. 4.2
- 4) Commission to take a decision applying Treaty art. 85.3 (complaint or own initiative) – art. 4.3
- 5) Commission to issue a decision declaring that the prohibition in Treaty art. 85.1 applies (procedure for Treaty art. 85.3) - art. 5.3
- 6) Commission to issue a decision applying Treaty art. 85.3 (procedure for Treaty art. 85.3) - art. 5.4
- 7) Commission may renew decision if the conditions for applying Treaty art. 85.3 remain satisfied – art. 6.2
- 8) Commission may revoke or amend its decision or prohibit specified acts by the parties – art. 6.3
- 9) Commission may obtain all necessary information from M/S and undertakings (a supporting power of investigation) – art. 9.1
- 10) Commission can require information by decision if undertakings do not co-operate – art. 9.5
- 11) Commission can request M/S authorities to undertake investigations – art. 10.1
- 12) Commission may undertake all necessary investigations – art. 11.1
- 13) Commission can use the power of decision to undertake investigations – art. 11.3
- 14) Commission may by decision impose fines if incorrect or misleading information is supplied – art. 12.1
- 15) Commission may by decision impose fines when undertakings infringe, breach or not comply – art. 12.2
- 16) Commission may by decision impose on undertakings periodic penalty payments – art. 13.1
- 17) Commission may fix the total amount of the periodic penalty payment at a lower figure than that of original decision – art. 13.2
- 18) Commission's power to adopt implementing provisions (more extensive than a simple call for execution, similar to a power to decide procedures) – art. 19

Note: Article 6.2 does not specify that the Commission may renew decision but it is obvious that it is so.

Number of constraints to Commission

Cc = 3

- 1) Rules-making requirements: Decisions are valid for at least six years – art. 6.1; Cases when Commission may revoke or amend its decision or prohibit specified acts by the parties – art. 6.3; Limits on fines and periodic penalties – art. 12, 13; Annex listing agreements where Treaty art. 85.1 does not apply;
- 2) Hearing of interested parties: Commission must invite all interested third parties and the Member States to submit their comments – art. 5.2, 16; hearing of parties and third persons before taking decision – art. 16
- 3) Consultation : of the Advisory committee – art. 8.3, 12.3, 13.3; consultation with the competent authority of the M/S – art. 11.4

Not included: Exemption: Regulation applies only to international air transport between Community airports (an exemption is not specified, only the scope is) – art. 1.2; References to ECJ review do not go beyond the Treaty – art. 7, 9.5, 11.3, 14; report in art. 8.6 is part of the consultation proceedings

Number 387R3976

Title

Council Regulation (EEC) No 3976/87 of 14 December 1987 on the application of Article 85 (3) of the Treaty to certain categories of agreements and concerted practices in the air transport sector

Description: Commission can exempt R&D and specialisation agreements and practices in the air transport sector from application of Treaty art. 85.3

Major provisions

M = 13

Dc = 3

Provisions delegating authority to Commission

- 1) Commission may, by regulation, exempt certain agreements from Treaty art. 85.1 – art. 2.1
- 2) Commission may adopt a decision to prohibit or require acts or grant individual exemption or withdraw exemption benefits to end breach of conditions or obligations – art. 7.1
- 3) Commission may withdraw the exemption benefits if agreements are incompatible Treat art. 85.3 – art. 7.2

Note: article 2.2 clarifies the types of agreements the Commission can exempt, it does not delegate further powers

Number of constraints to Commission

Cc = 4

- 1) Rule-making requirements – Types of agreement and practices that can be exempted and criteria – art. 2.2, 2.3
- 2) Time Limit: Any regulation adopted by the Commission pursuant to art. 2 shall expire on 31/1/1991 – art. 3
- 3) Public hearings of interested parties – Persons to submit comments before the adoption of a regulation – art. 5
- 4) Consultation: of the Advisory Committee on Agreements and Dominant Positions in Air Transport – art. 6

Number 388L0361

Title

Council Directive 88/361/EEC of 24 June 1988 for the implementation of Article 67 of the Treaty

Description: Liberalisation of movement of some types of capital

Major provisions

M = 20

Provisions delegating authority to Commission

Dc = 2

- 1) Commission may authorize and specify details and conditions of protective measures – art. 3.1
- 2) Commission to decide whether the M/S concerned may continue to apply urgent measures or whether it should amend or abolish them – art. 3.2

Number of constraints to Commission

Cc = 3

- 1) Consultation: Before authorizing and deciding on protective measure, consultation of the Monetary Committee and the Committee of Governors of the Central Banks – art. 3.1, 3.2, 3.5
- 2) Council Control: Council may revoke or amend by a qualified majority the Commission's decisions – art. 3.3
- 3) Reporting requirements: Commission to produce a report on the provisions of art. 3 – art. 3.5

Number 388L0378

Title

Council Directive 88/378/EEC of 3 May 1988 on the approximation of the laws of the Member States concerning the safety of toys

Description: Safety of toys

Major provisions

M = 39

Dc = 2

1) Commission to withdraw harmonized standards if do not satisfy essential requirements – art. 6.1
2) Commission may ensure that inspection procedures are implemented correctly, without discrimination – art. 13
Note: article 6.1 requires the Commission to withdraw from publications inappropriate standards, this is an important power as it might put some products off the market.

Not included: Commission to update approved bodies – art. 9.2; Commission to ensure confidentiality – art. 12.3

Number of constraints to Commission

Cc = 3

1) Rule-making requirements: Essential safety requirements of toys in Annex II – art. 3;
2) Exemption: of the toys listed in Annex I – art. 1.2
3) Consultation: of Standing Committee set up under Directive 83/189 before withdrawing standards– art. 6; of parties and M/S – art. 7;

Number 389L0048

Title

Council Directive 89/48/EEC of 21 December 1988 on a general system for the recognition of higher-education diplomas awarded on completion of professional education and training of at least three years' duration

Description: General system for the recognition of higher-education diplomas

Major provisions

M = 30

Provisions delegating authority to Commission

Dc = 1

1) Commission may decide against a M/S proposal not to grant applicants the right to choose between an adaptation period and an aptitude test in respect of a profession – art. 10.2

Not included: Commission to take the necessary initiatives to ensure the development and coordination of the communication of the necessary information – art. 9.3

Number of constraints to Commission

Cc = 3

1) Rule-making requirements: Rules on the aptitude test – art. 1g; Rules on the period of professional experience, adaptation period or aptitude test – art. 4.1

2) Reporting requirements: Commission to report to the European Parliament and the Council on the state of application of the general system – art. 13

3) Exemption: of professions which are the subject of a separate Directive – art. 2;

Not included: Commission may consult the coordinating group (not compulsory) – art. 10.1

Number 389L0391

Title

Council Directive 89/391/EEC of 12 June 1989 on the introduction of measures to encourage improvements in the safety and health of workers at work

Description: Safety and health of workers at work

Major provisions

M = 63

Provisions delegating authority to Commission

Dc = 1

1) Commission to adopt decision to take account of new directives, technical progress and new findings, following procedure art. 17 – art. 17.3

Number of constraints to Commission

Cc = 4

1) Rule-making requirements: List of employers' obligations that M/S have to control and supervise (general principles of prevention) – art. 6.2, 6.3, 7, 8, 9; List of occupational accidents resulting in a work being unfit for three days – art. 9.1 (these are obligations on employers but they also constrain the role of the Commission in amending directives); Commission adjustments must be purely technical – art. 17.1

2) Committee Control: decisions to be adopted following the regulatory committee procedure IIIa of art. 17 - art. 17.3

3) Reporting Requirements: Commission to submit periodically a report on the implementation – art. 18.4

4) Exemption of some professions, e.g. armed forces and police – art. 2.2

Number 389L0440

Title

Council Directive 89/440/EEC of 18 July 1989 amending Directive 71/305/EEC concerning coordination of procedures for the award of public works contracts

Description: Public works contracts procedure

Major provisions

M = 91

Provisions delegating authority to Commission

Dc = 1

1) Commission to amend Annex I – art. 1.22 (30b.1)

Not included: Commission to determine the nature of any additional statistical information to be included in M/S statistical report – art. 1.22 (30a.3)

Number of constraints to Commission

Cc = 1

1) Consultation: Amendments to Annex I shall be made by the Commission after consulting the Advisory Committee for Public Works Contracts – art. 1.22 (30b.2)

Number 389L0646

Title

Second Council Directive 89/646/EEC of 15 December 1989 on the coordination of laws, regulations and administrative provisions relating to the taking up and pursuit of the business of credit institutions and amending Directive 77/780/EEC

Description: Coordination of the laws relating to the business of credit institutions

Major provisions

M = 88

Provisions delegating authority to Commission

Dc = 5

- 1) Commission may negotiate with third countries to gain effective market access to Community credit institutions – art. 9.3
- 2) Commission may negotiate with third countries in order to remedy discriminate treatment against Community credit institutions – art. 9.4
- 3) Commission may decide that the M/S authorities must suspend decisions on requests for authorizations and on acquisition of holdings, following procedure of art. 22.2 – art. 9.4 second paragraph (New Major Provision)
- 4) Commission may decide that the M/S must amend or abolish precautionary measures – art. 21.7
- 5) Commission to adopt technical adaptations to the Directive, following procedure art. 22.2 – art. 22.1

Number of constraints to Commission

Cc = 7

- 1) Council Control: Council must decide, by qualified majority, on a mandate for negotiation to gain effective market access – art. 9.3
- 2) Reporting requirements: Commission to draw up a report on the application of art. 4.2 – art. 4.2d; Commission shall submit a report on cases of withdrawal of authorization to the Banking Advisory Committee every two years – art. 21.9; Commission to draw up a report examining the treatment accorded to Community credit institutions in third countries – art. 9.2
- 3) Committee Control: decisions to be adopted following the regulatory committee procedure IIb of art. 22.2 (committee) - art. 9.4 second paragraph, 22.1
- 4) Time Limit: The duration of the measures of art. 9.4 may not exceed three months – art. 9.4
- 5) Exemption: Exemption of institutions referred to in Article 2.2 of Directive 77/780 – art. 2.2; limitations or suspension may not apply to the setting up of subsidiaries by credit institutions duly authorized or to the acquisition of holdings in Community credit institutions by such institutions – art. 9.4
- 6) Consultation: Commission may decide that the M/S must amend or abolish precautionary measures after consulting M/S competent authorities – art. 21.7
- 7) Rule-making requirements: Rules on initial capital – art. 4

Number 389L0665

Title

Council Directive 89/665/EEC of 21 December 1989 on the coordination of the laws, regulations and administrative provisions relating to the application of review procedures to the award of public supply and public works contracts

Description: Coordination of laws on application of review procedures to the award of public supply and works contracts

Major provisions

M = 20

Provisions delegating authority to Commission

Dc = 1

1) Commission to request the correction of clear and manifest infringements – art. 3.2

Not included: Commission to determine the nature of the information to received from M/S – art. 4.2

Number of constraints to Commission

Cc = 0

Number 389R4064

Title

Council Regulation (EEC) No 4064/89 of 21 December 1989 on the control of concentrations between undertakings

Description: Control of concentrations between undertakings

Major provisions

M = 103

Provisions delegating authority to Commission

Dc = 24

- 1) Commission to decide if concentration fall within Regulation scope or if it is compatible or not (first examination) – art. 6.1
- 2) Commission may decide to continue the suspension of a concentration or to take interim measures – art. 7.2
- 3) Commission may grant a derogation from the obligations of art. 7.1-3 (suspension of concentration) – art. 7.4
- 4) Commission to issue a decision declaring the concentration compatible with the common market (end of proceeding) – art. 8.2
- 5) Commission to issue a decision declaring that the concentration is incompatible with the common market (end of proceeding) – art. 8.3
- 6) Commission may require the undertakings to be separated or the cessation of joint control if concentration has been implemented – art. 8.4
- 7) Commission may revoke the decision declaring the concentration compatible with the common market – art. 8.5
- 8) Commission may, by decision, refer a notified concentration to the M/S competent authorities – art. 9.1
- 9) Commission to decide if there is a distinct market or threat and deal with or refer the case to the M/S competent authorities – art. 9.3
- 10) Commission may obtain all necessary information from governments and authorities (a supporting power of investigation) – art. 11.1
- 11) Commission may require information by decision if there is no co-operation from undertakings – art. 11.5
- 12) Commission can request M/S authorities to undertake investigations – art. 12.1
- 13) Commission may undertake all necessary investigations – art. 13.1
- 14) Commission can use the power of decision to undertake investigations – art. 13.3
- 15) Commission may by decision impose fines in case of no notification or if incorrect or misleading information is supplied – art. 14.1
- 16) Commission may by decision impose fines when undertakings do not comply – art. 14.2
- 17) Commission may by decision impose on undertakings periodic penalty payments (information and investigation) – art. 15.1
- 18) Commission may by decision impose on undertakings periodic penalty payments (non compliance or application of measures) – art. 15.2
- 19) Commission may fix the total amount of the periodic penalty payment at a lower figure than that of original decision – art. 15.3
- 20) Commission to decide compatibility with Community law of M/S measures protecting public interest – art. 21.3
- 21) Commission may adopt decisions of art. 8.2-4 also in case of concentrations without Community dimension – art. 22.3
- 22) Extension of powers under art. 6, 8, 10-20 to concentrations without Community dimension – art. 22.4
- 23) Commission's power to adopt implementing provisions (more extensive than a simple call for execution, it is a power to decide form, content, details and time limits) – art. 23
- 24) Commission may negotiate with third countries with a view to obtaining comparable treatment for Community undertakings – art. 24.3

Not included: Commission may extend period within which credit institutions should sell undertakings' securities – art. 3.5a; Commission to publish the fact that a notified concentration falls within the scope of this Regulation (only publication) – art. 4.3; Commission to notify its decision – art. 6.2; Commission may in exceptional cases shorten period of consultation – art. 19.5; Commission to publish the decisions – art. 20.1

Number of constraints to Commission

Cc = 7

- 1) Rule-making requirements: Scope: Concentration with Community dimension has aggregate worldwide turnover of more than ECU 5 000m and Community-wide turnover of each of at least two of the undertakings of more than ECU 250m – art. 1.2; Aspects to take account of in the appraisal of concentrations (need to preserve and develop effective competition, market position of the undertakings, opportunities available to suppliers and users, dominant position) – art. 2; Definition of concentration and control – art. 3; Calculation of turnover – art. 5; Conditions under which Commission may revoke decision – art. 8.5; Definition of geographical reference market – art. 9.7; Limits on fines and periodic penalties – art. 14, 15; Commission to take only the measures strictly necessary to maintain or restore competition within the territory of the M/S at the request of which it intervenes – art. 22.5
- 2) Exemption: Powers under article 7 have no effect on transactions in securities admitted to trading on a regulated market operating regularly and accessible directly or indirectly to the public – art. 7.5
- 3) Consultation: Commission to hear the competent authority before taking decisions on investigation – art. 13.4; Consultation of Advisory Committee on concentrations before any decision or provision is taken pursuant to art. 8.2-5, 14, 15 and 23 – art. 19.3

4) Public hearing of interested parties: Before taking any decision, the Commission shall give undertakings the opportunity, at every stage of the procedure, of making known their views on the objections against them - art. 18

5) Time Limit: Commission's powers under art. 22.3-5 shall continue to apply until the thresholds have been reviewed, namely until the end of the fourth year following that of the adoption of the regulation – art. 22.6

6) Reporting requirements: Commission to draw up a report examining the treatment accorded to Community undertakings as regards concentrations in non-member countries – art. 24.2

7) Council Control: Council to adopt a mandate for negotiations of Commission with third countries, before Commission starts negotiations – art. 24.3

Not included: References to ECJ review do not go beyond the Treaty art. 173 – art. 9.9 (M/S may appeal, and in particular request the application of Article 186, for the purpose of applying its national competition law), 11.5, 13.3, 16, 21

Number 392L0051

Title

Council Directive 92/51/EEC of 18 June 1992 on a second general system for the recognition of professional education and training to supplement Directive 89/48/EEC

Description: Second general system for the recognition of professional education and training

Major provisions

M = 44

Dc = 4

Provisions delegating authority to Commission

- 1) Commission may decide against M/S proposal not to grant applicants right to choose between adaptation period and aptitude test (Host M/S requires diploma, ch. III), following procedure art. 14 – art. 4.1b second paragraph
- 2) Commission may decide against M/S proposal not to grant applicants right to choose between adaptation period and aptitude test (applicant has certificate, ch. IV), following procedure art. 14 – art. 5 last paragraph
- 3) Commission may decide against M/S proposal not to grant applicants right to choose between adaptation period and aptitude test (Host M/S requires certificate, ch. V), following procedure art. 14 – art. 7a second paragraph
- 4) Commission to adopt measures amending Annexes C and D, following procedure art. 15 – art. 15.5

Not included: Commission to take the initiatives to ensure the development and coordination of the communication of the necessary information – art. 13.3

Number of constraints to Commission

Cc = 4

- 1) Rule-making requirements: Definition of diploma, competence, professional activity, adaptation period – art. 1 and Annex C; Rules on the period of professional experience, adaptation period or aptitude test – art. 4.1, 5, 6
- 2) Exemption: of professions which are the subject of a separate Directive and activities of Directives of Annex A – art. 2;
- 3) Committee Control – amendments to be adopted following the management committee procedure IIb of art. 15 (committee) – art. 15
- 4) Reporting requirements: Commission to report to the European Parliament and the Council on the application of the general system – art. 18

Number 392L0085

Title

Council Directive 92/85/EEC of 19 October 1992 on the introduction of measures to encourage improvements in the safety and health at work of pregnant workers and workers who have recently given birth or are breastfeeding (tenth individual Directive within the meaning of Article 16 (1) of Directive 89/391/EEC)

Description: Safety and health at work of pregnant workers and workers who have recently given birth

Major provisions

M = 36

Dc = 2

Provisions delegating authority to Commission

- 1) Commission to draw up guidelines on the assessment of hazardous chemical, physical and biological agents and industrial processes – art. 3.1
- 2) Commission to amend Annex I as result of technical progress and new findings, following procedure art. 17 of Directive 89/391 – art. 13.1

Number of constraints to Commission

Cc = 3

- 1) Consultation: of M/S and the Advisory Committee on Safety, Hygiene and Health Protection at Work – 3.1
- 2) Committee Control: amendments to be adopted following the regulatory committee procedure IIIa of art. 17 of Directive 89/391 - art. 13.1
- 3) Reporting requirements: Commission to periodically submit to the European Parliament, the Council and the Economic and Social Committee a report on the implementation of this Directive – art. 14.5

Number 392R0218

Title

Council Regulation (EEC) No 218/92 of 27 January 1992 on administrative cooperation in the field of indirect taxation (VAT)

Description: Administrative cooperation in the field of indirect taxation

Major provisions

M = 39

Provisions delegating authority to Commission

Dc = 3

- 1) Commission to define criteria to determine what amendments that need not be made, following procedure art. 10 – art. 4.1 last sentence (New Major provision)
- 2) Commission to decide the conditions under which access to corrected information may be granted, following procedure art. 10 – art. 4.4
- 3) Commission to set general criteria for the definition of the scope of commitments of art. 7.1, following procedure art. 10 – art. 7.1

Number of constraints to Commission

Cc = 2

- 1) Committee Control: decisions to be adopted following the regulatory committee procedure IIIb of art. 10 (Standing Committee on Administrative Cooperation in the Field of Indirect Taxation) - art. 4.1 last sentence, 4.4, 7.1
- 2) Reporting requirements: Commission to report, every two years, to the European Parliament and the Council on the conditions of application of this Regulation - art. 14.1

Factor Analysis

Positive loadings in **bold** Negative loadings in **red bold**

Structure Matrix – Ten Constraints

	<i>Factor</i>			
<i>Constraints</i>	1	2	3	4
Committee Control	-.104	.365	-.639	.338
Time Limits	.127	-6.132E-02	7.251E-02	-4.238E-02
Spending Limits	.179	-1.135E-02	-3.101E-02	2.902E-02
Reporting Requirements	.155	-.146	1.856E-02	-4.744E-02
Consultation Requirements	4.884E-02	-.182	.674	-.286
Public Hearing	-4.157E-02	-.183	.745	.356
Rule-making Requirements	7.015E-02	.120	-6.118E-03	.437
Exemptions	.173	-.988	.354	-8.103E-02
Council Control	8.256E-02	4.379E-03	.391	-.765
Member States Control	.993	-.160	1.507E-02	7.529E-02

Extraction Method: Maximum Likelihood. Rotation Method: Oblimin with Kaiser Normalization.

Structure Matrix – Thirteen Constraints

	<i>Factor</i>					
<i>Constraints</i>	1	2	3	4	5	6
Time Limits	-4.304E-02	.204	-3.946E-02	6.190E-02	.127	4.145E-02
Spending Limits	-3.825E-02	9.318E-03	-2.414E-02	9.307E-03	.229	2.566E-02
Reporting Requirements	-.108	9.507E-02	2.209E-02	3.061E-02	.204	.199
Consultation Requirements	-9.159E-02	.156	.580	.564	2.749E-02	.140
Public Hearing	-4.191E-03	.103	-2.433E-02	.810	3.421E-03	-6.147E-02
Rule-making Requirements	3.944E-02	-.128	-.329	.173	.127	-.406
Exemptions	.119	.200	3.677E-03	.456	.214	.520
Management Committee Control	-.729	-.277	-.378	-.513	-3.592E-03	-.338
Regulatory Committee Control	.391	-9.235E-02	-9.269E-02	-.102	-6.590E-02	2.274E-02
Low Council Control	-3.723E-02	-8.013E-02	.899	-5.711E-02	-8.895E-02	1.326E-02
Medium Council Control	-2.320E-02	.974	4.633E-02	5.271E-02	-2.251E-02	3.814E-02
High Council Control	4.985E-02	-5.002E-03	-1.374E-03	-3.934E-03	2.379E-04	.164
Member State Control	-5.872E-02	.183	-6.124E-02	6.000E-02	.815	1.548E-02

Extraction Method: Maximum Likelihood. Rotation Method: Oblimin with Kaiser Normalization.