

SUPERVISION IN EUROPEAN COMMUNITY LAW

Second Revised Edition

H.A.H. AUDRETSCH

North-Holland

SUPERVISION IN EUROPEAN COMMUNITY LAW

Observance by the Member States of their Treaty Obligations

A Treatise on International and Supra-National Supervision

Dr. H.A.H. AUDRETSCH

*Europa Institute, Utrecht University
The Netherlands*

Second revised edition



1986

NORTH-HOLLAND
AMSTERDAM · NEW YORK · OXFORD · TOKYO

© ELSEVIER SCIENCE PUBLISHERS B.V., 1986

All rights reserved. No part of this publication may be reproduced, stored in a retrieval system, or transmitted in any form or by any means, electronic, mechanical, photocopying, recording or otherwise, without the prior permission of the copyright owner.

Library of Congress Catalogue Card Number: 77-23816

ISBN: 0 444 70027 7

First edition: 1978

Second revised edition: 1986

Publishers:

ELSEVIER SCIENCE PUBLISHERS B.V.
P.O. Box 1991
100 BZ Amsterdam
The Netherlands

Sole distributors for the U.S.A. and Canada:

ELSEVIER SCIENCE PUBLISHING COMPANY, INC.
52 Vanderbilt Avenue
New York, NY 10017
U.S.A.

Library of Congress Cataloging in publication data

AUDRIETSCH, H. A. H.

Supervision in European Community Law.

A revision of the author's thesis, Utrecht University, 1975

Bibliography: p. 591

Includes indexes

1. International, and municipal law—European Community Law.
2. European Economic Community Countries—Foreign relations—Treaties.

1. Title

Law 341.24'2 77—23816

ISBN: 0 444 70027 7

PRINTED IN THE NETHERLANDS

SUPERVISION IN EUROPEAN COMMUNITY LAW

Second revised edition

PREFACE

This revised edition was started during a study-leave in Scotland, at the Centre of European Governmental Studies which is part of the Law Faculty of Edinburgh University. This leave was made possible thanks to a fellowship from the Leverhulme Trust Foundation. I gratefully acknowledge this assistance. Originally, the revision was conceived as a supplement to the first edition. When, however, it appeared that the first edition was running out of print, it was agreed upon that a completely revised edition was preferable. Indeed, from merely statistical figures it already appears that a good deal has happened in the field of supervision in European Community law since the first edition was closed: spring 1977. As from that period up to the end of 1985 more infringements by Member States regarding their treaty obligations have been recorded and dealt with than in all the previous years of the Communities' existence. Of course, the Communities have also been enlarged as from 1973. However, does that explain the boom of infringement cases after 1977? From the study undertaken over the past years it clearly appears that a reappraisal has occurred, especially in the Commission's philosophy *vis-à-vis* the supervision problem. These new developments have now been integrated in the present study.

It may be recalled that the laborious task of translating the original study into English had been accomplished with the utmost care by Miss C. DIKSHOORN. The revision was conceived direct in English. However, she was so kind as to check everything in detail and to read through the entire text as often as necessary. I am most grateful to her.

Thanks is also expressed to Mrs Marcella KIEL, Joeke SPEE, and Elli van LEEUWEN, who managed to master the often fickle apparatus of modern times: the word-processor. Moreover, I gratefully acknowledge the assistance of the Utrecht Foundation for International Publications, the 'Sint Jansfonds', and the 'Legatum Visserianum'. Furthermore, the attention and care of both the printers, MEIJER & SIEGERS, and the publishers, North-Holland Publishing Company, are gratefully acknowledged.

Finally, all those persons who have assisted me in some way, but who are not mentioned by name, are requested to bear in mind that they all occupy a warm corner in the present author's heart.

Bilthoven, spring 1986

H.A.H. AUDRETSCH

V

For Marrie,
Arianne, and Lucy

List of abbreviations

LIST OF ABBREVIATIONS

Institutions and Organizations

CECA	Communauté européenne du charbon et de l'acier
CE	Communautés européennes
CEE	Communauté économique européenne
Court of Justice	Court of Justice of the European Communities
EAEC	European Atomic Energy Community (Euratom)
EC	European Communities
ECSC	European Coal and Steel Community
EEC	European Economic Community
EFTA	European Free Trade Association
EIB	European Investment Bank
EP	European Parliament
ESC	Economic and Social Committee
Euratom	European Atomic Energy Community (EAEC)
HA	High Authority of the ECSC
IAEA	International Atomic Energy Agency
ICJ	International Court of Justice
ILO	International Labour Organisation
UN	United Nations

Publications

AA	Ars Aequi
AFDI	Annuaire Français de Droit International
AJCL	American Journal of Comparative Law
AJIL	American Journal of International Law
AVR	Archiv des Völkerrechts
AWD	Aussenwirtschaftsdienst des Betriebs-Beraters
Bw	Bestuurswetenschappen
CDE	Cahiers de Droit Européen
CMLRep	Common Market Law Reports
CMLRev	Common Market Law Review
DNIS	Il Diritto Negli Scambi Internazionali
EA	Europa Archiv
ECR	European Court Reports (Recueil de la Jurisprudence)
ELRev	European Law Review
EM	Europese Monografieën (Kluwer, Deventer)

List of abbreviations

<i>EP Doc</i>	European Parliament, Documents
<i>EuR</i>	Europa Recht
<i>FI</i>	Foro Italiano
<i>GC</i>	Giustizia Civile
<i>General Report</i>	General Report on the activities of the European Communities (Commission)
<i>GP</i>	Gazette du Palais
<i>ICLQ</i>	The International and Comparative Law Quarterly
<i>JCP</i>	Jurisclasseur périodique
<i>JDI</i>	Journal du Droit International
<i>JO</i>	Journal Officiel des CE (Official Journal of the EC (C - Information and Notice; L - Legislation)
<i>JT</i>	Journal des Tribunaux
<i>LIEI</i>	Legal Issues of European Integration
<i>MAE</i>	Ministres des Affaires Etrangères (Documents)
<i>NILR</i>	Netherlands International Law Review
<i>NJB</i>	Nederlands Juristenblad
<i>NJW</i>	Neue Juristische Wochenschrift
<i>OJ</i>	Official Journal of the EC (Journal officiel)
<i>RCADI</i>	Recueil des Cours, Académie de Droit International
<i>Rec</i>	Recueil de la Cour de Justice des Communautés européennes (European Court Reports)
<i>Rec D</i>	Recueil Dalloz
<i>RDE</i>	Rivista di Diritto Europeo
<i>RDI</i>	Rivista di Diritto Internazionale
<i>RDIPP</i>	Rivista di Diritto Internazionale Privato e Processuale
<i>RDP</i>	Revue du Droit Public et de la Science Politique en France et à l'Étranger
<i>RGDIP</i>	Revue Générale de Droit International Public
<i>RIW</i>	Recht der Internationalen Wirtschaft
<i>RMC</i>	Revue du Marché Commun
<i>RTDE</i>	Revue Trimestrielle de Droit Européen
<i>RW</i>	Rechtskundig Weekblad
<i>SEW</i>	Sociaal-Economische Wetgeving
<i>Stb</i>	Staatsblad (The Netherlands Official Journal)
<i>Trb</i>	Tractatenblad (The Netherlands Treaties Journal)
<i>ZHR</i>	Zeitschrift für das gesamte Handelsrecht und Wirtschaftsrecht

CONTENTS

	Preface	v
	List of Abbreviations: Institutions and Organizations; Publications	xviii
1.	INTRODUCTION	1
1.1.	GENERAL	1
1.1.1.	<i>International supervision</i>	1
1.1.2.	<i>Supervision in European Community law: Scope of the study</i>	2
1.1.3.	<i>Supervision in European Community law; some reflections on the development regarding the exercise of supervision in the European Communities vis-à-vis the Member States as from 1977 up to the present time. A reappraisal in a changing Community</i>	3
1.2.	SCHEME OF THE STUDY	6
1.3.	DEFINITION OF SUPERVISION	7
2.	SUPERVISORY FUNCTIONS	11
	WITHIN THE EUROPEAN COMMUNITIES; LEGAL AND PROCEDURAL ASPECTS	
2.1.	CHARACTER OF SUPERVISION IN EUROPEAN COMMUNITY LAW	11
2.1.1.	<i>General</i>	11
2.1.2.	<i>Non-judicial review</i>	13
	<i>Summary 2.1.1- 2.1.2</i>	14
2.1.3.	<i>Obligations of Member States</i>	14
2.1.4.	<i>Duty of the Member States to inform the Commission and to co-operate with it</i>	15
2.1.5.	<i>Lack to provide information and the presumption of failure; the proof of the failure</i>	16
	<i>Summary 2.1.3- 2.1.5</i>	18
2.2.	THE EUROPEAN COMMISSION AS SUPERVISOR	18
2.2.1.	<i>Supervisory function of the European Executive</i>	18
	<i>Summary 2.2.1</i>	21
2.2.2.	<i>Supervision procedures</i>	21
	<i>Arts 88 ECSC, 169 EEC, and 141 Euratom</i>	

Contents

2.3.	ADMINISTRATIVE PHASE IN THE SUPERVISION PROCEDURES UNDER ARTS 88 ECSC, 169 EEC, AND 141 EURATOM	22
2.3.1.	<i>General</i>	22
2.3.2.	<i>(A) Preliminary investigation</i>	23
2.3.3.	<i>(B) Conciliatory phase</i> <i>Formal initiation of the infringement procedure</i> <i>Giving the State the opportunity to submit its</i> <i>observations</i>	24
2.3.4.	<i>(C) Reasoned decision</i> <i>Reasoned opinion</i>	35
2.3.4.1	Obligation of the Commission	35
2.3.4.2.	Conditions for delivering a reasoned decision or a reasoned opinion Termination of the conciliatory phase <i>Summary 2.2.2-2.3.4.2</i>	36 39
2.3.4.3.	Character of the reasoned decision and of the reasoned opinion	40
2.3.4.4.	Content and purpose of the reasoned decision and the reasoned opinion	42
2.3.4.5.	Reasoning of the decision or the opinion Consequences of insufficient reasoning	45
2.3.4.6.	Time-limit for compliance with the obligations	48
2.3.4.7.	Failure of the Commission to deliver a reasoned decision or a reasoned opinion <i>Summary 2.3.4.3- 2.3.4.7</i>	49 52
2.4.	JUDICIAL PHASE	54
2.4.1.	<i>Preliminary remark</i>	54
2.4.2.	<i>Proceedings before the Court under Arts 88 ECSC,</i> <i>169 EEC, and 141 Euratom</i>	54
2.4.2.1.	Character: Unlimited jurisdiction of the Court	54
2.4.2.2.	Time-limits	57
2.4.2.3.	Suspensory effect	59
2.4.2.4.	Intervention in proceedings before the Court	59
2.4.2.5.	Removal of the case from the cause list	60
2.4.3.	<i>Aspects concerning the admissibility and the well-founded</i> <i>character of the action</i>	61
2.4.3.1.	Regularity of the preliminary administrative phase	61
2.4.3.2.	Interest in the action <i>Summary 2.4.2.2- 2.4.3.2</i>	62 69

2.4.3.3.	Object of dispute	70
	Subject-matter of action and changes in the situation underlying it	
	<i>Summary 2.4.3.3</i>	83
2.4.4.	<i>Alleged justifications of infringement</i>	84
2.4.4.1.	General	84
2.4.4.2.	Reference to safeguard clauses	84
2.4.4.3.	Reference to the <i>exceptio non adimpleti contractus</i>	91
2.4.4.4.	Reference to separation of powers within the State; insufficient time for implementation; administrative practices	95
2.4.4.5.	Various other circumstances which would make it impossible to find that there is an infringement	105
2.4.4.6.	Culpability; conclusion	110
	<i>Summary 2.4.4.1- 2.4.4.6</i>	113
2.4.5.	<i>Judgment of the Court of Justice</i>	114
2.4.5.1.	General	114
2.4.5.2.	Specification in a judgment of the measures to be taken to comply with the treaty obligations	115
2.4.5.3.	Effect of a judgment; direct effect of a judgment	123
2.4.5.4.	Interim measures in summary proceedings	127
2.4.6.	<i>Sanctions</i>	137
2.4.6.1.	General	137
2.4.6.2.	ECSC Treaty	137
2.4.6.3.	Rome Treaties	138
2.4.6.4.	Importance of specified sanctions	140
2.4.7.	<i>Compliance with judgments in practice</i>	141
	<i>Summary 2.4.5.1- 2.4.7</i>	145
2.4.8.	<i>Survey of judgments passed in virtue of an action for treaty infringement</i>	148
2.4.9.	<i>Survey of judgments passed in virtue of an action for treaty infringement, arranged according to Member State</i>	160
2.4.10.	<i>Case-law</i>	161
2.4.10.1.	General; some data on the subject-matter of the cases and the Member States concerned	161

Contents

2.4.11.	<i>Selection of cases</i>	167
(1)	The British Pig-meat Subsidies, (Cases 31/77 R and 53/77 R)	167
(2)	The Irish Sea Fisheries Case (61/77 R) and other Sea Fisheries Cases; Schoneberg (88/77); First and Second British Sea Fisheries Case (141/78; 32/79 respectively)	169
(3)	Alcoholic Beverages Cases	176
(4)	The French Mutton and Lamb Cases (Case 232/78 in conjunction with Cases 24 and 97/80 R)	181
(5)	The French-Italian Wine Case (42/82 R)	185
(6)	Belgian Free Movement of Workers Case (149/79)	189
2.5.	DIVERGENCES FROM THE GENERAL PROCEDURES FOR TREATY INFRINGEMENT	192
2.5.1.	<i>Constitutive acts</i>	192
	<i>Direct reference to the Court</i>	
2.5.1.1.	General	192
2.5.1.2.	Constitutive powers in connection with supervisory functions	193
2.5.1.3.	Direct reference to the Court	197
2.5.2.	<i>Supervision of aids granted by States</i>	198
2.5.2.1.	Preliminary remarks	198
2.5.2.2.	General; Articles 92-94 EEC	199
2.5.2.3.	Review of existing aids;	203
	Arts 93, para 1 in conjunction with para 2 EEC	
(a)	Reasoned decision	205
(b)	Retroactive effect	206
(c)	Action for annulment	208
(d)	Failure to act	209
2.5.2.4.	Review of any plans to introduce or alter aids;	213
	Article 93, para 3 in conjunction with para 2 EEC	
2.5.2.5.	Failure to notify an aid plan; procedure to be followed:	215
	Article 93 or Article 169; Article 93 and Article 169	
2.5.2.6.	Application of Article 93 EEC	220
	<i>Summary 2.5.2.1- 2.5.2.6</i>	222
2.5.3.	<i>Article 225 EEC</i>	224
2.5.4.	<i>Articles 38 and 82 Euratom</i>	225
	<i>Summary 2.5.3- 2.5.4</i>	226
2.5.5.	<i>Supervision of compliance with the Statute of the European Investment Bank</i>	226
	<i>Summary 2.5.5</i>	227
2.5.6.	<i>Administration of safeguard clauses</i>	227
2.6.	THE MEMBER STATES AS SUPERVISORS	228

Contents

2.6.1.	<i>General</i>	228
2.6.2.	<i>Article 89 ECSC</i>	228
2.6.3.	<i>Articles 170 EEC and 142 Euratom</i>	231
2.6.3.1.	Supervision procedure	231
2.6.3.2.	Parallelism between the Art 170 and Art 169 procedures	235
2.6.3.3.	The Council not an institutionalized supervisor	236
2.6.3.4.	Miscellaneous	237
2.6.3.5.	The Member States as supervisors in actual practice	237
2.7.	THE ROLE OF OTHERS	240
2.7.1.	<i>Individuals</i>	240
2.7.2.	<i>The European Parliament; its role in the supervision procedure</i>	247
2.7.2.1.	General	247
2.7.2.2.	The SIEGLERSCHMIDT Report; Report on the responsibility of Member States for the application of Community law and the Resolution of 9 February 1983 of the European Parliament on the responsibility of Member States for the application of and compliance with Community law. Preliminary remark	250
	The SIEGLERSCHMIDT Report; Contents in short	251
	(1) Appropriate penalties	253
	(2) Full use of the Article 169 procedure	256
	(3) Further development of the case-law on direct inapplicability of national provisions	257
	(4) Annual reporting by the Commission to the European Parliament	258
2.7.2.3.	First annual report to the European Parliament on Commission monitoring of the application of Community law (1983); Supervision Report (1983)	263
2.7.2.4.	The method of an Inquiry Committee	266
2.7.2.5.	Pressure groups	272
	<i>Summary 2.6.1-2.7.2.5</i>	273
3.	SUPERVISORY FUNCTIONS WITHIN THE EUROPEAN COMMUNITIES; PRACTICAL ASPECTS	275
3.1.	THE EXERCISE OF SUPERVISORY FUNCTIONS IN A CHANGING POLITICAL ENVIRONMENT	275
3.1.1.	<i>General</i>	275
3.1.2.	<i>The exercise of supervisory functions as a matter of political priorities</i>	276

Contents

3.1.3.	<i>The supervision policy until 1977: the ultima ratio philosophy</i>	279
3.1.4.	<i>The new supervision policy as from 1977: the prima et bona ratio philosophy</i>	283
3.2.	INVESTIGATION BY THE SERVICES THEMSELVES	289
3.2.1.	<i>General</i>	289
3.2.2.	<i>Organization: functional decentralization</i>	290
3.2.3.	<i>Controlling methods; Overall tests, random tests</i>	294
3.2.3.1.	<i>General</i>	294
3.2.3.2.	<i>Overall tests</i>	296
3.2.3.3.	<i>Random tests</i>	297
	<i>Summary 3.2.1- 3.2.3.3</i>	298
3.2.4.	<i>Organization</i>	299
	<i>Procedure and co-ordination</i>	
3.2.4.1.	<i>Procedure</i>	299
3.2.4.2.	<i>Rôle of the chefs de cabinet and the Legal Service of the Commission</i>	307
3.2.4.3.	<i>Co-ordination; rôle of the Secretary-General of the Commission</i>	309
3.2.4.4.	<i>The limits of the supervision procedure</i>	312
	<i>Summary 3.2.4.1- 3.2.4.4</i>	315
3.2.5.	<i>Collection of information</i>	316
3.2.5.1.	<i>Preliminary remark</i>	316
3.2.5.2.	<i>The right to collect information and the obligation to supply it</i>	317
3.2.6.	<i>Obtaining information and sources thereof</i>	322
3.2.6.1.	<i>Preliminary remark</i>	322
3.2.6.2.	<i>Means of obtaining information</i>	322
3.2.6.3.	<i>Sources of information</i>	327
	<i>Summary 3.2.5.1- 3.2.6.3</i>	329
3.3.	COMPLAINTS AND QUESTIONS	330
3.3.1.	<i>Complaints</i>	330
3.3.2.	<i>Questions asked by members of the European Parliament</i>	332
3.3.3.	<i>EP questions concerning compliance with Community obligations</i>	333
3.3.3.1.	<i>Levies in connection with customs declarations</i>	333
3.3.3.2.	<i>Obstacles to importation</i>	339
3.3.3.3.	<i>Licence agreements</i>	339
3.3.3.4.	<i>Price equalization measures</i>	341
3.3.3.5.	<i>EP questions concerning the Commission's monitoring of the application of Community law</i>	345

Contents

3.3.3.6.	Possible influence of EP questions on reaching observance of the treaties	347
	<i>Summary 3.3.2 - 3.3.3.6</i>	349
3.4.	EFFECTIVENESS OF SUPERVISION	350
3.4.1.	<i>General</i>	351
3.4.2.	<i>Quantitative data</i>	351
3.4.2.1.	Number of infringement procedures	351
	<i>Summary 3.4.1- 3.4.2.1</i>	364
3.4.2.2.	Duration of the infringement procedures	364
3.4.2.3.	Elucidation of the surveys concerning the duration of the infringement procedure; (a) the old period (1960-1976) and (b) the new period (from 1977 onwards)	365
3.4.2.4.	Execution of judgments; time involved	381
3.4.3.	<i>Qualitative aspects</i>	392
3.4.4.	<i>Conclusion</i>	395
	<i>Summary 3.4.1- 3.4.4</i>	400
4.	CONCLUSION	401
4.1.	PRELIMINARY REMARKS	401
4.2.	SUPERVISION IN EUROPEAN COMMUNITY LAW AND INTERNATIONAL LAW	401
4.2.1.	<i>The aspect of review</i>	402
4.2.1.1.	General	402
4.2.1.2.	Function of supervisory agencies: judicial and non-judicial	402
4.2.1.3.	Different types of non-judicial international supervision: co-national, international, and supranational	403
4.2.1.4.	Technical and political review	404
4.2.2.	<i>The aspect of correction</i>	410
4.2.2.1.	General	410
4.2.2.2.	Coercive measures; sanctions	412
4.3.	PROFILE OF COMMUNITY SUPERVISION	415
4.3.1.	<i>Character sketch</i>	415
4.3.2.	<i>Meaning of the administrative and the judicial phase; interdependence</i>	417
4.3.3.	<i>Importance and meaning of Community supervision</i>	419
4.3.4.	<i>Effectiveness of supervision</i>	423
4.4.	SOME PROBLEMS AND THEIR POSSIBLE SOLUTION	426
4.4.1.	<i>Promptness of reaction; interim measures</i>	426
4.4.2.	<i>Lack of clarity in national implementing acts</i>	428
4.4.3.	<i>Cumbersome national implementation procedures</i>	429
4.4.4.	<i>Slowness of the Member States in executing their obligations</i>	431

Contents

4.4.5.	<i>Internal organization</i>	435
4.4.6.	<i>Actual change in decision-making by a unanimity vote</i>	437
4.4.7.	<i>Changes in the infringement procedure?</i> <i>Political or technical supervision?</i>	438
4.4.8.	<i>Some practical suggestions</i>	440
4.5.	CONCLUDING OBSERVATIONS AND FUTURE PROSPECTS	443
5.	SUMMARY SUPERVISION IN EUROPEAN COMMUNITY LAW <i>Observance by Member States of their Treaty obligations</i>	447
5.1.	PRELIMINARY REMARKS	447
5.2.	SCHEME OF THE STUDY	448
5.3.	SUMMARY OF INTERNATIONAL SUPERVISION	449
5.4.	SUPERVISION IN EUROPEAN COMMUNITY LAW — COMMUNITY SUPERVISION	450
6.	APPENDIX	457
6.1.	TEXT OF SOME TREATY PROVISIONS	457
6.1.a.	Article 88 ECSC	457
6.1.b.	Article 89 ECSC	457
6.1.c.	Article 169 EEC	458
6.1.d.	Article 170 EEC	458
6.1.e.	Article 93 EEC	458
6.1.f.	Some provisions on the draft Treaty establishing the European Union	459
6.2.	WRITTEN QUESTIONS OF MEMBERS OF THE EUROPEAN PARLIAMENT	460
6.2.a.	Question No 155/67 (DERINGER), <i>JO</i> 1967, 298/1	460
6.2.b.	Question No 310/69 (VREDELING), <i>JO</i> 1969, C 159/6	463
6.2.c.	Question No 501/69 (VREDELING), <i>JO</i> 1970, C 73/1	464
6.2.d.	Question No 22/75 (COUSTÉ), <i>JO</i> 1975, C 138/20	468
6.2.e.	Question No 519/75 (LABAN), <i>JO</i> 1976, C 49/9	470
6.2.f.	Question No 167/76 (AIGNER), <i>JO</i> 1976, C 177/22	472
6.2.g.	Question No 288/74 (JAHN), <i>JO</i> 1974, C 150/8	474
6.2.h.	Question No 350/74 (DE KEERSMAEKER), <i>JO</i> 1974, C 150/19	476
6.2.i.	Question No 480/76 (JAHN), <i>JO</i> 1976, C 294/39	478
6.2.j.	Question No 696/76 (PATJN), <i>JO</i> 1977, C 50/21	479
6.2.k.	Question No 23/76 (COUSTÉ), <i>JO</i> 1976, C 128/28	480
6.2.l.	Question No 861/76 (COUSTÉ), <i>JO</i> 1977, C 84/26	481

Contents

6.2.m.	Question No 1895/82 (POIRIER), <i>OJ</i> 1983, C 104/10	481
6.2.n.	Question No 1904/82 (BONDE), <i>OJ</i> 1983, C 104/11	482
6.2.o.	Question No 388/82 (PURVIS), <i>OJ</i> 1982, C 198/32	483
6.3.	MODELS	486
6.3.a.	Infringement model sheet	486
6.3.b.	<i>Modèle fiche d'infraction</i>	487
6.4.	MODEL LETTERS	488
6.4.a.1.	Model letter on the implementation of directives by Member States (to be sent by the Director-General concerned to the Member States some two or three months after adoption of the directive)	488
6.4.a.2.	Model letter (reminder) on the implementation of directives by Member States (to be sent by the Director-General concerned to the Member States some three months before the time-limit for implementation expires)	489
6.4.b.1.	Lettre-type relative à l'exécution des directives par les États membres (à adresser par le Directeur-Général compétent aux États membres environ deux ou trois mois après l'adoption de la directive)	490
6.4.b.2.	Lettre-type (rappel) relative à l'exécution des directives par les États membres (à adresser par le Directeur-Général compétent aux États membres environ trois mois avant l'expiration du délai d'exécution)	491
6.4.c.	Complaint formula	493
6.4.d.	Reasoned opinion of the Commission delivered under Article 170 EEC Treaty of 26 January 1984 to the Government of the Netherlands and the United Kingdom concerning United Kingdom restrictions on imports of fresh poultry-meat	495
6.5.	STATE AIDS;	501
	APPLICATION OF ARTICLE 93, PARAS 2 AND 3 EEC	
6.5.a.	Commission notice, <i>JO</i> 1983, C 318/4	501
6.5.b.	Commission opinion, <i>JO</i> 1974, L 301/30	502
6.5.c.	Commission decision, <i>JO</i> 1973, L 254/14	503
6.5.d.	The notification of state aids to the Commission pursuant to Article 93, para 3 of the EEC Treaty: the failure of Member States to respect their obligations (Communication, <i>OJ</i> 1980, C 252/2)	507
6.5.e.	Commission communication (on the same subject-matter as mentioned in 6.5.d.), <i>OJ</i> 1983, C 318/3-4	508