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INFORMATION MEMO

The Commission's register of complaints

One important task of the Commission is to act as custodian of the Treaty. It is the Commission that watches over the implementation of the Rome Treaty and any regulations made by the Community institutions in pursuance of it.

The Treaty confers upon the Commission certain powers of investigation and supervision. Further, the Government of every Member State is on the alert for any measures taken by other Governments that may be damaging to its interests and does not fail to inform the Commission if it considers them contrary to the Treaty. Moreover the Commission has always been aware of the valuable assistance that can be given by business circles and private individuals in general who may have an interest in a given Community regulation and suffer injury if it is infringed. The Commission has therefore instructed its staff to investigate any complaint from private individuals if it appears to be well founded.

In order to check all complaints and, where appropriate, to have them properly investigated, whether they come from governments or the private sector, the Commission began in 1961 to keep a register of complaints. All complaints filed with the Commission are investigated by the appropriate departments, in accordance with procedure laid down by the Commission itself, with a view to rapid settlement.

The particular attention given by the Commission to the handling of all the complaints it receives shows how important it considers any approach made by private individuals or by firms. This attitude helps to inspire confidence in the Commission among those who are most directly affected by the development of the Community.

Quite apart from the legal and economic problems raised by these complaints (which are not the subject of this note), a purely administrative breakdown provides interesting information. The total number of complaints filed from when the register was opened till the end of October 1963 was 164; 39 of these came from government departments and 117 from the private sector (individuals, corporations, private companies, etc). Ten or so were filed by representative bodies at Community level. The following table shows the

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number of complaints from and against government departments, other bodies, private individuals and corporations:

	<u>From</u>	<u>Against</u>
German Federal Republic	32	36
Belgium	42	30
France	26	48
Italy	18	26
Luxembourg	1	5
Netherlands	27	15
Council	-	6
Commission	-	12
Overseas states and territories	-	1
Non-member countries	-	6
International organizations	11	1
Miscellaneous	4	-

The principal Directorates-General concerned with the complaints that have reached the Commission are, in descending order:

Competition (rules applying to enterprises, dumping, state aids, taxation);

Internal Market (quantitative restrictions or measures with equivalent effect and customs duties or measures with equivalent effect);

Agriculture;

External Relations (commercial policy).

No complaint has been filed relating to monetary or social matters, and there have been very few concerning transport or relations with the associated African States. Individual complaints under Regulations No. 3 and No. 4 on social security (Directorate-General for Social Affairs) and complaints by officials or former officials against the Administration have not been placed on the register.

Four-fifths of the complaints come directly or indirectly under the provisions of fourteen Articles of the Treaty relating to the above-mentioned subjects (Articles 12, 31, 34, 85-86, 91-93, 95-97, 110-111 and 115). The conclusion is that these are the parts of the Treaty that are most widely known to the general public. These complaints concern nearly seventy different products.

Eighty complaints have been dealt with to date under various heads. In about twenty cases some substantial violation has been found which called for the opening of formal proceedings. In three cases the difficulties were resolved after certain Council regulations came into force. The Commission or its appropriate depart-

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ments intervened in the case of thirty-four other complaints. The remainder were shelved - at least provisionally - for various reasons: because the authors had not complied with requests for further particulars, because the situation had changed meanwhile or because the complaint did not fall within the present jurisdiction of the Commission.

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