Community Topics 22

Social policy in the Common Market 1958-65

by Lionello Levi Sandri
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Vice-President of the Common Market Commission and Commission member with special responsibility for social affairs

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The way ahead
The Common Market Commission firmly believes not only in the future and in the continuance of the integration process, but also in the methods used to further it so far. It is from this angle that an examination of the achievements and shortcomings of the Community’s social policy has something to teach us. The Rome Treaty provides for both a supranational and an intergovernmental approach to social policy – for strictly Community rules and procedures, and for other methods which are still based on cooperation between states. After some eight years’ experience of the Common Market, one conclusion is inescapable: when Community procedures have been laid down, greater progress has been made and better results have been obtained, and it is in the fields left to cooperation between the member governments that shortcomings have been most pronounced. This is a strong indication that intergovernmental cooperation alone is not enough for the unification of Europe.

The Common Market’s social policy – which does not easily lend itself to systematic treatment – can be dealt with under the customary three heads:

- employment
- protecting workers
- improvement of living and working conditions
Employment

Social policy is more concerned with employment than perhaps with anything else. Workers must be provided not only with jobs in a modern society but also with the necessary vocational training and stability of employment.

These three basic aims of modern employment policy are to be found in the Rome Treaty’s provisions for the free movement of workers, in the common training policy and in the European Social Fund.

Free movement of workers
The free movement of workers and their families is one of the main fundamental principles of the Common Market, and for the most part workers can now move where they like within the Community. The concept of the priority of the national market has been abandoned and replaced by that of parity of treatment for all Community workers as regards access to job vacancies and working and living conditions.

We are by no means at the end of our journey - there is always room for improvement - and the Commission must pursue its objectives until all the aims laid down in the Treaty are reached. There is work to be done, in particular, on the right of migrant workers to remain in a member state after having been employed there, and on improving employment services. But a Community-wide labour market has already become a reality which is contributing to the creation of a spirit of European citizenship among our peoples.

Measures to guarantee social security rights for migrant workers have also helped considerably to give the worker freedom to work anywhere in the Community. The Treaty provides for an arrangement coordinating the various national schemes. This arrangement has been in force since January 1, 1959, and covers about two million people. Some estimates put at about $80 million the total value of the benefits enjoyed in 1964 by Community citizens working in a country other than that of the authorities who pay the benefits.

The Common Market Commission is aware that the regulations at present in force need simplification and rationalization. The matter has now been under study for over two years and, despite the slow pace of the work – which is not the fault of the Commission – a very advanced stage has now been reached. But a real simplification can be achieved only when work on harmonizing legislation makes it possible to eliminate a number of country-to-country disparities.

Vocational training
Vocational training is a real testing ground for the member states and the Community, and is one of the key problems social policy must tackle if it is to be effective. The “General Principles” of a common training policy were adopted on April 2, 1963. In the light of these principles, the Commission has worked out a general action program, and also a special program for agriculture. These programs are now being implemented. By virtue of the power of initiative granted under these “General Principles”, and the possibility of making Community funds available for the purpose, the Commission in mid-1965 proposed to the Council a joint rapid training program for 3,000 Italian workers to be employed in other Community countries. This proposal, however, has run into serious difficulties in the Council of Ministers. Exchanges of young workers between the member countries can also play a part in vocational training: the first joint program was planned last year and is now in operation. Vocational guidance, too, will be of growing importance in working out a balanced employment policy. Here the Commission has for some time been trying to establish fruitful cooperation between the appropriate government departments in the different countries.

An important problem not yet solved, however, is the expansion of employment, and its adaptation to variations in the economic situation and to regional changes in activity or industrial location which occur as a result of technical progress or the development of the Common Market. The European Social Fund was formed to tackle this problem.
The European Social Fund

The best illustration of the work done by the Fund is provided by two figures: by the end of December 1965, $31.7 million had been allocated, covering the retraining and re-employment of 454,000 workers.

Yet the results achieved to date cannot be considered completely satisfactory. The Fund’s resources and machinery, in particular, are not really adequate in relation to the social and economic circumstances which have developed since the Rome Treaty came into force. Nor has the Fund had the expected impact on the development of backward areas; its role there will have to increase in the next few years as a regional policy develops at Community level and develops – as it must – into an integral part of a true social harmonization.

To remedy this shortcoming, the Commission submitted to the Council early in 1965 a number of proposals for increasing the Fund’s powers. These aim at enabling it to retrain workers for new jobs while still in work, and not wait until they are unemployed or underemployed; to contribute towards guaranteeing the incomes of workers in underdeveloped regions if they become redundant following the closing of their place of employment and are re-engaged by another firm which sets itself up in the area; to make advance payments towards the cost of retraining programs aimed at stimulating growth or for migrant workers, instead of, as at present, making repayments to the governments after such costs have been incurred.

Efforts in the individual member countries to coordinate and integrate in the wider context of employment policy the problems facing particular industries also have their counterpart at Community level. Here, the Commission has chiefly been concerned with obtaining a clearer picture of the situation by making studies and by preparing reports on manpower problems in the Community. In particular it has made short-term forecasts by occupation and by region, and suggested measures to bring national and Community labour markets into better general balance.
Protecting the workers

One aspect of social legislation which historically has provided a fundamental spur to action is the protection of workers. In this field the Commission's work, which includes consultation with employers' and workers' organizations, has led to the drafting of a program whose ultimate aim is to establish a European system of industrial health and safety. This would be embodied in Community rules, issued as directives or recommendations according to the case.

At this first stage the Commission also stressed the importance of protecting young people and working women and for this purpose has proposed draft recommendations on the protection of young people and working mothers.* The Commission is also in favour of a suggestion put forward by some members of the European Parliament for examining care of the aged more thoroughly in a Community context.

*Background studies of member countries' existing legislation in these fields are available in:
Etudes: série politique sociale 11 - Etude comparative des normes législatives régissant la protection des jeunes travailleurs dans les pays membres de la CEE, & Etudes: série politique sociale 13 - La protection de la maternité dans les six pays de la CEE, available in Britain from HM Stationery Office, PO Box 569, London, SE1 and branches, price 14s. 6d. and 7s. 6d. respectively, and in the USA from The European Community Information Service, The Farragut Building, Washington 6, DC, price $2 and $1 respectively.
Our third topic is the improvement of the living and working conditions of labour, permitting equalization in an upward direction according to the provisions of the Rome Treaty.*

To carry out its general tasks for "harmonization of social systems", the Commission has found it as essential, as in several other fields, to lay down the broad lines of a working program, in close cooperation with the governments and with both sides of industry.

The Commission's main objective has been to obtain detailed information - on the basis of comparable statistical data - on real and money wages and on the cost of social security services, in order to establish the relative levels of labour costs and the trend of living standards and purchasing power in the six Community countries.

In addition, to throw more light on certain problems where available sources of information are inadequate, the Commission has arranged bipartite and tripartite consultations and has called in independent experts. Ad hoc working parties have been set up and studies have been made in many fields, in particular hours of work, paid holidays and collective bargaining.

This work has made it possible to establish the scale of the problems involved, and to pinpoint and explain differences between the systems in force in the six countries. It has also made it easier to examine and formulate these problems, with a view to harmonization of conditions throughout the Community.

Equal pay
In one specific field, that of equal pay between men and women, the Commission's duties are clearly defined under the Rome Treaty. Although at December 31, 1964 (the date laid down in the Treaty for the application throughout the Community of equal pay), some loopholes still remained in the enforcement of this principle, the Commission's efforts have in fact borne substantial fruit. Notable progress has been made in most member states, and the joint efforts of governments and both sides of industry have led to a more rapid increase in women's wages than in men's.

Social security
The harmonization of social security schemes in the different countries is a complex subject - mainly, though not exclusively, because of the large number and diversity of schemes in operation.

The Commission therefore initially concentrated on collecting extensive comparative data: legal, statistical and financial. Then, in December 1962, it made arrangements for wide-ranging consultations with the authorities concerned, at a European Conference on Social Security. The conclusions of the latter have served as the basis for a harmonization program fixing some general guidelines and establishing the tasks to be carried out in the initial period.

This program is being implemented under two main heads. On the one hand, a number of studies are being prepared: some currently under way cover the economic effects of social security, the harmonization of statistics, special and supplementary social-security schemes, and the consumption of pharmaceutical products. On the other hand, the spade-work is being done for a number of recommendations to promote the harmonization of certain aspects of social security provisions in the member countries.

Finally, in line with its efforts to improve living conditions, the Commission has paid particular attention to housing, social services and family policy.

* Article 117 reads: "Member states hereby agree upon the necessity to promote improvement of the living and working conditions in an upward direction. They consider that such a development will result not only from the functioning of social systems, but also from the procedures provided for under this Treaty and from the approximation of legislative and administrative provisions."

Article 118 reads: "Without prejudice to the other provisions of this Treaty and in conformity with its general objectives, it shall be the aim of the Commission to promote close collaboration between member states in the social field, particularly in matters relating to:

- Employment;
- Labour legislation and working conditions;
- Occupational and further training;
- Social security;
- Protection against occupational accidents and diseases;
- Industrial health;
- The law in its application to trade unions and collective bargaining between employers and workers.

For this purpose, the Commission shall act in close contact with member states by means of studies, the issuing of opinions, and the organizing of consultations both of problems arising at the national level and on those of concern to international organizations.

Before issuing the opinions provided for under this Article, the Commission shall consult the Economic and Social Committee."
The Commission’s powers for social action

The above gives a broad outline of the work done by the Common Market Commission on the basis of the specifically “social” articles of the Rome Treaty. To be complete, even the briefest analysis of social policy ought also to deal with the social facets of the other common policies: agriculture, transport and regional policies, and the short-term and medium-term economic policies. But such an examination would take up too much space. One point that must be stressed, however, is that the Commission is thoroughly aware of the social implications of medium-term economic policy, for which the first five-year indicative program was published in May 1966, and it is taking care that its work in that direction should not only serve the requirements of economic policy proper, but should also take into account social requirements and objectives.

How does the overall effect of the Commission’s activities in the social field strike us? They have not, of course, been equally effective in every sector, and this judgment raises once again the particularly complex and delicate problems of the powers with which the Treaty has endowed the Commission in social affairs, and the limits and difficulties which have hampered the Commission in its work. Looking at the Treaty as a whole, it is clear to us that the most tangible social results have been obtained in fields where specific provisions have set out clearly defined objectives and have given the Commission the necessary powers to achieve them. These fields are: free movement of workers, social security for migrant workers, and the European Social Fund.

In other fields of Community social policy, the Commission has come up against two main difficulties. The first is the essential lack of precision with which the social objectives – and as objectives they are remarkably ambitious – are defined, as for example in Article 117. The second problem is that inadequate legal powers, and in some cases no powers at all, have been vested in the Commission for the achievement of these major goals, and funds are not available or are not available in sufficient amounts.

More generally it can be said that the greatest difficulties lie where the drafters of the Treaty were most reluctant to extend Community methods and procedures to social policy. It is no coincidence that both the major divergences of interpretation and the greatest obstacles to the implementation of a genuinely effective social policy have always arisen on the basic problems of demarcation and distribution of powers between the Commission and the member states.

An example is Article 128,* which deals with the general principles of the common occupational training policy. When the question of introducing such a policy arose, some member countries refused to recognize that the Community’s Institutions had any form of independent power of initiative, except in elaborating general principles; they held that it was for the member states alone to transform those principles into practice. This attitude, though formally abandoned when the “General Principles” were approved, considerably delayed their adoption, and it continues to hamper the development of the common training policy.

Similar differences have emerged in the interpretation of the provisions of Article 118 on harmonization of social conditions. Steps taken by the Commission in this sphere have been criticized from two opposing points of view. According to some critics, the Commission’s action has not been dynamic and incisive enough. Others say, however, that it has gone beyond the legal bounds of Article 118, or involved financial burdens which the Commission had under-estimated, or disregarded national traditions and structures.

To deal with all the above arguments in detail would take us outside the specific framework of social policy. But the problems as they are set out give us a clear guide to the tasks facing us in merging the Treaties and the Communities.

Other difficulties have come to light in the course of the Commission’s work. Some may seem negligible in the eyes of those who can look at them from a certain distance, but they are of decisive importance for those who have to tackle them at grass-roots level. The disparities between the member countries in their statistics and methodology, and in their standards and terminology, provide a good example. Despite every effort, in particular by the European Community Statistical Office, tradition has often proved, here as elsewhere, a resolute enemy of progress. The best results in the field of social statistics – those providing genuinely comparable data – have been obtained by means of surveys at Community level, a type of survey which, unfortunately, cannot be carried out in all fields.

* Article 128 reads: “The Council shall, on a proposal of the Commission and after consultation of the Economic and Social Committee, establish general principles for the implementation of a common policy of occupational training capable of contributing to the harmonious development both of the national economies and of the Common Market.”
The results achieved

Despite all these obstacles, the Community’s social policy has been steadily gaining ground since 1958, and striking results have been achieved in many fields.

To assess these results objectively we must look back to the position before the signing of the Rome Treaty, and bear in mind that the six countries of the Community entered the Common Market with very different levels of employment, different wage systems and levels, and widely differing social-security schemes.

Harmonizing social conditions
The gradual implementation of the Common Market has in itself been a decisive factor in harmonizing social conditions in the six member countries. Discussions, meetings and other work organized by the Commission have helped to smooth out a large number of disparities, in laws and regulations and in their execution.

The differences between the various social-security systems, together with the exchanges of information on the latest developments in social policy in the six countries, have been instrumental in making those responsible for national social policy increasingly aware of developments in the other countries and of the need to approach their work from a Community angle.

The same may be said of the representatives of the major employers’ and workers’ organizations, which have been able to compare and contrast their problems, approaching them from angles which are different yet complementary. A similar effect has been obtained by the gradual organization at Community level of trade unions and employers’ organizations – a particularly important development in the light of the part played by both sides of industry in the practical application of social policy. These bodies have made a major contribution to working out the Community’s social policy.

The Commission’s many studies and other publications have also played a far from negligible role. They permit valuable comparisons, stimulate new ideas and provide concrete arguments for improving arrangements hallowed by previous legislation or agreements.

Aligning social-security systems
The climate created by comparative and other studies has encouraged the alignment of social-security systems and of the legislation governing them. The latest statistics show that, whereas the percentage of national income which the member states allotted to social security in 1958 ranged from 13-4% to 18-1%, in 1963 the range was only from 16-2% to 18%. The gap has thus been narrowed from 4-7% to 1-8%, and the movement has been towards alignment at the highest level.

At the same time, there has been a trend towards gradual harmonization of the scope of social-security schemes; in every member country they are being extended to cover additional groups of the population. A start has also been made on harmonization in the methods used for solving financing problems, and a number of reforms or innovations introduced into certain national legal systems reflect experiments in other Community countries.

The process of alignment on the highest level of protection is now well under way and is certain to continue during the next few years. A specific example of alignment of this kind can also be seen in another sector: the European Social Fund. When this Fund was set up some of the member states took the opportunity to adjust their practice in this field to the conditions laid down by the Fund’s rules for granting aid; this also enabled them to take full advantage of the Fund’s potentialities.

Full employment
A similar tendency towards gradual harmonization is discernible in the key indicators of social developments.

Throughout the Community unemployment has all but disappeared. While from 1958 to 1964 the total population increased by 15 million and the working population by three million, annual average unemployment dropped from about 2-75 million to 1-45 million in a working population which now numbers 76 million. Not only has full employment been almost achieved, but in almost all the member states there is a shortage of manpower, especially skilled manpower. Of course, this overall picture calls for certain qualifications: in particular, such unemployment as continues is still concentrated mainly in southern Italy. But even there underemployment and unemployment have been declining for several years, despite some difficulties arising from the economic situation, and there is now a better deployment of labour; this process will be accelerated by economic planning and by more extensive Community aid.

In its long-term pattern, the employment trend in the Community is similar to that of other major advanced countries. In particular, the numbers working on the land have fallen sharply (in 1964 only 12-4 million – some 17% of the total labour force – were working in agriculture as against 15-6 million – or 22% – in 1958), while there has
been an increase in those working in industry and the service sector, which now employ 44% and just over 39% of the Community's working population respectively.

Rising wages
This general tendency towards alignment in an upward direction is also evident in wages, which are a tangible expression of improved living standards. In the last eight years money wages and real earnings have increased faster in the Community countries than in most other industrial countries. In the Community as a whole, the gross hourly wages of workers in industry rose by about 75% between 1958 and 1965. In Italy and Germany the increase was 90% and 80% respectively, in the Netherlands 75%, in France just over 60%, and in Luxembourg and Belgium 40% and 50% respectively. Since Italian and Dutch wages were the lowest when the Common Market was set up, and those in Luxembourg and Belgium were the highest, the gap between the levels in the various countries has therefore been appreciably reduced. The tendency towards harmonization is even more marked if total income is taken into account, since those countries where family allowances were formerly lower have now modified their system in favour of large families.

At the same time, there has been a levelling out of other disparities affecting particular branches of activity and occupations previously at a serious disadvantage: wages in agriculture have moved closer to those in industry and women's wages closer to those of men.

In terms of real income – as opposed to money income – the position of workers in the Community has improved sharply, despite increases in consumer prices, which in some countries have been considerable. From 1958 to 1965 the average Community increase in real incomes was roughly 40% for workers in industry, reaching 45% in Italy and 50% in Germany. The increase was more modest in France, where prices rose appreciably, and in Luxembourg, where wage rises were smaller.

Working hours and holidays
This considerable increase in real incomes was accompanied by a reduction in the number of hours worked per week, longer holidays and other improved working conditions. Since 1958, but especially of late, the number of hours worked per week in most member countries has fallen appreciably, thanks to trade-union action which resulted in the inclusion of more favourable clauses in collective bargains. The reduction in hours worked was most marked in the Netherlands and Germany and, more recently, in Italy, leading to the establishment of a normal working week of 45 hours and sometimes less, for the most part spread over five or five-and-a-half days. In view of the unions' claim – reaffirmed by their organization at Community level – to a 40-hour, five-day week, the trend towards shorter working hours is likely to persist in the next few years.

There has also been a noticeable improvement in paid holidays. In Belgium, employers and workers have agreed a third week's holiday, and double pay for the second week (pay for the first week was already double). In Germany, annual paid holidays have been increased to 15 days, and to 18 days for workers over 35. In France, a fourth week of paid holidays has been written into the majority of collective bargains concluded since 1963. In the other countries, too, arrangements for annual holidays have been improved in a large number of collective agreements.

It would be impossible to try to sum up all the progress made, by means of legislation and collective bargaining, in all the other fields governing working conditions. Outstanding are:

- the general trend towards greater security of employment and income at times of illness or economic recession;
- the gradual narrowing of the gap between the manual worker and the white-collar worker;
- the growth of trade-union activities and of certain union rights; and
- the spread of profit-sharing schemes for workers.

Efforts have also been made, especially in Germany and the Netherlands, to deal with the problems involved in encouraging saving and the acquisition of shares and other capital assets by workers.
Within the framework and limits of the Treaty, the Commission can claim that it has carried out effectively and punctually the tasks entrusted to it. Even if they have served no other purpose, the vagueness of some of the social provisions and their dispersal throughout the Treaty have at least permitted the Commission to extend its activity to the whole social sphere. More could perhaps have been done. But, if account is taken of the demands of reality and the narrow limits of the possible, we can fairly claim that the bulk of what could have been done has been achieved. It is, of course, our duty steadily to push back the frontiers of the impossible, and the Commission will continue to pursue this objective.

It is particularly anxious to carry out the tasks laid down in the Treaty for free movement of workers, social security and other services for migrant workers, and the European Social Fund.

But the required improvement in the procedures and machinery available will be difficult to achieve without a broadening of Community intervention.

This is particularly true of employment problems and of the need for efficient Community coordination of national policies — or, even better, a true, forward-looking, common employment policy. As experience has taught us in the last few years, the problems that have arisen, and still arise, in the Community are mainly problems of equilibrium and of shortages of manpower, skilled and unskilled. We must therefore step up our efforts to make better use of available and potential manpower resources in the Community, and we must try to coordinate our manpower recruiting policies in non-member countries, where we are beginning to encounter competition. The prospect of mounting labour difficulties also underlines the fundamental importance of measures to develop vocational guidance, training, retraining and specialization as part of a general policy, which will, in particular, allow workers to move more easily from trade to trade as well as from one area to another. Although the expression “common employment policy” does not appear in the Rome Treaty, the main components of this policy are supplied by the many provisions of the Treaty which explicitly or implicitly concern employment. Taken as a whole, these provisions clearly indicate that the achievement of an optimum level of employment represents an essential component not only of general economic policy but also of each of the specific policies provided for by the Treaty.

The second line of development of the Commission’s activities will concern the harmonization of social welfare conditions. The hitherto obstacle-strewn path towards implementation of Treaty Articles 117 and 118 must lead to more positive action. It may be that in the immediate future the Commission’s activity in the social field will continue to be limited by its present framework, but inevitably this framework will be widened one day, and the Commission is resolved to concentrate on the achievement of this aim. Moreover, the Commission has stressed the need for a “wide” — or what I would simply call “correct” — interpretation of Article 118, and will continue to do so. In particular, the Commission believes that this Article does not confine to intergovernmental cooperation the ways of attaining the aims which it set out. Consequently, it has no intention of depriving itself of additional opportunities for action offered by other articles of the Treaty, wherever this proves possible and advisable. The Commission has also noted that its insistence on more effective action to harmonize social-welfare conditions is winning more and more support from those in authority. This viewpoint was supported vigorously by the Italian Government in a memorandum on the development of social policy, and a Dutch minister, Mr. Veldkamp, speaking in the Netherlands Parliament, has called for a less restrictive implementation of Article 118.

The Common Market Commission intends, in the matter of harmonization of social-security schemes and working conditions, to press for fuller, more effective cooperation at government level, and between the two sides of industry; Community cooperation should be developed in national and regional collective bargaining, so that a Community-wide framework agreement can be concluded. With this end in view, the Commission will strive to make more democratic the various agencies that contribute to the progressive harmonization of social welfare conditions.

The third and final field of Community action in the next few years will cover the social aspects of the other common policies, in particular those for agriculture, transport, regional and monetary matters, fiscal harmonization, the right of establishment and, above all, medium-term economic policy. The publication in May 1966 of an indicative program for the coordination of the member states’ general economic policies may have a decisive effect on social trends by setting a general pattern into which both governmental and Community action on employment, vocational training, working hours, incomes,
social security and, in particular, collective amenities, must fit.

Perhaps one of the most arduous and ambitious tasks of our age, indeed, is to arrive at a solution which rises above the age-old conflict between economic and social demands, and produces an overall policy in which balanced economic expansion will bring forth greater social justice.

Adapted from a speech by Professor Lionello Levi Sandri, Vice-President of the Common Market Commission and member with special responsibility for social affairs, to the European Parliament in Strasbourg.

### European Social Fund

**Receipts and disbursements by the member countries**

<table>
<thead>
<tr>
<th>Country</th>
<th>Contributions to Fund ($)</th>
<th>Receipts from Fund ($)</th>
<th>Net outgoings or receipts ($)</th>
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</thead>
<tbody>
<tr>
<td>Belgium</td>
<td>2,789,015</td>
<td>1,896,292</td>
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<tr>
<td>France</td>
<td>10,141,871</td>
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<td>Germany</td>
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<td>Netherlands</td>
<td>2,218,534</td>
<td>2,430,998</td>
<td>+212,464</td>
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### Employment in the European Community

**1964 annual average figures**

<table>
<thead>
<tr>
<th>Country</th>
<th>Total employment (millions)</th>
<th>Agriculture</th>
<th>Industry</th>
<th>Services</th>
<th>Unemployed</th>
<th>Women at work % of total employment</th>
</tr>
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<tbody>
<tr>
<td>Belgium</td>
<td>3.726</td>
<td>5.8</td>
<td>44.9</td>
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<td>France</td>
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<td>Germany*</td>
<td>25.979</td>
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<td>42.5</td>
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<td>0.7</td>
<td>23.9</td>
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</table>

*Including West Berlin

### European Social Fund

**Record of operations from September 20, 1960, to December 31, 1965**

<table>
<thead>
<tr>
<th>Country</th>
<th>Value of requests accepted ($)</th>
<th>Number of workers benefited</th>
<th>Value of requests accepted ($)</th>
<th>Number of workers benefited</th>
<th>Value of requests accepted ($)</th>
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<td></td>
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<td>Netherlands</td>
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<td>Community</td>
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