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COMMON MARKET • EURATOM • COAL & STEEL COMMUNITY

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COMMON MARKET TO TAKE CASE AGAINST GERMANY BEFORE COURT OF JUSTICE

WASHINGTON, D. C., August 11 -- The Commission of the European Economic Community (Common Market) officially announced from Brussels today that it will submit to the Court of Justice its disagreement with the German Federal Republic regarding certain obligations under the Treaty of Rome. Specifically, the Commission is charging Germany with failure to open global quotas for calves, veal, sausages and preserved meat.

Earlier this year the Commission submitted its first two complaints to the Court of Justice, both filed against the Italian Government. These concerned pork products and radio tubes.

In the new case, the Federal Republic maintains that the products involved are covered in Germany by a national market organization and so are not subject to the provisions of Article 33 of the Treaty which is concerned with quota restrictions. It is claimed that the expansion of trade in these items should therefore be pursued by the conclusion of long-term agreements between Germany and its EEC partners as provided for in Article 45 regarding national organizations.

The Commission contests the premise that such a national market organization exists. According to the Commission, such an organization means a body of measures applied to insure the disposal of domestic production at stable prices. For this aim to be achieved it is necessary that account be taken of all conditions affecting the market, including fluctuations in domestic production and consumption. A rigid quota system settled in advance does not make it possible to adapt protection at the frontier to variations in these conditions.

The Commission sees no grounds for changing its point of view, which it expressed in its reasoned opinion of March 27, 1961. Since the Federal German Government has declared that it does not intend to conform with that opinion, the Commission is referring the matter to the Court of Justice with a view to obtaining a ruling on the scope of the obligations which the Treaty lays upon the Federal Republic in these cases.

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