REPORT FOR THE HEARING
delivered in Case 30/88 *

I — Facts

1. In May 1979, the Council adopted, with a view to reviving the EEC-Turkey association, the Community's position on negotiations within the bodies established for promoting that association. In the field of financial cooperation, the Community was prepared to begin negotiating a Fourth Financial Protocol. For the transitional period prior to its entry into force, the Community was prepared to consider specific action — in the form of grants to Turkey amounting to ECU 75 million over a period of two years — to finance cooperation measures.

On 19 September 1980 the Association Council took formal note of the Community's offer to grant to Turkey exceptional aid amounting to ECU 75 million and laid down the conditions for carrying that offer into effect. In this regard it decided (Decision No 2/80 of the Association Council) as follows:

'(1) Turkey and the Community shall cooperate in the Association Committee to implement the exceptional aid of 75 million European units of account made available to Turkey by the Community.

(2) For the submission of specific projects, Turkey shall approach the Commission directly which shall examine them in the light of the criteria indicated by the Community delegation to the Council Association for the use of the exceptional aid.

(3) The Community shall inform Turkey of the response to its requests.

(4) The Association Committee shall follow the implementation of the aid. For this purpose it shall meet at the request of one of the two parties.

(5) This decision shall enter into force on 1 July 1980.'

A 'declaration of the Council concerning the internal implementation of Decision No 2/80 of the EEC-Turkey Association Council' appearing in the Minutes of the Council meeting of 30 June 1980 reads as follows:

'As regards the procedure for the approval of projects, the Council agreed to apply the procedure followed for the implementation of the Financial Protocols concluded with the Mediterranean countries.'

That procedure provided that only financing projects submitted by the Commission and the European Investment Bank which had received unanimous approval within the *ad hoc* group could be considered to be adopted. The *ad hoc* procedure, which had been applicable since the beginning of 1979, was of a provisional nature pending the entry into force of financial regulations concerning the application of the Financial

* Language of the case: Greek.

Protocols with certain Mediterranean countries.

Three initial special aid projects were examined by the Commission and, in July 1981, were approved in accordance with the *ad hoc* procedure.

2. In view of the anti-democratic development in Turkey's internal policy, the Community decided, at the end of 1981, to freeze its relations with that country, especially as regards financial aid. For that reason, the Fourth Protocol, initialled in June 1981, was not concluded. The special aid was suspended after ECU 46 million had been disbursed; ECU 29 million therefore remained to be committed.

At the beginning of 1986 the Commission believed that developments in Turkey allowed relations to be resumed. At the Council meeting on 17 February 1986 there was a broad consensus on its proposal to normalize relations between the Community and Turkey in stages and in particular to resume financial cooperation by unfreezing the remainder of the special aid.

By letter of 17 April 1986 the Commission proposed to the budgetary authority a direct transfer of ECU 10 million from Chapter 100 (Provisional Appropriations), Item 9631 (Fourth Financial Protocol with Turkey), to Chapter 96 (Cooperation with Mediterranean Countries), Item 9632 (Special Aid for Turkey), on the basis of the procedure laid down in Article 21(2) of the Financial Regulation. Since the Council had not adopted any formal decision, the transfer proposal was deemed to be approved pursuant to that provision on 2 June 1986. By a judgment of 27 September 1988 in Case 204/86 *Hellenic Republic* v *Council of the European Communities* [1988] ECR 5323, the Court dismissed an application for a declaration that the transfer was void.

3. Following the transfer, the Commission invited Turkey to submit projects which could be financed by new commitment appropriations as part of the special aid. When Turkey replied to that invitation and submitted some suitable projects to the Commission, the Commission took the view that only it had the power to implement the budget. It also took the view that the *ad hoc* procedure for approving projects submitted to implement the Financial Protocols with the Mediterranean countries was no longer applicable since it had been replaced by Council Regulation (EEC) No 3973/86 of 22 December 1986 concerning the application of the Protocols on financial and technical cooperation concluded between the Community and Algeria, Morocco, Tunisia, Egypt, Lebanon, Jordan, Syria, Malta and Cyprus (Official Journal 1986, L 370, p. 5). When that regulation was adopted, the Council and Commission declared that it could in no case constitute a precedent for the implementation of financial protocols other than those covered by the regulation and that the procedure for implementing these other protocols would be adopted having regard to the merits of each case.

The Commission accordingly decided that it was appropriate to take advantage of the Member States' experience in dealing with projects for granting aid to Turkey and that the most convenient way of doing that was to consult them as *members* of the 'Article 6 Committee' provided for in Regulation No 3973/86 although it did not take the view that the procedures of that committee were legally applicable to the matter in hand.

Consequently, the Commission put three projects for assisting Turkey — an EEC-Turkey business week project, an anti-malaria programme in the eastern Mediterranean coastal region of Turkey and a project for the exploitation of geothermal energy in western Anatolia — on the agenda of the Article 6 Committee. Despite objections from Greece that the procedure followed was illegal, the projects received favourable opinions from the Committee members. By decisions of 17 November and 10 December 1987, the Commission approved the financing of those projects as special aid.

II — Written procedure and conclusions of the parties

By application registered at the Court on 27 January 1988, the Hellenic Republic brought this action against the Commission under Article 173 of the Treaty.

Upon hearing the report of the Judge-Rapporteur and the views of the Advocate General, the Court decided to open the oral procedure without any preparatory inquiry. However, the Commission and Council were requested to reply in writing to a question asked by the Court and they did so within the time allowed.

The Hellenic Republic claims that the Court should:

(i) declare the application admissible;

(ii) declare void the decisions of the Commission approving on 17 November and 10 December 1987 projects financed by way of special aid for Turkey;

(iii) order the Commission of the European Communities to pay the costs.

The Commission contends that the Court should:

(i) dismiss the Hellenic Republic's application for a declaration that the disputed measures be declared void;

(ii) order the Hellenic Republic to pay the costs.

III — Submissions and arguments of the parties

The Hellenic Republic relies on four submissions in support of its application: (1) infringement of Community law, (2) infringement of essential procedural requirements, (3) abuse of procedure and (4) the Commission's lack of power to adopt the disputed measure.

1. *Infringement of Community law*

The Greek Government points out that in order for expenditure to be effected in the exercise of the Commission's powers pursuant to Article 205 of the Treaty, it must be based on a measure which relates to the expenditure in question and which constitutes the legal basis for the payment. There was no such measure for Item 9632 of the budget for the 1986 financial year. Even if Decision No 2/80 had created for the Community international legal obligations towards Turkey, no measure had been adopted within the meaning of Article 2 of the Intergovernmental Agreement on measures and procedures required for the implementation of the Agreement establishing an Association between the EEC and Turkey (*Journal officiel* L 217, 29.12.1964, p. 3703).

The first paragraph of that provision, which provides that 'decisions and recommendations adopted by the Council of Association on matters which, under the Treaty establishing the Community, are within the province of the Community, shall, for the purposes of their implementation, be the subject of acts adopted by the Council, acting unanimously after the Commission has been consulted', is clear and precise and leaves the competent Community institutions no scope for derogating from it. Consequently, the Council has no discretion to decide whether or not to adopt an act to transpose decisions of the Association Council into Community law.

The Commission takes the view that Decision No 2/80 is the basic act for budget Heading 9632. As regards the question of transposing decisions of the Association Council into Community law, the Commission observes that the interpretation of Article 2(1) of the Intergovernmental Agreement put forward by the Greek Government corresponds neither to the meaning of that provision nor to the Council's practice.

The meaning of Article 2(1) is not that the Council is obliged to transpose every decision of the Association Council which falls within the competence of the Community. The words 'for the purposes of their implementation' are to be interpreted as meaning 'if it is necessary for their implementation in the Community' and not as meaning 'because it is necessary (or indispensable) for their implementation in the Community'.

In this context, the Commmission submits that its interpretation of Article 2(1) is along the same lines as the argument put forward by the Council in Case 204/86, namely that 'Decision No 2/80 itself contains the essential details (amount of the aid, method of submission of projects by Turkey) for its implementation, and thus constitutes a sufficient legal basis for implementing the corresponding appropriations entered in the budget of the Communities'.

The Council's practice in this field broadly corresponds to that interpretation. Initial research into the decisions and regulations adopted by the Council in implementation of decisions of the Association Council have revealed only one decision and one regulation (of 8 December 1967, *Journal officiel* 1967, L 301, p. 11 and Official Journal, English Special Edition 1967, p. 302) which are directly based on Article 2 of the Intergovernmental Agreement. The other regulations adopted in implementation of decisions of the Association Council all date from the 1970"s and are all based on Article 113 of the Treaty. This might be an indication that the Council considers that the Intergovernmental Agreement has been overtaken by the later development of Community law.

In this respect the Commission notes that the purpose of all those regulations has been to implement decisions of the Association Council relating to administrative cooperation in the customs field or to the concept of 'products originating from' Turkey. Such decisions evidently have a bearing on Community legislation and require an adaptation thereof. Consequently, regulations are necessary to implement them within the Community. On the other hand, in other cases, such as this case, there is no bearing on Community legislation and an implementing regulation is not required.

The Commission adds that provisions such as Article 2 of the Intergovernmental Agreement have always been limited to mixed association agreements such as those with the Hellenic Republic, Turkey and the African countries (the two Yaoundé Conventions of 1964 and 1969). On the other hand, the three Lomé Conventions have always been accompanied by an internal agreement but no longer contain a provision such as the abovementioned Article 2(1). This means that the transposition into Community law of the law relating to the association is no longer regulated explicitly.

2. *Infringement of essential procedural requirements*

The Hellenic Republic submits that the Commission should have obtained the unanimous agreement of the Member States using the 1978 *ad hoc* procedure in order to obtain authorization to commit funds as special aid to Turkey. The Financial Protocols concerning the Mediterranean countries were implemented on the basis of that procedure until 1 January 1987. After that date, Council Regulation No 3973/86 established a special procedure which is exhaustive but which applies only to the countries and to the matters to which it relates.

Referring to the declaration of the Council and the Commission of 22 December 1986 that Regulation No 3973/86 'may in no case constitute a precedent for implementing other financial protocols in addition to the matters referred to by this regulation' the Hellenic Republic stresses that to apply Regulation No 3973/86 by analogy, in particular the procedures which it contains, to countries and financing measures other than those listed in its provisions runs counter to the intention of the regulation's draftsmen. In the view of the Hellenic Republic, the Commission should, in this case, have continued to follow the *ad hoc* procedure established in 1978.

In this context, the Hellenic Republic rejects the Commission's argument that having recourse to the procedure contained in Article 6 of Regulation No 3973/86 may be considered a 'political gesture'. It considers that in so far as only consultation was involved the Commission should not have proceeded to a vote by the Article 6 Committee.

The Commission has also contradicted its own arguments by acknowledging that the Article 6 procedure 'helped to provide a better basis for the Commission's financing decisions'.

The Commission considers first of all that it has responsibility for implementing the budget under Article 205 of the Treaty. In principle, the Commission may not be bound by opinions of the Member States in the exercise of its powers to implement the budget. For that reason alone the Commission disputes that it infringed essential procedural requirements.

Secondly, the Commission stresses that it consulted the members of the Article 6 Committee as much to take advantage of their experience with development projects in the Mediterranean as to make a political gesture towards the Member States. In those circumstances the Commission considered it inappropriate not to observe the voting procedure normally followed by the Article 6

Committee. In the Commission's view, however, the vote was indicative only and the opinion thereby expressed was not the opinion of the Commission but that of the representatives of the Members States (meeting within the Committee) lacking the legal effects flowing from such an opinion under Regulation No 3973/86.

Thirdly, the Commission considers that it was entitled to consult the members of the Article 6 Committee since the *ad hoc* procedure was no longer applicable. Once the new regulation concerning the application of the Mediterranean Financial Protocol's was adopted the Commission considered that the procedure 'followed to implement the Financial Protocols concluded with the Mediterranean countries' (the wording of the declaration of the Council made at the time of the adoption of Decision No 2/80 of the Association Council) was in principle the procedure laid down in the new regulation, No 3973/86. Obviously, the Commission was aware of the fact that it was not possible to apply Regulation No 3973/86 because its scope was strictly limited to the countries listed in its title in Article 12(3). The Commission therefore opted for consultation of the members of the Article 6 Committee 'by analogy' and not for an application of Regulation No 3973/86 as such. By that expression, the Commission means that it was in fact prepared to observe the rules of that committee without however being legally bound to do so.

The Commission concludes that it did not infringe essential procedural requirements by following a procedure of consulting the members of the Article 6 Committee since Article 205 gives it full power to implement the budget, including Item 9632 — Special Aid for Turkey — and that consequently it was at liberty to consult the Member States using the procedures which seemed to it to be the most appropriate, since the *ad hoc* procedure agreed on in the past had expired on 1 January 1987. If the Court should hold that it was not at liberty to select a consultation procedure, the Commission considers that it did not in any event infringe essential procedural requirements because it used the procedure best adapted to the circumstances and in the spirit of the declaration issued by the Council when Decision No 2/80 of the Association Council was adopted.

3. *Abuse of procedure*

The Greek Government submits that, in acting as it did, the Commission was also guilty of an abuse of procedure. Admittedly, the *ad hoc* procedure is no longer applied to all those Mediterranean countries which have been the subject of a financial regulation concerning the implementation of the Financial Protocols concluded with them. In this respect, Regulation No 3973/86 replaced the *ad hoc* procedure in the case of the countries to which it applies (and only in the case of those countries). On the other hand, the *ad hoc* procedure is still provisionally in force for any other country, which, like Turkey, is not covered by the regulation and has not been the subject of any other specific financial regulations.

The Greek Government takes the view that if the Commission believed that the *ad hoc* procedure had lapsed and was also aware that it was impossible to apply Regulation No 3973/86 to Turkey, it should have submitted a proposal for a specific regulation in order to bring about a final resolution of the question and should not have had recourse to other unlawful procedures.

The Commission observes that Regulation No 3973/86 is applicable to the 'Protocols on financial and technical cooperation concluded between the Community and Algeria, Morocco, Tunisia, Egypt, Lebanon, Jordan, Syria, Malta and Cyprus' and that since those States were the only States with which the Community had concluded such a protocol providing for non-reimbursable aid or conditional loans from the Community budget, there were no other protocols to which the *ad hoc* procedure could apply. Consequently, the *ad hoc* procedure lapsed when Regulation No 3973/86 came into force.

The Commission also submits that a specific regulation to implement special aid for Turkey is not required. All the guidance necessary to indicate the use to which aid should be put is already contained in Decision No 2/80 of the Association Council, in particular in paragraph 2 thereof. For the rest, all the technical rules for the disbursement of funds may be found in the Financial Regulation of 21 December 1977 (Official Journal 1977, L 356, p. 1). That is all that is legally required for correct implementation of the special aid. To ensure that it had a more solid economic and political basis for its decisions regarding the projects to be financed, the Commission obtained the opinion of the members of the Article 6 Committee. It was at liberty, but not legally obliged, to do so.

4. *The Commission's lack of powers*

The Greek Government submits that approval of special aid falls within the powers of the Council which, on the basis of a 'gentleman's agreement' of 1980, retained the exclusive power to adopt the legal acts necessary to implement such aid by means of an *ad hoc* procedure. The Council alone has the power to amend that procedure, if it should consider it appropriate to do so, and it is always at liberty to adopt a regulation for the purpose of putting the financing of aid to Turkey on a definitive basis, precisely as it did in the case of the other Mediterranean countries in Regulation No 3973/86.

The Greek Government also observes that the Commission's standpoint that it alone has the power to implement the budget and consequently to approve projects forming special aid to Turkey is at odds with the practice followed hitherto. It is for the Council to determine the detailed rules for the approval of specific projects covered by the various financial protocols.

Finally, the Greek Government points out that Article 205 of the Treaty provides that the Commission is to exercise its powers to implement the budget within the framework of and in accordance with the provisions of 'the regulations made pursuant to Article 209', that is to say the specific financial regulations in each individual case.

Consequently, in so far as 'the rules for the administration of financial cooperation . . . , the procedure for laying down guidelines for aid and for examining and approving it . . . and the detailed rules for supervising the use of that aid' are essential elements of the financial regulations necessary to implement the protocols on financial and technical cooperation (third recital of the preamble to Regulation No 3973/86), any

attempt by the Commission to regulate those questions on its own is an intrusion in the Council's province.

The Commission takes the view that the approval of specific projects in implementation of a budget heading falls within the ambit of the power to implement the budget which, according to Article 205 of the Treaty, belongs exclusively to the Commission. The Council, exercising its legislative power, may issue guidelines or general criteria for the approval of aid entered in the budget (for example the 'criteria indicated by the Community delegation to the Council Association for the use of the exceptional aid' mentioned in Decision No 2/80), which the Commission must follow, but the approval of individual projects is a matter of implementation which falls within the Commission's exclusive power.

In this regard, the Commission refers to its position with regard to Article 205 as set out *in extenso* in its application in Case 16/88 *Commission* v *Council.*

The Commission also submits that the 'regulations made pursuant to Article 209' are very specific, namely the Financial Regulation of 21 December 1977, which contains all the technical rules necessary to implement the budget.

In the Commission's view, Article 205 means that it is to implement the budget on its own responsibility while observing the technical rules contained in the Financial Regulation. In the case of special aid for Turkey, the Commission was only obliged to follow the guidelines of Decision No 2/80 of the Association Council and the technical rules of the Financial Regulation. Consequently, the Commission takes the view that it has not encroached in any way on the Council's powers. However, if the Council had exercised a decisive influence on the financing of individual projects by means of special rules for their approval, it would have encroached on the Commission's power of implementation.

IV — Replies to the question asked by the Court

The Court requested the Commission and the Council to state the criteria which they followed in interpretating Article 2(1) of the Inter-governmental Agreement between the EEC and Turkey (*Journal officiel* L 217, 29.12.1964, p. 3703) in order to decide whether an act was necessary to transpose a decision into Community law in certain cases and not in others.

1. The Commission gave the following reply.

With the help of the Commission, the Council has drawn up a table, which is as full as possible and which shows all the decisions of the EEC Turkey Association Council since it has been in operation and all the acts transposing those decisions.

That table confirms the interpretation of Article 2(1) contained in the Internal Agreement on the EEC Turkey Association, namely that the Council of the EEC only transposes decisions of the Association Council if transposition is necessary to implement those decisions within the Community. In the majority of cases, the very nature of the decision of the Association Council has required that it be

transposed into Community law. In other cases, the nature of the decision (examples: Decisions 1/64, 2/64, 3/64, 1/65, 2/69 and 2/80) or the fact that the decision was addressed primarily to Turkey (examples: 2/71, 3/71, 1/72, 2/72, 3/72) or to Member States of the Community (examples: 1/64, 2/65, 1/66 and, in part, 1/80) made transposition superfluous.

As regards the manner in which transposition has been undertaken in practice, it is the case that Article 2(1) of the Internal Agreement was only used until 31 December 1969, the date of expiry of the transitional period and of the implementation of the common commercial policy. Since then, the Commission has followed a consistent policy of basing its proposals for the transposition of decisions of the Association Council on the relevant articles of the EEC Treaty (normally Article 113 and in some cases Article 43) and no longer bases them on Article 2(1) of the Internal Agreement. The Commission's policy has been followed by the Council: since 1971, all the acts adopted by the Council to transpose decisions have been based on Article 113 or Article 43, or both. Both these Community institutions evidently shared the view that the Internal Agreement on the EEC Turkey Association had been overtaken by the development of Community law after the expiry of the transitional period. The practice of transposing decisions of the EEC Turkey Association Council is in keeping with a consistent practice likewise relating to other agreements with non-member countries, in particular the Lomé Convention.

The Commission takes the view that it is clear from the abovementioned table that the nature of Decision 2/80 is such that it does not require to be transposed into Community law, a view which was by implication also taken by the Court in its judgment of 27 September 1988 in Case 204/86 *Hellenic Republic* v *Council*, cited above. The Commission adds that it is also clear that any procedure which might be set up to examine projects financed by special aid for Turkey could never constitute a decision within the meaning of Article 2(1) of the Internal Agreement. Such a procedure has nothing to do with the transposition of a decision of the EEC Turkey Association Council into Community law.

2. The Council gave the following reply.

Of the agreements now in force concluded by the Community and its Member States with non-member countries pursuant to Article 238 of the EEC Treaty only the Association Agreement between the EEC and Turkey (signed in Ankara on 12 September 1963) and the Third Lomé Convention are accompanied by an internal agreement on the measures to be taken and procedures to be followed to implement them. As regards mixed agreements, the implementation of decisions taken by the institutions may be in the form of national measures or of Community measures. The Council's reply only concerns Community measures.

The formula used in Article 2(1) of the Internal Agreement on Turkey was based on that used in the Association Agreement between the EEC and Greece, signed in Athens on 9 July 1961. The Internal Agreement ancillary to the various Lomé Conventions does not contain a similar provision for matters falling within the Community's province. Only the acts to be taken by the Member States to implement decisions of the ACP-EEC Council in the areas within their province are covered.

The Council has never had cause to determine expressly the criteria for the interpretation of Article 2(1) of the Internal EEC Turkey Agreement for the purpose of deciding in which cases an act was necessary to transpose a decision into Community law.

In fact, the practice which the Council has followed in the context of the EEC-Turkey Association Agreement for the implementation — that is to say the transposition into Community internal law — of decisions adopted by the Association Council shows that the Council has always adopted the internal acts for the implementation of those decisions when such acts were legally necessary.

In order to reply to the Court's question, research was undertaken in the archives of the General Secretariat of the Council. The results of that research are given in the form of a list containing the decisions of the Association Council side by side with the acts adopted to transpose those decisions.

An examination of that list reveals that in every case where a decision of the EEC-Turkey Association Council required for its internal implementation the adoption by the Council of a legal act (in most cases, a regulation), that was the course taken. A number of points may be made:

(i) in only five cases (all before 1970) the legal basis taken for the transposing acts adopted was Article 2(1) of the Internal Agreement (unanimous decision by the Council after consulting the Commission). Two of those acts are only extensions of an earlier regulation;

(ii) as regards the later years, transposing acts adopted by the Council upon a proposal from the Commission have been in the form of a regulation, almost all of which have been based on Article 113 of the Treaty, with occasional recourse to Article 43;

(iii) as for decisions adopted by the Association Council in 1980 (Decisions Nos 1, 2 and 3/80), the Council makes the following particular points:

(a) Decision No 1/80 contains three chapters, one on agriculture, one on social provisions and a third chapter on economic and technical cooperation. The chapter on agriculture was implemented internally by a series of Council regulations adopted on the basis of Article 113 which provide for four successive dismantlings of tariffs.

The social provisions of that decision provide only for measures to be implemented at the national level by each of the Member States under Article 2(2) of the Internal Agreement.

The provisions concerning economic and technical cooperation, which essentially concern the strengthening of various areas of cooperation under the aegis of the Association Council, do not as such require the adoption of internal legal implementing acts;

(b) Decision No 2/80 on special aid was implemented internally within the budgetary procedure by the

entry of an appropriation in Item 9632 (Special Aid for Turkey);

(c) as for Decision No 3/80, the Commission has made a proposal that it be implemented by a Council regulation (Official Journal C 110, 25.4.1983, p. 1). It is based on Article 238 of the EEC Treaty and has not yet been adopted.

An examination of the list leads to the conclusion that when it was appropriate and necessary the Council did adopt an 'act transposing a decision into Community law'. Cases in which it did not do so are situations in which there was no requirement that a legal implementing act be adopted (see Decisions of the Association Council Nos 1/64, 2/64, 3/64, 1/65, 2/71, 3/71, 1/72, 2/72, 3/72, 2/75, 1/80 (third chapter), and 2/80) or when the matter fell within the competence of the Member States (Decisions of the Association Council Nos 4/64, 2/65, 1/66, 2/76, 1/80 (Chapter II)). On this point, and more generally, the Council takes the view that the words 'for the purposes of their implementation' appearing in Article 2(1) of the Internal Agreement must be interpreted as meaning that such implementation is legally necessary in the Community to give internal effect to the decision of the Association Council. In a sense, Article 2(1) only requires transposition of decisions which cannot be implemented in any other way.

As regards the legal basis of the acts to transpose into Community law Article 2(1) was relied on only in rare cases going back to 1967 and 1968. From the 1970s and taking into account the development of Community law, in particular as regards the common commercial policy, recourse has been had to the adoption of acts of the Council based mainly on Article 113 of the Treaty, which is the only appropriate legal basis for the internal implementation of measures of a commercial nature in the context of relations between the EEC and Turkey.

Finally, the Council recalls, as was stated earlier, that the three Lomé Conventions (succeeding the Yaoundé Conventions) are each accompanied by an Internal Agreement which does not contain a provision such as Article 2(1) of the EEC-Turkey Internal Agreement. The transposition of decisions of the ACP-EEC Association Council into Community law is no longer expressly regulated. In practice, those decisions are transposed through acts of the institutions adopted on the basis of the relevant provisions of the EEC Treaty (mainly Article 113). The legal position is the same for the other Community agreements with the non-member countries (cooperation agreements with the Mediterranean countries, EFTA agreements) in so far as decisions of mixed bodies may be transposed by internal acts when that is appropriate.

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