in the statement of the reasons on which they are based, in a clear and unequivocal fashion, particulars which justify the desired retroactive effect.

Regulation No 744/87, amending Regulation No 805/86 introducing a charge on denatured skimmed-milk powder coming from Spain and derogating from Regulation No 1378/86 as regards the accession compensatory amounts in trade with Spain, does not state the reasons why the new detailed rules on the collection of the aforementioned charge which it enacts must apply in respect of traders who exported non-skimmed milk in the month prior to its adoption. It follows that Regulation No 744/87 does not meet the requirement of stating reasons laid down by Article 190 of the Treaty and that the second paragraph of Article 3 thereof is invalid in so far as it declares that the regulation is applicable with effect from 12 February 1987.

REPORT FOR THE HEARING
in Joined Cases C-260/91 and C-261/91 *

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I — Facts and Procedure

A — *Facts*

The plaintiffs in the main proceedings, Diversinte SA (hereinafter 'Diversinte') and Iberlacta SA (hereinafter 'Iberlacta') are companies governed by Spanish law marketing milk powder.

Between 28 February and 10 March 1987 Iberlacta exported, to the Federal Republic of Germany, 207 tonnes of milk powder with a 12% fat content, which had been denatured by the addition of blood and fish meal. Such a product is intended for use as animal feed.

Between 3 and 5 March 1987 Diversinte exported 120 tonnes of the same product to the same destination.

In respect of those transactions, Diversinte and Iberlacta had to pay the sums prescribed by the Community rules in force at the time, such as the monetary compensatory amounts and the accession compensatory amounts.

On 17 March 1987, Commission Regulation (EEC) No 744/87 of 16 March 1987 amending Regulation (EEC) No 805/86 introducing a charge on denatured skimmed-milk powder coming from Spain and derogating from Regulation (EEC) No 1378/86 as regards the accession compensatory amounts in trade with Spain (OJ 1987 L 75, p. 14) (hereinafter 'regulation in dispute'), was published. Under that regulation, a charge which had affected until that date the export of skimmed-milk 'imported into Spain and denatured, in accordance with the provisions in force in Spain, before 1 March 1986', was extended to all milk powder exported from Spain and having the same origin, regardless of the fat content. Article 3 of that regulation provided for it to apply with effect from 12 February 1987.

In compliance with that regulation, the Administración Principal de Aduanas de la Junquera (the Customs Office, La Junquera), the defendant in the main proceedings, called on Diversinte and Iberlacta to pay those charges, namely PTA 17 665 200 and PTA 30 472 470 respectively. Both undertakings paid the charges, whilst at the same time disputing the principle thereof: according to them, the regulation was invalid because it was retroactive, and did not meet the conditions under which the Court permits retroactivity.

B — *Proceedings before the national courts*

Diversinte and Iberlacta therefore brought an action before the Tribunal Económico Administrativo Provincial de Gerona (Spain) (Administrative Economic Court for the Province of Gerona) for reimbursement still claiming that the regulation in dispute was void. By two separate judgments of 3 November 1988, that court dismissed the actions as it did not regard itself as having jurisdiction to assess the validity of the Community legislation.

The two undertakings therefore appealed against those decisions before the Tribunal Económico Administrativo Central de Madrid (Central Administrative Economic Court, Madrid).

In two orders of 2 October 1991, the Tribunal Económico Administrativo Central de Madrid drew attention to the case-law of the Court of Justice concerning the protection of legitimate expectation (Case 74/74 *Comptoir National Technique Agricole* [1975] ECR 533) and to the rule against the retroactivity of Community measures (Case 98/78 *Racke* [1979] ECR 69, in Case 99/78 *Decker* [1979] ECR 101 and in Joined Cases 212/80 to 217/80 *Meridionale Industria Salumi and Others* [1981] ECR 2735). The Tribunal then sought 'a ruling by the Court of Justice of the European Communities on the validity of the retroactive effects of the second paragraph of Article 3 of Commission Regulation (EEC) No 744/87 of 16 March 1987'.

C — *Proceedings before the Court of Justice*

The orders of the Tribunal Economico Administrativo Central de Madrid were lodged at the Court Registry on 14 October 1991.

By order of 4 November 1991 the President of the Court decided to join the two cases for the purposes of the written and oral procedure and the judgment.

In accordance with Article 20 of the Protocol on the Statute of the Court of Justice of the EEC, written observations were lodged:

— on 27 January 1992, by the Greek Government, represented by Vassileios Kontolaimos, Assistant Legal Adviser, of the State Legal Service, and Ioannis Chalkias, Legal Representative, of the said service;

— on 31 January 1992, by the Commission of the European Communities represented by José Luis Iglesias Buhigues, Legal Adviser, acting as Agent;

— on 24 February 1992, by Diversinte SA and Iberlacta SA, represented by Erik H. Pijnacker Hordijk of the Amsterdam Bar (Netherlands) and H. J. Bronkhorst, advocate at the Hoge Raad der Nederlanden.

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. It did, however, decide to put certain questions to Diversinte and Iberlacta, the Greek Government and the Commission.

II — Legislation

A — *Act of Accession*

1. *The basis of the 'accession' compensatory amounts*

Chapter 3 of Title II of Part Four of the Act concerning the Conditions of Accession of the Kingdom of Spain and the Portuguese Republic and the Adjustments to the Treaties (OJ 1985 L 302, hereinafter 'Act of Accession') lays down transitional measures concerning agriculture. Section I includes the general provisions, and Section II contains provisions relating to certain common organizations of markets. The first paragraph of Article 68 provides:

'Before the first move towards price alignment referred to in Article 70, the prices to be applied in Spain shall be fixed, in accordance with the rules provided for in the common organization of the market in the sector in question, at a level corresponding to that of prices fixed in Spain under the previous national system, for a representative period to be determined for each product'.

Article 70 lays down a mechanism for gradual alignment of Spanish and Community prices.

As long as those prices vary, compensatory amounts are levied on trade in agricultural products between Spain and the Community. In that regard, Article 72 provides:

'The differences in price levels in respect of which, in Section II, reference is made to this article shall be compensated for as follows:

1. For products in respect of which prices are fixed in accordance with Articles 68 and 70, the compensatory amounts applicable in trade between the Community as at present constituted and Spain, and between Spain and third countries, shall be equal to the difference between the prices fixed for Spain and the common prices.'

2. *The other transitional measures*

Article 90 of the Act of Accession provides in paragraph 1 that transitional measures may be taken if they 'are necessary to facilitate the passage from the existing arrangements in Spain to those resulting from the application of the common organization of the markets as provided for in this Chapter, particularly if for certain products the implementation of the new arrangements on the scheduled date meets with appreciable difficulties in the Community ... Such measures may be taken during the period up to 31 December 1987, but their application may not extend beyond that date'.

3. *The entry into force of the agricultural measures*

The Act of Accession entered into force on 1 January 1986, but under Article 394 the application of the agricultural provisions was postponed until 1 March 1986.

B — *Legislation concerning the accession compensatory amounts*

1. *The principle*

The application of the accession compensatory amounts is governed by Commission Regulation (EEC) No 3153/85 of 11 November 1985 laying down detailed rules for the calculation of monetary compensatory amounts (OJ 1985 L 310, p. 4).

Commission Regulation (EEC) No 590/86 of 28 February 1986 amending various agrimonetary Regulations with a view to the accession of Spain and Portugal (OJ 1986 L 58, p. 1), added the following paragraph to Article 6 of Commission Regulation (EEC) No 3153/85:

'The accession compensatory amounts shall be taken to mean all the amounts fixed in ECU in connection with the accession of new Member States, applicable in trade:

— between the Community of Ten and the new Member States,

— between the new Member States,

— between the new Member States and third countries.'

2. *The position in the milk sector*

As regards milk products in particular, the accession compensatory amounts were set by Council Regulation (EEC) No 466/86 determining the general rules for the system of accession compensatory amounts for milk products on account of the accession of Spain (OJ 1986 L 53, p. 23).

Commission Regulation (EEC) No 1378/86 of 7 May 1986 laying down the level of the accession compensatory amounts for milk and milk products applicable for the 1986/87 milk year in trade with Spain (OJ 1986 L 120, p. 37) was adopted on the basis of that regulation. The annex to Commission Regulation (EEC) No 1378/86 sets the accession compensatory amounts: thus an accession compensatory amount of ECU 57.87 per 100 kg is applied to milk powder with a net fat content by weight of over 1.5% and less than or equal to 29%. It should however be pointed out that under that annex, milk powder with a net fat content by weight less than or equal to 1.5% (that is, skimmed-milk powder) is not subjected to any accession compensatory amount where it is intended for use as animal feed.

C — *Legislation imposing the special tax*

1. *The original regulation*

Whereas large quantities of skimmed-milk powder were, after being denatured for the purpose of animal feed, imported into Spain before 1 March 1986 at prices below the Community intervention price and in order to prevent that product from being re-exported to other Member States with a zero accession compensatory amount or to third countries with a refund, Commission Regulation (EEC) No 805/86 of 19 March 1986 introducing a charge on denatured skimmed-milk powder coming from Spain (OJ 1986 L 75, p. 15) (hereinafter the 'original regulation') provided, on the basis of Article 90 of the Act of Accession, as a transitional measure, for an export charge in respect of the difference between the price of the imported product and the intervention price in other Member States.

Article 1 of that regulation provides:

'1. A charge shall, upon completion of the customs export formalities, be paid in respect

of denatured skimmed-milk powder which meets the specifications applicable in Spain before 1 March 1986, exported from Spain to third countries to Portugal or to Member States of the Community as constituted at 31 December 1985, up to 31 December 1986.

2. The provisions of paragraph 1 shall not apply where proof is submitted that the skimmed milk powder was produced in Spain.'

Article 2 of that regulation sets the amount of that charge at ECU 100 per 100 kg of the product.

2. *The extension of the original regulation*

At the end of 1986 it turned out, however, that significant quantities of the product in question were still available in Spain. Accordingly, by Commission Regulation (EEC) No 3956/86 of 23 December 1986 amending Regulation (EEC) No 805/86 as regards the application of a charge on denatured skimmed-milk powder coming from Spain (OJ 1986 L 365, p. 57), the Commission extended the charge scheme until 31 December 1987.

3. *The regulation in dispute*

Since it was subsequently considered that the application of that scheme should be extended to all milk powder, regardless of its fat content, provided that it was imported into Spain before the accession and denatured, the Commission adopted the regulation in dispute, published in the Official Journal of 17 March 1987. Article 1 of that regulation deletes the word 'skimmed' in the title of the original regulation and in Article 1(1) and (2) of the original regulation.

Article 2 provides, moreover:

'By way of derogation from Regulation (EEC) No 1378/86 the accession compensatory amounts specified in that regulation shall not apply in the case of exports of milk powder imported into Spain and denatured, in accordance with the provisions in force in Spain, before 1 March 1986.'

Finally, as has already been mentioned, Article 3 provides:

'This regulation shall enter into force on the day of its publication in the *Official Journal of the European Communities*.

It shall apply with effect from 12 February 1987.'

III — Written observations submitted to the Court of Justice

A — *General observations*

First, Diversinte and Iberica and, secondly, the Commission, explain the purpose of and the background to the charge on milk powder from Spain.

1. *Explanations of Diversinte and Iberlacta*

Diversinte and *Iberlacta* state that shortly before the accession of Spain, and therefore without payment of Community import levies, a company, apparently from Belgium, imported 50 000 tonnes of denatured skimmed-milk powder from the United States into Spain, that is to say about five times the amount of milk powder sold in Spain every year. Its objective was apparently to re-export it after the accession of Spain in order to be able to obtain at that time intervention prices or export refunds. The Commission sought to penalize that speculation by establishing a charge equivalent to the difference between the import price of that product in Spain and the intervention price.

That charge made it impossible for those speculators to re-export the product as they had intended to do. Preventing these exports resulted in turn in the Spanish market being flooded with denatured milk powder and, therefore, in its being impossible for Iberlacta and Diversinte to sell the whole of their production on the Spanish market as they had done until then. The two companies therefore had no alternative to selling their surplus stock outside that market.

2. *Explanations of the Commission*

The *Commission* explains that, prior to its accession, Spain imported every year at the world market price on average 17 000 tonnes of denatured skimmed-milk powder intended for use as animal feed but that during January and February 1986 alone, that is to say in the first two months which followed accession to the Community, but prior to the entry into force of the agricultural rules, imports of that product exceeded 45 000 tonnes. That stockpiling was purely speculative, since the importers did not have to pay levies and were able, after 1 March 1986, to receive intervention prices or export refunds. There were not even any accession compensatory amounts, since the product was intended for use as animal feed. That was the reason why the Commission introduced the special charge of ECU 100, since the price of the imported product was ECU 70 per 100 kg and the intervention price in the Community for the same product was at that time ECU 172.74 per 100 kg.

The original regulation referred only to skimmed-milk powder, because that was the product which had been imported.

In February 1987, the Commission learnt that very large amounts of denatured milk powder from Spain were being sold on the Community market: those sales involved milk to which fat had been added, which took it outside the concept of 'skimmed-' milk, making it possible for the original regulation to be circumvented and avoid the export charge to be evaded. The exporters had found an alternative: rather than export their product by paying the charge of ECU 100 per 100 kg, but without the accession compensatory amounts, they preferred to

add fat, which enabled them to avoid having to pay the charge and entailed only the payment of an accession compensatory amount of ECU 57.87 per 100 kg.

For that reason the Commission adopted the regulation in dispute, deleting the word 'skimmed' from the title and the provisions of the original regulation: the product was subjected to export charges whatever its fat content, but was simultaneously subject to one or other of the accession compensatory amounts, hence the need to provide for a derogation in that regard. That explains the provisions of Article 2 of that regulation.

According to the Commission, the provision prescribed had to apply as a matter of urgency in order to avoid the appearance of speculative movements of the products at issue. The Commission therefore also decided that it was to apply as from 12 February 1987, the date on which the draft regulation had been submitted to the Management Committee for Milk and Milk Products, and could thus be brought to the notice of those concerned.

B — *The absence of a statement of reasons*

1. *Observations of Diversinte and Iberlacta*

Relying upon the order of the President of the Court of Justice of 1 February 1984 in Case 1/84 R *Ilford* [1984] ECR 423, *Diversinte* and *Iberlacta* claim that the regulation in dispute infringes the principle set out in Article 190 of the EEC Treaty to the effect that regulations shall state the reasons on which they are based: it does not give any explanation of why the regulation in dispute applies as from 12 February and not from the day of its publication, 17 March.

2. *Observations of the Greek Government*

The *Greek Government* agrees with that point of view. It considers that the statement of the reasons on which the regulation in dispute was based are too vague to justify its retroactive application.

C — *The retroactive application of the legislation*

1. *Common observations*

All the parties which submitted observations to the Court draw attention to the case-law of the Court according to which, as a general rule it is contrary to the principle of legal certainty for a Community measure to specify a date prior to its publication as the date on which it is to take effect. It may exceptionally be otherwise subject to two conditions: that the purpose to be achieved so demands and that the legitimate expectation of those concerned is duly protected.

They cite in that respect the judgments in Case 74/74 *Comptoir National Technique Agricole*, cited above, Case 98/78 *Racke*, cited above, in Joined Cases 212/80 to 217/80 *Meridionale Industria Salumi and Others*, Case 84/81 *Staple Dairy Products* [1982] ECR 1763, Case 108/81 *Amylum* v *Council* [1982] ECR 3107, Case 110/81 *Roquette Frères* v *Council* [1982] ECR 3159, Case 114/81 *Tunnel Refineries* v *Council* [1982] ECR 3189, Case 276/80 *Ferriera Padana* v *Commission* [1982] ECR 517, Case 224/82 *Meiko-Konservenfabrik* [1983] ECR 2539, Case 70/83 *Kloppenburg* [1984] ECR 1075, and in Case C-368/89 *Crispoltoni* [1991] ECR I-3695.

However, they disagree as to whether the two conditions mentioned above are met in this case.

2. *The requirement concerning the objective to be achieved*

(a) Observations of Diversinte and Iberlacta

According to *Diversinte* and *Iberlacta*, the Commission cannot rely on a particularly serious situation in order to justify retroactivity, as was the case in the judgment in Case C-337/88 *Società Agricola Gattoria Alimentare* [1990] ECR I-1.

Both companies consider in fact that the exports in question concerned limited quantities, which could hardly have led to a substantial distortion of the market and consequently ought not to have involved the adoption of exceptional measures such as applying the charges retroactively.

(b) Observations of the Greek Government

The *Greek Government* agrees with that point of view. In its opinion, the objective of the regulation in dispute does not justify its retroactive application. Furthermore, the date set, namely 12 February 1987, is arbitrary. It creates unequal treatment between the traders concerned.

(c) Observations of the Commission

The *Commission* considers that the requirement as to the objective to be achieved is fully met.

It points out that the original regulation was intended to avoid significant quantities of skimmed-milk powder, imported from non-Member States into Spain before 1 March 1986 for purely speculative reasons, from being re-exported to other Member States. However, to circumvent that regulation, it was sufficient to add fat to the milk. Accordingly, in order to restore the purpose of the original regulation, it was absolutely necessary to extend it to all milk powder whatever its fat content. That was the objective pursued by the regulation in dispute.

However, since the draft regulation was submitted on 12 February 1987 to the Management Committee for Milk and Milk Products it was necessary, in order to prevent the traders concerned from anticipating the provisions of the regulation, for it to apply as from that date, since from that time its contents might become known.

3. *The requirement concerning the protection of legitimate expectation*

(a) Observations of Diversinte and Iberlacta

As regards the legitimate expectation of the traders, *Diversinte* and *Iberlacta* claim that, before the regulation in dispute was published, the Commission never made known

its intention to extend the charge on exports of skimmed milk to other types of milk. This is not therefore the same situation as in the *Racke* case, cited above, where the Court allowed the retroactivity because the Commission had informed the relevant business sectors before implementing the measures which it intended to take. However, in this case, even the customs authorities were not informed of the new scope of the charge.

(b) Observations of the Greek Government

The *Greek Government* also considers that the regulation in dispute adversely affects the legitimate expectation of the traders, who must be able to rely on stable rules of competition.

(c) Observations of the Commission

The *Commission* considers that traders who have attempted to speculate on a non-Community product cannot place their legitimate expectation in the continuance of a regulation which is designed to put a stop to their machinations, when they themselves alter their product in order to fall outside the scope of the regulation. The traders should have expected that once the legislature was notified, it would re-establish the *status quo*. Likewise, since the judgment in Case 127/78 *Spitta* [1979] ECR 171, no trader can hope that the court will extend its protection to speculative transactions made possible by taking advantage of the letter of the law.

The Commission considers, furthermore, that it had to ensure that the effect sought by the original regulation was not compromised in advance; it could not therefore have tolerated any hiatus between the time at which the interested parties might have had notice of the draft regulation, namely 12 February 1987, being the date on which it had been submitted to the relevant management committee, and the official publication of the regulation. The Commission relies in that regard on the judgment of the Court in Joined Cases 95 to 98/74 and 15 and 100/75 *Union Nationale des Coopératives Agricoles de Céréales and Others* [1975] ECR 1615.

D — *Proposals for reply*

1. *Proposal of Diversinte and Iberlacta*

Diversinte and *Iberlacta* request the Court to reply as follows:

'The second paragraph of Article 3 of Commission Regulation (EEC) No 744/87 of 16 March 1987 amending Regulation (EEC) No 805/86 introducing a charge on denatured skimmed-milk powder coming from Spain and derogating from Regulation (EEC) No 1378/86 as regards the accession compensatory amounts in trade with Spain is void in so far as it provides for the retroactive application of the regulation.'

2. *Proposal of the Greek Government*

To the same effect, the *Greek Government* suggests that the Court should rule that:

'The second paragraph of Article 3 of Commission Regulation (EEC) No 744/87 of 16 March 1987 is void in so far as it contains an unauthorized retroactive element.'

3. *Proposal of the Commission*

The *Commission* suggests the following reply:

'Consideration of the question raised by the national court has not revealed any matter capable of affecting the validity of Commission Regulation (EEC) No 744/87 of 16 March 1987'.

IV — Replies to the questions put by the Court

A — *Question to Diversinte and Iberlacta*

Question

'Diversinte and Iberlacta are requested to state whether the various consignments of denatured milk powder which they exported to the Federal Republic of Germany in February and March 1987, came from the stock of denatured milk powder imported into Spain before 1 March 1986 rather than from their own production.'

Answer

Diversinte and *Iberlacta* acknowledge that the consignments of milk powder which they exported from Spain were not of Spanish origin. In Diversinte's case, this involved milk containing 18% fat which the undertaking had obtained on the Spanish market. In Iberlacta's case, this involved milk containing 12% fat which the undertaking had imported at the beginning of 1986 from various Member States and which it had not been possible to sell in Spain owing to the flooding of the market with imports from the United States. In contrast to what the Commission argues, neither of those cases therefore involved skimmed-milk powder coming from the United States to which fat or whole milk had been added.

Diversinte and Iberlacta claim that that statement by the Commission is moreover without foundation.

First, such an enrichment would be pointless. It would not be profitable to mix skimmed-milk powder with whole milk in order to obtain a product containing 12 or 18% fat. Whole milk powder is sold at some PTA 400 per kg, and denatured skimmed-milk powder at approximately PTA 125 per kg, whereas denatured milk powder containing 12 or 18% fat can be sold only for about PTA 110 per kg.

Furthermore, in order to obtain milk powder containing 12 or 18% fat from skimmed milk, it is vital to add enormous quantities of whole milk to it (that is to say, in fact, milk containing 26% fat) constituting more than half of the end product. That would mean that the end product would be deemed to be of Spanish origin, and thus excluded from the special charge.

B — *Question to the Greek Government*

Question

'In its observations the Commission points out that the draft regulation, which was to become Regulation (EEC) No 744/87 of 7 March 1987, obtained the unanimous favourable opinion of the Management Committee for Milk and Milk Products at its sitting on 12 February 1987. If such be the case, the Greek Government is requested to explain why first of all it gave a favourable opinion to the draft regulation before the Management Committee and subsequently argued before the Court that that same regulation was partially void.'

Answer

The *Greek Government* draws attention first to the judgment in Case 166/78 *Italy* v *Council* [1979] ECR 2575 under which an application by a Member State for annulment of a regulation is not affected by the positions taken up by the representatives of that State during the discussions prior to its adoption. It considers that that rule is particularly valid as regards the submission of written observations in connection with a reference for a preliminary ruling. Accordingly, the fact that that regulation was approved unanimously by the Management Committee in no way deprives the Greek Republic of its right to argue that it is partially void in so far as it breaches the principles of legal certainty and the protection of legitimate expectation.

Furthermore, the Greek Government points out that the discussions in the Management Committee concerned the substantive provisions, which are not in dispute, and not the date of the entry into force of the regulation.

C — *Questions to the Commission*

Question 1

'First, Diversinte and Iberlacta and, secondly, the Greek Government, argue that the preamble to Regulation (EEC) No 744/87 of 16 March 1987 does not state why it applies as from 12 February 1987. The Commission is requested to comment on that line of argument relating to absence of a statement of reasons.'

Answer

The *Commission* believes that the statement of reasons in the regulation in dispute comes within the limits laid down by the judgment in Case C-350/88 *Delacre* [1990] ECR 395. It points out that the purpose of the regulation was to prevent the success of a speculative manipulation involving the importation into Spain, free of any agricultural levy, of large quantities of skimmed-milk powder during the first two months of 1986. As the balance sought by the Community legislation was fraudulently disturbed by a device consisting of manipulating the product by re-introducing a fat content in order to avoid the payment of the charge, the Commission put an end to that operation by extending the charge to any product, even non-skimmed. The penultimate recital of the regulation in dispute stating that 'in order to prevent speculation in the product covered by this regulation the latter's provisions should be introduced as a matter of urgency' thus expresses the idea that the regulation in dispute must be applied as soon as the speculative manipulation became known in order

to put an end to it. The Commission is, therefore, of the opinion that that statement of reasons meets the requirements of Article 190 of the EEC Treaty. Since, moreover, it was technically impossible to draw up a draft, convene the Management Committee, discuss the text, obtain the agreement of the committee, carry out the procedure for approving the draft and publish it in the Official Journal of the European Communities in one day or in a very short period of time, the only effective means was to arrange formally for it to have retroactive effect. Any prudent trader ought to have expected such a step.

Question 2

'The Commission is requested to inform the Court how private traders may become aware of those draft regulations, particularly where they are submitted to a Management Committee.'

Answer

The *Commission* explains that as regards the measures which it has to adopt according to the Management Committee procedure, in administrative procedure in general the draft measure must be transmitted to the Management Committee and the European Parliament at the same time, in the latter case for information. In those circumstances the non-confidential nature of the draft measure enables the interested parties, particularly after the draft has been approved by the Committee, to have knowledge of it almost immediately. In practice, that type of information is given in the specialist press. In that regard, the Commission produces to the Court a copy of the weekly publication 'Agra Europe' of 13 February 1987, which contains a heading 'Management Committees' and gives clear information on the results of the work of the various supervisory committees and in particular on the draft regulation in dispute.

R. Joliet
Judge-Rapporteur