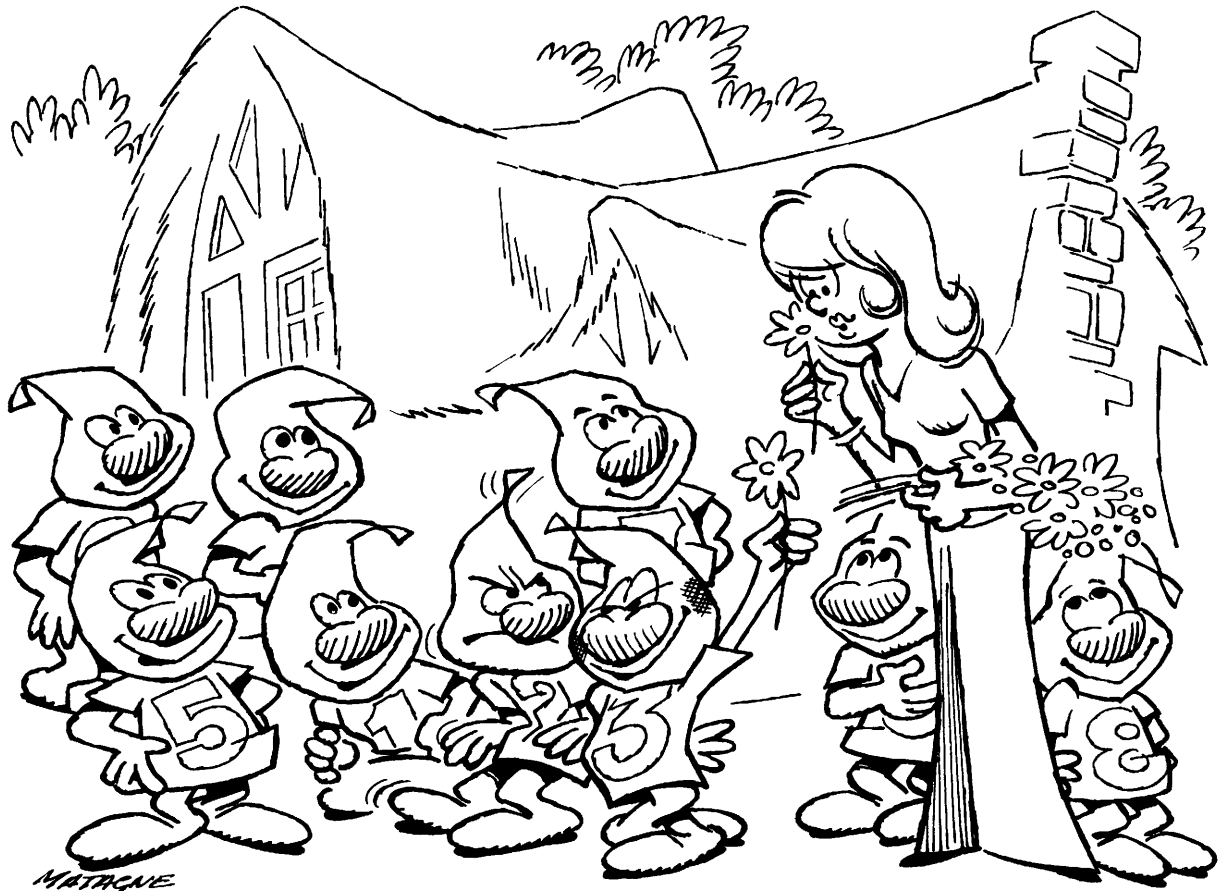


Brussels, 13 January 1976

No 2/76



EURO-WHITE AND THE NINE DWARFS

The seven dwarfs of the Brothers Grimm are now nine - hardly surprising in these inflationary times - but this is surely a case of "the more the merrier"! Euroforum hopes to make you smile a little each week as it looks in lighter vein at the ups and downs of the Community of Nine.

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The information published in this bulletin covers, very freely, different aspects of the European Communities' activity. It is, therefore, not limited to recording official Commission decisions or opinions.

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** A CITIZEN'S EUROPE: MR TINDEMANS' VIEW

Belgium's Prime Minister, Mr Leo Tindemans, has just published the report on European Union which he was asked to produce by his colleagues at the Paris "Summit" in December 1974.

The complete text of the chapter in which Mr Tindemans discusses "A Citizen's Europe" is given in ANNEX 1.

** BETTER WATER POLLUTION CONTROL

The meetings of Community Environment Ministers on 16 October and 8 December created little stir.

ANNEX 2 shows that in actual fact an important step was taken at these meetings after long hours of discussion.

** THE LAW AND THE CONSUMER

"An effort must be made to smooth the path of the consumer seeking legal redress." These were the words used to open the Montpellier symposium on "Judicial and Quasi-Judicial Means of Consumer Protection".

ANNEX 3 explains the disadvantages from the consumer's point of view of the traditional judicial means and describes the new quasi-judicial means recently introduced.

** 1976 - BETWEEN RECOVERY AND INFLATION

Gross Community product should increase by 3% in real terms in 1976. This is the cautiously optimistic forecast made by the European Commission in its report on the economic situation in the Community in 1975.

The recovery which is already under way in certain Community countries is likely to become stronger during the first few months of 1976. Under the influence of reflationary measures and spontaneous cyclical factors inside and outside the Community, activity should pick up again gradually in more and more industries and countries. However, the signs are that any recovery will be limited, and a large proportion of production capacity will remain unused in 1976 on account of the persistence of excessive reflationary measures.

Economic recovery in the main industrialized countries outside the Community should help to sustain the growth of export demand. This trend may well continue during the second half of 1976 and encourage increased spending by the developing countries.

Domestic demand will probably be boosted by the replacement of depleted stocks, as the present level in some industries would appear too low for deliveries to keep pace with increased sales.

The trend towards a recovery in private consumers' expenditure is likely to continue and strengthen during the months to come. It is in fact possible that the gradual improvement in the economic climate will further encourage consumer spending. However, although the number of hours worked is likely to rise slightly, wages on the whole should increase more slowly. This would result in a smaller increase in disposable incomes than in 1975, especially as taxation in a number of countries may be heavier in 1976.

** DISTRIBUTION AND FREE COMPETITION

The European Commission has authorized the selective distribution system operated by SABA, the German manufacturer of radios, television sets and tape recorders, on the grounds that while it is anticompetitive the consequent rationalization of sales and hence production is ultimately in the consumer's interest. The terms of standard contracts between SABA and its dealers are extremely tough. Dealers must comply with stringent technical and professional requirements; they are expected to meet sales targets and engage in sales promotion activities; and in some cases they are obliged to enter into supply contracts for fixed volumes determined by SABA. The ultimate effect of these contracts is a qualitative selection of suitable dealers. But of greater significance to the consumer are the cost savings resulting from improved production and sales planning. Although it has authorized it the European Commission intends to keep a close watch on the practical implications of SABA's selective distribution system to prevent malpractice. It has therefore instructed SABA to report each year on those cases where it refuses approval of a firm as a SABA dealer, withdraws such approval or refuses to supply.

** A EUROPEAN SCIENCE YEAR

The European Research and Development Committee (CERD) has proposed that a European Science Year be organized in 1978 or 1979.

There are three arguments in favour of such a step: there is a need to provide information, i.e. to bring science nearer to the layman, to explain to him what research is, what its resources and aims are; to gain information, i.e. to relate science to society and identify the real needs of the individual and of society as a whole; to learn more, i.e. to pinpoint specifically European R&D requirements (our land development and town-planning problems, for instance, are very different from those of the United States).

There are many precedents for such a venture: 1970 was European Nature Year; 1975 was European Architectural Heritage Year; the United Nations is organizing a World Science Year in 1980.

CERD, which was set up in 1973, is an independent body which assists and advises the European Commission on all problems associated with the formulation of a common policy on science and technology. It has 21 members, all of them independent scientists, its present Chairman being Mr André Danzin, Director of the Institut de recherche en informatique et automatique (IRIA), Paris.

**** THE USE OF PVC IN FOOD PACKAGING**

Fears have been expressed on the other side of the Atlantic that the vinyl chloride monomer content of certain PVC containers may cause cancer. As soon as it was informed of the dangers of vinyl chloride the European Commission referred the matter to the Scientific Committee on Foodstuffs which gave an opinion on 28 June 1975 recommending that "no trace of vinyl chloride should be detectable by a previously agreed method in either foodstuffs or drinking water".

The European Commission intends to act on this recommendation. It is now making every effort to perfect a method of detecting vinyl chloride in foodstuffs and experiments are currently being carried out in the Member States. As soon as results are available, the European Commission will propose that the Community's Council of Ministers prohibit the use of any PVC containers which allow vinyl chloride to migrate into foodstuffs. Enforcement of this ban would be monitored by an approved method.

**** COST OF A DAY IN HOSPITAL**

In reply to a question tabled by Mr Broeksz, Member of the European Parliament, the European Commission has issued figures based on statistics compiled by the Central Office of the European Communities' joint sickness insurance scheme showing the average basic and all-in daily charges (in Bfrs) paid by members of the scheme in respect of hospitalization for surgery in 1974. Too few members were hospitalized in Denmark and Ireland to give significant figures.

Hospitalization for surgery: average daily charges in 1974

(in Bfrs)

	Basic charge	All-in charge ¹
Germany	1 527	2 739
Belgium	1 314	2 567
Italy	1 094	2 094
France	1 302	2 758
Luxembourg	775	2 730
Netherlands	1 936	3 103
United Kingdom	1 969	1 969

¹Includes all or part of the cost of general care.

It should be noted however that these charges increased considerably in most of these countries in 1975.

**** LICENCES FOR MOPEDS?**

Will all Member States of the European Community insist one day on driving licences for moped riders? The United Kingdom and Luxembourg have already introduced them and France makes 14- and 15-year-olds who want to use a moped take a theoretical test. The European Commission feels that our roads would be safer if driving licences were compulsory for all types of vehicle. Statistics show that the fatal accident risk per 1 000 000 vehicles (mopeds or cars) is 1.5 to 2 times higher on average for mopeds than for cars. The Commission intends to look into the moped problem in more detail when it has dealt with the problem of driving licences for motor cycles, cars, goods vehicles and buses.

**** ICE-CREAM IN THE BALANCE**

The Court of Justice of the European Communities ruling in a dispute between the Belgian Customs Administration and an ice-cream importer has come up with a "reasonable" recipe for ice-cream. All you need to produce an ice-cream with a milkfat content of 7 to 9% (which means that it will melt at 0° C) are 35 kg of whole milk powder and 20 kg of sugar. The informed ice-cream lover already knows that the resulting delicacy falls within subheadings 18.06 B and 21.07 C of the Common Customs Tariff.

**** IDENTITY CARDS FOR MOTOR VEHICLES**

Even motor vehicles have identity cards. In their case it takes the form of an engraved plate showing chassis number, maximum laden weight and so on. The Council of Ministers of the European Community recently adopted a directive specifying where and how this plate should be placed and the information it should contain. The directive can now be added to the list of directives - already numbering 20-odd - on the approximation of legislation on technical specifications for motor vehicles. New vehicles complying with Community regulations can be sold freely on all markets of the Nine.

**** LESS SULPHUR DIOXIDE IN THE ATMOSPHERE**

As a contribution to the control of air pollution caused by the combustion of fuel-oils, the European Commission has presented a proposal for a directive to the Council of Ministers which would introduce "special protection zones" and gradually lower the maximum permissible sulphur content of low sulphur fuel-oils. Under the directive all combustion installations situated inside the special protection zones would, almost without exception, be required to burn low sulphur fuel-oils or equivalent fuel. This requirement would be extended on a temporary basis to installations situated outside the special protection zones during periods of high atmospheric pollution by sulphur dioxide and suspended particulates.

** RECENT PUBLICATIONS

"The Predicted Radiation Exposure of the Population of the European Community resulting from Discharges of Krypton-85, Tritium, Carbon-14 and Iodine-129 from the Nuclear Power Industry to the Year 2000"

This report investigates the long-term implications of the accumulation in the environment of some of the long-lived radionuclides found in nuclear waste. It is obtainable, in English only, from the Directorate for Health Protection of the European Commission, Centre Louvigny, 23 avenue Monterey, Luxembourg.

"Damage and Annoyance caused by Noise"

Professors Bastenier, Klosterkoetter and Large were responsible for this scientific study which examines the different ways in which man is affected by noise and summarizes the current status of technology in this field. Its publication represents a further step forward in the campaign against noise, one of the priorities of the Community's action programme on the environment. It is obtainable, in English only, from the Official Publications Office of the European Communities, Boite postale 1003, Luxembourg.

"A European Community Study on the Determination of Cyanides, Phenols and Hydrocarbons in Surface Water"

Thirty-four laboratories in eight member countries of the European Community contributed to this study, using their own individual methods to analyse a given series of surface water samples. The report was compiled with the assistance of Dr Sonneborn (Institut für Wasser-, Boden- und Lufthygiene, Bundesgesundheitsamt, Berlin) and is obtainable, in English only, from the Official Publications Office of the European Communities, Boite postale 1003, Luxembourg.

A CITIZEN'S EUROPE: MR TINDEMANS' VIEW

Belgium's Prime Minister, Mr Leo Tindemans, has just published the report on European Union which he was asked to produce by his colleagues at the Paris "Summit" in December 1974. Euroforum feels that the chapter in which Mr Tindemans discusses "A Citizen's Europe" will be of interest to its readers. The complete text is reproduced below:

"The construction of Europe is not just a form of collaboration between States. It is a rapprochement of peoples who wish to go forward together, adapting their activity to the changing conditions in the world while preserving those values which are their common heritage. In democratic countries the will of governments alone is not sufficient for such an undertaking. The need for it, its advantages and its gradual achievement must be perceived by everyone so that the effort and the sacrifices are freely accepted. Europe must be close to its citizens.

The measures taken in connection with the social policy of the Union, as regards security, concertation and participation, will be directly felt in the daily lives of Europeans. They will emphasize the human dimension of the undertaking.

It remains now for me to set out additional courses of action. I propose that we should adopt two:

- . the protection of the rights of Europeans where this can no longer be guaranteed solely by individual States;
- . concrete manifestation of European solidarity by means of external signs discernible in everyday life.

Without going into details, I will simply indicate certain areas where progress obviously can and must be made.

A. Protection of rights

1. Fundamental rights

The gradual increase in the powers of the European Institutions which will make itself felt while the Union is being built up, will make it imperative to ensure that rights and fundamental freedoms, including economic and social rights, are both recognized and protected. In this the Union will find confirmation of its political objectives.

I propose that the European Council should instruct the Institutions to propose how best to set about this recognition and protection. The latter must at all events mean that individuals will have the right of direct appeal to the Court of Justice against an act of an Institution in violation of these fundamental rights.

2. Consumer rights

The Community's efforts to introduce common standards for quality control and marketing must be continued. In particular they must be better motivated and more effectively put over. European consumers must be made to understand that they are being afforded real protection against the constant possibility of fraud and other real dangers. The individual State is no longer always in a position to provide this guarantee in a single market where goods are moving freely.

The Commission should examine how best to put over to public opinion the role of Community rules in consumer protection and should undertake an extensive consumer information programme in conjunction with the relevant organizations and associations at national level.

3. Protection of the environment

It is obvious from the geography of Europe that one person's environment is also another's and that its protection cannot remain an exclusively national matter.

In a single market, the constraints which need to be placed on industrial production can only be imposed at European level. The fields where the European Union can and will have to intervene are legion.

Because of its topicality I will quote an example of what we should do and make a specific proposal:

The European Union should possess a common body responsible for regulating and controlling nuclear power stations, with identical responsibilities and powers to those of the Nuclear Regulatory Commission in the United States. Control should be exerted over the siting, construction and operation of power stations, fuel cycles and disposal of radioactive and thermic waste.

The psychological reactions throughout the whole of Europe against the setting up of nuclear power stations can only be calmed by the existence of a supervisory body offering guarantees of strictness, openness and, in particular, independence. These guarantees cannot be found at national level since more often than not our States are themselves involved, directly or indirectly, in decisions as to siting and construction. The argument in favour of a European supervisory body is therefore very cogent: it is a question of rendering the necessary development of nuclear energy in Europe acceptable to public opinion. This argument is given additional weight by the fact that numerous power stations are planned for frontier zones where the problems arising go beyond any national considerations.

B. The external signs of our solidarity

1. As regards movement of persons, measures leading to uniformity of passports and later to a passport union are currently under discussion.

I propose that in addition the European Union should set as its aim:

- . the gradual disappearance of frontier controls on persons moving between member countries, as a corollary of passport union;
- . improved transport and communication, if necessary by harmonizing rules, and by abolishing tariffs which discriminate between national transport and telecommunications and those taking place within the Union;
- . the simplification of procedures for refunding medical expenses incurred by Union citizens in another country of the Union. Existing provisions are inadequately understood due to their administrative complexity and a lack of information. This "Health Europe" must be given life.

The day that Europeans can move about within the Union, can communicate among themselves and when necessary receive medical care without national frontiers adding to the problems of distance, European Union will become for them a discernible reality.

2. Similarly we must encourage greater integration in educational matters by promoting student exchanges. The aim is to give Europeans of tomorrow a personal and concrete impression of the European reality and a detailed knowledge of our languages and cultures since these constitute the common heritage which the European Union aims specifically to protect.

I propose that a pragmatic solution should be found to the delicate matter of the equivalence of diplomas and studies, this being the main obstacle in the way of integration of educational systems.

Our governments should:

- . foster bilateral or multilateral agreements between universities and educational institutions under which the latter would undertake to organize student exchanges;
- . give these agreements a legal status enabling reciprocal recognition to be given to studies in various sectors.

In this way we would be reviving the zeal for movement and mutual enrichment which intellectual Europe has known in the past. In addition there should be initiatives based on the achievements of the "Office Franco-Allemand de la Jeunesse".

3. I propose that a serious effort should be made to promote collaboration between information bodies, in particular radio and television, to encourage the spread of information and better knowledge of each other.

Such collaboration will be of particular significance in the context of direct elections to the European Parliament which will provoke throughout Europe an electoral campaign on European themes.

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Conclusion

The proposals for bringing Europe nearer to the citizen are directly in line with the deep-seated motivations behind the construction of Europe. They give it its social and human dimension. They attempt to restore to us at Union level that element of protection and control of our society which is progressively slipping from the grasp of State authority due to the nature of the problems and the internationalization of social life. They are essential to the success of the undertaking in that it is not enough for the Community of the future to exist: it must also be seen to exist.

A strenuous effort must be made by the European Institutions and by governments to improve the way in which our common activity is presented to public opinion and to link the daily decisions of the Institutions to the motivations behind the construction of Europe and to the idea of society which is inherent in it.

Some of the additional schemes proposed in this chapter are the responsibility of public authorities: this applies for example to the movement of persons or the protection of human rights. However, other activities fall within spheres where private enterprise normally plays an important role, as in the case of human contacts, youth exchanges and certain aspects of information and culture.

With this in mind, I propose that the European Council should decide to create a European Foundation, to be financed partly by subsidies from the Community or the States but whose activities will to a large extent be financed from private funds. Its object will be to promote, either directly or by assisting existing bodies, anything which could help towards greater understanding among our peoples by placing the emphasis on human contact: youth activities, university exchanges, scientific debates and symposia, meetings between the socio-professional categories, cultural and information activities. This Foundation will also have a role to play in extending abroad the activities of a United Europe.

By virtue of its character, this Foundation will often be able to intervene more flexibly and more effectively than national or European authorities. It will also offer the innumerable supporters of European unification in our countries an opportunity to make a personal contribution by aiding the Foundation. In this manner it will be more clearly apparent that the creation of the Union can and must be a matter for us all."

BETTER WATER POLLUTION CONTROL

The meetings of Community Environment Ministers in Luxembourg on 16 October and in Brussels on 8 December created little stir, no doubt because the obscure and technical nature of their discussions. Experienced observers did not fail to notice however that enormous progress was made: after all Ministers do not spend more than ten hours battling with texts of purely academic interest!

At these two meetings, the Ministers put the finishing touches to a decision to reduce pollution caused by the discharge of certain dangerous substances into the aquatic environment. In other words, they agreed to fight together against the worst instances of water pollution.

A little background is necessary here. The Community's action programme on the environment, approved in 1973, was particularly concerned with water pollution from the outset. Broadly speaking, the Commission was given the task of establishing a common language for measuring, limiting and controlling pollution. Criteria for protecting water were thus defined in terms of end use. The Ministers have for instance approved one directive on the treatment of drinking water and another on water for bathing.

The "black list" and the "grey list"

Commission experts felt that more drastic action was called for in other areas. Some substances are so undesirable that they merit special attention. Since the United Nations Conference in Stockholm experts have tended to divide these substances into two lists, one black and one grey; in fact the idea was taken over by the Oslo and London Conventions on Ocean Pollution.

The "black list" includes the most toxic substances, such as mercury, cadmium, certain organic compounds, carcinogenic substances, persistent oils and certain suspended particulates. The "grey list" includes other metals, biocides and substances which affect the smell and taste of water.

The "grey list" presented no problems for the Ministers: at the Commission's suggestion they asked all member countries to produce action programmes, which Brussels experts would endeavour to coordinate.

The "black list" was quite a different story. This celebrated list includes categories of products which are toxic, permanent and bioaccumulable.

A word of explanation about this last term. The layman is relatively familiar with the idea of biodegradability: a biodegradable detergent is one which disappears when discharged into a river, because it is digested by organisms living in the water. The opposite applies in the case of bioaccumulable substances: these lodge in microorganisms, are eaten by

still larger organisms, and so on. In this way the toxic substance passes along the food chain and becomes concentrated. When consumer associations complained recently about the dumping of mercury waste, they were less concerned about mercury concentration in water than mercury concentration in fish.

A neater but rather impracticable solution

Because of this "delayed" danger, European experts consider that legislation should be aimed at waste rather than rivers. For this reason the draft decision was based on the concept of "emission standards". Eight national delegations were in favour of this approach but the United Kingdom voted in favour of retention of the "quality objectives" system, in other words a method based on statistics relating to watercourses rather than to the amount and type of waste discharged.

This is a neater but rather impracticable solution. It does allow account to be taken of special local conditions and even of the behaviour peculiar to each pollutant. But the other delegations maintained that science had not advanced sufficiently for such a refinement. In short, the British approach was considered to be ahead of the boffins.

Following lengthy discussions, the Ministers finally adopted the "emission standards" approach as a general rule, but agreed that a Member State could opt for the "quality objectives" method if it were established at Community level that this technique was scientifically feasible and the Commission were satisfied that quality objectives could be achieved and maintained.

Since the Commission has been entrusted with the task of monitoring quality the chances are that the consequences for the environment will be the same regardless of the formula chosen. Indeed the "quality objectives" approach may lead to the banning of wastes acceptable by Community standards, which will be based, not on health considerations, but on the best available techniques.

"Super-blacks"

The Ministers may have reached agreement but the pessimists are bound to say that much remains to be done. The next step will in fact be to itemize the products on the "black list" now confined to broad categories. It is estimated that there are between 100 and 200 of these from which experts will have to select those meriting priority treatment. They will identify the "super-blacks", as it were, and then consult scientific literature and the specialists before proposing standards and/or quality objectives.

This is bound to provoke a free-for-all. Industry will be up in arms against stringent standards and economically weaker countries will drag their heels. The Commission's cautious forecast is that it will take two years to draft legislation on ten "super-black" products.

Is this outcome disappointing? Certainly not. It must be remembered that this will be the first time that ecological standards affecting industry have been fixed at international level. Earlier international efforts in this area have failed, either because the texts have not been ratified or because they failed to specify a course of action. The European directives will be breaking new ground ... and may perhaps serve as a headline. There is no doubt that the agreement reached on 8 December will be analysed to good effect by members of the Rhine Commission and by the experts responsible for applying the Paris Convention for the prevention of marine pollution from land-based sources. This bodes well for the environment ...

THE LAW AND THE CONSUMER

"Our economic and judicial systems do not favour the consumer; his interests are less well-protected than those of the trader. An effort must be made to smooth the path of the consumer seeking legal redress." These were the words used by Professor Calais-Auloy of the Faculty of Law of Montpellier University to open the symposium on "The Judicial and Quasi-Judicial Means of Consumer Protection".

There was unanimous agreement between the legal experts and consumer representatives attending the symposium that traditional judicial means (civil, criminal and administrative tribunals) place the consumer at a disadvantage. The main deterrent to consumers is, of course, the prohibitive cost of legal proceedings. But there are psychological obstacles too: formal procedures, obscure legal jargon and procedural apparatus combine to keep the consumer away from the courts. Finally, traditional means cater in the main for individual rather than joint actions.

In this situation, Community countries, Sweden and the United States have all introduced new means to make it easier for the consumer to seek redress.

One way in which this can be done is for a group of consumers to defend their separate interests by taking a joint action; the United States led the way here.

But this is not enough: the individual consumer must also be in a position to defend his rights in isolation. With this in mind, a simplified procedure based on the English "small claims" system has been introduced to deal with cases which are straightforward or involve small sums of money.

In some countries there is no need for legal representation in such actions.

Finally, Scandinavian countries have set up joint consumer-trader tribunals.

At the same time a number of procedures have been developed which should make court proceedings unnecessary. These "quasi-judicial" procedures fall into three categories:

- . legal advice given to consumers either free of charge or at low cost. The need for this kind of advice is felt in all countries and has produced some interesting experiments: UROC ("Union régionale d'organisations de consommateurs") in France; "Neighborhood Consumer Centers" in the United States; "Law Shops" in the United Kingdom; and "Rechtwinkels" in the Netherlands;
- . public or semi-public consumer protection organizations to bring pressure to bear on traders. These include the "Institut national de la Consommation" in France, the "Ombudsman" in Denmark and the "Médiateur" in Sweden;

- joint consumer-trader bodies to settle disputes through conciliation or arbitration. The Scandinavian complaints committees work in this way and appear to be satisfactory.

It can be seen then that many arrangements, some simple, some still at the experimental stage, now exist in industrialized countries to ensure that disputes between producers and consumers can be settled easily and rapidly.

The European Commission intends to use the papers read and the discussions held at the symposium as a basis for the early drafting of proposals to ensure that the consumer's right of appeal and redress are safeguarded throughout the Community.

The symposium on "The Judicial and Quasi-Judicial Means of Consumer Protection" was organized by the European Commission, in association with the Faculty of Law and Economic Sciences of the University of Montpellier (France), on 10, 11 and 12 December 1975. It was attended by 150 consumer representatives, legal experts, civil servants and journalists specializing in consumer affairs.

PRESS AND INFORMATION OFFICES OF THE EUROPEAN COMMUNITIES

BELGIUM

1049 BRUSSELS
Rue de la Loi 244
Tel. 735 00 40

DENMARK

1045 COPENHAGEN K
4 Gammeltorv
Postbox 144
Tel. 14 41 40

FRANCE

75782 PARIS CEDEX 16
61, rue des Belles-Feuilles
Tel. 553 53 26

GERMANY

53 BONN
Zitelmannstrasse 22
Tel. 23 80 41

1 BERLIN 31
Kurfürstendamm 102
Tel. 886 40 28

IRELAND

DUBLIN 2
29 Merrion Square
Tel. 76 03 53

ITALY

00187 ROME
Via Poli, 29
Tel. 68 97 22 à 26

LUXEMBOURG

LUXEMBOURG
Centre européen du Kirchberg
Tel. 479 41

NETHERLANDS

THE HAGUE
29, Lange Voorhout
Tel. 070-46 93 26

UNITED KINGDOM

LONDON W8 4QQ
20, Kensington Palace Gardens
Tel. 727 8090

CHILE

SANTIAGO 9
Avenida Ricardo Lyon 1177
Casilla 10093
Tel. 25 05 55

GREECE

ATHENS 134
Vassilisis Sofias 2
Tel. 743 982/83/84

JAPAN

102 TOKYO
Kowa 25 Building
8-7 Sanbancho
Chiyoda-Ku
Tel. 239-0441

SWITZERLAND

1202 GENEVA
37-39, rue de Vermont
Tel. 34 97 50

TURKEY

ANKARA
Kavaklidere
13, Bogaz Sokak
Tel. 27 61 45/46

UNITED STATES

WASHINGTON, D.C. 20037
2100 M Street, N.W.
Suite 707
Tel. (202) 872-8350

NEW YORK 10017
277 Park Avenue
Tel. 371-3804

URUGUAY

MONTEVIDEO
Calle Bartolome Mitré 1337
Casilla 641
Tel. 98 42 42