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# BULLETIN OF THE EUROPEAN COMMUNITIES

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European Economic Community  
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**No 3**  
**1977**  
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# Common Declaration by Parliament, the Council and the Commission, on fundamental rights

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*The European Parliament, the Council and the Commission,*

Whereas the Treaties establishing the European Communities are based on the principle of respect for the law;

Whereas, as the Court of Justice has recognized, that law comprises, over and above the rules embodied in the Treaties and secondary Community legislation, the general principles of law and in particular the fundamental rights, principles and rights on which the constitutional law of the Member States is based;

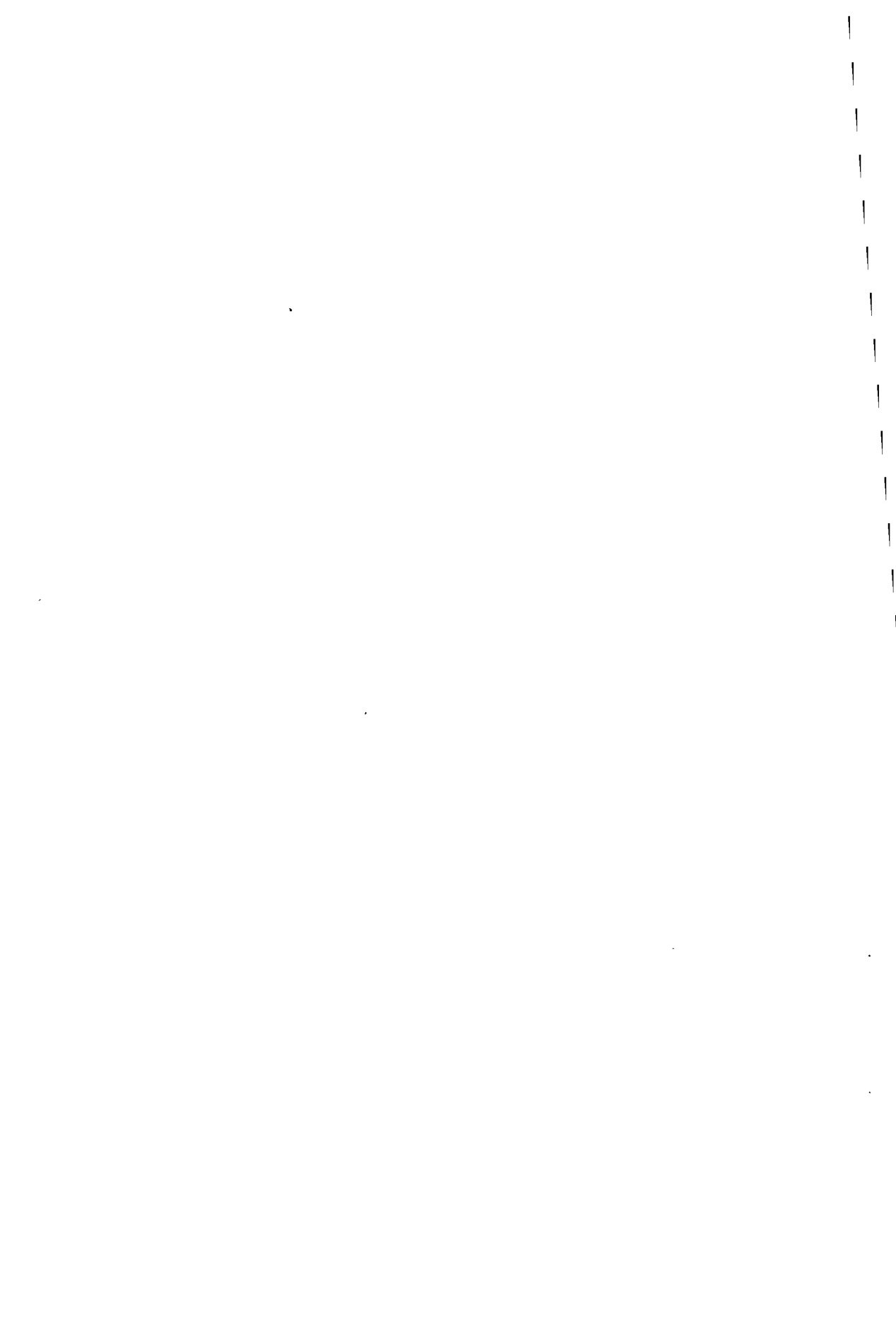
Whereas, in particular, all the Member States are Contracting Parties to the European Convention for the Protection of Human Rights and Fundamental Freedoms signed in Rome on 4 November 1950,

*Have adopted the following Declaration:*

1. The European Parliament, the Council and the Commission stress the prime importance they attach to the protection of fundamental rights, as derived in particular from the constitutions of the Member States and the European Convention for the Protection of Human Rights and Fundamental Freedoms.
2. In the exercise of their powers and in pursuance of the aims of the European Communities they respect and will continue to respect these rights.<sup>1</sup>

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<sup>1</sup> This common declaration was adopted by Parliament on 10 February, by the Commission on 2 March and by the Council on 8 March. It was signed in Luxembourg on 5 April by the Presidents of the three institutions.







**PART ONE**

**SPECIAL FEATURES**

# 1. Portugal's application for accession to the Communities

Portugal

*1.1.1.* On 28 March Portugal formally presented its application for accession to the European Communities. This application is contained in three letters addressed by Mr Mario Soares, the Portuguese Prime Minister, to Dr David Owen, the United Kingdom Foreign Secretary and President of the Council.

This step had been expected for some weeks, following the tour of the Member States' capitals made by Mr Soares between mid-February and mid-March to sound out the intentions of the Governments, and following statements made by Mr Soares when he visited the Commission on 11 and 12 March.<sup>1</sup>

Portugal's application for membership—less than two years after that made by Greece in June 1975<sup>2</sup>—is thus the second application received by the Communities since their enlargement on 1 January 1973 (with the entry of the United Kingdom, Ireland and Denmark).

## The presentation of the Portuguese application

*1.1.2.* In one of the letters addressed to the President of the Council, Mr Soares states: 'On behalf of the Government of the Portuguese Republic and in accordance with the position adopted by the Assembly of the Republic, I have the honour to inform your Excellency that Portugal is hereby applying for membership of the European Economic Community in accordance with the provisions of Article 237 of the Treaty establishing the EEC'. The wording of the other two letters is similar, except that there the reference is to the provisions for accession in the other Treaties—Article 205 of the Euratom Treaty and Article 98 of the ECSC Treaty.

In a letter accompanying this triple application, Mr José Medeiros Ferreira, the Portuguese Foreign Minister, expressed to the President of the Council his great satisfaction at this event, which was the culmination of the efforts undertaken by Portugal and the Communities in the initial stage

of the process aiming ultimately at Portugal's full integration into the European Communities.

*1.1.3.* The same day, Mr Roy Jenkins, President of the Commission, received the head of the Portuguese Mission to the Communities, who informed him of his Government's action. Mr Jenkins welcomed Portugal's application.

## The Portuguese position

*1.1.4.* The trend towards closer relations with the Community since 1974<sup>3</sup> suggested further developments would follow and, when the Portuguese Foreign Minister visited Brussels in September last year, he made it fairly clear that his country would in due course be presenting an application for accession to the Communities.

Mr Mario Soares, the Portuguese Prime Minister, gave a more precise statement of his country's position during his visit to the Commission on 11 and 12 March.

In a speech made at a dinner given in his honour by the Commission, Mr Soares announced that Portugal would soon be making a formal application for membership and stated that this step constituted a challenge:

'A challenge for Portugal first of all, since we are not unaware of our weaknesses or of our present difficulties. A challenge, too, for Europe, since in knocking at Europe's door we feel we are giving expression to the meaning and to the truly European dimension of the political and social changes that have taken place in the recent past and are indeed still proceeding in southern Europe. To ignore this new reality would merely serve to widen the gap which, economically speaking, still separates southern and northern Europe, with all the dangers of disintegration and

<sup>1</sup> Point 2.2.47.

<sup>2</sup> Bull. EC 6-1975, points 1201 to 1212.

<sup>3</sup> Bull. EC 9-1976, points 1301 to 1304.

cleavage that this would be bound to entail for the whole of Europe in the long term.'

The Portuguese Prime Minister went on to say: 'We are making our approach to Europe in full awareness of our responsibilities; let it not be said that we are blind to the reality of our own situation or of yours. That is why, while refusing any new status short of full accession with all that that implies in terms of rights and obligations, we recognize the specific and individual nature of each application for membership.'

The series of austerity and economic and financial recovery measures which my Government has recently adopted demonstrates our desire to press on with our own efforts for domestic recovery at the same time as an integrated development and cooperation programme is being established in conjunction with the Community. With precise guidelines and the implementation schedules dictated by our grand European design, this programme must constitute a far-reaching plan, running parallel to the accession negotiations themselves. In addition, political cooperation arrangements may be envisaged and studied to steer these actions in the right direction and place them squarely in the general context of Community life.

Before concluding, let me make it quite clear that we are approaching accession to the Communities in a spirit of total honesty as regards our intentions and of clarity as regards the reality of our situation. We would therefore like to remove all doubt from the start both as to the meaning and institutional scope of our approach and as to the spirit in which we envisage the continuation of the procedures leading up to accession. We feel that it is in our interests as well as those of the Community to facilitate the progressive solution of the problems faced so that we can fit harmoniously into the Community machine, with full respect for the principles and disciplines which guarantee the Community's cohesion and smooth operation ...'

## The Community reaction

*1.1.5.* The Commission's position—which the President reaffirmed on 28 March when he voiced his satisfaction at the official presentation of Portugal's application for accession—had already been stated by Mr Jenkins on 11 March.

'... The Community', the Commission President said, had 'Very rapidly recognized the significance of the events taking place in Portugal through the provision of emergency aid and the agreements on the Protocols designed to bring closer trading relationships between Portugal and the Community and to make available a steady source of financial assistance.'

Furthermore, a year ago, your country was welcomed into the circle of democratic nations represented in the Council of Europe.

Now you have embarked on the next stage of your progress towards the Community. You have told us today of the discussions you have been conducting in the capitals of our Member States: discussions which will have left you in no doubt of the collective wish of the Governments and peoples of the EEC to see Portugal take her place alongside them in the task of creating a new Community.

Your discussions will also have touched on some of the severe economic problems which confront you and which the Community is determined to help you resolve. We have talked about these matters today and we shall speak of them again tomorrow. It is, I think, entirely appropriate that the role of the Commission over the issue of Portugal's membership of the Community will be a central one and we look forward to broadening steadily our contacts with all parts of your administration and institutions in the months which lie ahead. You can be sure of our profound goodwill in the task of analysis, assessment and advice to Portugal and to the Member States of the Community which falls to us...'

## 2. The Treaties of Rome are twenty years old

Portugal

1.1.6. The joint communiqué published at the end of Mr Soares' visit concluded as follows:

'Without prejudice to the decision which it was for the Council to take under Article 237 of the Treaty of Rome, the Commission informed the Portuguese Delegation of its full understanding and its desire to give Portugal every help in seeking the most appropriate solutions, thereby enabling Portugal to take its place in the European Community as soon as possible, to the mutual benefit of the two parties.'

For its part, the Council published the following communiqué (at the conclusion of its meeting on 5 April):

'The Council agreed to acknowledge receipt of the letters in which Mr Mario Soares, Prime Minister of the Portuguese Republic, applied on 28 March 1977 for Portugal to become a member of the European Communities. The Council agreed at the same time to implement the procedure provided for in this connection by the Treaties.' In other words, the Commission will first be invited to present its opinion to the Council before the Council itself adopts a position.

In the press conference held at the end of the meeting, Dr Owen, President of the Council, stated that the procedure laid down—in the event of the presentation of an application for accession to the Communities—had been set in motion. He added that in taking this action the Council was aware of the problems to be faced on the road leading to Portugal's integration into the Community, and that the problems were acknowledged by Portugal itself.

1.2.1. On 25 March 1977 the European Community celebrated the twentieth anniversary of the signing of the Treaties of Rome which gave birth to the Common Market (EEC) and Euratom (EAEC). Five years after the first European Community—the Coal and Steel Community—was set up, the six founder countries took a decisive step towards 'an ever closer union among the peoples of Europe'.

### Outstanding dates in the past twenty years

1.2.2. On 25 March 1957, in the Rome Capitol, the Ministers of the six original countries signed the Treaties establishing the EEC and Euratom. On 1 January 1958 the institutions of the new Communities were set up in Brussels. The following year saw the first stage in the removal of customs barriers between the Six (10% cut in tariffs within the Community). A common market in nuclear materials was set up between the Six on 1 June 1959 and on 1 June 1960 the Euratom Supply Agency began operating. On 1 January 1962, the Community moved into a second stage when the first regulations for the common agricultural policy were issued. On 1 July 1962 moves towards the customs union were speeded up with a 50% reduction. On 20 July 1963 a convention on an association with overseas countries was signed in Yaoundé. On 8 April 1965, the Six decided to merge the executive bodies of the EEC, ECSC and Euratom and to set up a single Council and a single Commission. On 1 July 1968 the customs union was completed eighteen months ahead of the Treaty schedule; all customs duties were abolished in trade between Community countries and a common external tariff became operational. At the same time the common organization of agricultural markets now extended to 90% of agricultural produce while, in the social field, complete freedom of movement of workers was established. At their summit meeting in The Hague on 1 and

2 December 1969, the Six decided to begin moving towards economic union, to embark on political cooperation and to open talks with the United Kingdom and other applicant countries. In April 1970 they agreed on a system of Community financing under which the Community has its own resources, making it independent for budgetary purposes. On 13 January 1971 a decision was taken to reorganize the Joint Research Centre (Euratom). The Treaty for the accession of the new countries to the Community signed in Brussels on 22 January 1972 came into force on 1 January 1973. On 28 February 1975 a convention between the Nine and forty-six African, Caribbean and Pacific countries was signed in Lomé. At its Rome meeting on 1 and 2 December 1975 the European Council decided that the European Parliament would be elected by direct universal suffrage for the first time in 1978. On 20 September 1976, the representatives of the Member States meeting in Brussels signed the Act for the election of representatives to the European Parliament.

### The celebration of the twentieth anniversary

#### Address by Mr Argan, the Mayor of Rome

1.2.3. Mr Argan, the Mayor of Rome, welcomed those present and said: '... Rome regards 25 March 1957 as one of the most exciting and most memorable dates in its lengthy history. It rejoices at seeing its name linked symbolically and in reality to the documents creating the first supranational political body, the European Community. This ancient city which I represent takes legitimate pride in the fact that, at an earlier period of history, lasting several centuries, it gave form and substance to the notion of Europe, making it not just a geographical concept but also a historical one; Rome was thus the starting point for the development of that European culture from which, despite many setbacks, some of

them bloody, the movement towards a politically united Europe ultimately emerged.

The climate today as we celebrate this twentieth anniversary, is less euphoric than that surrounding the tenth anniversary in 1967. At that time we were applauding the achievements of an economic miracle which we thought had been born of the European Economic Community itself, little realizing that it was but the prelude to a crisis which, only a few years later, was to hit many of Europe's nations... The crisis is not only economic ... but also cultural.

... As representative of this great city, still one of the great pillars of civilization in the world, may I now couple with my welcome to the heads of these great powers in Europe an appeal, and an urgent one at that: may the meetings you hold here offer the citizens of Europe the prospect, not necessarily of prosperity and material well-being, but above all, of a common active commitment, of mutual solidarity, of social justice, of political and human dignity, of freedom and of peace...'

#### Address by President Leone

1.2.4. Mr Giovanni Leone, the President of the Italian Republic, then spoke: '... Progress in the building of Europe has not always been smooth and continuous, for it reflects the diversity, sometimes even the divergence, of its fundamental principles. But a closer look at the individual stages in this great project shows that the underlying spirit is inspired by a strategy of patience, never once doubting that the ultimate aim is the peace and common destiny of our part of the world ...

But experience has also taught us that either we act together or we do not act at all. Moreover, the commitment to Europe calls not only for consolidation and improvement of what has already been achieved, which includes the institutional and decision-making system, but also the pursuit of new objectives both within the Community and in relation to the outside world. The need for

a European foreign policy is dictated by an awareness of the fact that it is impossible to cut the knots which are delaying the process of European unification without at the same time reinforcing the existing institutional structures. Without firm and enlightened management of what Europe has already achieved, Europe is likely to become a modern-day Penelope, endlessly undoing its own work under the pressure of economic, social or political circumstances.

... A new era is opening in Europe. Significantly it begins with the first elections by direct universal suffrage which the European Council decided on here in Rome in December 1975. This fundamental stage in the process of unification will entail more direct responsibility on the part of European political circles and increased participation by public opinion.

The vitality of the building of Europe is further demonstrated ... by the attraction Europe has for the outside world. The Community has only just been enlarged to the north and straightaway there is the prospect of a further enlargement to the south, without which no improvement in the geopolitical and geoeconomical balance is possible ...

... A Europe enjoying splendid isolation in an international context dominated by the dramatic problems of developing and distributing more fairly resources, technology and labour is inconceivable. Voltaire himself so rightly stated peace in Europe and peace in the world to be inseparable. The European commitment consecrated by the Treaties of Rome was and remains the "foedus pacificum", a peace pact deriving its historic legitimacy from this strategy of peace in the world which for its firm and durable foundation depends on the reconciliation and unification of the nations of Europe ...

It is our young people who will both continue and benefit from the European enterprise and it is with them that we must work on the enormous task of fitting them into the new reality of the world and of Europe. Yet this will be possible

only if we make a united appeal to all our intellectual and material resources and only if we refuse to confine our endeavours to setting up better structures or improving our legislative or administrative machinery. What is at stake is something more important: we must help our young people to acquire that most precious of all possessions—hope—without which no nation can aspire to greatness. This rebirth of hope for our younger generation is in every way a worthy objective for Europe. Let us therefore establish this as one of the priority objectives for our future action ...

The Treaties of Rome have given us twenty years of economic progress and twenty years of peace in Europe. Even now, despite this crisis which is affecting us in differing degrees, we must firmly decide to take another step forward. When we finally achieve internal solidarity we must face up to a new task, that of creating the conditions for the advent of the European citizen, who will find his psychological, cultural and social equilibrium in the new society. When we have done this we must hope at least that we shall be able to say "I am a European" with the same pride that in an earlier period of history accompanied the words "Civis romanus sum". This was the hope expressed by Winston Churchill ten years before the Treaties of Rome were signed and this is the hope which I would like to recall today, knowing that much has been done but knowing also that the most difficult and the most exalting part of our task remains to be accomplished.'

#### Statement by Mr Jenkins

1.2.5. Mr Jenkins, the President of the Commission, issued the following statement to mark the twentieth anniversary of the Treaties of Rome:

'"Determined to lay the foundation of an even closer union among the peoples of Europe". These were the words, which twenty years ago, gave a new momentum to uniting Europe in the

signature of the Treaty of Rome. On this anniversary it is right that we should praise and remember the achievements of those who built so well in the fifties. Their example of enthusiastic and realistic leadership overcame the damaging divisions between nations which had so disfigured the past. It struck a positive response in the younger generation of the time whose memories of a Europe of division were sharp. Impelled by a determination to remake a European Unity, that generation of younger people is now itself in positions of power and influence in Europe. It is not enough for us simply to remember and celebrate.

The challenge of Europe is now ours. We must ensure that our policies carry forward the aims of the Treaty of Rome, persuasively and practically. We must fashion in the lives of our peoples full awareness of the need for, and progress towards, European Union. Above all we must make this historic occasion the springboard for a new advance that can attract the enthusiasm and commitment of those who will be responsible for Europe in twenty years time.'

#### **Exchange of letters between President Carter and President Jenkins**

1.2.6. The President of the United States sent the following message to the President of the Commission:

'Dear Mr President: On the twentieth anniversary of the Treaties of Rome which established the European Community, I am happy to extend warm congratulations to you and your colleagues on the Commission. The principles of the Rome Treaties reflect our shared aspirations for strong and democratic societies, seeking ways to advance human progress. The United States will continue to support the Community's efforts to realize these aspirations. I am convinced that a close and cooperative US/EC relationship is vital to us all, and I wish the Commission and the Community well as you move into a third decade of successful common enterprise.'

1.2.7. Mr Jenkins replied to President Carter in the following terms:

'Dear Mr President, On behalf of the Commission of the European Communities, I thank you most warmly for your letter of 17 March on the twentieth anniversary of the Treaties of Rome.

From the earliest days the understanding and sympathy which the United States has shown for the European idea and its realization in the European Communities has been a source of strength and encouragement. The relationship between the United States and the Communities is fundamental to the progress and wellbeing of our common democratic society, and will, I believe, become increasingly important to us both. We are particularly happy to receive your message as the Communities move into their third decade.'

# 3. Commission's proposals for the review of the European Social Fund

*1.3.1.* In March the Commission proposed some major improvements to the rules for the operation of the European Social Fund, in an attempt notably to deal with the present labour market situation.

The European Social Fund, which was set up by the EEC Treaty, underwent radical reform pursuant to a Council Decision of 1 February 1971,<sup>1</sup> which also provided for a review of the rules for the operation of the Fund before 1 May 1977.

*1.3.2.* It is in this context that the Commission approved and sent to the Council on 24 March proposals for adapting the European Social Fund to deal with the present difficult situation in the employment market and for increasing the effectiveness of the payments made from the Fund. In the coming months the Council is due to review its Decision of 1 February 1971 and to amend it, if necessary, on the basis of an opinion from the Commission.

The Commission believes that, in addition to issuing such an opinion, this is also an opportune time to review the various implementing regulations and to make proposals for their improvement in the light of the experience of the past five years. The Commission also felt that it was appropriate to take into consideration other possibilities of intervention by the Fund which go beyond vocational training and geographical mobility of workers. It is hoped that, following Council approval, the various amendments can enter into force on 1 January 1978.

## The Social Fund since 1971

*1.3.3.* The main activity of the Social Fund up to now has been to improve employment opportunities for workers in the Community by subsidizing 50% of the cost of vocational training schemes in the member countries. In this way the employment of workers has been made easier and their occupational and geographical mobility within the Community increased. Since the Fund

was reformed, more than two million persons have received its retraining aids and the annual appropriations have increased from 235 million u.a. in 1973 to 617 million u.a. in 1977. Thanks to the reforms introduced in 1971, the Fund became a more flexible instrument for coping with employment problems.

By a series of decisions the scope of the Fund has been progressively enlarged and the following groups of workers are now eligible for assistance: farmers leaving the land; workers in the textile and clothing sectors who need to acquire new skills; migrant workers; the handicapped; unemployed persons under 25; workers in the underdeveloped regions or regions with declining activities; workers who are forced to adapt owing to technical progress; and workers affected by the difficulties encountered by certain groups of enterprises. In the last three areas of intervention, women over 35 and elderly workers are among those groups which qualify for retraining aid.

This rapid expansion in the range of the Fund's activities has led to certain difficulties such as the danger of too wide a dispersal of the Fund's interventions, delays in adjusting to the demands of the labour market, and delays in the processing of applications and payment of aids. The Commission's proposals are aimed at providing remedies for these problems and fall into two main categories: a better adjustment of Fund intervention to employment requirements and concentration of action on the most pressing Community problems; increased effectiveness of the Fund's assistance.

Furthermore, the Commission is considering the possibility of new assistance measures in the longer term.

## Better adjustment to employment requirements

*1.3.4.* When the Fund was reformed in 1971, it was decided that its interventions would fall into

<sup>1</sup> OJ L 28 of 4.2.1971.



two broad categories. Under Article 4 of the Council Decision, aid may be provided when the employment situation in specific sectors, which the Council has to define, is affected or in danger of being affected by Community policies. Examples are agriculture, textiles, migrant workers. Under Article 5, aid may be granted without any further Council decision, to help combat long-term structural unemployment and underemployment, especially of a regional nature.

Given the limited resources available, the Fund cannot help to solve all the employment problems in the Community, so it is all the more necessary that the Fund's assistance should be more concentrated than in the past. Hence the Commission's new proposals aim to put a greater emphasis on aid to help *regions* with chronic unemployment problems and introduce the possibility of a variation in the Fund's rate of intervention from 50 to 65% for a limited number of regions, to be defined by the Council on a proposal from the Commission, which are characterized by a particularly serious and prolonged imbalance in employment or by a decline in one or more economic sectors of vital importance. Emphasis will also be placed on regional aspects of schemes to help specific sectors of the economy (Article 4 operations).

In future, the Commission wants the budgetary authority to determine each year the Fund's strategy, so that aid can be directed more precisely to those sectors of the economy and regions which need it most. The Commission therefore proposes to delete the clause which states that at least 50% of the Fund's resources should be spent on Article 5 interventions.

However, the Commission also wishes to emphasize that, in implementing these aims, it will not only continue the Article 5 regional interventions but it will try also to accentuate the regional aspects of the Article 4 operations in such a way that the regional impact is not less than that at present.

The Commission will examine the regional impact of the Social Fund interventions each year in its Annual Report on the activities of the Social Fund. Whenever it appears that this impact is not sufficient, the Commission will take the appropriate measures in the framework of the annual budgetary proposals, the annual guidelines, or proposals under Article 4.

At the same time, the Commission proposes to introduce certain measures to remove or reduce restrictions which at present affect the assistance that certain categories of workers can receive from the Fund. These changes should ensure that the Fund has more power to help women find new jobs and to help self-employed persons to be trained to run small craft undertakings. The existing measures to help migrant workers to be trained and integrated into the domestic labour force and young people to find a first job are to be prolonged.

#### Aids to be made more effective

1.3.5. The complexity of the current aid schemes and administrative procedures is one of the main reasons for the delays that deprive the Fund of its effectiveness. For example, according to the current rules assistance from the Fund must be granted on the basis of the *real cost of the retraining or resettlement operation*. But this means that for the checking and payment procedures, the real cost actually incurred must be known in the case of every individual covered by the operation. The new proposals in this area aim at a simplification of the aids system without involving too great a departure from the principle of real costs. The following are among the changes which it is proposed to introduce:

- (a) a system of fixed unit costs, to be determined by the Commission on the basis of data supplied by the Member States, will replace aid granted on the basis of real costs;
- (b) applications for assistance by Member States will be *grouped* according to area of intervention

instead of being submitted for individual cases. This will make it easier to assess Member States' employment policies in the areas of Fund intervention. Individual applications will continue to be allowed but should be much fewer than at present;

(c) a major portion of the funds available will be approved at the start of the financial year particularly for grouped projects; this should allow Member States to estimate in good time the amount of assistance that can be counted on from the Fund;

(d) advances will be granted as soon as operations have begun, and stringent verification procedures introduced, in close cooperation with the Member States, to ensure the satisfactory completion of the operations before the balance is paid;

(e) a procedure will be established for monitoring operations and checking the effectiveness of aids.

### Possibility of new aids in the long term

1.3.6. The proposals presented by the Commission will be limited for the time being to Fund intervention in support of aids centred essentially on vocational training and the geographical and vocational mobility of the labour force. But going beyond the direct application of certain rules, these proposals contain openings for the future, in particular:

(a) the possibility for the Council, on a proposal from the Commission, to apply new aids extending beyond the field of vocational training and mobility. These could be aids (at an intervention rate of the Fund of 35%) for the *maintenance* or *creation of employment* or other types of intervention to enable workers to get stable jobs in economically sound sectors. They could also be, analogous to existing ECSC measures, aids for the maintenance of incomes, for a determined period, of persons who have lost their jobs or whose employment has been reduced or suspended and who are waiting for training or jobs;

(b) the possibility to modify, as necessary, the basic decision and to assign new tasks to the Fund.

Such new aids and tasks could be defined, for example, in debates in Parliament, the Council, the Economic and Social Committee, the Standing Committee on Employment or the Tripartite Conference.

# 4. Freedom of lawyers to provide services

1.4.1. A directive to facilitate the exercise by lawyers of freedom to provide services was adopted by the Council on 22 March.<sup>1</sup>

The initial Commission proposal of 17 April 1969<sup>2</sup> was amended by the Commission on 25 July 1975<sup>3</sup> before it was presented to the Council on 19 August 1975.<sup>4</sup>

1.4.2. It is important to note that, in contrast with the action taken in the case of *doctors*—in respect of whom the two directives of 16 June 1975<sup>5</sup> referred both to establishment and to the freedom to provide services—this directive facilitates only the freedom to provide services. The attainment of freedom of establishment presupposes more detailed measures. The nature and scope of these measures will require further thought, since a lawyer's training is inseparable from the legal environment in which he is called upon to practise, whereas a doctor on the other hand receives a training of a technical nature which he can exercise in any State. The attainment in practice of the *right* of establishment will therefore require more detailed provisions which are still being studied.

1.4.3. Since European integration has brought about a growing interdependence in the business world and among citizens, lawyers are required to travel from one Member State to another with increasing frequency. The Community therefore wanted to give legal effect to a situation which sometimes already existed in practice or was embodied in agreements between legal professions. The attainment of this objective has been speeded up by two judgments of the Court of Justice of the Communities<sup>6</sup> which have held that the activities pursued by lawyers do not in principle involve the exercise of official authority and that, with regard to the provision of services, nationality and residence requirements may no longer be prescribed after the end of the transitional period.

## Scope of the Directive

1.4.4. The directive is based on the recognition of a *lawyer's qualifications*; in other words it covers lawyers as defined in the various Member States. However, in view of the characteristics of some countries' legal systems (notably the United Kingdom and Ireland), the Member States may exclude lawyers who are in the salaried employment of a public or private undertaking from pursuing activities relating to the representation of that undertaking in legal proceedings in so far as lawyers established in that State are not permitted to pursue those activities.

1.4.5. The freedom to provide services extends to all *activities* legitimately pursued by lawyers in the country in which they are established. However, the Member States may reserve certain fields of activity to specific categories of lawyers.

## Provisions governing lawyers providing services

1.4.6. Lawyers providing services are exempted from compliance in the host State with any conditions concerning residence or registration with a professional organization.

## *Appearing before the courts and public authorities*

1.4.7. With regard to activities relating to representation before the courts and before public authorities, the lawyer providing services prac-

<sup>1</sup> OJ L 78 of 26.3.1977.

<sup>2</sup> OJ C 78 of 20.6.1969.

<sup>3</sup> Bull. EC 7/8-1975, point 2269.

<sup>4</sup> OJ C 213 of 17.9.1975.

<sup>5</sup> Bull. EC 6-1975, point 2272 and Bull. EC 12-1976, point 2273.

<sup>6</sup> CJEC 21.6.1974, Case 2/74 (Reyners); [1974] ECR 631 and Bull. EC 6-1974, point 2477; and Case 33/74 (Van Binsbergen); [1974] ECR 1299 and Bull. EC 12-1974, point 2443.

## 5. Action programme for the European aircraft industry

Lawyers

tises under the same conditions as lawyers established in the host country. He must observe two codes of professional conduct (that of the country from which he comes and that of the host country). Furthermore, the Member States may require him to respect rules of local conduct and to work in conjunction with a lawyer who practises before the judicial authority in question, in the interests of the public.

### *Out-of-court activities*

1.4.8. With respect to the pursuit of activities out-of-court (consultations for example), the lawyer must still observe the code of professional conduct of the country from which he comes, without prejudice, however, to the respect for certain rules of the host country (professional secrecy, incompatibility, etc.) provided that these rules are capable of being observed by a lawyer who is not established and that their observance is objectively justified to ensure the proper exercise of the activities in question.

1.4.9. This directive will enter into force on 24 March 1979 once the Member States have adopted the measures required to adapt their national laws accordingly. The directive affects approximately 125 000 lawyers established in the Community.

### Objectives adopted by the Council

1.5.1. On 14 March the Council issued a crucial statement on the implementation of Community policy for the aircraft industry.<sup>1</sup> By adopting seven clear objectives on concerted action and consultations between the Member States, and emphasizing the need for cooperation between European countries to ensure viable and competitive programmes, the Council took a decision which will have far-reaching political and economic ramifications.

### Reasons for joint action

1.5.2. The Council statement is a follow-up to two earlier measures: the Council Resolution of 4 March 1975 on concerted action and consultation between the Member States in this sector,<sup>2</sup> and the proposal submitted to the Council by the Commission in October 1975 for an action programme for the European aircraft industry.<sup>3</sup>

It has become obvious that the scale of investments and the risks involved in civil aircraft construction mean that no longer may any European country launch new programmes in isolation, nor may Europe launch programmes which compete with each other.

Cooperation between Community aircraft industries is hence essential if the design and construction capacities of all the Member States are to be put to optimum use. Programmes must also be on a genuinely Community scale; this involves subcontracting to competitive industries within the various Member States. European manufacturers must take joint action if they are to penetrate the American market; finally cooperation

<sup>1</sup> OJ C 69 of 19.3.1977.

<sup>2</sup> OJ C 59 of 13.3.1975.

<sup>3</sup> OJ C 265 of 19.11.1975, Bull. EC 10-1975, points 1201 to 1204 and Supplement 11/75 — Bull. EC.

should not be restricted to production alone but must span the whole process from research to marketing.

The Council statement is primarily based on the aspects of the action programme presented by the Commission in October 1975 concerning the establishment of a joint programme for the construction of large civil transport aircraft. Following discussions held by the competent Council bodies on the action programme, the experts have decided to adopt the following four categories of aircraft: short- and medium-haul aircraft with a seating capacity of between 110 and 120, medium-haul narrow-bodied aircraft with 120 to 180 seats, medium-haul wide-bodied aircraft with over 200 seats and long-haul wide-bodied aircraft with a seating capacity of around 200. The types selected will depend on the outcome of discussions in progress between manufacturers, airlines and governments. Procedures for consultation within the Council could prove extremely useful in this respect.

### The objectives

1.5.3. While the Resolution of 4 March 1975 referred only to a procedure of concertation and consultation, this time the Member States have agreed on the objectives of joint action. These objectives, as laid down in the Council statement of 14 March are as follows:

- (a) the establishment, in close consultation with all interested circles of a coherent strategy with regard to any new construction programme for large civil transport aircraft, whereby the various options will be examined and duplication avoided from the outset;
- (b) optimum use of design and construction capacities, including subcontracting to competitive industries, within the various Member States;
- (c) joint action by European manufacturers in the search for possible formulas for cooperation with United States industry, in order to promote

penetration of the world market by the European industry;

- (d) definition of economic viability criteria for deciding on the launching of any new programme such as, for instance, a sufficient number of orders or options;
- (e) implementation of procedures to bring together the representatives of manufacturers and airlines for the purpose of defining aircraft types for pre-project discussions leading up to the decision to launch;
- (f) adoption of all possible measures to ensure that airline companies give competitive European aircraft a fair chance;
- (g) exploration of the opportunities and the procedures for joint basic research with a view particularly to developing the know-how required for the next generation of aircraft and to making optimum use of the resources and capacities of the Member States.





**PART TWO**

**ACTIVITIES  
IN MARCH 1977**

# 1. Building the Community

## Economic and monetary policy

### Economic growth, inflation and employment: statement by the European Council

2.1.1. The European Council, which met on 25 and 26 March in Rome,<sup>1</sup> adopted the following statement on growth, inflation and employment:

'1. The European Council considered the prospects for economic development within the Community and agreed that, in order to promote sustained economic recovery and mitigate the severe unemployment being experienced in member countries, without risking the renewal of inflation, there is a need for intensified cooperation at the Community as well as the international level.

2. The European Council recognized that such action must in large part be undertaken on a world scale in which the Community has an important role to play. In this connection they noted first that Community Finance Ministers have reached a large measure of agreement on the views they will put forward on international financing problems at the meeting of the IMF Interim Committee in Washington at the end of April, and secondly that ways of encouraging a stronger, but still balanced, growth of world economic activity will be a major theme of the London Summit in early May.

3. The European Council further agreed in particular to seek action at the Community level in three directions: firstly, to promote measures to help resolve specific labour market problems, especially in improving training and employment opportunities for young people and women, secondly to encourage higher levels of investment in the Member States, and thirdly to halt divergence and promote convergence in their economic performance. To this end, the European Council invites on the one hand the Commission, in particular by the better use of Community instruments, and on the other hand the Board of Governors of the European Investment Bank to

seek ways of improving the effectiveness of their activities.

4. The European Council emphasized the importance of cooperation between the social partners in these matters and agreed to the holding of a further tripartite conference in the first half of this year, at a date to be fixed, at which progress and possibilities could be reviewed. The European Council agreed to reconsider progress on this range of problems at its own projected meeting in June.

5. The European Council agreed to conduct at its meeting at the end of the year an examination of the results obtained in the fields of growth, employment and the fight against inflation, and to assess the Community's prospects of making progress towards Economic and Monetary Union.'

### Fourth medium-term economic policy programme

2.1.2. At a meeting held in Brussels on 14 March at which Mr Denis Healey, the United Kingdom Chancellor of the Exchequer, took the chair, the Council, acting in accordance with Article 6 of its Decision of 18 February 1974,<sup>2</sup> adopted the fourth medium-term economic policy programme.<sup>3</sup>

The text adopted by the Council is largely the same as the draft which the Commission had forwarded to the Council early in October and which had been endorsed by Parliament<sup>4</sup> and by the Economic and Social Committee.<sup>5</sup> Only a few amendments have been made, and these affect neither the broad objectives nor the guidelines for action proposed by the Commission.

<sup>1</sup> Point 2.3.35.

<sup>2</sup> OJ L 63 of 5.3.1974.

<sup>3</sup> Bull. EC 9-1976, points 1101 and 2201.

<sup>4</sup> Point 2.3.17.

<sup>5</sup> Bull. EC 11-1976, point 2457.



With regard to employment, the Council confirmed the objective of a return to full employment between now and 1980, but deleted the Commission's more specific proposal that the aim should be to cut the present number of unemployed by half. Similarly, on the question of the regular reporting of investment projects, the Council departed from the Commission proposal, considering it more advisable to establish sectoral analyses nationally; only after the joint examination of the results of these analyses would it be possible to take Community decisions. Lastly, for technical and administrative reasons, the Council was unable to accept the Commission's proposal that customs checks on persons travelling within the Community should be discontinued.

When adopting the fourth medium-term economic policy programme, the Council agreed that this document should be treated as a reference framework which would be given fuller substance by the adoption of practical measures adapted to circumstances as and when necessary. Thus, it assigned to the Commission, in collaboration with the Economic Policy Committee and the Standing Committee on Employment, the task of examining the situation of and prospects for employment and of studying measures which could be taken in this field to attain the objectives set by the fourth programme.

The Economic Policy Committee has already begun its work on employment, and it will continue work on investment and on the conditions that must be fulfilled if growth targets are to be reached.

### Strengthening of internal cohesion

2.1.3. During its meeting on 14 March, the Council took note of a verbal report by the Chairman of the Monetary Committee<sup>1</sup> and of the report of the Committee of the Governors of the Central Banks relating to intra-Community exchange rate relationships, which it had requested

at the meeting of 8 November 1976.<sup>2</sup> The Council then went on to exchange views on the suggestions made by Mr Duisenberg at the meeting on 26 July 1976 which were designed to strengthen the internal economic, financial and exchange rate cohesion of the Community.<sup>3</sup>

It was agreed that these two Committees would continue their consultations, on a regular basis, on foreign exchange market trends and on the monetary, credit and budgetary policies which determine these trends.

### Adjustment of economic policy guidelines for 1977

2.1.4. In accordance with its 'convergence' Decision of 18 February 1974,<sup>4</sup> the Council, at its meeting of 14 March, carried out the first examination of the economic situation in the Community, on the basis of two documents presented by the Commission: a Communication on the *adjustment*, as required by economic developments, of the *economic policy guidelines for 1977* laid down in the Annual Report adopted by the Council on 22 November 1976;<sup>5</sup> and a document presenting, in accordance with the Decision of 18 February 1974, a summary account of the economic policies pursued in 1976 and a *report on the implementation of this Decision and the conformity of the policies pursued with the objectives set*.

On completion of this examination, the Council approved a Decision under which the Member States will pursue their economic policies in conformity with the guidelines specified in the Commission Communication. In the Commission's opinion, the trends observed recently and the outlook for 1977 suggest that, assuming un-

<sup>1</sup> Bull. EC 2-1977, point 2.1.2.

<sup>2</sup> Bull. EC 11-1976, point 2202.

<sup>3</sup> Bull. EC 7/8-1976, point 2201.

<sup>4</sup> OJ L 63 of 5.3.1974.

<sup>5</sup> Bull. EC 11-1976, point 2204.

changed economic policies, the *objectives set for 1977* in the Annual Report adopted last November may well prove unattainable. These objectives were for the first time in keeping with the medium-term strategy agreed at the second Tripartite Conference<sup>1</sup> and set out in the fourth medium-term economic policy programme.<sup>2</sup> For the Community as a whole, they embodied a growth rate of 4%, an inflation rate held down to 7 to 8%, improvement of the labour market and a reduction in external disequilibria. The Community must consequently make a further effort to achieve a rapid return to internal and external equilibrium, so as to improve the basic conditions for lasting growth and a reduction in unemployment in the years to come and to make up for lost time in reaching the medium-term goals.

However, the *fundamental guidelines for economic policy* set out in the Annual Report must remain differentiated according to the circumstances of the Member States, since the insufficient progress made in reducing disequilibria—both internal and external—and the disparities between member countries mean that a large-scale and simultaneous boost to the economy throughout the Community is out of the question. Additional efforts are essential:

(i) the revival of demand and production must be firmly sustained in the Member States with favourable payments balances and relatively low rates of inflation. Given the uncertainty as to the economic outlook, both internationally and internally, the Community must see to it that Germany and the Netherlands achieve a growth rate of 5% and 4% respectively;

(ii) economic policy must be as restrictive as possible in the countries where the payments balances are in deficit and the inflation rates still high, so as to break the sequence of currency depreciation and price increases. In particular, the Community must see that Italy, Ireland and the United Kingdom bring their annual inflation rates down to under 15% in the second half of 1977.

The Community's development and cohesion are endangered by the persistence of inflationary strains created by an excessive and disordered surge of internal costs; these dangers still point to the need, in several member countries, for a *social consensus* on action aimed at moderating the rise in households' incomes and at increasing productivity gains. It is incumbent on the member countries to promote this consensus by appropriate measures, particularly as regards the development of prices, taxation, working conditions, asset ownership and workers' participation in the decision-making process.

Unemployment cannot be scaled down more rapidly and structural disparities within the Community cannot be reduced unless an active *investment and employment* policy is implemented on a coordinated basis. Thus, in all the member countries, economic policy must be designed to ensure that the propensity to invest is sustained in the medium term and to improve the general conditions for the growth of fixed investment; the scale of investment in 1977 will, however, be determined by the particular situation, in each country, as regards unemployment, the budget deficit and inflation. The Member States facing balance of payments difficulties must step up their efforts to reduce their dependence on imported energy and to speed up the reallocation of resources to the export sector. In the employment field, obstacles of every kind liable to discourage firms planning to take on workers must be identified and overcome, and decisions on official investment incentives and on the authorization of price increases must reflect more closely the need to create new jobs. Specific measures to reduce the unemployment of young people must be strengthened.

In all the Member States, *budgetary policy* should be designed to reduce the public sector borrowing requirement as a proportion of gross domestic product. However, the countries with favourable

<sup>1</sup> Bull. EC 6-1976, point 1101.

<sup>2</sup> Bull. EC 6-1976, point 1102 and 9-1976, point 1101.

payments balances should reconcile this objective with the urgent need to remedy the inadequacy of private and public investment, while the countries where the fight against inflation is still a priority should stand firm in their determination to restrain their expenditure as much as possible and—in some cases—to bring tax revenue more closely into line with the scale of their budget commitments.

The diversity of constraints, particularly external constraints, to which the Member States are subject means that *monetary policies* must be framed in accordance with these differing circumstances. Nevertheless, the Member States must work out together an internally consistent framework for the growth of their principal monetary aggregates. Further to Council instructions, work aimed at setting intermediate objectives is proceeding, and there is every prospect that it will yield effective solutions. Several member countries have also already introduced monetary targets in line with the guidelines set out in the Annual Report of November 1976; provided that the targets are observed, this in itself constitutes progress towards aligning monetary policies within the Community.

## Community loan

2.1.5. Pursuant to a Decision taken by the Council at its meeting on 14 March,<sup>1</sup> Mr Ortoli, Vice-President of the Commission, signed on behalf of the Community, on 24 March, a contract for a loan of US\$ 100 million with a syndicate of nine Dutch banks led by the Algemene Bank Nederland NV. The loan consists of:

- (i) a tranche of US\$ 25 million for three and a half years,
- (ii) a further tranche of US\$ 45 million for four and a half years, and
- (iii) a tranche of US\$ 30 million for five and a half years. Interest is payable annually at 7½%.

This operation, which took effect on 1 April, will be used to repay a US\$ 100 million tranche of the US\$ 300 million floating-rate bank loan raised by the Community in March 1976.<sup>2</sup> A first tranche, also of US\$ 100 million, had already been repaid in October 1976 by means of the yield from a fixed-rate bond issue floated in the United States.

The new consolidation operation, like the previous one, complies with the wish, expressed by the Council in March 1976, that the maximum Community loans should be issued at fixed rates.

The funds raised have been on-lent on the same terms to Italy and Ireland, in the same proportions as the loans they were granted in 1976,<sup>3</sup> i.e. 10/13 and 3/13 respectively.

## Monetary Committee

2.1.6. The Monetary Committee held two meetings during the month, with Mr Pöhl in the chair.

The 228th meeting in Paris on 3 March was chiefly devoted to an exchange of views on the problems of international liquidity and the surveillance of exchange rate policies by the International Monetary Fund, in preparation for the meeting of the Interim Committee of the Fund to be held in Washington on 28 and 29 April. It was agreed that the chairman of the Committee would inform the Council, at its meeting on 14 March, of the progress made in the preparation of the various subjects which were likely to be dealt with at that meeting.

At its 229th meeting in Brussels on 30 March, the Committee devoted one of its regular reviews of trends in the individual countries to the situation in the United Kingdom; it also continued

<sup>1</sup> OJ L 72 of 19.3.1977.

<sup>2</sup> Bull. EC 3-1976, point 2202.

<sup>3</sup> Bull. EC 3-1976, point 2201.

its work on international monetary problems, in preparation for the Interim Committee Meeting; lastly, it adopted an Opinion to be sent to the Council and the Commission on the use of the European Unit of Account in the Community budget.

The Working Party on the Harmonization of Monetary Policy Instruments also met in Brussels on 29 March to continue its work on the transmission process.

### **Economic Policy Committee**

*2.1.7.* Three meetings of the Economic Policy Committee were held in Brussels in March.

The meeting of 3 March, with Mr Cortesse in the chair, was given over entirely to an examination of the problems posed by the attainment of the objectives of the fourth medium-term economic policy programme. The Committee agreed on a work programme for the months ahead, deciding to study in turn employment policies, problems connected with payments balances and short-term growth paths, revised medium-term projections, and investment.

On 23 March the Committee met in its reduced 'budgets' composition, with Mr Middelhoek in the chair. The meeting was primarily devoted to the Community's budgetary problems in 1978. After a detailed exchange of views on these problems, the Committee agreed to adopt two Opinions, one on the broad lines of the draft Community budget (for the joint Council meeting (Foreign Affairs—Finance) on 5 April) and the other on the maximum rate of increase of non-compulsory expenditure applicable in the draft budget.

Lastly, on 28 March, with Mr Maldague in the chair, the Committee devoted itself to examining the scope and limits of specific measures to promote employment: it recognized that only vigorous and sustained growth would permit the employment problem to be solved, but that for the

time being, since blanket measures to boost the economies were out of the question, specific and carefully tailored arrangements were needed.

The Working Party on Public Finance met in Brussels on 10 March to complete its examination of trends in social security expenditure: it decided to bring its work on this subject to an end by sending a report to the Committee.

### **Situation of, and prospects for, the world economy**

*2.1.8.* A group of independent experts, set up by the Commission in the context of its studies on medium-term economic assessments, has just reported to the Commission.

In its report, entitled 'Situation of, and prospects for, the world economy: the Community's dependence and influence', the group emphasizes that far-reaching changes in the international economic and monetary structures in recent years have given questions relating to the main tendencies and the interdependence of medium-term economic developments of the Community and its world environment a new importance. The fundamental trends and problems are such that a much broader possible range of quantitative developments has to be envisaged than was the case in the sixties.

Starting with a summary of the present situation—the features of which are inflation, unemployment, grave trade and balance of payments disequilibria, the upheaval of the international monetary system, a threat to free trade, and the growing politicization of international economic relations—the report goes on to examine the Community's medium-term economic prospects from the angle of the uncertainties and implications connected with a high and a low growth rate. It then examines the role of exchange rates in the context of current account imbalances internationally and within the Community, empha-

sizing a number of actions and policies necessary to safeguard free trade and satisfactory growth.

Lastly, after reviewing the facts and general outlines of economic relations between the major groups of countries (industrialized countries, developing countries, OPEC and Eastern-bloc countries), the report deals with the implications of the present economic situation and the role which the Community might play.

The discussions on the problems outlined and the drafting of the report contributed to the preparatory work on the fourth medium-term economic policy programme by highlighting a number of tendencies and problems of the world economy and the interdependence between these tendencies and problems and the Community's medium-term economic outlook.

## Internal market and industrial affairs

### Free movement of goods

#### Removal of technical barriers to trade

2.1.9. Two directives—concerning technical barriers to trade in tractors and motor vehicles—were adopted by the Council in March. The Commission, for its part, decided to refer to the Court of Justice the cases of several Member States which have not implemented a number of directives relating to measuring instruments.

#### Tractors

2.1.10. The Directive on the driver-perceived noise level of tractors was adopted by the Council on 29 March in order to allow the EEC type-approval procedure laid down in the Council Directive of 4 March 1974 to be put into effect. Fur-

ther work was able to be done on this proposal when on 25 January 1973, the United Kingdom communicated a UK Bill on the subject, pursuant to the Standstill Agreement. The Directive provides two methods of measurement setting maximum levels of 90 and 86 decibels respectively (compared with maximum levels of 102 and 103 decibels under the present system). To give tractor manufacturers enough time to make the necessary adjustments, the Directive also provides for a transitional period (to expire on 1 October 1981) during which the set levels may be exceeded by 6 decibels.

#### Motor vehicles

2.1.11. Earlier—on 8 March<sup>1</sup>—the Council amended its Directive of 6 February 1970<sup>2</sup> concerning the permissible sound levels and exhaust systems of motor vehicles. In recognition of the additional noise nuisance resulting from the increasing number of vehicles on the roads, and of the technical progress made in motor vehicle construction, the Directive further reduces the permissible noise level (in decibels) for the various categories of vehicles.

#### Non-implementation of directives

2.1.12. On 3 March, the Commission decided to start proceedings in the Court of Justice against four Member States for their failure to implement directives relating to *measuring instruments* adopted in 1971, 1972, 1973 and early 1974. The Member States concerned have not taken the necessary steps to incorporate the directives into their national legislation: they are Belgium (three cases of infringement), Luxembourg (three cases), The Netherlands (two cases) and Italy (twelve cases).

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<sup>1</sup> OJ L 66 of 12.3.1977.

<sup>2</sup> OJ L 42 of 23.2.1970.

2.1.13. In March, *Parliament*<sup>1</sup> and the Economic and Social Committee delivered a number of opinions on Commission proposals relating to the removal of technical barriers to trade. On 11 March, Parliament gave its views concerning a proposal for a directive on pleasure craft and their fittings; at its meeting on 30 and 31 March, the *Economic and Social Committee*<sup>2</sup> delivered opinions on fifteen proposals, of which eleven concerned motor vehicles.

### Safeguard measures

#### Ireland

2.1.14. On 14 March<sup>3</sup> the Council extended for one year (until 31 December 1977) the validity of its Decisions of 24 February 1976<sup>4</sup> and 22 July 1976<sup>5</sup> authorizing Ireland to take safeguard measures in connection with imports of *shoes* with leather uppers from the six EFTA (European Free Trade Association) countries. The purpose of this authorization—which will now expire on the same date as the corresponding authorization granted for imports from the Member States—is to prevent Irish imports of these products from EFTA enjoying a lower rate of duty than that applicable to similar products originating in the Member States.

### Industrial structures and problems

#### Steel

2.1.15. Several events worthy of note took place in the steel industry in March, in particular the extension of the anti-crisis plan, the establishment by the Commission of guidelines for the common steel policy, the forwarding by the Commission of a memorandum on this subject to the European Council, the declaration on the situation in the steel sector, put out by the European Council in Rome on 26 March, and the

drawing-up by the Commission of firm proposals for the implementation of its guidelines.

#### Crisis measures

2.1.16. The appreciable worsening of the difficulties affecting the steel industry led to the Commission's decision of 2 March<sup>6</sup> to extend until the end of June the crisis measures in force since 1 January. The present situation is that production is falling, new orders are continuing to stagnate, the rate of utilization of production capacity is running at no more than about 60%, prices are low, exports slack and stocks large and short-time working is at almost the same level as during the most difficult period of the earlier recession.

In its anti-crisis plan the Commission has adopted the requisite implementing provisions, concerning individual forecasts by undertakings or groups of undertakings with regard to the delivery quotas.

#### Guidelines for steel policy

2.1.17. On 16 March the Commission adopted a set of guidelines for steel policy to be used both in the drafting of the document presented to the European Council in Rome and in the preparation of the proposals and decisions which the Commission will adopt subsequently.

These guidelines were explained to the ECSC Consultative Committee which adopted a Resolution on the steel market situation<sup>7</sup> on 17 March and a few days later to the press by Mr Davignon, the Member of the Commission responsible for the internal market and industrial

<sup>1</sup> Point 2.3.20.

<sup>2</sup> Point 2.3.73.

<sup>3</sup> OJ L 72 of 19.3.1977.

<sup>4</sup> OJ L 58 of 5.3.1976 and Bull. EC 2-1976, point 2106.

<sup>5</sup> OJ L 223 of 16.8.1976 and Bull. EC 7/8-1976, point 2118.

<sup>6</sup> Bull. EC 2-1977, point 2.1.5.

<sup>7</sup> OJ C 86 of 6.4.1977.

affairs. They may be grouped into four main categories: preservation of the unity and openness of the market, maintenance of a modernized production capacity, market intervention and re-training and redeployment of workers.

These objectives necessarily imply a structural reorganization of the steel industry in consultation with labour organizations, the industry, the Member States and the other Community institutions. All the investments to be made must take account of this.

According to the guidelines adopted by the Commission, the structural reorganization envisaged can be achieved only if market conditions are improved. Action on certain market mechanisms must be continued and intensified. In this way the Commission intends to strengthen its crisis plan in such a way as to raise the depressed level of prices on that market.

Import licences will be granted automatically on presentation of purchasing contracts in order to tighten up the detection of unfair trading practices and to proceed against them in accordance with the (anti-dumping) rules set out in the Treaties.

Furthermore, structural reorganization in the steel sector will be acceptable from a social and regional point of view only to the extent that the cutback in employment is mitigated or offset by the creation of alternative jobs and to the extent that the cost of redeploying workers is borne jointly as a Community concern. The retraining and redeployment aspects must of necessity be built into the structural reorganization programmes; the Community must draw upon all the resources available to it.

These guidelines were the subject of a communication which the Commission adopted on 23 March for transmission to the European Council in order to draw its attention to the seriousness of the steel crisis and the Community nature of the solutions to be adopted.

### *Declaration by the European Council*

2.1.18. At its meeting in Rome on 25 and 26 March the European Council issued the following declaration on the situation in the steel sector:

'The European Council has considered the situation in the steel sector, on the basis of a communication from the Commission. This sector is experiencing a depression more serious than at any time in the history of the Coal and Steel Community. The Heads of State and Government have taken this opportunity to reaffirm their resolve to restore to the steel industry through the appropriate measures, the viability and competitiveness essential to the maintenance of a truly European industrial potential.

The European Council expresses its appreciation of the efforts being undertaken by the Commission to put forward at an early date practical proposals and initiatives for short-term remedial measures to stabilize the market, for a longer term structural reorganization of the European steel industry and for measures in the social field to assist workers adversely affected by such reorganization.

The European Council expresses the wish that the Council of Ministers gives its urgent attention to the Commission's proposals and initiatives on these issues.'

### *Measures put forward for examination*

2.1.19. Following the declaration of the European Council, which supported the Commission's analysis and guidelines, the Commission worked out those proposals upon which the Council is to express an opinion as soon as possible (probably in May) as well as other measures. According to the information published on the eve of the European Council, the Commission intends to concentrate its attention on the following:

- (a) a method of work concerning the revision of the General Objectives for Steel for the 1985 and 1990 horizons;
- (b) a draft recommendation providing for the automatic granting of licences;
- (c) a draft decision, pursuant to Article 61, setting minimum prices for concrete reinforcing bars and prohibiting alignment with quotations from non-Community countries for the same product;
- (d) a first communication from the Commission to the industry concerning reference prices;
- (e) a review of financial resources, and in particular the ECSC Budget;
- (f) a guideline for the treatment of national aid to steel industries within the framework of structural reorganization;
- (g) an examination of the criteria for the granting of aid towards the payment of interest;
- (h) access to the Social Fund for the benefit of the steel sector.

### *Forward Steel Programme*

2.1.20. On 23 March the Commission formally adopted the forward steel programme for the second quarter of 1977,<sup>1</sup> which it had approved at first reading on 2 March before forwarding it to the ECSC Consultative Committee on 17 March; no changes have been made to the original version.<sup>2</sup>

### *Industrial loans*

2.1.21. The Commission has taken a decision, in pursuance of Article 54 of the ECSC Treaty, to grant a loan of Lit 70 000 million (some 71 million EUA) to the steel company Italsider in Genoa to provide finance for the new rationalization programme for the Genova-Cornigliano and Genova-Campi steelworks. Two other loans were granted to the British Steel Corporation: one of them, worth £7.7 million, is for improvement of

steel-processing plant at the Ravenscraig works in Scotland; the second, worth £4.5 million, will finance the installation of an electricity generating station at the Appleby-Frodingham works at Scunthorpe.

### *Technical research*

2.1.22. On 8 March the Commission approved—and sent to the ECSC Consultative Committee for consultation and to the Council for its assent—a memorandum concerning a programme of technical research on steel.<sup>3</sup> This programme covers 74 projects, the results of which will help to: improve productivity in the manufacture and processing of steel; reduce manufacturing and processing costs; improve the quality of steel products; extend steel utilization to new applications and thereby boost demand.

The total cost of this programme will be 30 178 700 EUA. The total amount of financial aid from the Commission will be 18 709 500 EUA, of which 18 164 520 EUA will be accounted for by contributions to the research costs and 544 980 EUA by the cost of disseminating the knowledge gained.

### *Shipbuilding*

2.1.23. The OECD Working Party on Shipbuilding met in Paris on 22 and 23 March and once again discussed the problems arising in the prevention of imbalances in the regional pattern of orders.<sup>4</sup>

During this meeting the representatives of the Trade Union Advisory Committee to the OECD expressed the opinion that the OECD's forecasts

<sup>1</sup> OJ C 95 of 19.4.1977.

<sup>2</sup> Bull. EC 2-1977, point 2.1.6.

<sup>3</sup> OJ C 63 of 12.3.1977.

<sup>4</sup> Point 2.2.38.



for this sector's prospects were more on the pessimistic side. They stressed the need for appropriate national policies involving measures such as technological promotion, environmental protection measures which might possibly lead to new demands for tonnage, and the abandonment of subsidies which have a disruptive effect on the market. In particular, they stressed the need to implement an active employment policy.

The main objective of the discussions of the Japanese measures was to clear up a large number of technical questions to which these measures gave rise—in particular, by means of a questionnaire drawn up by Commission staff. The Japanese Delegation stated that the effects of the price increases could not be expected for a few months. The Commission expressed this concern about the recent tendency for new orders to be concentrated on Japan.

## Aircraft industry

### *Council statement*

2.1.24. On 14 March<sup>1</sup> the Council adopted a statement on industrial policy in the aircraft industry which lists a number of priority objectives for the Community industry.

## Free movement of persons

### Freedom of establishment and freedom to provide services

#### *Lawyers*

2.1.25. On 22 March the Council adopted a Directive to facilitate the effective exercise by lawyers of freedom to provide services.<sup>2</sup> After this important step, the Commission will endeavour to determine how, and subject to what restrictions, further progress could be made in achieving freedom of establishment for lawyers.

#### *Doctors*

2.1.26. The Advisory Committee on Medical Training met on 10 and 11 March. The main items on the agenda were general trends in basic medical training, clinical training of doctors, further training for general practitioners and part-time training for specialists.

It considered reports prepared by working parties set up to study these problems and it laid down certain guidelines for future work in these fields. It also decided to set up a working party to study the main problems encountered in training specialists.

2.1.27. The Committee of Senior Officials in the field of Public Health met on 24 and 25 March 1977 and reviewed in particular the progress of work implementing the 1975 Directives on the freedom of movement of doctors. It discussed the laws, regulations and administrative arrangements made in this field and examined in detail a number of problems arising as regards both freedom of establishment and freedom to supply services.

## Customs union

### Tariff measures

#### *Tariff quotas*

2.1.28. On 8 March,<sup>3</sup> the Council adopted, on a proposal from the Commission, a Regulation opening, allocating and providing for the administration of Community tariff quotas for certain

<sup>1</sup> Points 1.5.1 to 1.5.3 and OJ C 69 of 19.3.1977.

<sup>2</sup> Points 1.4.1 to 1.4.9 and OJ L 78 of 26.3.1977.

<sup>3</sup> OJ L 65 of 11.3.1977.

wines having a registered designation of origin (Berkane, Sais, Beni M'Tir, Guerrouane, Zemmour, Zennata), originating in Morocco.

This decision was taken in preparation for the application on 1 April 1977 of the interim agreement signed on 27 April 1976,<sup>1</sup> between the European Economic Community and Morocco and pursuant to the agreement in the form of an exchange of letters between the Community and Morocco, signed on 12 March 1977,<sup>2</sup> concerning certain wines entitled to a designation of origin. These quotas—totalling 30 000 hectolitres for wine put up in containers holding two litres or less and 20 000 hectolitres for wine put up in containers holding more than two litres—are valid from 1 April 1977 to 31 March 1978.

#### *Duty-free entry*

2.1.29. The Commission decided to extend once again,<sup>3</sup> until 30 June 1977, exemption from duty for imports of goods for free distribution to the earthquake victims in the Friuli region.

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2.1.30. At a meeting on 30 and 31 March the *Economic and Social Committee*,<sup>4</sup> gave its opinion on a Commission proposal to the Council for introducing a Community export declaration form.

## Competition

### **Sixth Report on Competition Policy**

2.1.31. On 16 March the Commission approved its Sixth Report on Competition Policy,<sup>5</sup> published in conjunction with the Tenth General Report on the Activities of the European Communities. Like its predecessors, the Sixth Report outlines the Communities' competition activities over the past year, in this case 1976.

### **Restrictive practices, mergers and dominant positions: specific cases**

#### *The Commission acts against an exclusive supply agreement*

2.1.32. Following representations by the Commission the Dutch firms Billiton, a member of the Royal Dutch/Shell Group, and Metal & Thermit Chemicals (M & T), a member of the American Can Group, specializing in packaging, have terminated an exclusive agreement for the supply of tin tetrachloride—an intermediate product used in the manufacture of non-ferrous metal alloys—which they entered into in October 1976 and notified to the Commission.

Billiton is the biggest manufacturer of the product in the Community and hence enjoys a dominant position, while M & T is the biggest customer and takes half of Billiton's output. In an expedited procedure, the Commission informed the firms concerned that several clauses in their agreement were incompatible with Article 85 of the EEC Treaty. The relevant clauses were the obligations on M & T to purchase exclusively from Billiton, to refrain from manufacturing tin tetrachloride as long as Billiton could guarantee supplies and to refrain from reselling products supplied by Billiton.

The Commission's findings show that it cannot approve supply agreements containing exclusive clauses, where they prevent the normal functioning of the market. In future, Billiton will supply tin tetrachloride to M & T on the basis of a commercial relationship involving no restrictive arrangements.

<sup>1</sup> Bull. EC 4-1976, point 2332.

<sup>2</sup> OJ L 81 of 30.3.1977.

<sup>3</sup> OJ L 87 of 5.4.1977; Bull. EC 9-1976, point 2105 and Bull. EC 12-1976, point 2110.

<sup>4</sup> Point 2.3.75.

<sup>5</sup> To be outlined in Part One of the next issue.

*Amendment of the EEC Decision on exemption from prior authorization*

2.1.33. On 10 March the Commission transmitted for the Council's assent a draft for amendment of the ECSC High Authority Decision of 22 June 1967 laying down, in implementation of Article 66(3) of the ECSC Treaty, a regulation concerning exemption from prior authorization.<sup>1</sup>

By the original decision the High Authority exempted from prior authorization certain mergers and takeovers which, by virtue of the size of the assets or undertakings concerned and of the nature of the resulting concentration, satisfied the tests of Article 66(2) of the ECSC Treaty.

Since that decision came into force in 1967, Community steel output has expanded sharply, there have been major changes in the structure of the steel and coal industries and new Member States have joined the Community. For these reasons, and in the light of several years' experience of applying the 1967 decision, it was found that the limits and terms laid down in the decision should be brought into line with the economic reality of today.

The new limits for exemption and the amendments to the 1967 decision put forward in the Commission's draft satisfy the requirements of Article 66(2) since the operations exempted may automatically be assumed to satisfy the tests for authorization laid down in Article 66.

*Authorization of a steel takeover*

2.1.34. Acting under Article 66(2) of the ECSC Treaty the Commission authorized Fiat SpA, Turin, to acquire all the shares in Cofermet Acciai Speciali e Inossidabili SpA, Milan, a special steels dealer.

The result will be to enable Fiat to control Cofermet and to exercise joint control over another firm, Gilby Italiana, which manufactures stainless tubes. Fiat will then control 16.8% of Italian spe-

cial steels sales and 4.3% of Community sales. It was found that the tests of Article 66(2) were satisfied.

*Scrap merger*

2.1.35. Again under Article 66(2) of the ECSC Treaty, the Commission authorized Otto Lazar SA to acquire a 67.5% holding in Etablissements Vidal & Champredonde; both firms are direct scrap suppliers.

The resulting group will have a supply capacity much the same as France's largest scrap dealer, Compagnie française de ferrailles. Scrutiny of this operation showed that it, too, satisfied the tests of Article 66(2).

*Authorization of a joint selling agreement*

2.1.36. On 4 March the Commission decided<sup>2</sup> to extend for a further three years, up to 31 December 1979, its decision of 4 November 1959 authorizing the joint sale of solid fuels from Houillères du Bassin de Lorraine and Saarbergwerke AG by Saarlör, a Franco-German joint stock company. The decision had already been extended in 1961, 1966, 1969, 1972, 1974 and 1976.

The Commission considered that the reasoning behind the original ECSC High Authority authorization of this joint selling agreement in 1959 still held good and that the agreement was not contrary to Article 65 of the ECSC Treaty, which deals with inter-firm agreements and concerted practices which may distort competition. Saarlör's sales in 1976 accounted for 21% of Saarbergwerke's output and 5.1% of Bassin Lorrain's output.

<sup>1</sup> OJ 154 of 14.7.1967.

<sup>2</sup> OJ L 78 of 26.3.1977.

## State aids

### *Industry aids*

#### Electronic components

##### *United Kingdom*

2.1.37. On 1 March the Commission decided to raise no objections to a British plan to aid the electronic components industry. The plan is to give grants, generally of 25%, to assist R & D.

Loans at concessionary rates may be granted on up to 50% of costs where firms reorganize. Grants of 15 or 20% of costs may be given for investment in plant and machinery, and buildings, where the investment is related to R & D or reorganization.

Since the Community needs to develop this industry, not only for its own sake but also because it is crucial to development in other industries, the Commission decided that the British programme was in the common interest.

##### *Environmental aids*

#### Belgium

2.1.38. On 22 March, the Commission decided<sup>1</sup> that the Belgian Government must reduce the interest relief grant which it was planning to give in order to aid certain investments being made by a petroleum refining company which is extending its capacity at Antwerp.

This aid was in fact no more than a new version of an aid to the same investment project which the Commission had already enjoined the Belgian Government from giving in 1973.<sup>2</sup> At that time the Commission felt there was no justification on regional grounds (the Antwerp area being a prosperous one), or on industry grounds (there is excess capacity in the refining industry), and that,

even if the aid extended only to anti-pollution investments, it was contrary to the principle of making the polluter pay.

The Commission's new decision takes account of the following circumstances:

the socio-economic situation of the Antwerp area remains on the whole favourable;

the position of the Community refining industry has deteriorated to such an extent that there is now nearly 140 million t/y of surplus refining capacity to be taken up; yet the investment to which the present aid would have applied seeks to raise the relevant refinery's capacity from 4.5 to 13.5 million t/y;

the Commission's memorandum to the Member States on a Community approach to environmental aids<sup>3</sup> dated 6 November 1974 and the Council recommendation of 3 March 1975 on the allocation of costs in environmental matters<sup>4</sup> allow the grant of aid to anti-pollution investment in existing plant but not where the function of the investment is to increase the plant's capacity.

In the present case, aid can be given only to that part of the investment which is genuinely designed to reduce the pollution risk created by the refinery, but this part of the investment accounts for only FB 1 366 million and, furthermore, the part of the plant which existed before the extension in capacity represents only one-third of the total (4.5 million out of 13.5 million t/y); the Commission accordingly decided that the Belgian Government could give the interest relief grant only on FB 460 million.

<sup>1</sup> OJ L 80 of 29.3.1977.

<sup>2</sup> Bull. EC 9-1973, point 2104 and OJ L 270 of 27.9.1973.

<sup>3</sup> Bull. EC 11-1974, point 2115.

<sup>4</sup> OJ L 194 of 25.7.1975.

## Financial institutions and taxation

### Taxation

#### *Indirect taxes*

#### Turnover taxes

#### *VAT: adoption of a 'joint position'*

2.1.39. The Council (Taxation), which met on 22 March, took a further step towards the adoption of the *sixth VAT directive*, the efforts made by the Commission and the delegations of the Member States having led to agreement on a 'joint position'.

During this Council meeting, which had been called to examine and try to resolve certain residual difficulties which had remained after the agreement in principle reached last December,<sup>1</sup> a number of decisions were taken, concerning the taxation of travel agencies, measures to simplify paperwork for taxable persons, and the retention of specific taxes, other than turnover-type taxes, in certain fields such as those of insurance contracts and gambling.

Two reservations outstanding at the end of the 22 March meeting were subsequently lifted so that the Council (Research) meeting on 29 March was able to record the Member States' 'joint position' on the directive as a whole and also to close all discussion of the directive at this stage.

In view of the differences between the text produced by the Council and the text of the original Commission proposal<sup>2</sup>—on which Parliament had already been consulted pursuant to Article 100 of the Treaty—a new procedure for consultation of Parliament has been opened.

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2.1.40. The *Economic and Social Committee*,<sup>3</sup> which met in plenary session on 30 and 31 March, adopted its Opinion on a proposal for a directive, submitted by the Commission to the Council, on the harmonization of provisions laid down by law, regulation or administrative action relating to the rules governing turnover tax and excise duty applicable in international travel.

## Employment and social policy

### Employment

2.1.41. Employment problems were in the forefront in March, with the European Council decision in Rome to call a new Tripartite Conference, the Commission proposals to the Council for the revision of the European Social Fund, the adoption of the 1976 Social Report which concentrated on the problem of employment, and various other meetings devoted to the same subject.

2.1.42. The European Council, which met in Rome on 25 and 26 March, decided to call a new *Tripartite Conference* during the first half of 1977<sup>4</sup> to assess progress made since the Conference of June 1976<sup>5</sup> and examine the outlook for the future. It also decided to support Community action to deal with certain specific employment and training problems, particularly those concerning young persons and women.

During March the Commission took immediate steps to organize this third Tripartite Conference. It also began preparations for the meeting of the Standing Committee on Employment, planned for 5 May; this meeting will study certain aspects of an independent report on the outlook for employment up to 1980, the revision of the Social

<sup>1</sup> Bull. EC 12-1976, point 2138.

<sup>2</sup> Supplement 11/73 — Bull. EC.

<sup>3</sup> Point 2.3.74.

<sup>4</sup> Point 2.1.1.

<sup>5</sup> Bull. EC 6-1976, points 1101 to 1105.

Fund regulation and the coordination of the Community's financial instruments.

2.1.43. In addition, meetings were held in March with *senior employment officials* and officials from the ministries of labour and economic affairs, and with a group of independent experts on employment. Discussions dealt with specific instruments of employment policy and the employment situation in general.

2.1.44. On 11 March the Commission approved the *Report on the Development of the Social Situation* in the Community in 1976,<sup>1</sup> published in conjunction with the Tenth General Report on the activities of the European Communities, in which employment and unemployment problems are the main feature.

### Vocational training

2.1.45. The official opening ceremony of the *European Centre for the Development of Vocational Training* took place in Berlin on 9 March, attended by Mr Henk Vredeling, Vice-President of the Commission with special responsibilities for employment and social affairs. The purpose of the Centre,<sup>2</sup> which was formally set up by the Council on 10 February 1975,<sup>3</sup> is to assist the Commission in encouraging, at Community level, the promotion and development of vocational training and in-service training; it will contribute towards the promotion of research in this sphere, and provide a forum for all those concerned with vocational training.

### European Social Fund

#### Social Fund

##### *Commission proposals for revision*

2.1.46. The *Commission* forwarded to the Council on 24 March<sup>4</sup> a memorandum containing the

Commission's opinion (based on Article 126 of the EEC Treaty) on the review of the European Social Fund and proposals for improving the effectiveness of the Fund and adapting it better to the labour market situation, in the light of experience acquired over the last five years.

The *Committee* of the European Social Fund had previously met in Brussels on 10 March to hold a final exchange of opinions on the reform of the Fund.

### Industrial relations

2.1.47. During March the Commission organized several meetings with the two sides of industry, in particular with representatives of sea, urban and regional transport and civil aviation workers to examine the particular social problems arising in these sectors.

### Health and safety

2.1.48. The first meeting of the Research Committee on Safety in Mines was held in Luxembourg on 10 March. This Committee was set up to advise the Commission on the promotion of ECSC research projects on safety in mines. Twenty projects for possible inclusion in the five-year outline programme on mines safety were studied: fifteen of them, including two on iron mines in the Community, were adopted as priorities for 1977.

2.1.49. The Research Committee on *technical control of pollution in the iron and steel industry*, which met in Luxembourg on 15 March, studied

<sup>1</sup> An analysis of the 1976 Social Report will be published in Part One of the next issue.

<sup>2</sup> Bull. EC 12-1974, point 1304.

<sup>3</sup> OJ L 39 of 13.2.1975.

<sup>4</sup> Points 1.3.1 to 1.3.6.

a group of projects eligible for financial aid from the ECSC; eight were adopted, submitted by four institutions or organizations in the iron and steel sector.

2.1.50. To meet the need for information and documentation on *industrial medicine*, the Commission undertook to compile a central index of research in this sphere. A limited index with a list of research workers and an inventory of research projects under way, giving the institutions concerned, was drawn up as a pilot study. Only a limited area was covered, but the related questionnaire was subsequently amended to make it suitable for all the nine countries of the Community. The Commission is now engaged in applying the methods perfected earlier with a view to constituting a larger index.

2.1.51. On 29 March the Council formally adopted the directive on the screening of the population for lead (lead poisoning), which it had approved in principle on 9 December 1976.<sup>1</sup>

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2.1.52. On 11 March *Parliament*<sup>2</sup> gave its Opinion on the Commission's proposals to the Council concerning health protection standards for sulphur dioxide and suspended particulate matter in urban atmospheres.

## Regional policy

### Financing operations

#### *European Regional Development Fund*

##### Renewal of the ERDF

2.1.53. In March, the Commission discussed tentative positions on the renewal of the European Regional Development Fund. Following a

tour of the capitals which Mr Antonio Giolitti is making in this connection,<sup>3</sup> the Commission will present—normally in early June—its proposals to the Council.

One of the characteristics of the renewed Fund should be greater flexibility in its intervention mechanisms: flexibility in the type of intervention but also in its procedures; flexibility, too, in geographical scope and in the use of the Fund's intervention facilities.

##### Fund Committee

2.1.54. The Regional Fund Committee held its seventh meeting on 23 March. One of the main items on the agenda was the possibility of the Fund providing support for investment projects in the tourism sector. The discussion yielded additional information for the Committee on specific incentives, aids and assistance provided by Member States to encourage investment in this area. A number of general Community concepts were agreed.

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2.1.55. At its plenary session held on 30 and 31 March, the *Economic and Social Committee* adopted an Opinion on how regional development helps solve unemployment and inflation problems making for a more balanced distribution of the working population.<sup>4</sup>

<sup>1</sup> Bull. EC 12-1976, point 2222.

<sup>2</sup> Point 2.3.21.

<sup>3</sup> Bull. EC 2-1977, point 2.1.26.

<sup>4</sup> Point 2.3.71.

## Environment and consumer protection

### Environment

#### United Nations Water Conference

2.1.56. The Commission was represented at the Water Conference held at Mar del Plata, Argentina, from 14 to 25 March and attended by the representatives of 116 countries.

The Conference discussed technical aspects of water supply and management and questions relating to regional and international cooperation. At the end of its deliberations the Conference passed a series of resolutions inspired by the need to preserve the world's water resources and improve their management.<sup>1</sup>

The representatives of 93 States and 21 organizations (including the Community) addressed the Conference. The Commission representative emphasized the difficulties facing the developing countries in overcoming problems posed both by the shortage of water and by the lack of the technical and economic resources needed for the rational exploitation of what they have. The Commission was aware of the problem and had been supporting projects in the developing countries for over fifteen years. Between 1961 and 1975 the Community had devoted 283 million EUA to water projects in the Associated African States and Madagascar and in the overseas countries, territories and departments. Under the ACP-EEC Lomé Convention it was planned to spend 279 million EUA over the coming five years, as much as had been spent in the fifteen years previously.

The Commission also alluded to the problems facing the Community chiefly in the form of water pollution. It outlined the results which had already been attained and those which were feasible in the near future under the Community's environmental action programme.

### Protection of the Baltic Sea area against pollution

2.1.57. On 14 March the Commission recommended that the Council open negotiations with a view to the Community acceding to the 'Helsinki Convention' of 22 March 1974 on the Protection of the Marine Environment of the Baltic Sea Area.

The signatories to this Convention are Denmark, Finland, the German Democratic Republic, Poland, Sweden and the USSR.

### Protection of species of wild flora and fauna threatened with extinction

2.1.58. On 15 March, the Council authorized the Commission to open negotiations with a view to the Community acceding to the 'Washington Convention' of 1973 on international trade in endangered species of wild flora and fauna threatened with extinction.

### Lead poisoning

2.1.59. On 29 March the Council formally adopted the Directive on the biological screening of the population for lead, on which it had previously given its agreement.<sup>2</sup>

### Research into the Seveso accident

2.1.60. The Commission is to contribute 160 500 u.a. to the research and study programmes initiated after the Seveso accident. These involve a total of fourteen projects which will be carried out by institutes in Italy or other European countries, covering health and ecological questions and decontamination of the affected areas. Mr Natali, Vice-President of the Com-

<sup>1</sup> Point 2.2.32.

<sup>2</sup> Point 2.1.51.



mission, said on 14 March that the Commission would contemplate further contributions if the need arose.

### Waste Management Committee

2.1.61. The Waste Management Committee, set up by the Commission on 21 April 1976,<sup>1</sup> held its first meeting on 1 and 2 March. This meeting established the priority sectors for action by the Community and the Member States, namely waste paper, packaging, toxic wastes, the use of wastes as fuel and in agriculture. Other topics covering ferrous and non-ferrous waste, sewage sludge, demolition waste, waste from the textile industry and from intensive farming will be investigated by the Committee at a later date.

### Toxic and dangerous wastes

2.1.62. On 8 March the Commission decided to amend the proposal for a Directive on toxic and dangerous wastes which it had laid before the Council on 28 July 1976.<sup>2</sup> The main aim of the amendments made to the original text—which also take account of the Opinion delivered by Parliament—is to increase safety in the storage and transport of dangerous wastes.

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2.1.63. The *Economic and Social Committee*<sup>3</sup> meeting on 30 and 31 March delivered an Opinion on the Commission proposal to the Council on water quality in shellfish-breeding areas.

### Consumer protection

#### Meeting between the Commission and national experts

2.1.64. On 31 March the Commission brought together government experts from the Member

States of the Community in order to consider the following three topics:

- tobacco advertising;
- follow-up to the Montpellier symposium on legal protection for the consumer;
- energy labelling (possibility of making it compulsory to state the energy consumption of each appliance on a label in order to improve the consumer's choice and at the same time obliging manufacturers to market appliances with a low energy consumption rating).

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2.1.65. At its meeting on 30 and 31 March the *Economic and Social Committee*<sup>4</sup> delivered its Opinion on two Commission proposals to the Council, one concerning a ban on the marketing and use of plant protection products containing certain active substances and the other concerning materials and objects containing vinyl chloride monomer intended to come into contact with foodstuffs.

## Agriculture and fisheries

### Discussions on farm prices

2.1.66. The Council continued its examination of the Commission proposals for the 1977/78 agricultural prices.<sup>5</sup>

At its meeting on 14 and 15 March, the Council discussed at length general agri-monetary questions and specific matters relating to milk products and cereals. The President reported on his talks on 14 March with a delegation from the Committee of Organizations of Agricultural Prod-

<sup>1</sup> OJ L 115 of 1.5.1976 and Bull. EC 4-1976, point 2237.

<sup>2</sup> OJ C 194 of 19.8.1976 and Bull. EC 7/8-1976, point 2228.

<sup>3</sup> Point 2.3.76.

<sup>4</sup> Point 2.3.78.

<sup>5</sup> Bull. EC 2-1977, point 1.3.1.

ucers and on 15 March with a delegation from the European Bureau of Consumers' Unions.

From 25 to 29 March the Council held a thoroughgoing discussion on all the Commission proposals. A compromise solution received the backing of eight delegations, but was unacceptable to the United Kingdom; the Council therefore agreed to adjourn the debate until its next meeting, scheduled for 25 and 26 April in Luxembourg.

It was consequently decided<sup>1</sup> to extend the marketing year for beef and veal and for milk products until 30 April; the regulation granting special aid in the regions affected by the drought for the incorporation of liquid skimmed milk in the feed of certain animals will also remain valid until that date.

The Council also amended the exchange rates applied in the agricultural sector for the lira, the Irish pound and the French franc.

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2.1.67. *Parliament*<sup>2</sup> gave its opinion on the price proposals for certain agricultural products and associated measures at a special part-session on 22 and 23 March. The increase in agricultural prices by an average of 3% proposed by the Commission<sup>3</sup> was approved after a long and difficult discussion. But Parliament believes that 'it will lead to a reduction in income in certain production sectors, will create unacceptable pressures on income in certain Member States and will not allow for a sufficient margin for the adjustment of the green rates'.

### Measures connected with the monetary situation

2.1.68. In connection with the discussions on the agricultural prices for 1977/78, the Council decided on 29 March<sup>4</sup> to amend the exchange rates applied in the agricultural sector for three

currencies. The compensatory amounts will be reduced by eight points for the *lira*, seven points for the *Irish pound* and three points for the *French franc*. The new rates apply from 1 April to milk products, beef and veal and pigmeat and from the beginning of the marketing years in other sectors.

### Common organization of the markets

2.1.69. In the *oil seeds and protein products* sector, the Commission was able, on 15 March,<sup>5</sup> to repeal the remaining protective measures applying to exports of fodder products; these measures were introduced last July because of difficulties in the supply of feedingstuffs.

2.1.70. On 14 March,<sup>6</sup> the Council adopted regulations coordinating and consolidating, as of 1 April 1977, the legislation on *products processed from fruit and vegetables*. This is the eighth set of agricultural instruments to be consolidated pursuant to the Council Resolution of 26 November 1974.<sup>7</sup>

2.1.71. Among the measures adopted in March by the Council and the Commission in the *wine* sector, two regulations deal with conversion under the Council Regulations of 17 May 1976.<sup>8</sup> It had been laid down that applications for a conversion premium for the 1977/78 and 1978/79 marketing years had to be submitted before 1 April in the year preceding grubbing, but as experience has shown that growers prefer to take the decision on grubbing after the harvest, the Council, at its meeting on 14 March,<sup>5</sup> altered the

<sup>1</sup> OJ L 82 of 31.3.1977.

<sup>2</sup> Point 2.3.31.

<sup>3</sup> Bull. EC 2-1977, point 1.3.1.

<sup>4</sup> OJ L 82 of 31.3.1977 and L 85 of 1.4.1977.

<sup>5</sup> OJ L 69 of 16.3.1977.

<sup>6</sup> OJ L 73 of 21.3.1977.

<sup>7</sup> OJ C 20 of 28.1.1975 and Bull. EC 2-1975, point 2232.

<sup>8</sup> OJ L 135 of 24.5.1976 and Bull. EC 5-1976, point 2237.

deadline for applications to 31 December. Furthermore, with respect to wine grapes, all new plantings and replantings until 30 November 1978 must be carried out with recommended varieties or certain authorized varieties. The Commission drew up a list of the authorized varieties on 22 March.<sup>1</sup>

On 15 March the Commission presented to the Council a proposal for a regulation introducing direct cooperation between the agencies of the various Member States responsible for combating fraud in the wine sector.

2.1.72. In the *milk and milk products* sector the Commission took measures concerning *butter*. At the end of February it had decided to stop issuing export licences for a few days in order to take stock of the situation following the controversy about the sale of butter to the Soviet Union.<sup>2</sup> On 2 March,<sup>3</sup> it decided to step up checks on the issuing of export licences. The motion of censure against the Commission on this subject tabled in Parliament was rejected on 23 March.<sup>4</sup>

On 14 March,<sup>5</sup> the Council fixed for the 1977/78 milk year guideline figures for the fat content of standardized whole milk imported from other Member States into Ireland (3.52%) and the United Kingdom (3.77%); these rates are very similar to those applying in 1976/77.

On 25 March,<sup>6</sup> the Commission adopted a regulation laying down detailed rules for intervention on the market in butter and cream. In order to take account of changing costs and of the state of the market in butter, it increased the amount of storage costs and the interest rates for financing.

2.1.73. Further steps were taken to establish the system of trade with non-member countries in *beef and veal*, which is to enter into force on 1 April. The Commission adopted nine implementing regulations<sup>7</sup> and repealed<sup>8</sup> the safeguard measures in force since July 1974. Among the intervention measures adopted in March,

two<sup>9</sup> are concerned with making frozen beef available to the Italian intervention agency under the Council Regulation of 5 October 1976<sup>10</sup> and one concerns the buying-in price in Italy and Ireland.<sup>11</sup>

2.1.74. In the *pigmeat* sector the Commission adopted exceptional market support measures on 22 March. Because of the health situation in the breeding sector in the Netherlands, the export of live pigs and of pigmeat from this Member State had become temporarily impossible. The Commission therefore authorized the Dutch intervention agency to grant private storage aid for carcasses and principal cuts from 23 March until 5 April.

## Fisheries

2.1.75. In March the Council considered in detail the Commission proposal on *interim measures for preserving and managing resources* designed to resolve certain questions regarding the procedures relating to fishing activities in the waters off the Irish coast. The Irish Government wanted an interim solution allowing an effective reduction in fishing by boats from other Member States in its waters.<sup>12</sup>

Having concluded its examination the Council established that no agreement could be reached on this proposal and agreed to continue its search

<sup>1</sup> OJ L 75 of 23.3.1977.

<sup>2</sup> OJ L 54 of 26.2.1977.

<sup>3</sup> OJ L 58 of 3.3.1977.

<sup>4</sup> Point 2.3.13.

<sup>5</sup> OJ L 70 of 17.3.1977.

<sup>6</sup> OJ L 78 of 26.3.1977.

<sup>7</sup> OJ L 75 of 23.3.1977, L 76 of 24.3.1977, L 77 of 25.3.1977 and L 84 of 1.4.1977.

<sup>8</sup> OJ L 84 of 1.4.1977 and Bull. EC 12-1976, point 2244.

<sup>9</sup> OJ L 71 of 18.3.1977 and L 75 of 23.3.1977.

<sup>10</sup> OJ L 279 of 9.10.1976 and Bull. EC 10-1976, point 2236.

<sup>11</sup> OJ L 84 of 1.4.1977.

<sup>12</sup> Bull. EC 2-1977, point 1.2.10.

for a Community solution so that it would be able then to devote its attention to the final system for preserving and managing resources, which is to be adopted as soon as possible.

## Structural policy

2.1.76. In March the Commission adopted<sup>1</sup> three decisions implementing the reform of agricultural structures in France, Italy and the United Kingdom. It also issued two opinions on legislation communicated by France and Germany, pursuant to the Council Directives of 17 April 1972 and 28 April 1975.<sup>2</sup> In addition, pending the outcome of the review of the Directive on the modernization of farms and the end of the five-year period during which the Member States are allowed to grant transitional aids to investment in certain farms (the Directive expires on 17 April), the Commission has proposed<sup>3</sup> that this period be extended to the end of the year.

## European Agricultural Guidance and Guarantee Fund

### Guarantee Section

2.1.77. On 8 March<sup>4</sup> the Council adopted a regulation on the use of a separate heading in the Communities' budget for the financial effect of the different conversion rates applied for measures financed by the Guarantee Section of the EAGGF. These are the representative rates used to convert into national currencies amounts relating to operations financed by the Guarantee Section of the EAGGF and the budgetary rates used to convert expenditure expressed in national currencies for the purpose of charging it to the Community budget. The Commission has adopted the implementing Regulation.<sup>5</sup>

On 8 and 15 March the Council amended<sup>6</sup> the Regulations of 22 April 1969 and 10 December 1970<sup>7</sup> on the financing of intervention expenditure in respect of the domestic market:

- (i) Where in particular cases intervention cereals and rice, beef and veal and milk products are transferred from an intervention agency in one Member State to an intervention agency in another Member State the transport costs borne by the intervention agencies will in future be entered in their accounts and thus financed by the EAGGF Guarantee Section under the system for financing the net losses of intervention agencies.
- (ii) With effect from 1 January 1974, the transport costs for beef and veal taken in charge by intervention agencies may, as for other products, be reimbursed by the EAGGF Guarantee Section, on the basis of an authorization from the Commission which need no longer be obtained in advance.

2.1.78. At its meeting on 14 and 15 March, the Council noted a communication from the Commission following up the Council Resolution of 16 December 1975<sup>8</sup> on stricter prevention of and proceedings against *irregularities* in the financing of the common agricultural policy. This communication reviewed the measures taken and the results they have produced.

### Conditions of competition

2.1.79. On 11 March<sup>9</sup> the Commission commenced proceedings before the Court of Justice against the *British* scheme of aid in the *pigmeat*

<sup>1</sup> OJ L 64 of 10.3.1977 and L 77 of 25.3.1977.

<sup>2</sup> OJ L 96 of 23.4.1972 and L 128 of 19.5.1975.

<sup>3</sup> OJ C 88 of 13.4.1977.

<sup>4</sup> OJ L 64 of 10.3.1977.

<sup>5</sup> OJ L 84 of 1.4.1977.

<sup>6</sup> OJ L 66 of 12.3.1977.

<sup>7</sup> OJ L 105 of 2.5.1969 and L 249 of 17.11.1970.

<sup>8</sup> Bull. EC 12-1975, point 2249.

<sup>9</sup> OJ C 87 of 7.4.1977.

sector since the United Kingdom had failed to apply the Commission Decision of 17 February<sup>1</sup> requiring the scheme to be discontinued.

2.1.80. By contrast, on 15 March the Council adopted a decision exceptionally authorizing the United Kingdom—as a measure to prevent any deflection of trade to the detriment of slaughterhouses in *Northern Ireland*—to continue paying *employment aid* for cattle and pigs slaughtered in Northern Ireland for as long as a difference exists between the representative rates of the pound sterling and the Irish pound against the unit of account; this aid does not apply to meat exported to Ireland. The Government of the United Kingdom was authorized to adjust this aid, which was, however, fixed by the Council for an initial period from 17 January to 21 March.

2.1.81. The Commission decided on 17 March to specify the provisions of the Treaty on which was based the request to the Member States in its letters of 24 June 1976<sup>2</sup> to bring up to date annually the *lists of State aid in agriculture*. It considers these lists essential for providing an accurate and full picture of aid schemes, for rendering them transparent and for assessing them according to joint criteria.

2.1.82. With respect to various aids in Italy, on 22 March the Commission took decisions:

(i) closing proceedings under Article 93(2) of the EEC Treaty initiated on 1 December 1975 in respect of aids granted to sellers of sugarbeet and to the processing industry;

(ii) initiating proceedings under Article 93(2) in respect of all aids to beet and sugar. Both the aid schemes themselves and the method of financing are held to constitute infringements;

(iii) initiating proceedings under Article 169 of the EEC Treaty in respect of two other aids, which infringe the rules governing the organization of the market in sugar.

2.1.83. After consulting the Member States<sup>3</sup> in accordance with Article 93(1) of the EEC Treaty, the Commission, by letters dated 29 March, confirmed that it would no longer authorize the grant of aid from State funds or from any other kind of State resources for the direct or indirect encouragement of investment to develop isoglucose production. It also informed the Member States that the procedure of Article 93(2) would be initiated if any such aids were granted.

### Harmonization of legislation

2.1.84. In the field of *seed and propagating material in agriculture, horticulture and forestry*, the Commission adopted on 3 March<sup>4</sup> a number of decisions to contend with a serious deficit in seed of certain species of fodder plant.

2.1.85. In the field of *veterinary legislation*, in view of the fact that the outbreak of classic swine fever in the Netherlands could endanger herds in other Member States because of the large volume of trade (about 7 500 tonnes per week), on 22 March<sup>5</sup> the Commission adopted protective measures; Member States banned until 31 March the entry into their territory of pigs and fresh pigmeat from the Netherlands. This decision was extended until 6 April<sup>6</sup> to reflect subsequent developments, the rules being less strict.

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2.1.86. On 11 March *Parliament*<sup>7</sup> adopted a Resolution on the Commission proposal to conclude the European Convention for the protection of animals on stock farms.

<sup>1</sup> Bull. EC 2-1977, point 2.1.46.

<sup>2</sup> Bull. EC 6-1976, point 2246.

<sup>3</sup> Bull. EC 10-1976, point 2245.

<sup>4</sup> OJ L 68 of 15.3.1977.

<sup>5</sup> OJ L 78 of 26.3.1977.

<sup>6</sup> OJ L 87 of 5.4.1977.

<sup>7</sup> Point 2.3.11.

At its meeting of 30 and 31 March, the *Economic and Social Committee*<sup>1</sup> delivered an Opinion on a draft directive for the harmonization of legislation on materials and objects containing vinyl monomer chloride and coming into contact with food-stuffs.

## Transport policy

### Organization of the markets

2.1.87. On 16 March the Commission decided to send a *recommendation* to the Netherlands Government after it had approached the Commission concerning a draft law on the implementation of the Council Directive of 12 November 1974<sup>2</sup> on *admission to the occupation of road haulage operator* in national and international transport operations.

The Commission notes in this recommendation that the provisions of the draft law and certain legal provisions applicable in the Netherlands largely comply with the requirements of the Directive, particularly with regard to good repute, financial standing, professional competence, the determination of the natural persons who must meet the requirements, the statement of grounds for rejection decisions, withdrawal of authorization and the channels of appeal.

The Commission recommends, however, that the Netherlands Government specify in greater detail, or add further provisions to, certain procedures for implementing the Directive, especially as regards the communication for consultation of the lists of subjects to be taken into consideration for the official recognition of professional competence and the implementation of the provision of the draft law with respect to the temporary operation of the undertakings in certain specific cases. Lastly, the Commission draws the attention of the Netherlands Government to the need to comply with the time-limits laid down by the

Council Directive for the application of the transitional provisions.

### Approximation of structures

2.1.88. On 4 March, the Commission delivered a favourable *Opinion* on the measures by which Ireland intends to implement the Council Decision of 20 May 1975 on *the improvement of the situation of railway undertakings* and the harmonization of rules governing financial relations between such undertakings and States.<sup>3</sup> The Commission has nevertheless asked the Irish Government to draw up multiannual policy and financial programmes in order to comply more effectively with the requirements of the Community provisions.

2.1.89. On 18 March<sup>3</sup> the Commission laid a proposal for a Regulation before the Council on the measures required to *achieve comparability between the accounting systems and annual accounts of railway undertakings*. This Regulation, presented pursuant to the Council Decision of 20 May 1975,<sup>4</sup> lays down that, from the 1978 financial year onwards, the annual accounts (balance sheet, profit and loss account) of railway undertakings shall be drawn up on a uniform accounting basis. A transitional period is provided for, however, during which the undertakings will be able simply to transpose their annual accounts into the proposed scheme.

2.1.90. The *British Government*, in accordance with the provisions of Article 93(3) of the EEC Treaty, has informed the Commission that it is granting immediate aid to the National Freight Corporation (NFC) to the amount of £19 million and that it plans to provide the NFC with further

<sup>1</sup> Point 2.3.79.

<sup>2</sup> OJ L 308 of 19.11.1974.

<sup>3</sup> OJ C 91 of 15.4.1977.

<sup>4</sup> OJ L 152 of 12.6.1975.

aid totalling £50 million and spread over two years. This aid should enable the NFC to honour its commitments and to finance a reorganization and rationalization programme.

In its *Opinion* of 4 March, the Commission finds that these temporary aids do not affect intra-Community trade and are therefore not incompatible with the operation of the common market. It does, however, ask to be kept informed of how this aid is distributed and used.

2.1.91. On 4 March the Commission delivered an *Opinion* addressed to the Italian Government<sup>1</sup> on measures to implement the provisions of Article 5 (minimum level of vocational training) of the Council Regulation of 25 March 1969 on the harmonization of certain social legislation relating to road transport.<sup>2</sup> The Commission approves of the measures proposed by the Italian Government, provided that they are brought into line with the minimum level of vocational training laid down by the Council on 16 December 1976<sup>3</sup> before the period for implementing the national measures in question expires.

### Advisory Committee on Transport

2.1.92. The Advisory Committee on Transport met in Brussels on 3 and 4 March. Its agenda included: election of its officers for the year 1977/78, adoption of the programme of work for 1977, the setting up of rapporteur groups to investigate the problems raised by the expansion of combined transport operations, and the problems of transport in the context of East-West relations. Lastly, the Committee started to consider a draft *Opinion* on the implementation of a structural policy for road haulage; the Committee will continue its study of this text at its next plenary meeting, to be held on 5 and 6 May.

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2.1.93. The *Economic and Social Committee*,<sup>4</sup> at its meeting held on 30 and 31 March, gave its *Opinion* on the Commission's proposal to the Council to amend certain provisions affecting competition in the rail, road and inland waterway transport sector.

## Energy policy

### Formulation and implementation of a Community energy policy

#### Energy questions discussed by the Council

2.1.94. A Council meeting on energy was held in Brussels on 29 March with Mr Tony Benn, the United Kingdom Secretary of State for Energy, in the chair. At this meeting, the Energy Ministers discussed the general aspects of energy policy, energy conservation, energy investments and the state of the coal market, gave their opinion on the extension of the scheme of aid for coking coal and adopted decisions on the issue of Euratom loans.

#### *The energy situation*

2.1.95. The Council discussed the general aspects of energy policy on the basis of the communication presented by the Commission in February.<sup>5</sup> In this paper the Commission draws attention to the serious implications which present trends could have for the security of energy supplies and the economic and social development of the Community.

The Council reaffirmed its determination to help improve the balance of the world energy market

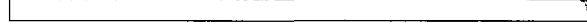
<sup>1</sup> OJ L 66 of 12.3.1977.

<sup>2</sup> OJ L 77 of 29.3.1969.

<sup>3</sup> OJ L 357 of 29.12.1976.

<sup>4</sup> Point 2.3.80.

<sup>5</sup> Bull. EC 2-1977, point 2.1.59.



by rapidly putting together a Community energy policy, by working resolutely to conserve energy and by developing indigenous traditional and new forms of energy. In this connection, it underlined the importance of a pricing policy.

The Council agreed to hold a general discussion of energy problems twice a year in future, and to look into the specific problems of the development of nuclear energy at the next meeting of Energy Ministers, scheduled for June.

#### *Energy conservation*

2.1.96. In the light of a communication from the Commission<sup>1</sup> and a memorandum from the French delegation the Council held a policy debate on the expansion of the Community's energy conservation programme. To give a political boost to work in this field, the Council asked the Energy Committee to meet in an appropriate composition in the near future, to discuss exclusively questions relating to energy conservation.

The Commission will shortly present to the Council a new set of proposals embodying specific measures which will make a speedy and real contribution to the attainment of the Community's energy saving objectives; the measures cover space heating, the car industry, the electrical engineering industry and energy conversion. The Council intends to take a decision on these proposals by the end of June 1977.

#### *Promotion of investment*

2.1.97. The Council asked the Commission to place before it—for its next meeting on energy—proposals for a set of measures to promote and protect investment in the energy sector. The Commission's terms of reference extend to the question of a minimum safeguard price (MSP).



#### *Oil refining*

2.1.98. The Council held an initial discussion on a Community approach to refining problems in the Community, on the basis of memorandums from the Dutch, French and Italian Delegations and a communication from the Commission.<sup>2</sup> The discussions revealed the political determination on the part of all the Member States to reach a Community solution as soon as possible. The Council asked the Permanent Representatives Committee to study this question in greater detail so that the Council can decide on the matter at its meeting in June.

#### *Coal*

2.1.99. The Council discussed *the state of the Community coal market and coal industry*, which has deteriorated in the last year, with falling consumption and production and a rapid growth in imports and production stocks. The Council agreed with the analysis made by the Commission in its communication on this matter in February.<sup>3</sup>

The Council acknowledged that information on coal imports from non-Community countries ought to be collected in the Member States and forwarded automatically to the Commission. It also asked the Commission to consider appropriate ways of introducing such an information system, with a view to taking a decision at its next meeting.

2.1.100. The Council also gave its assent to the extension until the end of 1981 of existing arrangements for aid for *coking coal and coke* to be used by the Community's iron and steel industry; it was agreed that the rates of aid applying in 1980 and 1981 would be re-examined before the end of 1979.

<sup>1</sup> Bull. EC 2-1977, points 1.5.1 to 1.5.4 and point 2.1.60.

<sup>2</sup> Point 2.1.103.

<sup>3</sup> Bull. EC 2-1977, point 2.1.64.



### *Euratom loans*

2.1.101. The Council adopted two decisions<sup>1</sup> on Euratom loans intended to help finance nuclear power stations.

The first decision empowers the Commission to contract loans, on behalf of the European Atomic Energy Community (Euratom) and within the limits laid down by the Council, the proceeds of which will be lent for the purpose of financing investment projects in the industrial production of nuclear-generated electricity and to industrial fuel cycle plants. The Commission is to borrow no more than the amount needed to cover the loans for which it receives applications.

The borrowing and related lending operations are to be conducted in the same currency and under the same terms for repayment of capital and payment of interest. The costs incurred by the Community in concluding and carrying out each transaction are to be borne by the recipient undertakings.

Under the second decision, loans may be raised up to a total of 500 million European units of account.

### **Energy Committee**

2.1.102. The Energy Committee met on 22 March with Mr Brunner, Member of the Commission, in the chair, and heard a report on the Community's work on energy research and development by the Director-General for Research, Science and Education.

The Committee also examined the final report of a Working Party on the promotion of investment in the energy sector, and discussed what information on energy prices would be needed to enable the Commission to put proposals to the Council at a later date. The Committee also issued its opinion on a Commission paper concerning a programme for employing substantial num-

bers of workers on projects for the rational use of energy.

### **Sectoral problems**

#### **Hydrocarbons**

##### *Community approach to the problems of the refining industry*

2.1.103. On 22 March the Commission sent to the Council a communication defining a Community approach to the problems of the refining industry.

The problems facing the refining industry are both internal and external:

- (i) surplus refining capacity in the Community, due to the reduced consumption of oil products;
- (ii) imbalance between the production structure and the demand structure, due to the increased demand for light products;
- (iii) new competition, due to the building of exporting refineries in non-member countries, especially the oil-producing countries.

To solve the problem of the Community's surplus capacity, distillation plant producing some 140 million tonnes/year (i.e. about 16.5% of total existing capacity) needs to be closed down. This objective should be attained by halting all new construction (exceptions being made only after consultation at Community level), and by closing down marginal and/or less efficient plants, either temporarily or permanently. On these two points, it is primarily up to the industry to take action.

The Commission will monitor developments in this sector and check whether the industry's corrective measures accord with the Community's objectives. Each year the Commission will inform the Energy Committee, to keep the situation under review and decide what approach the Com-

<sup>1</sup> OJ L 88 of 6.4.1977.

munity should adopt. Where necessary the Commission will report to the Council.

To redress the imbalance between the refining and the demand structures, additional conversion capacity of 8 to 12 million tonnes/year of gasoline must be constructed, at an estimated investment cost of US \$2 to 3 000 million (1976). This matter should also be a matter for consultation and cooperation with the producer countries.

The third problem—growing competition from the many exporting refineries to be built in non-member countries—will put new strains on the profitability of the Community's refining industry. To balance the need for a profitable Community refining industry with the need for an outward-looking policy on the other, the Community should develop a policy along the following general lines:

- (i) prepare indicative medium-term forecasts of imports;
- (ii) establish machinery for information and consultation within the Community;
- (iii) organize consultations with the non-member countries concerned on the problems of trade in refined products;
- (iv) if necessary, apply commercial policy measures (anti-dumping or protective measures).

## Coal

### *Financing cyclical coal stocks*

2.1.104. Under the guidelines for a Community energy policy, the Commission sent a proposal<sup>1</sup> to the Council on 18 March concerning Community aid for financing cyclical stocks of hard coal, coke and patent fuel.

The purpose is to ease the burden of storage costs borne by the coal industry. These costs are very high because the Community's pithead coal and coke stocks have increased from some 16 million tonnes at the end of 1974 (6.2% of nor-

mal annual production) to 55 million tonnes at the end of 1976 (22.3% of last year's production). Stocks have reached their highest post-war level and are immobilizing a capital sum of 2 500 million EUA.

The system of aids proposed by the Commission is based on Community criteria; it is designed to avoid any discrimination between undertakings and to ensure flexibility in the coal market. Aid is granted only for a maximum of 20 million tonnes of coal, coke and patent fuel for the whole Community. This quantity of 20 million tonnes lies between the maximum and minimum stock levels and, based on the pattern of the last few years, corresponds to the range of normal cyclical fluctuations in working stocks. This ceiling means that only a proportion of undertakings' stocks would qualify for aid. What is more, the aid would be only 2.5 EUA per tonne per year and would therefore cover only part of the costs actually borne by the undertakings.

The Commission is proposing to introduce this system for a three-year period from 1 January 1978; the sum granted annually in aid would be about 50 million EUA and would be financed from the general Community budget.

### *Industrial loans*

2.1.105. The Commission has decided to grant two loans to the *National Coal Board* under Article 54 of the ECSC Treaty. The first, worth £670 000, will be used toward the construction of a new training centre and the expansion of the existing preparation laboratories at the Mining Research and Development Establishment in Stanhope Bretby near Burton-on-Trent. The other, worth £19 million, will be used for purchasing powered pit roof supports.

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<sup>1</sup> OJ C 87 of 7.4.1977.

2.1.106. At its plenary session on 30 and 31 March, the *Economic and Social Committee*<sup>1</sup> delivered its opinion on the Commission's proposal to the Council on financial incentives to the use of coal in power stations, and on the draft Council Resolution concerning Community-level consultation on the siting of power stations, to which was annexed a proposal on the introduction of a Community procedure for the construction of power stations likely to affect the territory of another Member State. On 17 March the ECSC Consultative Committee<sup>2</sup> also passed a Resolution on the Commission's proposal.<sup>3</sup>

## Research and development, science and education

### Adoption of the JRC programme and postponement of the decision on JET

2.1.107. At the meeting devoted to research problems on 29 March, the Council re-examined the proposal for the multiannual research programme of the Joint Research Centre (JRC) for 1977-80, together with the problems posed by the JET Project under the multiannual programme of research on controlled thermonuclear fusion and plasma physics.

### Multiannual programme of the Joint Research Centre for 1977-80

2.1.108. The Council approved<sup>4</sup> the JRC's multiannual research programme for 1977-80—which had been embodied in a proposal forwarded by the Commission in May 1976;<sup>5</sup> guidelines on the technical content of the programme and the funds and staff to be assigned to it had already been adopted in November 1976.<sup>6</sup>

The total programme allocation is 346 million units of account, of which 196 million u.a. will be subject to adjustment in line with any salary in-

creases awarded to Community employees; a fixed sum of 150 million u.a. has been appropriated for investment. Most of the JRC staff (2 118) will be retained, but it is planned to reduce the number gradually by the retirement (voluntary) of 80 employees in the course of the four years covered by the programme.

On the same occasion the Council reached broad agreement on the role to be played by the Ispra Establishment in the field of thermonuclear fusion technology; it instructed the Permanent Representatives Committee to study the ways and means whereby this item could be included in Ispra's research activities.

### Problems relating to the implementation of the JET project

2.1.109. The Council also discussed (for the fifth time)<sup>7</sup> the problems in connection with the siting of JET and the structure and management of the project.

Despite pressure from the Commission, which in December 1976 had expressed its concern at the possible loss of the technological advance which the Community would have maintained in the fusion field thanks to the JET project, the Council again postponed a decision on the matter.

The Permanent Representatives Committee is to fix as early a date as possible for a further Council meeting at which a final decision should be taken. It has been asked, in preparation for that meeting, to give its urgent attention to the problems surrounding the structure and management of the JET project, in the light of a document

<sup>1</sup> Point 2.3.72.

<sup>2</sup> OJ C 86 of 6.4.1977.

<sup>3</sup> Point 2.3.83.

<sup>4</sup> Subject to a reservation by the United Kingdom.

<sup>5</sup> Bull. EC 5-1976, points 1301 to 1306.

<sup>6</sup> Bull. EC 10-1976, point 2253.

<sup>7</sup> Bull. EC 2-1976, point 1401, 10-1976, point 2253, 11-1976, point 2253, 12-1976, point 2265.

prepared on the President's instructions, and to report back to the Council.

## Science, research and development

### Scientific and Technical Research Committee

2.1.110. At a meeting on 28 March, the Scientific and Technical Research Committee (CREST) delivered a favourable opinion, subject to some amendments to the draft Council decision prepared by the Commission, on the proposals presented to it by the Commission in January<sup>1</sup> for concerted R & D action on the question of sewage sludge treatment and utilization. The suggested amendments concern the Commission's role in the coordination of national R & D activities in this field and the participation of non-member countries in the research programme.

CREST also decided to transmit to the Council and the Commission a report prepared by its Energy R & D Subcommittee and discussed with it in November 1976.<sup>2</sup> The report concerns the coordination of national R & D policies in the energy sector; in particular, it recommends measures to coordinate R & D efforts in connection with energy conservation.

Finally, on the basis of the work of one of its working parties, the Committee recommended that the Commission prepare proposals for concerted R & D action on materials for chemical plant equipment.

2.1.111. The CREST *Energy R & D Subcommittee* met in Brussels on 23 March and discussed for the first time the problem of bilateral or multilateral funding of research projects under the programme on energy R & D. It was also informed of the present status of cooperation in research and development between the Communities and the International Energy Agency (IEA) set up by the Organization for Economic Cooperation and Development (OECD).

In the context of comparison and coordination of national policies and programmes on energy R & D, the Subcommittee noted the results of two surveys, concerning energy storage and systems analysis (development of energy models), which it had initiated in 1976 and which the Commission had carried out.

2.1.112. On 1 March, the *ad hoc* Working Party on *Scientific and Technical Cooperation with the Developing Countries*, set up by CREST, examined the first items on a list of national activities in this field, the decision to compile such a list having been taken at its previous meeting.<sup>3</sup> It felt that the facts and figures so far collected by the Secretariat were sufficient to enable it to carry out the brief it had received from the CREST. The Working Party also held its first exchange of views on the various sectors in which the Community could promote scientific and technical cooperation with the developing countries.

### Coordination of research and development in the Member States

2.1.113. The Commission invited a number of officials in charge of R & D policy in national administrations in the Community countries to attend a seminar held in Brussels on 17 and 18 March on R & D coordination in the Member States.

In November 1976 the CREST had decided to give support to the preparation of this event, which was among the activities specified by the Council Resolution of 14 January 1974<sup>4</sup> on the coordination of national policies in the scientific and technical fields.

<sup>1</sup> Bull. EC 1-1977, point 2.1.57.

<sup>2</sup> Bull. EC 11-1976, point 2255.

<sup>3</sup> Bull. EC 11-1976, point 2257.

<sup>4</sup> Bull. EC 1-1974, point 1402 and OJ C 7 of 27.1.1974.

The discussions revealed the diversity of the structures and methods used for R & D coordination in the Member States. The seminar participants studied some more specific aspects of relations between government authorities on the one hand and industry and the universities on the other, and discussed the instruments of R & D coordination (including data processing) used by national administrations.

The discussions afforded a clearer idea of the role which coordination plays in national decision-making processes and brought out those points which are common to all systems and methods of coordination in the Member States.

#### Committee of Senior Officials in the field of Scientific and Technical Research

2.1.114. At a meeting held in Brussels on 31 March, the Committee of Senior Officials in the field of Scientific and Technical Research (COST) devoted a great deal of its time to a discussion of the Community's programmes of indirect action on research into *radiation protection* and the *environment*. As agreed by CREST in November 1976,<sup>1</sup> the non-member countries represented in COST were invited to take part in these Community programmes.

An event which coincided with this meeting was the signing of the Joint Declaration of Intent<sup>2</sup> for the implementation of COST Project 30 (*electronic traffic aids on major roads*); the signatories were the representatives of the eight participating countries (Austria, Belgium, Finland, France, Germany, Sweden, Switzerland and United Kingdom). This Declaration is also to be signed by the Community in the near future, when the necessary internal procedures have been accomplished. Another Declaration of Intent, concerning COST Project 211 (reduction of redundancy in *video-phone services*) was signed by five participating countries (Belgium, France, Germany, Switzerland and the United Kingdom).

In connection with Project 68 (treatment and utilization of *sewage sludge*) the Committee was informed of the Opinion adopted on the subject by CREST on 28 March;<sup>3</sup> the non-member countries represented in COST were officially invited to take part in this Community programme of concerted action.

Finally, the Committee noted the fact that the Commission was intending shortly to propose to the Council a programme of concerted action on the physical properties of *foodstuffs*, in accordance with the recommendations of a COST technical working party with special competence in this field.

## Education

### Education Committee

2.1.115. At its meeting on 14 and 15 March, the Education Committee adopted the programme for implementing, in 1977 and 1978, the 22 items contained in the action programme on education<sup>4</sup> and the measures designed to facilitate the transition for young people from education to working life.<sup>5</sup>

In particular, the Education Committee approved a programme of study visits for specialists in vocational training and guidance and the organization of a seminar on teacher training.

<sup>1</sup> Bull. EC 11-1976, point 2255.

<sup>2</sup> OJ C 91 of 15.4.1977.

<sup>3</sup> Point 2.1.110.

<sup>4</sup> OJ C 38 of 19.2.1976.

<sup>5</sup> OJ C 308 of 30.12.1976 and Supplement 12/76 — Bull. EC.

## 2. External relations

Scientific and technical information

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### Scientific and technical information and information management

#### Preparation of a second plan of action

##### *Opinion of the CIDST*

2.1.116. In March the Commission consulted the Committee for Scientific and Technical Information and Documentation (CIDST) regarding the launching of the second plan of action on scientific and technical information and documentation (1978-80).

In an Opinion addressed to the Commission and to the Scientific and Technical Research Committee (CREST), the CIDST expressed the view that the plan—which it regarded as essential—should be based on the steps already taken and the results achieved under the first three-year plan (1975-77), which it should consolidate where necessary by setting certain fresh objectives. The Committee felt that the three priority objectives should be:

- (a) to transform Euronet into an operation network providing direct access to information;
- (b) to develop information markets in the Community by studying users' various requirements and giving assistance to the various categories of users;
- (c) to develop a technology and a methodology to improve information services, particularly those operating in the Euronet framework.

The CIDST stressed that the provision of services to users was essential; it recommended a budgetary appropriation of nine million units of account for the implementation of this second plan. It requested that it be closely associated with the policies and applications of multilingualism affecting scientific and technical information.

### Enlargement

#### Accession negotiations: Greece

2.2.1. The fourth session of the accession negotiations between the Community and Greece at *deputy* (Ambassador) level took place in Brussels on 30 March.

The Community Delegation made a statement concerning budgetary problems, whereas the Greek Delegation's two statements dealt with external relations and the ECSC.

2.2.2. During March the Commission and the Greek Delegation continued their examination of *Community secondary legislation*. The subjects covered were social affairs, right of establishment and, in the agricultural field, the cereals sector.

Lastly, the Commission adopted and forwarded to the Council three further reports on the examination of Community secondary legislation, in which it points out for each field considered the technical adjustments to be made to certain provisions and, where appropriate, the substantive problems which would be raised by making certain instruments applicable to Greece. The three reports submitted to the Council deal with the following sectors: environment and consumer protection, taxation and regional policy. They bring the number of communications to the Council up to four (the first, transmitted in late December 1976, dealt with the examination of Community secondary legislation in the field of transport). This procedure is similar to the one followed during the negotiations for the accession of the three 'new' Member States in 1970-71.

## Multilateral approaches

### Conference on International Economic Cooperation

2.2.3. March saw a number of meetings and decisions in preparation for the next session of the North-South Dialogue, notably: agreement between the two co-Chairmen on the dates and details for resuming the Conference, preparatory work within the Community—particularly definition by the Commission of the guidelines to be followed for these final negotiations—statement by the European Council on the North-South Dialogue, proposal by the Commission to the Council, pursuant to that statement, for the stabilization of the developing countries' export earnings.

#### Dates and details for resuming the CIEC

2.2.4. On the initiative of the two co-Chairmen of the Paris conference, Mr MacEachen and Mr Perez-Guerrero, the date of the CIEC Ministerial Conference was formally agreed; it will be held in Paris from 30 May to 1 June 1977.

According to the timetable which the co-Chairmen (who met in Caracas on 7 March) worked out after consultation with their respective groups and which was accepted by the participants in the Conference, including the Community, the preparatory work will start again on 26 April with a meeting of the ten co-Chairmen (those of the Conference and those of the four Commissions set up within the Conference), which will also be attended by high officials of the twenty-seven participants.

#### Preparation by the Community of the final negotiations

2.2.5. Following this agreement to start up the Dialogue again, the Community has continued

intensive preparation of the Conference. At its meeting on 8 March, the Council worked out details of the Community's initial position for the negotiating conference on a Common Fund under the auspices of UNCTAD; the questions being discussed in the two forums are inseparably linked.

On 16 March, the Commission adopted a communication to the Council on the guidelines for the preparation of the final negotiations of the CIEC. Essentially the Commission's view was that, for the Conference to be a success, the Council should take decisions in the following three fields: immediate aid for the poorest developing countries, increased backing for the aim of the transfer of resources, solution of the problems of raw materials.

The group of senior officials (representatives of the Commission and the Council), for its part, held two meetings—on 22 and 29 March—to prepare the Council meeting that was to define the Community's final stance when the Dialogue resumed. At these meetings, questions of tactics and of the substance were discussed, particularly in connection with raw materials and the transfer of resources.

#### Statement by the European Council

2.2.6. The European Council, meeting on 25 and 26 March in Rome, discussed the CIEC. The Presidency of the European Council issued the following statement on the North-South Dialogue:

'We have agreed the basis of a common position.

We agreed that there should be commodity price stabilization agreements where appropriate and that there should be a Common Fund. There will also be a study of export earnings stabilization measures for developing countries and of special action for the CIEC on aid.

This will now be worked out in detail at the Council on 5 April and will be brought forward in the preparations for the CIEC Ministerial Meeting in Paris, in which the Community will coordinate its position with the other industrialized countries in the Group of Eight. This will be followed by detailed negotiations at the UNCTAD Conference.

The Community will call on other countries, for instance in Eastern Europe and oil producing countries, to make an adequate contribution in the development field.<sup>1</sup>

#### Study of measures to stabilize developing countries' export earnings

2.2.7. Regarding the study of export earnings stabilization measures—referred to in the statement on the North-South Dialogue issued by the European Council—the Commission presented a communication to the Council on 31 March in which it outlined, as a working hypothesis, the main characteristics of a scheme for the stabilization on a world scale of developing countries' export earnings.

The Commission—referring to previous proposals it had made<sup>1</sup>—describes in particular in this document the possible types of stabilization (overall or by product), the products to which it could apply, the developing countries that would qualify (poorest and least developed countries: *per capita* GNP below US \$ 360), the possible methods of financing and forms of administration.

In this communication, the Commission presented the system under study as a parallel and complementary scheme to those price stabilization schemes being discussed and negotiated within the UNCTAD integrated programme for commodities<sup>2</sup> and within the framework of an overall approach to the question of raw materials.

## Implementation of the UNCTAD IV programme

### Common Fund: the negotiating conference

2.2.8. The negotiating conference for a Common Fund was held in Geneva from 7 March to 3 April, but no concrete decision emerged. However, Mr Walker (Jamaica), the conference Chairman, declared at the end of the conference that there had been some elements of a consensus. Mr Walker noted in particular that the Member States of the Community had agreed, at the European Council meeting in Rome on 25 and 26 March, that there should be a Common Fund.<sup>3</sup>

In the Community's opinion, the purpose of such a Fund would be to help achieve the aims of the integrated programme for commodities approved by UNCTAD IV<sup>2</sup> in May 1976 in the resolution on commodities passed by that conference. It should be established and accepted by a large number of industrialized and developing countries.

No arrangement was made in Geneva concerning any future meeting of the conference, but Mr Walker considered it desirable that another meeting be held in November 1977 at the latest. It is with this in mind that the Community will try to define its position more clearly as to the type of fund it would like to see envisaged.

<sup>1</sup> OJ L 25 of 30.1.1976 (Lomé Convention: Articles 16 to 24); Supplement 1/75 — Bull. EC; Bull. EC 5-1975, points 1401 to 1406; 6-1975, points 1301 to 1309; Supplement 6/75 — Bull. EC; Bull. EC 7/8-1975, point 2333; 9-1975, points 1101 to 1103; and 10-1975, points 1101 to 1112.

<sup>2</sup> Bull. EC 5-1976, point 1204.

<sup>3</sup> Point 2.2.6.



## Multilateral trade negotiations

### Trade Negotiations Committee

#### *Non-tariff measures*

2.2.9. Four of the five Subgroups within the Non-Tariff Measures Group met in Geneva in March.

*Subsidies and countervailing duties* — This Subgroup, which met briefly on 28 February, continued examining the problems encountered in the field of subsidies and countervailing duties, particularly in the light of a draft text drawn up by the Canadian delegate as a personal contribution. It was agreed that delegations who wanted further explanations about the text could hold bilateral or multilateral consultations, the results of which would be forwarded to the Subgroup to enable it to decide what action to take on the draft text in its future work. It was decided that the next meeting of the Subgroup would be in May.

*Government procurement* — The Subgroup on government procurement met on 3 and 4 March; it examined, on the basis of a GATT Secretariat paper, the list of elements already identified in the field of public contracts. This examination will continue at the next meeting of the Subgroup and the delegations were requested to make any additional remarks and suggestions in writing and to supply any useful information on the main problems of and the principal negotiating approaches on public contrast.

It was suggested that the discussion should concentrate on specific questions concerning the principle of non-discrimination and the guarantee of transparency, and on questions of control and the settlement of disputes, buying agencies and thresholds, with particular reference to the application of differential measures to developing countries.

*Quantitative restrictions* — The Subgroup on quantitative restrictions held a meeting of techni-

cal experts on 7 and 8 March; it continued discussions on the procedures in connection with import licence systems, particularly in the light of a summary drawn up by the secretariat of the varying attitudes that existed. It then examined, at its plenary session on 9 and 10 March, the question of the reports on the consultations held in accordance with the procedure adopted by the Subgroup at its meeting in April 1975 and agreed that these consultations should continue.

The Subgroup also held another exchange of views on the possibility of working out additional bilateral negotiating procedures and continued examining proposals and suggestions concerning the application of differential measures to developing countries. The Subgroup agreed to continue this examination at its next meeting.

*Technical barriers to trade* — This Subgroup met from 21 to 25 March to discuss in particular the Finnish proposal for amending the draft code with regard to definitions. It also continued discussion of various proposals for revision of the text of the code on the basis of the draft presented by the American Delegation and concerning a clause that would give preferential treatment to the developing countries. The Subgroup agreed to devote the next meeting—to be held, in principle, before the summer—to all the fundamental questions that had not yet been resolved.

## Development

### The Council and development questions

2.2.10. Among the items discussed at the Council meeting on development held in Brussels on 22 March were the coordination of development policies, aid for non-associated developing countries, relations with the non-governmental organizations (NGOs) and food aid. The Council agreed to hold, at least once and if possible twice a year, a general discussion on certain fundamental problems arising in relations with

the developing countries, with a view to achieving greater consistency between the development cooperation policies of the Community and of the Member States.

*Coordination and harmonization of development cooperation policies*

2.2.11. The Council noted an interim report from the Commission on progress already achieved and progress which might be achieved in the near future in implementing the Resolution of 8 November 1976<sup>1</sup> on the coordination and harmonization of development cooperation policies within the Community. Communications dealing with certain specific questions will be submitted by the Commission between now and the next meeting on development.

In the field of operational coordination, the Council approved a Resolution on the coordination of Community and Member States' emergency and humanitarian aid projects.

By increasing coordination and, in suitable cases, by pooling efforts, the Resolution aims to improve the efficiency and consistency of Community and national measures to help the victims of natural disasters or comparable exceptional circumstances, on a case-by-case basis.

The Resolution sets guidelines for achieving this, both when immediate help is given and when short-term emergency aid is given. It requests the Commission to submit proposals for the implementation of these guidelines before 1 July 1977, so that the Council may take the necessary decisions.

*Financial and technical aid for non-associated developing countries*

2.2.12. The Council held an initial exchange of views on the proposal regarding Community financial and technical aid for non-associated deve-

loping countries, which the Commission had submitted on 18 February.<sup>2</sup> The Council will continue its discussions after receiving Parliament's Opinion.

Meanwhile, it has invited the Commission to continue its preparations for the allocation of 1977 financial and technical aid appropriations for non-associated developing countries, and to submit by its next meeting suggestions for the use of these appropriations so that decisions may be taken as soon as possible.

*Food aid*

2.2.13. After its discussion on food-aid problems the Council reached agreement on a series of questions—the general aims of food aid, the criteria for selecting recipient countries and determining quantities, an expedited decision-making procedure for emergency action in the event of disasters of human origin (to complement the procedure already followed in the event of natural disasters), the possibility of triangular food-aid operations, special mobilization procedures for national food aid in the form of cereals and certain procedural and administrative questions, including the expression of food aid in financial terms.

The Council agreed to continue its discussions on the other questions at its next meeting on development. These questions include increasing the volume of food aid, the gradual transfer to the Community of responsibility for aid projects, the provision of aid for the constitution of stocks in recipient countries and the supply of processed cereal products.

During this discussion Mr Cheysson, for the Commission, stated that the Commission was withdrawing its proposal for a three-year indicative food-aid programme 1977-79, submitted to

<sup>1</sup> Bull. EC 11-1976, point 2317.

<sup>2</sup> OJ C 54 of 4.3.1977 and Bull. EC 2-1977, points 1.4.1 to 1.4.10.

the Council in September 1976,<sup>1</sup> since some delegations were not prepared to accept an increase in the volume of aid.

*Relations with the non-governmental organizations specializing in development cooperation*

2.2.14. The Council noted a report from the Commission on progress in relations between the European Communities and those non-governmental organizations specializing in development, particularly in the field of co-financing.

The Commission expressed satisfaction with the progress made in this new field, which looked very promising for the future.

### Development cooperation policy

#### Stabilization of developing countries' export earnings

2.2.15. On 31 March, following the statement on the North-South Dialogue put out at the end of the European Council meeting in Rome, according to which measures to stabilize export earnings in the developing countries are to be studied, the Commission formally presented a communication to the Council setting out, as a working hypothesis, main points of those measures.<sup>2</sup>

#### Cooperation with the NGOs

2.2.16. By the end of March, 22 of the 45 projects submitted to the Commission by the non-governmental organizations specializing in development aid (NGOs) for co-financing operations under the 1977 budget had been adopted, totalling 643 430 EUA.

## Commodities and world agreements

### Sugar

2.2.17. On 4 March the Commission proposed to the Council that the Community participate in the conference—to be held in Geneva from 18 April to 27 May—for the negotiation of a new international sugar agreement under the auspices of UNCTAD. The Community is not a signatory to the existing agreement but has taken part as an observer in the meetings for preparing the next conference.

### Cocoa

2.2.18. At meetings in March of the Executive Committee and the International Cocoa Council the problem of revising the prices laid down in the Agreement was examined in detail, notably on the basis of the producer countries' proposals.

Since present world prices are very high because of the drop in world production, revision of the prices provided for in the Agreement to bring them up to realistic levels would certainly help in the medium term to encourage the producer countries to continue and to step up their efforts to improve market supplies. It would therefore be necessary both to implement effectively the economic provisions of the Agreement and to take into account production costs, the need to avoid reducing consumption and long-term market price trends.

The Executive Committee, which will meet in June, and the International Cocoa Council, which

<sup>1</sup> Bull. EC 9-1976, points 1401 to 1406.

<sup>2</sup> Point 2.2.7.

will meet in July, will have to provide a solution to this problem and, at the request of the consumer countries, establish a 'market committee' to keep a constant watch on all matters relating to the world cocoa economy.

## Tin

2.2.19. The Fifth International Tin Agreement will formally enter into force on 1 July 1977, Bolivia having finally agreed to ratify it. This was the essential result of the session of the International Tin Council in London from 29 March to 1 April.

Bolivia was the only one of the five producer countries which had not ratified the new agreement by the appointed date, 31 December 1976. To break the deadlock a working party set up for this purpose by the International Council recommended that a special group be established to undertake a regular review of prices in order to determine whether they were economically justified. This special group would consist of representatives of eight countries (four producers and four consumers); it would submit its findings and the data collected by it to the International Tin Council which, where appropriate, would take a decision.

In the debate which ensued on these suggestions Bolivia and the other four producer countries advocated that prices be reviewed every six months; most consumer countries (twenty-three in all) indicated their preference for an annual review. Finally, in view of the attitude adopted by the producer countries and in order to enable the fifth agreement finally to enter into force they came round to the principle of a six-monthly price review.

## Commercial policy

### Formulating and implementing the common commercial policy

#### Import arrangements

##### *Easing of restrictive measures*

2.2.20. Under the Council Decision of 27 March 1975 on unilateral import arrangements in respect of State-trading countries,<sup>1</sup> the Commission decided on the following measures to ease existing restrictions:

- *Italy-Poland*: exceptional opening of an additional quota for woven fabric of flax;<sup>2</sup>
- *Benelux-Certain State-trading countries*: amendment of the amount of certain quotas;<sup>3</sup>
- *Benelux-Poland*: opening of a quota for unwrought aluminium;<sup>3</sup>
- *Benelux-China*: amendment of the amount of certain quotas;<sup>3</sup>
- *Benelux-North Korea*: opening of a quota for unwrought zinc;<sup>3</sup>
- *Denmark-Bulgaria*: exceptional opening of a quota for men's and boys' undergarments;<sup>4</sup>
- *Italy-Poland*: exceptional opening of an additional quota for bearings.<sup>5</sup>

##### *Import surveillance*

2.2.21. On 1 March the Commission decided<sup>6</sup> to institute Community surveillance over imports of certain *phosphate fertilizers* (superphosphates,

<sup>1</sup> OJ L 99 of 21.4.1975.

<sup>2</sup> OJ C 58 of 8.3.1977.

<sup>3</sup> OJ C 81 of 1.4.1977.

<sup>4</sup> OJ C 82 of 2.4.1977.

<sup>5</sup> OJ C 88 of 13.4.1977.

<sup>6</sup> OJ L 58 of 3.3.1977.

orthophosphates) originating in GATT member countries and countries treated as such. Community imports of these fertilizers have expanded sharply in recent years and foreign manufacturers are supplying a growing proportion of the market. Since there was a risk of damage being suffered by Community producers of similar or directly competing products, it was felt that measures should be taken to keep an eye on the way these imports develop.

### Credit insurance, export credit

#### *Export credit: adoption of guidelines by the Council*

2.2.22. On 14 March the Council adopted a decision under which, for an experimental period lasting until 30 June, the European Economic Community will apply certain guidelines for the grant to non-member countries of export credits which enjoy official support and are for a period of two years or more.

The guidelines set minimum rates of interest, maximum credit periods and the minimum percentage of the payments to be made by the time of delivery, including those made on delivery, all these terms to vary according to whether the recipient country is classed as relatively rich, intermediate or relatively poor.

Over the last two decades, there have been international negotiations to lay the basis for a body of rules governing export credit. The negotiations were intensified in 1974, and in 1974 and 1975 the Member States and the Commission had frequent talks<sup>1</sup> with the United States and Japan; the margin of disagreement was narrowed but, even then, no common position emerged.

The countries represented at the Rambouillet Summit in November 1975 decided to work for a common position on export credits; at their Puerto Rico meeting in June 1976, they declared that they had adopted convergent guidelines on export credits.

The Commission has always considered that Article 113 of the EEC Treaty places export credits within the Community's competence. Its view was upheld by the Court of Justice in Opinion 1/75 given on 11 November 1975.<sup>2</sup>

In July 1976 the Commission consequently felt obliged to take the first steps of the procedure of Article 169<sup>3</sup> against those Member States who, having taken part individually in the abovementioned international discussions, had been party to an understanding outside the Community context and taken certain measures in conjunction with other Member States and with other non-member countries in order to implement this understanding.

The Commission, while considering that the guidelines were of limited value in that they did not cover all aspects of the search for international discipline on export credits and still allowed excessive scope for unilateral action, nevertheless recognized that this understanding constituted the initial basis for an agreement.

It therefore proposed<sup>4</sup> that the Community should apply the guidelines laid down pursuant to the understanding for it would then be able to benefit from the restrictions on competition, however limited, while at the same time being better placed to work towards a more comprehensive arrangement.

The Commission therefore welcomed the decision taken by the Council on 14 March, which confirms its determination to follow this path.

<sup>1</sup> Bull. EC 7/8-1974, point 2303, 9-1974, point 2303, 12-1974, point 2304, 1-1975, point 2301, 5-1975, point 2311, 12-1975, point 2311.

<sup>2</sup> OJ C 268 of 22.11.1975.

<sup>3</sup> Bull. EC 7/8-1976, point 2313.

<sup>4</sup> Tenth General Report, point 489.

## Specific measures of commercial policy

### Textiles

#### *Multifibre Arrangement*

2.2.23. From 16 to 18 March the Community took part in a meeting of the GATT Textiles Committee in Geneva. The main item for discussion was the possibility of extending the Agreement regarding International Trade in Textiles (Multifibre Arrangement) which will expire on 31 December. The Commission outlined the main subjects of concern to the Community as regards the operation of the arrangement in its current form and drew attention to a number of specific problems which it felt the new arrangement should seek to solve. The Community is proposing to begin negotiations for this as soon as the Council has adopted the proposal for negotiating directives transmitted by the Commission in January.

#### *Canada*

2.2.24. On 11 March the Community held consultations with Canada concerning the restrictions imposed by that country, under Article XIX of the GATT, on imports of a whole range of articles of clothing.

#### *India*

2.2.25. On 4 March the Commission held consultations with India on the problems posed by imports into the Community market of women's shirts and blouses and men's shirts originating in India. Since the two sides were unable to agree on a solution the Commission adopted quantitative restrictions on 16 March. The Commission hopes that consultations will be resumed in the near future.

#### *Macao*

2.2.26. At the request of the European Community, consultations were held in Brussels on 21 March between a Community delegation and the Macao Government on the problems posed by imports into the Community of men's and boys' jackets and women's and girls' blouses. It was recognized that the increase in imports of those products from Macao was likely to disrupt an important part of the Community market—the United Kingdom—and the Macao authorities agreed to restrict their exports there.

#### *Philippines and Thailand*

2.2.27. Consultations under the Multifibre Arrangement took place between the Community and the Philippines and Thailand to seek a solution to the market disruption caused by the development of imports of knitted and crocheted undergarments from the two countries into France and the United Kingdom.

The Philippine and Thailand authorities expressed their willingness to accept voluntary restraint of their exports to the Community market at agreed levels. On 16 March the Commission adopted two Regulations<sup>1</sup> for the implementation of this.

#### *South Korea*

2.2.28. The Council extended until 31 December 1977 certain safeguard measures concerning imports into the United Kingdom of sacks and bags of woven polyolefin fabrics originating in Korea;<sup>1</sup> it decided<sup>2</sup> that the terms for imports of certain textile products from Korea to the Benelux countries, introduced by the Commission in January,<sup>3</sup> would be maintained until the same date.

<sup>1</sup> OJ L 71 of 18.3.1977.

<sup>2</sup> OJ L 64 of 10.3.1977.

<sup>3</sup> Bull. EC 1-1977, point 2.2.20; OJ L 24 of 28.1.1977

*Mexico*

2.2.29. On 14 March<sup>1</sup> the Council removed the quantitative restrictions on imports of cotton yarn from Mexico to the Benelux countries introduced in August 1976.<sup>2</sup> This re-establishment of freedom of trade was the result of consultations between the Community and Mexico and reflects the recent developments in trade in the relevant products and the assurances given by the Mexican authorities.

## International organizations

## United Nations

## Economic Commission for Europe

2.2.30. The Committee on Agricultural Problems of the United Nations Economic Commission for Europe held its annual session in Geneva from 7 to 11 March, and was attended by representatives from twenty-nine member countries of the Committee and observers from two other countries. At the invitation of the ECE Secretariat, the session was also attended by representatives from the Community, the Council for Mutual Economic Assistance (CMEA) and the Organization for Economic Cooperation and Development (OECD). The following were also represented: the United Nations Conference on Trade and Development (UNCTAD), the Food and Agriculture Organization of the United Nations (FAO) and the General Agreement on Tariffs and Trade (GATT).

The Committee analysed recent trends in agriculture in Europe and in European trade in agricultural products. It studied the markets for certain products such as cereals, cattle and meat, milk and milk products, and tobacco. It also adopted its programme of work for 1977-81. The Commission representative made a statement on the

main developments in Community agriculture in 1976.

## Economic Commission for Africa

2.2.31. The Community was represented at the session of the United Nations Economic Commission for Africa (ECA) which was held from 24 February to 3 March in Kinshasa, Zaire; this session was also the fourth meeting of the Conference of Ministers of the ECA.

The Member States of the Community were represented as observers, but the declarations made by the representatives of the Council and the Commission were considered as expressing the Community's coordinated position. In his declaration, the Commission representative expressed the Community's desire for an improvement in the economic and social well-being of Africa. Particular attention was drawn to the role played by the Lomé Convention both in its own right and as a model for cooperation between developing and industrialized countries.

The meeting ended after the adoption of over forty resolutions covering a wide range of matters concerning the socio-economic development of Africa.

## United Nations Water Conference

2.2.32. A conference on water, organized by the United Nations, was held at Mar del Plata (Argentina) from 15 to 25 March, and was attended by representatives from 116 countries. The Commission was represented.<sup>3</sup>

The Conference passed a series of recommendations and resolutions (the Mar del Plata plan), including:

<sup>1</sup> OJ L 71 of 18.3.1977.

<sup>2</sup> OJ L 203 of 29.7.1976; Bull. EC 7/8-1976, point 2312.

<sup>3</sup> Point 2.1.56.

- the decision that the period from 1980 to 1990 would be termed 'International Drinking Water Supply and Sanitation Decade', with a firm commitment to developing drinking water supply and purification networks by 1990;
- recommendations for improving the distribution of irrigation water, restricting industry's demand for water, studying means of dealing with drought and floods, encouraging regional and international cooperation and attaching the greatest priority to water supply projects.

### Food and Agriculture Organization

2.2.33. The FAO's Intergovernmental Working Party on oil seeds and fats met in Rome from 7 to 11 March. Most of its work was devoted to studying the situation and short-term prospects in the fats sector and to drawing up a number of recommendations to the governments of its member countries.

### General Agreement on Tariffs and Trade

2.2.34. At its meeting of 2 March, the GATT Council was once again presented with reports from the panels on 'DISC' and on the tax practices of Belgium, France and the Netherlands.

The United States representative emphasized that the four reports were linked and that consequently, if the DISC (Domestic International Sales Corporation) legislation was incompatible with the provisions of the General Agreement, then so were the comparable practices of the three Member States.

The Community representative pointed out that there could be no question of linking the four questions together, as was confirmed by the Council's Decision to set up four different panels to analyse tax legislation. The link established by

the American Delegation was all the more inopportune since, whereas the report of the DISC panel seemed perfectly clear, the reports of the three other panels on the system applied in Belgium, France and the Netherlands included one point in particular—a very wide interpretation of the concept 'export activities'—which called for clarification. Under these circumstances, the Community representative asked the Council to examine the report on DISC and recommended that this legislation be repealed.

The Chairman of the GATT Council decided to re-examine these questions at a further meeting.

2.2.35. The panels set up by the GATT Council to examine the compatibility with the General Agreement of the system adopted by the EEC in March 1976 for compulsory purchase of skimmed-milk powder intended for animal feed<sup>1</sup> held its second session on 21 March, when the parties in question clarified their respective points of view. The Community also gave its answers to the questionnaire which it had received from the panel.

### Organization for Economic Cooperation and Development

#### Executive Committee

2.2.36. The Executive Committee of the OECD met in Paris on 3 March. It examined the state of economic relations between the member countries of the Organization in the context of the medium-term strategy adopted in June 1976<sup>2</sup> and the difficulties of all kinds at present affecting these relations (uncertain economic recovery, persistent inflation and unemployment, balance of payments deficits, sectoral problems).

It underlined the links between the economic, commercial and financial policies of member

<sup>1</sup> Bull. EC 2-1977, point 2.2.28.

<sup>2</sup> Bull. EC 6-1976, point 2325.



countries and, recognizing that the danger of protectionism still existed and that there were acute difficulties in certain industries, emphasized the value of intensified multilateral consultation and the need to maintain the discipline to which the member countries submitted by the 1974 Trade Pledge.<sup>1</sup>

As regards economic relations with developing countries, the Committee assessed the prospects of the CIEC and heard a statement by the American Delegation on current opinion in Washington regarding the final phase of the Paris Conference. The Committee noted the political will of the member countries to take all necessary steps so that the CIEC would yield satisfactory results in several fields. Although these steps will doubtless fail to come up to the expectations of certain developing countries, they have to be judged in terms of the actual possibilities of the industrialized countries.

### Committee on Agriculture

2.2.37. The OECD Committee on Agriculture met in Paris from 16 to 18 March. It was mostly concerned with preparing a Committee meeting at ministerial level. The Committee confirmed the interest of holding a ministerial meeting on the outlook for agricultural policies and markets, a theme put forward by the Secretary-General. According to the majority of delegations, the meeting could be held between the beginning of October 1977 and mid-January 1978. At its next session in June, the Committee will discuss the precise agenda and in particular the wording of the items under discussion.

### Working Party on Shipbuilding

2.2.38. The OECD Working Party on Shipbuilding held a further meeting in Paris on 22 and 23 March to discuss the questions raised by the distribution of orders between European and

Japanese shipyards. Two main items predominated at this meeting: the question of a meeting with the representatives of the Trade Union Advisory Committee to the OECD, and discussions on recent measures taken by Japan.<sup>2</sup>

## Mediterranean countries

2.2.39. The Community is prepared on certain conditions to *guarantee the loans* to be granted by the European Investment Bank under the Community's financial commitments towards certain non-member countries; This is stated in a press release put out after the Council meeting of 8 March. The decision mainly affects Greece, Turkey, the various countries covered by the Community's overall Mediterranean approach, and Portugal in respect of the Financial Protocol.

### Turkey

2.2.40. The *EEC-Turkey Association Committee* met on 15 March to examine the situation in the cotton yarn sector.<sup>3</sup> At that meeting the Turkish Delegation announced the measures taken by the Turkish Government and its industry to satisfy the Community's requests and ease the difficulties which the Community Member States are having to contend with in this sector. The discussions will continue both at government level and among industrialists to monitor the development of the situation and analyse the real effect of the measures taken.

2.2.41. On 8 March the Council formally adopted the *third Financial Protocol* between the European Economic Community and Turkey, which it had approved in early February.<sup>4</sup>

<sup>1</sup> Bull. EC 5-1974, points 2306 and 2307.

<sup>2</sup> Point 2.1.23.

<sup>3</sup> Bull. EC 2-1977, point 2.2.32.

<sup>4</sup> Bull. EC 2-1977, point 2.2.33.

## Cyprus

2.2.42. On 7 March the Commission forwarded a communication to the Council recommending the opening of negotiations with Cyprus on the five-year second stage provided for in the Association Agreement, which entered into force on 1 June 1973 (and expires at the end of June this year). Under the Agreement, a customs union is to be established from 1 July or alternatively—given the considerable amount of technical work to be carried out before that date—the first stage is to be extended until the end of 1979. The Commission also recalls that in a communication in February 1976,<sup>1</sup> it recommended that the Agreement be extended in the agricultural sector and that cooperation be established with Cyprus along the same lines as with the other Mediterranean countries.

## Malta

2.2.43. The *EEC-Malta Association Council* held its second meeting in Brussels on 24 March. This meeting was mainly devoted to an exchange of views on the implementation of the economic cooperation provided for in the protocols signed with Malta in 1976. In addition, the Maltese Delegation presented three memoranda, one of which deals with the proposed means of accelerating the island's economic integration with a view to the establishment of a customs union with the Community.<sup>2</sup>

## Maghreb

2.2.44. On 31 March the Commission presented a proposal to the Council for establishing the rules to be applied within the Community for the implementation of the *financial and technical cooperation* provided for in the Cooperation Agreements concluded with Algeria, Morocco and Tunisia.

## Lebanon

2.2.45. At its meeting on 8 March the Council decided on the signing of the *comprehensive Co-operation Agreement* between the Community and Lebanon initialled in Brussels on 16 February;<sup>3</sup> the signing ceremony will take place in the near future. At the same time the Council authorized the Commission to *negotiate* with Lebanon the conclusion of an *interim agreement* for the advance implementation of the trade provisions of the Agreement. The Council's action followed the presentation by the Commission on 3 March of a communication on the results of the negotiations accompanied by recommendations for the conclusion of the comprehensive Agreement and the opening of negotiations for an interim agreement.

## Portugal

### Application for accession to the Communities

2.2.46. On 28 March Portugal officially presented to the Council its application for accession to the European Communities.<sup>4</sup> The Council (which took note of this application on 5 April) will invite the Commission to give its opinion.

### Visit to the Commission by the Portuguese Prime Minister

2.2.47. Mr. Mario Soares, the Prime Minister of Portugal, visited the Commission on 11 and 12 March. This visit concluded the talks which Mr Soares had had in the capitals of the Member

<sup>1</sup> Bull. EC 2-1976, point 2332.

<sup>2</sup> On 5 April, the Council issued directives to the Commission concerning the opening of negotiations to establish the trade arrangements to apply between the Community and Malta after 1 July this year.

<sup>3</sup> Bull. EC 2-1977, point 2.2.38.

<sup>4</sup> Points 1.1.1 to 1.1.6.

States and at the European Parliament, the European Investment Bank, the Court of Justice and the Economic and Social Committee.

The purpose of these talks was to explain the reasons behind Portugal's application for membership of the Community.

Mr Soares met Mr Jenkins, the President of the Commission, and Mr Natali, Vice-President with special responsibility for enlargement questions, and also Mr Haferkamp, Vice-President responsible for external relations. The Portuguese Delegation which included Mr Medeiros Ferreira, the Foreign Minister, Mr Vitor Constancio, Chairman of the Portuguese Committee for European Integration, and His Excellency Mr Siqueira Freire, Head of the Portuguese mission to the European Communities, was received by the Commission, which met specially for this occasion.

During these talks, Mr Soares laid particular stress on the need for the Portuguese democracy and the people of Portugal to become part of the European Community, thereby translating into fact Portugal's European calling.

The Commission expressed to Mr Soares its great satisfaction at Portugal's determination to contribute to the building of Europe, after consolidating its democracy.

## Yugoslavia

2.2.48. *The EEC-Yugoslavia Joint Committee* met in Brussels on 29 March. It examined the functioning of the present EEC-Yugoslavia Agreement and studied the work carried out in the two existing joint sub-committees responsible for agricultural cooperation and industrial and technological cooperation.

The Joint Committee then examined the possibilities for the practical implementation of the Belgrade joint statement of 2 December 1976<sup>1</sup> and decided to set up a joint subcommittee to identify the sectors and examine the projects within the scope of that declaration.

Lastly, there was a preliminary exchange of views on the new agreement that will take over from the present Agreement, which expires in September 1978. The two sides have already agreed that the scope of the new agreement should be wider.

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2.2.49. On 9 March *Parliament* adopted a Resolution on the recommendations of the EEC-Greece Joint Committee<sup>2</sup> adopted in Rome on 9 December 1975, in Aghios Nikolaos (Crete) on 19 May 1976 and in Berlin on 23 November 1976.

## ACP States and the OCT

### Official visits by Mr Cheysson to Africa

2.2.50. Mr Claude Cheysson, the Member of the Commission with special responsibility for development, paid official visits to Botswana, Lesotho and Cameroon from 14 to 18 March. On this occasion, all the problems concerning the implementation of the Lomé Convention were discussed.

During his visits, Mr Cheysson emphasized the specific problems facing the three countries.

### Lomé Convention

#### Accessions to the Convention

2.2.51. The Agreements between the Community and Sao Tome and Principe, Cape Verde and Papua New Guinea for the accession of these countries to the Lomé Convention were signed in Brussels on 28 March.<sup>3</sup>

<sup>1</sup> Bull. EC 11-1976, point 2340.

<sup>2</sup> Point 2.3.26.

<sup>3</sup> Bull. EC 1-1977, point 2.2.37.

These accessions will not come into effect until the agreements have been ratified by the appropriate authorities in the three countries. The trade arrangements, however, will be applied in advance from 1 May. Preparatory work for the implementation of financial and technical cooperation will be started immediately.

The number of African, Caribbean and Pacific countries parties to the agreement, which was 46 when the Convention was signed, now rises to 52.

### Financial and technical cooperation

2.2.52. On 30 March, the Commission approved a report to the ACP-EEC Council of Ministers on the administration of financial and technical cooperation in 1976 under the Lomé Convention.

### European Development Fund

2.2.53. Following the favourable opinion delivered by the EDF Committee, the Commission took new financing decisions in March, bringing the total commitments under the fourth EDF to 566 062 000 EUA; the new decisions concern the following projects:

*Niger* — Development of market gardens in the Department of Agadez: 335 000 EUA.

*Malawi* — Development and asphaltting of the Blantyre-Chikwawa road: 5 993 000 EUA; Lilongwe water project: 2 380 000 EUA; Lakeshore development project (Phase III): 8 200 000 EUA.

*Senegal* — Waste water drainage in the Bay of Soumbédioune: 3 750 000 EUA.

*Liberia* — Buto oil palm plantations: 9 100 000 EUA; extensions to the Phebe Hospital in Suakoko: 410 000 EUA.

*Togo* — Agricultural development in the Kara valley: 2 698 000 EUA.

*Mauritania* — Intensification of agricultural production in the Senegal river valley: 1 684 000 EUA.

*Burundi* — Construction of housing and social infrastructure and improvements to water supply systems in the Teza and Rwegura tea-growing centres: 862 000 EUA.

*Burundi, Rwanda, Zaire* — Study on the Ruzizi II hydroelectric station: 1 200 000 EUA.

*Niger* — Rural development in the Department of Zinder (Phase II): 6 990 000 EUA.

*Tanzania* — Agricultural development project in the Iringa region: 6 500 000 EUA.

*Swaziland* — Rural development project: 2 500 000 EUA.

*Trinidad and Tobago* — Production of timber: 1 020 000 EUA.

*Kenya* — Veterinary centres and cattle dips: 3 000 000 EUA.

*Congo* — Bridge over the river Niari at Loudima: 1 800 000 EUA.

*Guinea-Bissau* — Replacement of three ferries at St Vicente, Farim and Landim: 1 080 000 EUA.

*All ACP countries* — Second advance for the budget of the Centre for Industrial Development: 250 000 EUA.

*Comoros* — Exceptional aid: 1 300 000 EUA.

*Jamaica* — 2 000 acre banana plantation: 3 067 000 EUA.

*Botswana* — Countrywide animal and range assessment: 697 000 EUA; Maun vocational training centre: 179 000 EUA.

*Barbados* — Community health centre at Litchfield, St Peter: 402 000 EUA.

*Ivory Coast* — Technical assistance for the organization of the International Textile and Clothing Show: 79 000 EUA.

All ACP countries and OCT — 1977 seminar programme: 100 000 EUA.

Fixing of amounts for the financing of multi-annual training programmes:

Barbados:	200 000 EUA
Benin:	1 809 000 EUA
Burundi:	3 300 000 EUA
Guyana:	545 000 EUA
Jamaica:	2 790 000 EUA
Malawi:	3 200 000 EUA
Rwanda:	1 300 000 EUA
Sierra Leone:	1 800 000 EUA
Trinidad & Tobago:	2 080 000 EUA
Upper Volta:	2 532 000 EUA

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2.2.54. On 10 March *Parliament*<sup>1</sup> adopted a Resolution on the advance application of certain provisions of the Lomé Convention relating to trade in respect of certain States that have signed agreements of accession to the Convention.

## Other countries

### Fisheries

#### Agreements

2.2.55. An agreement on fisheries between the European Economic Community and the Government of Denmark and the Home Government of *The Faeroes* was signed in Brussels on 15 March.<sup>2</sup> The two sides immediately commenced consultations on catch possibilities under the agreement.

On 21 March a fisheries agreement between *Sweden* and the European Economic Community<sup>2</sup> was signed in Brussels.

### Current negotiations

2.2.56. On 18 March a delegation for the *Spanish Government*, led by Mr R. Bassols, Ambassador to the European Communities, and a delegation for the European Economic Community pursued their negotiations for a long-term framework agreement on fisheries.<sup>3</sup>

The meeting provided the two delegations with an opportunity to consider a draft of the agreement and to clarify their respective positions.

2.2.57. Negotiations between the *USSR* and the Community continued in Brussels from 7 to 10 March with a view to a long-term framework agreement on fisheries.<sup>4</sup> The two delegations concluded that some of the problems arising required deeper thought on both sides and agreed to meet again on 19 April.

2.2.58. On 11, 24 and 25 March negotiations for a long-term framework agreement on fisheries between the *German Democratic Republic* and the Community began in Brussels. It was agreed that the negotiations would be resumed in Brussels on 3 and 4 May.

2.2.59. On 16 and 17 March a delegation for the *People's Republic of Poland* and a delegation for the European Economic Community continued their negotiations for a long-term framework agreement on fisheries.<sup>5</sup> Substantial progress was made and it was agreed that negotiations should be resumed on 25 April.

### Interim measures

2.2.60. On 31 March the Commission transmitted to the Council three proposals for renewal of

<sup>1</sup> Point 2.3.25.

<sup>2</sup> Bull. EC 12-1976, point 1202.

<sup>3</sup> Bull. EC 2-1977, point 1.2.4.

<sup>4</sup> Bull. EC 2-1977, point 1.2.6.

<sup>5</sup> Bull. EC 2-1977, point 1.2.7.

certain interim measures for the conservation and management of fishery resources, applicable to vessels flying the flag of certain non-member countries. On 5 April<sup>1</sup> the Council adopted three Regulations autonomously establishing the regime for fishing by vessels flying the flag of Poland, the GDR and the USSR,<sup>2</sup> Spain, Finland and Portugal<sup>3</sup> and Sweden.<sup>3</sup>

### Industrialized countries

#### Canada

2.2.61. A group of Canadian *business leaders* accompanied by senior officials from the Ministry of Industry and Trade visited the Commission on 28 and 29 March. The group had been formed to advise the Minister of Industry and Trade on the practical operation of the framework agreement for commercial and economic cooperation between the European Communities and Canada.<sup>4</sup>

The Canadian visitors met President Jenkins, Vice-Presidents Haferkamp and Ortoli, Mr Davignon, Mr Brunner and Mr Burke and a number of senior officials. There were discussions on the economic and social situation in the Community, and in particular on the prospects for industrial cooperation between the Community and Canada.

2.2.62. From 14 to 25 March a group of representatives of the Canadian *non-ferrous metals* industry visited a number of Community countries in connection with the agreement on cooperation between the Communities and Canada.

The purpose of their visit was to obtain better information on the situation and development of the Community market through direct meetings with European firms.

The visitors also hoped to improve the prospects for long-term trade and investment cooperation and for the exchange of know-how.

European industrialists had made a similar visit to Canada in September 1975.<sup>5</sup>

#### EFTA countries

##### Sweden

2.2.63. On 3 March the Swedish Mission to the European Communities informed the Commission that *restrictions on footwear imports* were to be lifted on 1 July.<sup>6</sup>

The notification states that studies on the structural reorganization of the Swedish footwear industry have been completed and that the resulting proposals have been placed before the Swedish Parliament in a Government Bill.

Assuming the Bill is passed by Parliament, the quotas for leather and plastic footwear will be abolished on 1 July. The quota for rubber boots will be maintained in force until the end of the year.

This brings to an end the only serious incident in relations between Sweden and the Community since the trade agreement was negotiated. The Commission has conveyed to the Swedish Government its appreciation of this move.

##### Japan

2.2.64. At the end of the European Council meeting in Rome on 25 and 26 March the following statement concerning relations between the Community and Japan<sup>7</sup> was issued:

'The European Council, recalling its statement of 30 November 1976,

<sup>1</sup> OJ L 90 of 8.4.1977.

<sup>2</sup> Bull. EC 1-1977, point 2.2.39.

<sup>3</sup> Bull. EC 2-1977, point 1.2.4.

<sup>4</sup> Bull. EC 9-1976, point 2331.

<sup>5</sup> Bull. EC 9-1975, point 2340.

<sup>6</sup> Bull. EC 11-1975, point 2332 and 12-1976, point 2337.

<sup>7</sup> Bull. EC 11-1976, point 1114.

— reaffirms the importance it attaches to maintaining good relations between the Community and Japan;

— notes that some progress has been made over the past four months towards resolving certain specific trade problems;

— observes however that not all the problems have yet been solved and considers that efforts have to be continued particularly with a view to the sustained expansion of exports from the Community to Japan;

— invites accordingly the responsible Community institutions to continue the intensive discussions with the Japanese authorities with the aim of resolving outstanding difficulties as rapidly as possible.'

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2.2.65. On 10 March *Parliament*<sup>1</sup> adopted a Resolution on economic and trade relations between the European Community and Japan.

### Australia

2.2.66. On 15 and 16 March the second round of *unofficial talks* between a Commission delegation and Australian authorities was held in Canberra.<sup>2</sup>

The subjects discussed included the GATT multilateral negotiations, relations with the developing countries and relations with the other industrialized countries. The delegations also raised a number of questions of interest to the two sides (quantitative restrictions on Australian imports of various products; terms for imports of certain agricultural products, including meat, into the EEC).

### New Zealand

2.2.67. The second round of *unofficial talks* between the Commission and New Zealand took

place in Wellington on 10 and 11 March.<sup>2</sup> The Commission Delegation also met Mr Talboys, New Zealand's Deputy Prime Minister and Minister of Foreign Affairs.

The subjects discussed included relations within GATT and the multilateral trade negotiations, the North-South Dialogue and the economic and political situation in the South Pacific region. The two delegations also discussed certain bilateral questions, such as New Zealand's exports of dairy produce and lamb to the Community.

2.2.68. Mr Robert *Muldoon*, Prime Minister of New Zealand, visited the Commission on 28 March. He had joint talks with Mr Jenkins, Mr Haferkamp and Mr Davignon.

### Developing countries

#### Latin America

2.2.69. On 23 and 24 March there was a working meeting between the *Inter-American Development Bank* and Commission staff. The meeting discussed matters of common interest and considered the possibilities for future cooperation. The IDB Delegation was led by the Bank's President, Mr Ortiz-Mena.

### Diplomatic relations

2.2.70. The President of the Council and the President of the Commission received His Excellency Mr Luis Robledo (Colombia), Her Excellency Mrs P.G. Lim (Malaysia), His Excellency Mr Graham Keit Ansell (New Zealand) and His Excellency Mr Sverre Julius Gjellum (Norway), who presented their letters of credence in their capacity as heads of their countries' missions to the

<sup>1</sup> Point 2.3.23.

<sup>2</sup> Bull. EC 11-1975, point 2349.

### 3. Institutional and political matters

#### Diplomatic relations

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European Communities with effect from 8 March.<sup>1</sup>

The new ambassadors replace Mr German Bula Hoyos (Colombia), who remains ambassador to the Belgian and Luxembourg courts, Mr Peter Stephen Lai (Malaysia), Mr I.L.G. Steward (New Zealand) and Mr Jens Mogens Boyesen (Norway), who have been appointed to other posts.

#### Institutional developments — European policy

##### Community participation in the London economic summit

2.3.1. The European Council, meeting in Rome on 25 and 26 March, reached agreement on participation by the Community as such in the next Western economic summit, which will be held in London on 7 and 8 May; the Community will be represented by the Council and Commission Presidents. The following statement was issued after the meeting: 'The President of the Council and the President of the Commission will be invited to take part in those sessions of the Downing Street Summit at which items which are within the competence of the Community are discussed. Examples of such items are negotiations about international trade and the North South Dialogue.'

The previous economic summits, held at Rambouillet in November 1975<sup>1</sup> and at Puerto Rico in June 1976,<sup>2</sup> were attended by the Heads of State or Government of the United States, Canada, Japan and four Community Member States, Germany, France, Italy and the United Kingdom. The Community was not represented, even though matters which are within its competence were discussed. This aroused sharp criticism in several quarters, notably from the European Parliament and from the Member States which were not invited.

##### Censure motion

2.3.2. A motion of censure against the Commission was tabled on 10 March by the European Progressive Democrats Group, following the Commission's decision to suspend the advance-fixing of export refunds for butter.<sup>3</sup>

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<sup>1</sup> Bull. EC 11-1975, Third Part.

<sup>2</sup> Bull. EC 6-1976, Third Part.

<sup>3</sup> Point 2.3.13.

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<sup>1</sup> OJ C 88 of 13.4.1977.



Parliament rejected the motion on 23 March, with fifteen members voting in favour, ninety-five against and one abstention.<sup>1</sup> This is the second censure motion the House has voted on.<sup>2</sup>

### **The Commission's information programme in preparation for direct elections to the European Parliament**

2.3.3. With direct elections to the European Parliament in the offing the Community's institutions and political parties need to make a special effort to make the man in the street aware of what is involved in the European venture by focusing attention on its successes and difficulties, its origins and its future. The Commission has a major part to play here. Its task will be to provide factual information about how the Community works and what the Community does. It will be for the political parties, in the context of their election campaigns, to assess this information in political terms.

This then is the premise on which is based the special information programme which the Commission adopted on 25 March and transmitted to Parliament.

The Commission believes that if voters are to take an informed decision on election day, they must know how the Community operates, what issues must be dealt with at Community level and why, and what proposals are in the pipeline.

The press, radio and television journalists currently accredited to the Commission will have a major role to play. It is largely thanks to the efforts of the press corps that Community news is part of the daily diet of most Europeans.

Introduction of the democratic process at Community level will obviously call for a major information effort. The task—making 180 million voters more aware of Community issues and ensuring the largest possible turnout on election day—is immense.

The Commission's programme will be implemented in association with Parliament's information services in the interests of coordination and efficiency.

However, the funds allocated to the Commission under the special budget are relatively limited, and it has already decided to divert a good proportion of the resources available for its 'normal' information programme to the special election programme.

The direct elections theme will be given priority treatment in all information activities launched under the Commission's *normal information programme* this year; 65% of the Commission's information effort in the Nine will be devoted to the topic.

As regards the *special programme*, the Commission has decided to concentrate almost entirely on informing 'opinion makers'.

*The media:* Journalists working on national and regional newspapers will receive particular attention. The Commission intends, via the Information Offices, to supply them with fact sheets on the elections and Community policies. It will also organize a special programme of visits to Brussels.

The Commission intends to step up contacts with national radio and television networks. The Commission's new colour TV studio will soon be linked to Eurovision to allow extensive, up-to-the-minute broadcasting of Community news. National networks will also have access to other technical facilities, and a series of working meetings will be organized in Brussels to promote co-operation between networks.

*Outside organizations:* The Commission intends to organize a series of seminars on European affairs which will enable participants in their turn to organize discussions within their own organizations. Seminars will be organized at regional, na-

<sup>1</sup> Point 2.3.32.

<sup>2</sup> Bull. EC 6-1976, points 2402 and 2501.

tional or Community level. The organizations the Commission has in mind here include political associations, trade unions, university associations, women's groups, farmers' associations, youth movements, environmental protection and consumer information groups and so on. It is also planning to organize a special series of briefings for the leaders of the different political, social or cultural associations throughout the Community.

A major effort will be made to organize refresher courses for groups of outside speakers on Community affairs. The practice of using outside speakers makes it possible to penetrate circles and reach audiences the Commission could not otherwise hope to contact.

*Information material and documentation:* The Commission intends to prepare audio visual material and assorted publications to back up and facilitate the work of 'opinion makers' and to meet the large number of requests for information which will be received (witness the referendum campaign in the United Kingdom).

*Subsidies for programmes mounted by outside agencies:* The Commission will subsidize information programmes mounted by movements particularly interested in the European venture and activities which could be promoted with the help of the universities.

*Potential changes:* The Commission will hold itself in readiness to act on the findings of a new survey of public attitudes to direct elections to be organized at the request of the European Parliament. The techniques used will ensure that the survey produces solid information on voters' attitudes—by region, by political convictions and so on.

## **Towards the establishment of a European Foundation**

2.3.4. The idea of setting up a European Foundation was first put forward by Mr Leo Tindemans, the Belgian Prime Minister, in his report

on European Union.<sup>1</sup> Mr Tindemans proposed '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 presenting abroad the image 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.'

In the report they presented to the European Council in November 1976, the Foreign Ministers said that the possibility of setting up a European Foundation as described by Mr Tindemans should be examined carefully. On 17 January 1977, Mr Geoffrey Rippon, a member of the British Parliament, suggested that the British Government should launch the foundation proposed by Mr Tindemans during its term in the Council chair. There was much support for this idea in the House of Commons; it was also backed by the European Movement in the United Kingdom, whose chairman is Lord Thomson, the former member of the Commission.

On 22 March, the Commission took a favourable stance on Mr Tindemans' ideas. It decided to have the matter examined and to present a report to the Council in the course of the year.

<sup>1</sup> End of the chapter 'A citizen's Europe', Supplement 1/76 — Bull. EC.

It informed the European Council which met in Rome on 25 and 26 March of this intention. The Council agreed to it, and on 30 March the Commission decided to set up a group of independent personalities to prepare a report on the Foundation.

## Institutions and organs of the Communities

### Parliament

#### *Part-session in Strasbourg from 7 to 11 March*

2.3.5. From 7 to 11 March, the new Council of Europe building in Strasbourg, formally opened by President Giscard d'Estaing in February, was the setting for the last sitting of the 1976/77 session and the opening of the 1977/78 session.<sup>1</sup>

Parliament was tensely awaiting the election of its new President. Other parliamentary work centred on the formation of the Committees. The House also debated matters of economic, social and foreign policy, one of the main items being the Commission's explanations concerning the sale of cheap Community butter to the Soviet Union, which had stirred public opinion in Europe.

On 9 March, the House welcomed the Portuguese Prime Minister, Mario Soares.

#### **Opening of the 1977/78 session (8 March)**

2.3.6. The twentieth annual session began with the election of the Bureau. Opening the proceedings, the oldest member, Mr Houdet (L/F) thanked the outgoing President, Mr Spénale, for his work over the past two years, especially for what he had done towards strengthening Parlia-

ment's budgetary powers, the creation of own resources and the decision on direct elections.

Mr Houdet reaffirmed Parliament's resolve to champion fundamental rights at all times and emphasized the need to overcome the present crisis so that the misgivings about the Community, especially among the younger generation, would be dispelled. In conclusion, he pointed out that the relationships between the House and the national Parliaments must be carefully tended.

#### *Emilio Colombo — the new President*

2.3.7. It took three ballots to determine who was to be the new President. By a narrow majority (85 votes against 77 with 14 abstentions), Emilio Colombo (C-D/I), the candidate of the Christian Democrats, prevailed over the joint candidate of the Socialists and the European Progressive Democrats, Michael Yeats (EPD/IRL). In the third ballot Mr Yeats had the support of the Socialists, after their candidate, the former President, Mr Georges Spénale, (F), had failed to secure the necessary majority in the previous two. The decision of the Socialists to support the candidate of the European Progressive Democrats was justified by the Group Chairman, Mr Fellermaier (D), who said that by his political activity in Parliament since the enlargement of the Community, Mr Yeats offered the assurance of continuity in Parliament's political activity, on the way that it had been conducted over recent years. The Socialists had naturally hoped that for the last year of the indirectly elected House this con-

<sup>1</sup> This report was prepared from the German edition of 'Information' published by Parliament's Secretariat.

The complete texts of the Resolutions passed by Parliament are reproduced in OJ C 83 of 4.4.1977 and the report of proceedings is contained in OJ Annex Nos 213 and 214.

The political group and nationality of members are indicated in brackets by the following abbreviations: C-D = Christian Democrats, S = Socialists, L = Liberals and Democrats, C = European Conservatives, EPD = European Progressive Democrats, COM = Communists and Allies; B = Belgium, DK = Denmark, D = Federal Republic of Germany, F = France, IRL = Ireland, I = Italy, L = Luxembourg, NL = Netherlands, UK = United Kingdom.

tinuity would have been provided above all by their own candidate, Mr Spénale. The decision to support Mr Yeats was the logical consequence of the fact that political agreement had not been reached on this issue.

The new President, Emilio Colombo, has been a member of the European Parliament since June 1976. His political career began in 1946, when at the age of 26 he was elected to the Italian Constituent Assembly. In 1948, he joined Mr De Gasperi's cabinet as State Secretary for Agriculture. As Minister of agriculture, he represented Italy at the Messina Conference which on 25 March 1957 led to the signing of the EEC Treaty. In Italian politics, he held the portfolios for foreign trade, finance and industry and commerce. From 1970 to 1971 and again early in 1972 he was Prime Minister. As President of the Council he led the negotiations with the African States and Madagascar (Yaoundé II) and took an active part in the negotiations for the Association of Greece and Turkey and subsequently in the negotiations for the accession of the new Member States; the United Kingdom, Denmark and Ireland.

*'The European Parliament — Europe's conscience'*

2.3.8. In his maiden speech as President, Mr Colombo thanked the House for its confidence in him at a time of transition and praised the work of his predecessors and especially that of President Spénale, for the construction of Europe.

Twenty years after the signing of the Rome Treaties, the Community had now entered a decisive phase. Europe was at present being thrown off balance by a political, economic, psychological and moral crisis. Now with the direct elections on the doorstep, Parliament's role as a stimulus was crucial, since for years Parliament had been the, all too often bad, conscience of the slow-moving integration process. Turning to the Community's foreign policy problems, Mr Colombo pointed to the basic importance of the historical and cultural ties between Europe and the United States as the

guarantees of European security. He also spoke of the bonds linking the Nine with the other States of Europe not members of the Community.

In conclusion, Mr Colombo pointed to the need for all the organs of the Community and the bodies responsible for political cooperation to work together. All men of good will must cooperate so that progress towards political union might be speeded up.

Mr Ortoli, Vice-President of the Commission, praised the previous Presidents of Parliament as men of European stature. In particular he referred to Mr Spénale's services in the cause of the construction of Europe. He spoke of the new President as an 'enthusiastic and rational European'; he would have to do his utmost to see that Europe finally got back on the road to progress, for, as Mr Ortoli pointed out, the Commission and Parliament were jointly responsible for the construction of Europe.

### *The new Vice-Presidents*

2.3.9. For the first time in Parliament's history, the twelve Vice-Presidents were elected by secret ballot. Previously the ballot had been by roll call. Prior talks between the Groups on the allocation of the twelve seats by Group and nationality had in the past made a secret ballot unnecessary. This year the traditional procedure had been upset because the non-affiliated British member, Mrs Winifred Ewing, stood, bringing the number of candidates to thirteen.

The result of the vote was:

1. Mr Spénale (S/F)	136 votes
2. Mr Yeats (EPD/IRL)	128 votes
3. Sir Geoffrey de Freitas (S/UK)	127 votes
4. Mr Adams (S/D)	127 votes
5. Mr Espersen (S/DK)	127 votes
6. Mr Zagari (S/I)	123 votes
7. Mr Deschamps (C-D/B)	113 votes
8. Mr Scott-Hopkins (C/UK)	112 votes
9. Mr Meintz (L/L)	112 votes

10. Mr Lücker (C-D/D)	110 votes
11. Mr Berkhouwer (L/NL)	98 votes
12. Mr Bordu (COM/F)	87 votes
13. Mrs Ewing (UK)	53 votes
	(not elected)

### Agricultural policy

#### *Butter exports under heavy fire* (9 March)

2.3.10. In the Commission's statement on the milk market situation in connection with the butter affair,<sup>1</sup> Mr Finn Olav Gundelach, Vice-President of the Commission with responsibility for agriculture, first pointed out that it was the Commission's duty to go about disposing of the Community butter mountain with all the resources at its command, including both export refunds and sales on special terms on the domestic market. In principle, it could be assumed that the Commission preferred the second alternative, but unfortunately there were restrictions.

The butter deal with the Soviet Union had turned out to be a bigger transaction than originally anticipated and it had come to be feared that it might have assumed even greater proportions. So a halt had had to be called, in order to safeguard the balance between internal and external sales. But the Soviet Union had not been granted any more advantageous commercial terms than other export customers.

Export refunds could not be discarded in future, if the butter surpluses were to be eliminated. Here, said Mr Gundelach, was the crux of the problem: the surpluses were of a structural nature and had to be checked—of course, on socially acceptable terms—if costs were to be prevented from rising any higher to a point where they became politically intolerable. If this failed, it was to be feared that the common agricultural policy would break down.

Against the background of the motion of censure announced by the European Progressive Democrats, speakers of all Groups took the opportunity to present their ideas on a policy to prevent surpluses. Speakers on the Socialist benches, Lord Bruce (UK), Mr Laban (NL), Mr Schmidt (D) and Mrs Dunwoody (UK) expressed concern over the effect of the controversial butter deal on the public. They asked how it could be intelligibly explained to the consumer that it was financially more advantageous to subsidize exports of surpluses than to store them. For the consumer, it all meant, as Mr Laban (NL) bluntly put it, that 'the whole system was rotten'; responsible politicians could not want any more part of such a policy.

The speakers for the Christian-Democrat Group, Mr de Koning (NL) and Mr Aigner (D) did not spare their criticism either. Mr Aigner complained that the Commission had simply no idea as to how to get rid of agricultural surpluses. He was particularly angry that the Commission had not consulted the House although, as he pointed out, it had undertaken to do so whenever expenditure overran the normal budgetary limits.

For Mr Gibbons (EPD/IRL), the greatest hazard to a Community policy to cope with surpluses came from the butter exports of non-member countries such as New Zealand. These countries must make sacrifices. Mr Kofoed (L/DK) brought up the basic question of whether in Parliament and elsewhere everyone was prepared to accept the effects on the Community budget of sales of subsidized butter.

President Jenkins emphatically supported Mr Gundelach. The political decision to halt temporarily the butter exports to the Soviet Union had become imperative because of the proportions of the export deal, which could not be gauged beforehand. The Commission had thereby honoured its commitment to Parliament. In the long-term, concluded Mr Jenkins, there was only one solution: the markets must be brought back

<sup>1</sup> Point 2.1.72.

into balance and the structural farming surpluses eliminated. Approval of the programme to improve the milk market therefore brooked no delay.

*Protection of animals*  
(11 March)

2.3.11. Parliament complained of the delay in implementing a Community policy for the protection of animals. It described the Commission's proposed European Convention on the protection of farm animals as 'a wholly inadequate substitute'. The principles it contained were excessively general. Parliament's approval of the conclusion of the Convention by the Community was not to be taken to include approval of the measures.

*'Butter trips'*  
(11 March)

2.3.12. Parliament approved the Commission's proposals for measures to prevent abuse of the Community's agricultural market regulations. One of the targets of this proposal was the organization of 'butter trips' by transport companies. The Community export refund rules were being improperly used, with agricultural products from non-member countries being sold at cut prices on board ship and then imported duty-free in the personal luggage of the travellers. In future, products of non-member countries were to be authorized as provisions and for landing in other non-member countries. When such goods were intended for sale, they must have previously been released for free circulation.

*Motion of censure*  
(10 March)

2.3.13. The European Progressive Democrats tabled a motion of censure against the Commission in connection with the butter affair.<sup>1</sup> But

under the rules of procedure, it was not possible to vote on it at the current part-session.

The Group was censuring the Commission on three counts: its responsibility for the unsatisfactory management of agricultural stocks, the lack of any legal basis for suspending certain export refunds and particularly its failure to consult Parliament.

**Social policy**

*The Commission's social policy plans —  
Reform of the Social Fund*  
(7 March)

2.3.14. On behalf of twelve members of the Socialist Group, Mr Adams (D) asked the Commission about its social policy plans for the future and in particular about reform of the European Social Fund. Making the point that the economic and employment conditions had changed radically since the Fund was last reformed in 1973, he urged that the Fund be made a tool of employment policy. In the light of its monitoring possibilities, it struck him as doubtful whether the Commission was in a position to ensure that the Fund's resources were actually used to create jobs.

Mr Adams referred to the objectives agreed by the two sides of industry at the last Tripartite Conference; unemployment reduced to 2.5% at the most by 1980, 5% economic growth and a rate of inflation not exceeding 4.5%. These targets were still far from being attained. Mr Adams then put the following questions: could the next Tripartite Conference be held in July? What ideas did the Commission have for improving the situation of the young, of women and of elderly workers? He put the emphasis on democratization of the economy, since this was the count on which the Commission would later be judged.

<sup>1</sup> Point 2.1.72.

Mr Vredeling, Vice-President of the Commission, pointed out in his reply that in the years ahead the Community would have to reckon with a 5% level of unemployment and a slower rate of economic growth. One therefore had to ask whether again as in 1974 social welfare expenditure could grow twice as fast as gross national product. Then again the widening gaps between the Nine on the social plane were very serious indeed. Every effort must therefore be made to ensure that the Fund was more closely geared to the problems of unemployment. Fund aid must be provided in a more concentrated manner and the administrative structure improved.

The next Tripartite Conference could scarcely be expected before this autumn. In an overall appraisal of social policy activities, it must be borne in mind that the amount of money available was no greater than for just the milk sector in agriculture.

*Action to combat poverty*  
(8 March)

2.3.15. Mr Dondelinger (L/S) felt that greater political weight was required if more than superficial results were to be achieved from the Community's attack on poverty in the form of an action programme. His practical proposals concerned the creation of equal opportunities in education, measures to combat unemployment and changes in the arrangements concerning estate duties.

Mr Vredeling, Vice-President of the Commission, said that the entire action hinged on fostering Community awareness of the problem of poverty. He expressed his appreciation for the increase in the budget appropriations for the fight against poverty and reported on case studies made in various European cities.

*Improving public health in the Community*  
(8 March)

2.3.16. Fourteen members of the Socialist Group asked the Commission about its plans for public health in the Community, and specifically in the following areas:

- (i) Improving present facilities for reciprocal health care within the Community;
- (ii) Reducing the glaring disparities between charges for medical, dental and hospital services;
- (iii) Initiating studies relating to the medium-term establishment of a comprehensive Community health service, which would be free where appropriate.

In the brief debate, the spokesman of the Christian-Democrats, Mr Jahn (D), took a different view. The Community had more important things to do than contemplate setting up new institutions, as suggested by the questioners. The European citizen would not take very kindly to the Community's equipping itself with increasingly extravagant organs.

*Medium-term economic policy*  
(10 March)

2.3.17. Bearing in mind the objective of achieving full employment while maintaining stability, Parliament endorsed, although not without reservations, the Commission's fourth medium-term economic policy programme incorporating the results of the Tripartite Conference with the two sides of industry.<sup>1</sup> In his report, Mr Schwörer (C-D/D) examined the value of the programme in particular from the aspect of whether it would enable progress to be made towards economic and monetary union.

A controversial point in the debate was the compulsory notification of investments.

<sup>1</sup> Bull. EC 9-1976, points 1101 to 1103.

## Transport policy

*Is the lack of a Community transport policy helping the State-trading countries towards monopoly positions?*

(11 March)

2.3.18. The growing development of transport links with the State-trading countries was the background to a question from various members of the Christian-Democrat Group. They feared that anti-competitive measures might create monopolies for those countries.

Speaking on behalf of the questioners, Mr Jahn (C-D/D), said that in the present situation, it was inadmissible for the Community to be without a common transport policy. The penetration of transport companies from the Comecon countries into the markets of the Western world, confirmed by numerous investigations, was endangering the very existence of transport concerns in the Community and jeopardizing the independence of Community exports.

The questioners were supported by Mr Burke for the Commission, who assured the House that the Commission would continue to examine these problems closely. He urged members to alert their governments to the need to establish a Community transport policy as soon as possible.

## Competition

*Control of concentrations between undertakings*  
(9 March)

2.3.19. On behalf of the Socialist Group, Mr Lange (D) pressed for prompt approval of the Regulation addressed to the Council in 1973 on the control of concentrations between undertakings. The Group warned that any further delay would increase the possibility of oligopolies or monopolies dominating the market. The President of the Council replied that the complexity of the eco-

nomie and political problems involved were the reason why scrutiny of the proposal within the Council took so much time.

## Internal market

*Approximation of the laws of the Member States relating to boats and their fittings*

(11 March)

2.3.20. Parliament approved a proposal for a Directive on the approximation of the laws of the Member States relating to boats and their fittings. The proposal is for a Community type-approval procedure for specific parts and design features and fittings of pleasure craft and a Community acceptance procedure for these vessels.

## Protection of the environment

(11 March)

*Health protection standards*

2.3.21. Parliament approved the proposal for a Directive on health protection standards for sulphur dioxide and suspended particulate matter in the atmosphere over conurbations. The House urged that fines should be imposed on undertakings which disobeyed the rules.

*Danger to health from asbestos*

2.3.22. Several Socialist members—Mr W. Müller (D), Mr Guerlin (F), Mr Evans (UK), Mr Spillecke (D) and Mr Adams (D)—put a question in which they objected to the 'pseudo-informative advertising campaign of the asbestos producers which is clearly aimed to present their product as harmless'. It had not so far been established that, from the angle of cancer risk, asbestos was harmless. The questioners pressed for immediate action to inform the public pending enactment of



legal provisions. On behalf of the Christian-Democrats and the European Conservatives, Mr Jahn (D) supported their demands.

## External relations

### *Deficit with Japan* (10 March)

2.3.23. Parliament expressed its deep concern at the constant growth of the Community's trade deficit with Japan. In a unanimously adopted Resolution, the House analysed the causes and indicated possible solutions.

As the rapporteur, Mr Baas (L/NL) and all the other speakers pointed out, the main cause for alarm lay in the effects on employment in Europe. The imbalance could not be tolerated for long. Yet all the Groups came out against unilateral import restrictions on the part of the Community. The attitude of the Japanese Government now justified some optimism since some signs of voluntary restraint by Japan in certain sectors such as shipbuilding and steel and some effort to remove existing non-tariff barriers could be seen.

As Lord Castle (S/UK) pointed out, in contrast to but a few years ago, the stamp 'Made in Japan' was today synonymous with quality. The Japanese export industry had concentrated on a few sectors, especially on high-cost goods; rationalized production and aggressive marketing had given it a distinct edge on the world markets. For Mr Jahn (C-D/D), free world trade was not an all-in wrestling match. Trust and cooperation between all concerned was imperative. Unilateral anti-dumping measures were no more the answer than were appeals to consumers to buy home-produced goods.

Mr Nyborg (EPD/DK) described the negotiations of recent months as a kind of Euro-Japanese ballet, considering the scarcely tangible results. Mr Scott-Hopkins (C/UK) raised the question of

whether European exporters might be assisted through a European Export Bank, while Mr Osborn (C/UK) suggested that closer links might be forged between the Community and Japan at parliamentary level.

Mr Haferkamp, Vice-President of the Commission with responsibility for external relations, emphasized that the Commission's anti-dumping measures were certainly not a symptom of protectionist tendencies in the Community. Their sole purpose was to eliminate disruptions in world trade. The Community and Japan were competitors on third markets and this alone was enough to make unilateral import restraints pointless.

Mr Haferkamp went on to say that the Commission had no evidence that the Japanese Government was keeping down the rate of the yen. If anything, an upward trend was noticeable of late. As for a European Export Bank, this could be no more than an auxiliary instrument to help exporters. It was more important to secure coordination between all the Member States to prevent any mutual outbidding, for instance, in respect of export credit conditions.

### *Return to Parliamentary democracy in India—the precondition for the strengthening of commercial relations between the Community and India* (10 March)

2.3.24. The detention of leading figures of the opposition parties in India prompted a question from several members of the Socialist Group. The Commission was asked to state its intentions in respect of expanding cooperation between the Community and India and indicate whether it considered that a return to real Parliamentary democracy was a precondition for the strengthening of commercial relations between the EEC and India.

The basis of relations between the Community and India is a Commercial Agreement concluded

in 1973. In answer to the question, Vice-President Haferkamp considered the Agreement to be 'adequate for the intended objectives'. It was therefore not the intention at present to extend or amend it.

Concerning the violation of human rights, Mr Haferkamp stated that the Commission regarded the relaxation of the state of emergency in connection with the forthcoming elections as 'a step in the right direction'.

*Lomé Convention*  
(10 March)

2.3.25. Parliament approved the advance application of certain provisions of the ACP-EEC Lomé Convention relating to trade with respect to certain countries which have recently signed Agreements of accession to the Convention (Sao Tome and Principe, the Cape Verde Islands and Papua New Guinea). The provisions had to be applied in advance because ratification of the accession agreements subsequently concluded with those countries had not yet been completed.

*Accession of Greece*  
(9 March)

2.3.26. In its Resolution on the recommendations adopted by the Joint Parliamentary Committee of the EEC-Greece Association in 1975 and 1976, Parliament welcomed the formal opening of negotiations for Greece's accession to the Community. Since this accession must promote the interests of both sides, the House believed that mutually advantageous solutions would have to be found to all the problems posed by the transition to membership status. Parliament also confirmed that Greece's accession should be an opportunity for the Community to strengthen its cohesion and enhance its capacity for decision-making and positive action.

**Political cooperation**

*Abstention by certain Member States  
in the United Nations*  
(9 March)

2.3.27. A question by the Chairman of the Christian-Democrats, Mr Bertrand, about the split vote of the Nine at the UN General Assembly meeting on 24 November 1976 (Middle East Resolution) obtained a largely unsatisfactory reply from the Council. The President of the Council explained that the Council could not answer questions on which no agreement within political cooperation had been reached. This sybilline answer drew an urgent appeal from Mr Siegler-schmidt (S/D) for the Member States to conduct a sensible peace policy in the Middle East.

**Budget**  
(11 March)

*European Unit of Account*

2.3.28. In the efforts to make the Community budget increasingly transparent, Parliament approved the plans to extend use of the European unit of account (EUA), the value of which is determined on the basis of the rates recorded each day on the exchange markets. In future it is to be used in all legal instruments of the Community institutions. The EUA is already being used under the Lomé Convention and by the European Investment Bank. Parliament felt that it would not be possible to make a comprehensive conversion in all areas of the budget in time for the next financial year. The House was pleased, however, that the proposal fitted in with the changeover to the system of own resources.

*Report of the ECSC Auditor  
for 1975 and discharge*

2.3.29. After scrutinizing the ECSC Auditor's report, parliament gave the Commission a discharge for the ECSC financial activities in 1975.

### *Part-session in Luxembourg on 22 and 23 March*

2.3.30. These special sittings were given over to the debate on the Commission's farm price proposals for 1977/78. The agenda also included the vote on the motion of censure tabled by the European Progressive Democrats and Community participation at the Downing Street Summit.<sup>1</sup>

#### **The 1977/78 farm prices (22 and 23 March)**

2.3.31. Parliament warned against the adverse effects which an increase of only 3% in farm prices, as proposed by the Commission, would have on incomes in certain production sectors of agriculture. It also felt that, with such an increase, the margin for adjusting the green exchange rates would be inadequate.

After a ten-hour debate and scrutiny of 79 tabled amendments, Parliament agreed on a 47-point Resolution, in which it delivered a detailed opinion on the Commission's package of price proposals for 1977/78 and related measures.<sup>2</sup> On the decisive point, the Resolution contained no precise recommendation concerning the percentage price increase, but simply noted that the Commission intended to raise farm prices by an average of 3%; it cleared the final vote with a narrow majority. The Socialist Group abstained, as did the Communists and Allies.

The special sittings almost came to an end without any opinion on the proposals. As the European Progressive Democrats subsequently pointed out, by a mistake in the voting, the crucial paragraph of the motion, after all amendments to it had been rejected, was brought down by an astonishing, as Mr Fellermaier (S/D) put it, 'alliance of conflicting opinions'. After some argument, agreement was reached on the above compromise formula.

Concerning the monetary measures, a majority of the House recommended that the green rates be

adjusted in view of differences in costs resulting from monetary fluctuations. In making such adjustments, special consideration should be given to the high rates of inflation in some Member States. In practical terms, the House approved full and immediate devaluation of the Irish green pound.

After stressing that the price adjustments would hit consumer prices with variable effects, the House called for more thorough investigation of the differences between producer and consumer prices.

Mr Gundelach and Mr Tugendhat staunchly defended the Commission's viewpoint. They firmly rejected any price increases of more than 3%. On the question of monetary compensatory amounts, Mr Gundelach emphasized that these had not in fact been originally designed to smooth out distortions of competition, for which they were being used in practice today. They should really be offsetting, for short periods only, the disadvantages arising from devaluations and revaluations of currencies. They therefore had to be restored to their original purpose if the Commission was to make a contribution with its proposals.

Speaking for the Committee on Agriculture, the rapporteur, Mr Kofoed (L/DK) felt the Commission's proposals to be the barest possible minimum, and for this reason most of the Committee had also called for a 5% increase.

The Commission's argument that general inflation should not be stoked by unduly large farm price increases did not hold water, since producer prices had too little effect on consumer prices for them to be held responsible in this particular context.

The economic policy efforts of the Nine over recent years had obtained mixed results and this had shown up on the monetary policy side. So to avoid distortion of competition on the agricultural

<sup>1</sup> The complete texts of the Resolutions passed by Parliament are reproduced in OJ C 93 of 18.4.1977, and the report of proceedings is contained in OJ Annex No 215.

<sup>2</sup> Bull. EC 2-1977, points 1.3.1 to 1.3.7.

market, monetary compensatory amounts were still needed. There was only one alternative: to achieve economic and monetary union.

The problems of agriculture would not be solved by price policy measures, said Mr Kofoed. It was on the structural side that adjustments had to be made. The Community had to help to ensure that farming could produce at acceptable prices. Admittedly, the common agricultural policy was not flawless but it unquestionably benefited both producers and consumers, since for a comparatively small financial outlay the consumer's supply was assured and the farmer's income guaranteed.

The Chairman of the Committee on Agriculture, Mr Houdet (*L/F*) pointed out that the general dismal economic situation was bound to affect agriculture and had resulted in lower incomes and higher production costs.

The unity of the market was now no more than a myth. True, the worst distortions were absorbed by the compensatory amounts, but at enormous cost to the Community.

For Mr Houdet, a medium- or long-term solution to agricultural problems would be to programme agricultural production at Community level, however difficult this would be. It was the only way to eliminate surpluses and avoid shortages permanently.

Unlike the Committee on Agriculture, which had called for a 5% increase, the Committee on Budgets held, as the spokesman Lord Bruce of Donington (*S/UK*) stressed, that the Commission's proposed 3% increase was reasonable, except, however, in those sectors with structurally generated surpluses, such as the milk sector. Here prices ought not to be raised, since higher prices meant lower consumption and hence even heavier surpluses.

The Committee on Budgets again insisted that the system of monetary compensatory amounts should be abolished as soon as possible. Even if this was not the right moment for its complete

removal, we should start to phase it out gradually, otherwise the existing disparities between the Nine would become even more marked.

The conflicting views of the Groups were clearly voiced in their Spokesmen's arguments. Mr Laban (*S/NL*) described the Commission's proposed 3% increase as inadequate for the Benelux countries—where it would lead to a decline in incomes—but stated that the majority of the Socialist Group supported a general increase of 3%. In the milk sector, the Group would call for product-based support from the Guidance Fund for those producers who were unable, in the short term, to convert to meat. He also expressed further reservations concerning adjustment of green rates. His Group would support a scheme which led to the gradual and equitable removal of compensatory amounts.

Mr Martens (*C-D/B*) reiterated the aim and purpose of fixing agricultural prices: it was to ensure that farmers received a fair income, comparable to incomes in other sectors. He quoted figures to show that this had not been the case in 1976 or 1977. So from the point of view of incomes a 3% price increase for next year was not acceptable. Considering the demands of the Committee of Agricultural Organizations in the EEC (*COPA*), which had called for 7.4%, the Commission's price proposal was a political measure, as a result of which the farmers would bear the brunt of the campaign against inflation and surpluses. He claimed that the objective method for fixing prices, which the Socialist spokesman had demanded be retained, was not, if strictly applied, a uniform measure appropriate to all situations.

Mr Cifarelli (*L/I*) also pleaded for a larger increase (5%) and dealt in more detail with the problems of Mediterranean agriculture in connection with enlarging the Community and the proposals for measures concerning wine, olive oil and fruit and vegetables. In contrast to Mr Laban, he welcomed the introduction of an intervention price for wine because this meant that a reality had been accepted.

Mr Liogier (*EPD/F*) said that the objectives of the Treaty had by no means been attained in agriculture and pointed to the dangers to the Community arising from this. He called, in particular, for structural measures in the milk sector and a Community policy on proteins. His Group wanted a price increase of at least 6.5%.

The fronts took on sharper contours when Mr Scott-Hopkins also asked for only a 3% increase. He also rejected the proposed full and immediate devaluation of the Irish pound.

The last Group spokesman, Mr Ansart (*COM/F*) highlighted the plight of the small farmers who often earned less than the minimum income.

#### **Motion of censure rejected** (23 March)

2.3.32. The motion of censure with which the Group of European Progressive Democrats had tried to unseat the barely three-months old Commission on account of the latest butter exports to the USSR, failed to secure a majority.<sup>1</sup> It was supported only by the French Communists. All the other Groups—even the Italian Communists had expressly dissociated themselves from their French colleagues—found that the matter was not serious enough to censure the Commission, especially, as speakers on all sides of the House pointed out, in view of the general political situation in the Community.

The brief debate heard some sharp exchanges, when, for instance, Mr Fellermaier (*S/D*) asked Mr Cointat (*EPD/F*), who tabled the motion, whether the 'shock of the Socialist and Communist election victories last Sunday had shaken him to the core?' Mr Bertrand (*C-D/B*) warned against allowing the Commission to flounder over the butter mountain; considering the many minority governments among the Member States, this could be dangerous.

This censure motion was the second to come to the vote in the House and fail to gain the neces-

sary majority. Various speakers warned against the danger of overfrequent use of the heaviest weapon in Parliament's armoury of controls.

#### **Community participation at the London Economic Summit** (22 March)

2.3.33. Demanding that the Community be represented by the Presidents of the Council and the Commission at the Western Economic Summit in London on 7 and 8 May, Parliament stepped into the public argument over Community participation in what is—after Rambouillet and Puerto Rico—the third conference of its kind. Particularly in the Netherlands, the governments of the bigger Community countries had been frequently accused of not fighting hard enough against the exclusion of the smaller countries. The Resolution was passed unanimously.

Mr Alfred Bertrand (*C-D/B*) who as Chairman tabled the motion of the Political Affairs Committee, referred to the pledge of the European Council on 12 and 13 July 1976, in connection with the Puerto Rico Conference, that Community procedures and instruments would be respected. For the Commission, Mr Gundelach stressed that confidence in Community institutions would be shaken if the Presidents of the Commission and the Council were not present at international conferences which directly affected the Community's areas of competence.

#### **Council**

2.3.34. In March, the European Council met in Rome and the Council held eight meetings on foreign affairs, economic and financial affairs, agriculture, development cooperation, taxation, energy and research.

<sup>1</sup> Point 2.3.13.

**European Council**  
(Rome, 25 and 26 March)

2.3.35. *President:* Mr Callaghan, Prime Minister of the United Kingdom.

*From the Commission:* Mr Jenkins, President, and Mr Ortolí, Vice-President.

Before commencing their proceedings in the European Council, the Heads of State or Government attended a ceremony to mark the twentieth anniversary of the signing of the Treaty of Rome.<sup>1</sup>

The European Council then discussed the international and European economic and financial situation, Community relations with the Third World and the North-South Dialogue, Community relations with Japan, the problems of the steel industry and the representation of the Community at the international summit meeting in London.

At the end of the meeting, statements were issued on economic growth, inflation and employment,<sup>2</sup> the situation in the steel industry,<sup>3</sup> Community relations with Japan,<sup>4</sup> the North-South Dialogue<sup>5</sup> and the Downing Street Summit.<sup>6</sup>

The European Council also took note of the Commission's intention to present proposals for the establishment of a European Foundation as proposed in the Tindemans Report on European Union.<sup>7</sup> The problem of organizing the Council's work was referred to the Council of Foreign Ministers.

**438th meeting — Foreign affairs**  
(Brussels, 8 March)

2.3.36. *President:* Dr Owen, United Kingdom Secretary of State for Foreign and Commonwealth Affairs.

*From the Commission:* Mr Jenkins, President, Mr Haferkamp, Mr Gundelach, Mr Natali, Vice-President, Mr Cheysson, Mr Davignon, Members

*Fundamental rights:* The Council approved the text of the common declaration by Parliament, the Council and the Commission on fundamental rights.<sup>8</sup>

*Spain:* The Council discussed ways and means of normalizing relations between Spain and the Community before the end of the transitional period provided for by the Act of Accession.

It authorized the Commission to conduct further exploratory talks with the Spanish Government.

*Fisheries:* The Council reviewed progress in the current discussions from both the external and internal points of view.<sup>9</sup>

*Multifibre Arrangement:* Very broad agreement emerged from the Council's deliberations on the aims for the talks on renewal of the Arrangement regarding International Trade in Textiles.

*CSCE:* On the basis of a report on the Soviet proposals for pan-European conferences on the environment, transport and energy, the Council drew up guidelines for further work towards the discussion of proposals within the Economic Commission for Europe.

*North-South Dialogue:* The Council worked out the details of a joint initial position to be adopted by the Community for the negotiating conference on a Common Fund for commodities.<sup>10</sup>

The Council again reviewed the situation regarding a Danish undertaking in Ghana.

<sup>1</sup> Points 1.2.1 to 1.2.7.

<sup>2</sup> Point 2.1.1.

<sup>3</sup> Point 2.1.18.

<sup>4</sup> Point 2.2.64.

<sup>5</sup> Point 2.2.6.

<sup>6</sup> Point 2.3.1.

<sup>7</sup> Point 2.3.4.

<sup>8</sup> Preliminary chapter.

<sup>9</sup> Point 2.1.75.

<sup>10</sup> Point 2.2.5.

### 439th meeting — Economic and financial affairs (Brussels, 14 March)

2.3.37. *President:* Mr Healey, United Kingdom Chancellor of the Exchequer.

*From the Commission:* Mr Ortoli, Mr Vredeling, Vice-Presidents.

*Medium-term economic policy:* The Council adopted the fourth medium-term economic policy programme.<sup>1</sup>

*Economic situation:* The Council made its first quarterly review of the economic situation in the Community.<sup>2</sup>

*Strengthening internal economic and financial cohesion:* On the basis of reports from the Monetary Committee and the Committee of Governors of the Central Banks, the Council held an exchange of views on certain suggestions in Mr Duisenberg's communication concerning target zones for exchange rates in the Community.<sup>3</sup>

*Preparations for the next meeting of the IMF Interim Committee:* The Council reviewed the preparation of various subjects likely to be on the agenda of the IMF Interim Committee.

*Export credits:* The Council adopted a decision on the guidelines to be applied to medium- and long-term export credits which enjoy official support.<sup>4</sup>

*Community loan:* The Council formally adopted the decision on the transformation of a tranche of a variable-rate Community loan into a fixed-rate loan.<sup>5</sup>

### 440th meeting — Agriculture (Brussels, 14 and 15 March)

2.3.38. *President:* Mr Silkin, United Kingdom Minister of Agriculture, Fisheries and Food.

*From the Commission:* Mr Gundelach, Vice-President.

*Farm prices:* The Council continued its examination of the Commission's proposals for the 1977/78 agricultural prices.<sup>6</sup>

*Fisheries:* The Council discussed in detail the preparation of certain interim measures in respect of fishing in the waters off the Irish coasts.<sup>7</sup>

*Milk:* The Council recorded some consensus on the principle underlying the Commission's proposal for a Regulation amending the Regulation laying down general rules for granting aid for skimmed-milk powder intended for use as feed.

### 441st meeting — Taxation

2.3.39. Postponed.

### 442nd meeting — Development cooperation (Brussels, 22 March)

2.3.40. *President:* Mrs Hart, United Kingdom Minister for Overseas Development.

*From the Commission:* Mr Cheysson, Member.

*Coordination and harmonization of development cooperation policies:* The Council noted an interim report from the Commission on progress already achieved and that which the Commission suggests be achieved in the near future in implementing the Resolution of 8 November 1976 on coordination and harmonization of development cooperation policies within the Community. Concerning operational coordination, the Council approved a Resolution on the coordination of Com-

<sup>1</sup> Point 2.1.2.

<sup>2</sup> Point 2.1.4.

<sup>3</sup> Point 2.1.3.

<sup>4</sup> Point 2.2.22.

<sup>5</sup> Point 2.1.5.

<sup>6</sup> Point 2.1.66.

<sup>7</sup> Point 2.1.75.

munity and Member States' emergency and humanitarian projects.<sup>1</sup>

*Development cooperation prospects:* With a view to achieve greater consistency between the development cooperation policies of the Community and of the Member States, the Council agreed to hold, at least once and if possible twice a year, a general discussion on certain fundamental problems arising in relations with the developing countries.<sup>2</sup>

*Aid for non-associated developing countries:* The Council held a preliminary policy debate on the proposal for a Regulation on Community financial and technical aid for non-associated developing countries.<sup>3</sup>

*Relations with non-governmental organizations:* The Council took note of an interim report from the Commission on the progress of relations between the Community and non-governmental organizations specializing in development and particularly in co-financing.<sup>4</sup>

*Food aid:* The Council reached agreement on the general aims of food aid, the criteria for selecting the recipient countries and determining quantities, an expedited decision procedure for emergency action in case of disasters of human origin, the possibility of triangular food-aid operations, certain special mobilization procedures for national food-aid measures in the form of cereals and certain procedural and administrative questions.<sup>5</sup>

The Council also formally adopted the Directive to facilitate the exercise by lawyers of the freedom to provide services.<sup>6</sup>

#### 443rd meeting — Taxation (Brussels, 22 March)

2.3.41. *President:* Mr Sheldon, United Kingdom Financial Secretary to the Treasury.

*From the Commission:* Mr Burke, Member.

*Sixth VAT Directive:* With a few adjustments to the text of the sixth Directive, the Council was

able to overcome the last difficulties raised by Belgium. Since two reservations were later lifted, all of the basic issues relating to the sixth VAT Directive have now been settled.<sup>7</sup>

#### 444th meeting — Agriculture (Brussels, 25 to 29 March)

2.3.42. *President:* Mr Silkin, United Kingdom Minister of Agriculture, Fisheries and Food.

*For the Commission:* Mr Gundelach, Vice-President.

*Agricultural prices:* The Council discussed in detail the agricultural prices for the marketing year 1977/78, but failed to reach any conclusions. It was therefore obliged to adjourn the discussion until its next meeting, scheduled for 25 and 26 April, and to extend the marketing year for beef and veal and milk products.<sup>8</sup>

*Fisheries:* After examining the Commission's proposal designed to resolve certain questions relating to catch quotas to be applied in the waters off the Irish coasts and the procedures concerning fishing in those waters, the Council found that no agreement could be reached on this proposal. It was agreed to continue the examination of this problem.<sup>9</sup>

#### 445th meeting — Energy (Brussels, 29 March)

2.3.43. *President:* Mr Benn, United Kingdom Secretary of State for Energy.

*From the Commission:* Mr Brunner, Member.

*Energy situation of the Community:* On the basis of a Communication from the Commission, the

<sup>1</sup> Point 2.2.11.

<sup>2</sup> Point 2.2.10.

<sup>3</sup> Point 2.2.12.

<sup>4</sup> Point 2.2.14.

<sup>5</sup> Point 2.2.13.

<sup>6</sup> Points 1.4.1 to 1.4.9.

<sup>7</sup> Point 2.1.39.

<sup>8</sup> Point 2.1.66.

<sup>9</sup> Point 2.1.75.



Council held an exchange of views on the political aspects of the energy situation of the Community. The Council reaffirmed its resolve to help to improve the balance of the world energy market by swift implementation of specific aspects of a European energy policy, by a determined effort to save energy and by the development of both traditional and new indigenous sources of energy. It was agreed to hold a general exchange of views on the energy situation twice a year.<sup>1</sup>

*Energy saving:* The Council held a policy debate on how to intensify the Community's energy-saving programme.<sup>2</sup>

*Refining:* The Council held a preliminary discussion on a Community approach to refining problems in the Community.<sup>3</sup>

*Euratom loans:* The Council empowered the Commission to issue Euratom loans totalling 500 000 000 EUA for the purpose of contributing to the financing of nuclear power stations.<sup>4</sup>

*Coal:* The Council discussed the situation on the common coal market.<sup>5</sup> Agreement was reached in principle on prolonging the present system of rules for coking coal until 1981.<sup>6</sup>

#### 446th meeting — Research (Brussels, 29 March)

2.3.44. *President:* Mr Kaufman, Minister of State, Department of Industry, of the United Kingdom.

*From the Commission:* Mr Brunner, Member.

*JET project:* For the fifth time, the Council failed to reach agreement on the choice of a site for the JET. It was agreed, however, to resume the discussion very shortly.<sup>7</sup>

*Multiannual research programme:* The Council formally approved the multiannual research programme of the Joint Research Centre (1977-80).<sup>8</sup>

The Council adopted, as a joint position, the finalized text of the sixth VAT Directive and decided to transmit it to the European Parliament in accordance with the conciliation procedure.<sup>9</sup>

## Commission

### Activities

2.3.45. The Commission's five meetings in March were devoted mainly to preparations for the European Council, the steel policy and matters relating to agriculture and fisheries.

*Situation on the butter market:* Following further major butter sales to the Soviet Union subsidized by the EAGGF the Commission consulted the Management Committee and decided to tighten controls on the issue of export licences. At the same time it announced that advance fixing of refunds on exports to Eastern Europe would be discontinued for the time being in view of the authorizations already issued.<sup>10</sup>

Once the Council has taken a decision on the proposals put to it by the Commission in February on reducing dairy surpluses, the Commission will look into ways of disposing of existing butter stocks, internally and otherwise, and present proposals to the Council.

*Steel industry:* The Commission reviewed the situation in the steel industry. Since the crisis which broke at the end of 1976 has steadily worsened, the Commission decided to retain the anti-crisis machinery introduced by the old Com-

<sup>1</sup> Point 2.1.95.

<sup>2</sup> Point 2.1.96.

<sup>3</sup> Point 2.1.98.

<sup>4</sup> Point 2.1.101.

<sup>5</sup> Point 2.1.99.

<sup>6</sup> Point 2.1.100.

<sup>7</sup> Point 2.1.109.

<sup>8</sup> Point 2.1.108.

<sup>9</sup> Point 2.1.39.

<sup>10</sup> Point 2.1.72.

mission for the second quarter of 1977; initial results have been encouraging.

At a special meeting the Commission adopted a series of steel policy guidelines, since put before the European Council, and a work schedule which should mean that the first decisions can be taken early in April.<sup>1</sup>

*Social Fund:* The Commission completed its review of the rules governing the European Social Fund. It approved its opinion to be addressed to the Council and adopted a number of proposals amending or supplementing the basic decision and the regulations implementing it.<sup>2</sup>

*Renewal of the European Regional Development Fund:* The Commission held an initial policy debate on renewal of the European Regional Development Fund. The present Fund was set up on an experimental basis for a three-year period expiring at the end of this year.

*Council meeting on research:* Following a further failure on the part of the Council to decide on a site for the JET project, the Commission expressed concern at this development, stressing that a setback here would have political as well as scientific implications. It intends to do its utmost to get another round of ministerial discussions off the ground in the near future.

*Energy policy:* The Commission held a wide-ranging discussion on aims and priorities in relation to energy policy. The Commission also adopted a communication to the Council on the situation in the petroleum refining industry.<sup>3</sup>

*Stabilization of developing countries' export earnings:* The Commission approved a communication to the Council on an international scheme to stabilize developing countries' export earnings from raw materials. The communication contains the broad outlines of a world-wide system. It gives estimates of the total cost and describes the two main variants on which discussion can now concentrate.<sup>4</sup>

*Information:* The Commission adopted a special information programme to be implemented this

year in preparation for direct elections. The programme is to be referred to the European Parliament, which has asked to see it before releasing the special appropriation of 1 million u.a. which it has voted for the purpose.<sup>5</sup>

*Budgetary problems:* The Commission adopted a communication to the Council and Parliament on the Community's budgetary problems and the 1978 Budget. This is intended as material for a policy debate by the Council (Finance and Foreign Affairs Ministers) on 5 April and then in Parliament, before work on the 1978 Budget begins in earnest.<sup>6</sup>

*Fundamental rights:* The Commission for its part approved the text of the common declaration by the European Parliament, the Council and the Commission on the respect of fundamental rights.<sup>7</sup>

*Administrative matters:* The Commission decided to appoint an administrative ombudsman who would report directly to Mr Tugendhat, Member with special responsibility for personnel and administration. The ombudsman would be accessible to all officials to assist and advise them in any difficulties they may have with the administration.

He would be in a position to make suggestions to department heads for dealing with personal problems brought to his attention. The existence of an ombudsman would in no way affect the right of officials to make use of the procedures provided for in the Staff Regulations (complaints under Article 90 and appeals to the Court of Justice).

<sup>1</sup> Points 2.1.4 to 2.1.17.

<sup>2</sup> Points 1.3.1 to 1.3.6.

<sup>3</sup> Point 2.1.98.

<sup>4</sup> Point 2.2.7.

<sup>5</sup> Point 2.3.3.

<sup>6</sup> Point 2.2.94.

<sup>7</sup> Preliminary chapter.

## Relations with workers' and employers' organizations

2.3.46. Discussions between trade unions and employers' associations and the Commission during May centred on three main topics: regional policy (Mr Giolitti), action to be taken in the steel industry (Mr Davignon and Mr Vredeling) and the functioning of freight markets.

Prior consultations with the European Trade Union Confederation (ETUC) and its Trade Union Committees covered working conditions and working hours, social security and freedom of movement for workers, priority action on behalf of migrant workers, tax harmonization, preparations for the energy symposium, the green paper and multinationals, cultural policy and the economic and employment situation in the glass industry.

## Court of Justice<sup>1</sup>

### New cases

*Case 29/77* — SA Roquette Frères, Lille v French State, represented by the customs authorities in Lille<sup>2</sup>

2.3.47. A French firm specializing in the manufacture of starch products from maize starch, which considered that it had wrongly been required to pay to the French authorities sums by way of monetary compensatory amounts pursuant to Regulation (EEC) No 652/76 changing the monetary compensatory amounts following changes in exchange rates for the French franc,<sup>3</sup> because the floating of the French franc in no way affected trade in the agricultural products in question, brought an action before the tribunal d'instance of Lille, which in turn referred to the Court of Justice on 1 March a number of preliminary questions on the interpretation of the regulation introducing those compensatory

amounts (Regulation (EEC) No 974/71<sup>4</sup>) and on the, validity of Regulation (EEC) No 652/76 referred to above.

*Case 30/77* — Regina v Pierre Bouchereau<sup>2</sup>

2.3.48. A French migrant worker residing in the United Kingdom is at present the subject of proceedings for the illegal possession of drugs and is threatened with expulsion. In hearing these criminal proceedings, the Marlborough Street Magistrates' Court asked the Court of Justice on 2 March for an interpretation of Article 3 of Directive 64/221/EEC on the coordination of special measures concerning the movement and residence of foreign nationals which are justified on grounds of public policy, public security or public health,<sup>5</sup> and of Article 48(3) of the EEC Treaty.

*Case 31/77* — Commission v United Kingdom<sup>2</sup>

2.3.49. On 11 March the Commission brought an action before the Court of Justice to establish that the United Kingdom has failed to comply with the Commission Decision of 17 February 1977<sup>6</sup> concerning an aid in the pigmeat sector in the United Kingdom.

*Case 32/77* — Antonio Giuliani, San Marco in Lamis v Landesversicherungsanstalt Schwaben, Augsburg<sup>7</sup>

2.3.50. In a case concerning the aggregation of pension rights acquired in two Member States, the Augsburg Sozialgericht referred to the Court of Justice on 14 March a number of preliminary questions calling into question the decisions of the Court with regard to the invalidity of Article

<sup>1</sup> For details, see text published by the Court of Justice in the Official Journal and the European Court Reports.

<sup>2</sup> OJ C 87 of 7.4.1977.

<sup>3</sup> OJ L 79 of 25.3.1976.

<sup>4</sup> OJ L 106 of 12.5.1971.

<sup>5</sup> OJ 56 of 4.4.1964.

<sup>6</sup> OJ L 54 of 26.2.1977.

<sup>7</sup> OJ C 97 of 20.4.1977.

46(3) of Regulation (EEC) No 1408/71<sup>1</sup> (Judgments 24/75<sup>2</sup> and 62/76<sup>3</sup>), stating in particular that as a result of those decisions a worker who had spent the whole of his working life in one Member State would be subject to discrimination as compared with a migrant worker.

*Case 33/77* — Kommanditgesellschaft in Firma A. Töpfer and Co., Hamburg, v Commission<sup>4</sup>

2.3.51. A German company specializing among other things in sugar trading brought an action before the Court of Justice on 21 March to annul Regulation (EEC) No 101/77<sup>5</sup> in so far as it introduces monetary compensatory amounts of sugar quota C, in respect of which no intervention measures have been laid down under the common organization of the market. This action is accompanied by a request for damages to compensate for losses which the firm claims to have suffered as a result of the application of the regulation complained of.

*Case 34/77* — Commission official v Commission<sup>4</sup>

2.3.52. A former Commission official brought an action before the Court of Justice on 23 March to annul the Commission Decision of 21 July 1976 withdrawing his post of Director and retiring him pursuant to Article 50 of the Staff Regulations.

*Case 35/77* — Mrs E. Beerens, spouse Ermine, Houthalen, v Rijksdienst voor Arbeidsvoorziening, Brussels

2.3.53. In hearing an action concerning the refusal by the Belgian authorities to pay unemployment benefits to a worker although he had received such benefits when he was residing in the Netherlands, the Arbeidsrechtbank of Hasselt asked the Court of Justice on 25 March to give a ruling on whether certain Netherlands laws relating to unemployment, which are regulations relating to assistance and not social security,

come within the scope of Article 69 of Regulation (EEC) No 1408/71,<sup>1</sup> which lays down the conditions and limits governing the maintenance of the right to unemployment benefit.

*Case 36/77* — Azienda di Stato per gli interventi sul mercato agricolo (AIMA), Rome, v R.M. Greco, Melendugno

2.3.54. In an action concerning the refusal by AIMA to grant aid to a commercial operator in the olive oil sector on the grounds that he was not a producer of olives, the Corte suprema di cassazione asked the Court of Justice on 28 March to interpret the expression 'olive oil producers' in Article 10 of Regulation (EEC) No 136/66 on the establishment of the common organization of the market in oils and fats<sup>6</sup> to establish whether such expression is equivalent to that of 'producers of olives' and whether a person who, having rented olive groves when the olives were already ripe, harvests them and extracts the oil may be considered as a producer of olive oil.

*Case 37/77* — F. Greco, Chatelineau, v Fonds national de retraite des ouvriers mineurs, Brussels

2.3.55. In hearing an action on the aggregation of disability pensions the rights to which had been acquired in several Member States, the Labour Court in Charleroi, following the example of several other courts, asked the Court of Justice on 30 March for a ruling on whether the limitation of such aggregation is compatible with Article 12(2) of Regulation (EEC) No 1408/71 (social security).<sup>1</sup>

<sup>1</sup> OJ L 149 of 5.7.1971.

<sup>2</sup> Bull. EC 10-1975, point 2444.

<sup>3</sup> Bull. EC 2-1977, point 2.3.49.

<sup>4</sup> OJ C 97 of 20.4.1977.

<sup>5</sup> OJ L 17 of 20.1.1977.

<sup>6</sup> OJ 173 of 30.9.1966.

## Judgments

*Cases 41, 43, 44/73 Interpr* — SA Générale Sucrière, Paris, and Others v Commission

2.3.56. In its Judgment of 16 December 1975 in the sugar cases, the Court reduced the fines that the Commission had imposed on certain sugar undertakings for infringement of the rules on competition.<sup>1</sup> The operative part of the judgment gave the amount to be paid in units of account and, in brackets, the equivalent in national currency, converted on the basis of the official par values of the International Monetary Fund.

As several undertakings paid their fines by remitting the equivalent in Italian lire, also converted on the basis of the official parity (which represents a saving of more than 35%), the Commission informed them that it considered the payments to be incomplete.

In order to resolve this dispute, certain undertakings requested the Court on 30 September 1976 for an interpretation of Article 3(b) of the operative part of the abovementioned judgment to determine whether the equivalent amount of national currency given in brackets is only by way of indication, or whether it determines the amount of their indebtedness to the Commission.<sup>2</sup>

In its judgment of 9 March the Court of Justice ruled that the extent of indebtedness resulting from the fines is determined by the amount fixed on the national currency of each undertaking, although the Commission is free to accept payment in another national currency of the Community. Conversion must in that case be made on the basis of the free rate of exchange applicable on the date of payment.

*Case 54/75* — Officials of the European Parliament v European Parliament

2.3.57. In its Judgment of 9 March the Court upheld this action to annul the election of the staff committee of the European Parliament held on 18 March 1975.<sup>3</sup>

*Cases 109 and 114/75* — National Carbonising Company Ltd., Mansfield, v Commission

2.3.58. In July 1975, the National Carbonising Company (NCC) submitted a complaint to the Commission accusing the National Coal Board (NCB) of distorting competition by selling to NCC coke and coal at a high price with a reduction on coal used for producing domestic coke sold in the United Kingdom (a practice prohibited by Article 60(1) of the ECSC Treaty). NCC also accused NCB of abusing its dominant position by fixing the price of domestic coke sold by its subsidiary at such a low level (compelling NCC to sell at the same price) that the margin between this price and that of coking coal has become too narrow for it to be produced at a profit. In addition, NCC accused the British Government of seeking to stop NCB from increasing its price for domestic coke (infringement of Article 61 of the ECSC Treaty).

On 16 October 1975, NCC brought before the Court of Justice an action for failure to act, against the Commission's implied decision refusing to take action on its complaint.

Following its action for failure to act, the NCC brought an action before the Court of Justice on 25 November 1975 to annul the Commission's decision or recommendation contained in a registered letter sent on 16 October 1975 to the applicant by the Commission in reply to its complaint of 21 July 1975. It also asked for damages to compensate for the closure of its two coke factories.<sup>4</sup>

At the request of the applicant, the Court removed this case from the register by Order of 2 March 1977.

<sup>1</sup> Bull. EC 12-1975, point 2434.

<sup>2</sup> Bull. EC 9-1976, point 2439.

<sup>3</sup> Bull. EC 6-1975, point 2435.

<sup>4</sup> Bull. EC 10-1975, point 2435 and 11-1975, point 2433.

*Case 44/76* — Firma Milch, Fett- und Eier-Kontor GmbH, Hamburg, v (1) Council and (2) Commission

2.3.59. Following a referral for a preliminary ruling by the Hamburg Finance Court (case 125/75),<sup>1</sup> a German company which exported butter to Czechoslovakia by forwarding it through Morocco in order to receive a higher refund brought proceedings for damages against the Council and Commission on the grounds that it had not received the refunds on the exports to Morocco.<sup>2</sup>

In its Judgment of 2 March the Court dismissed this action. The grounds for its decision are as follows: the amount of the refund depends on the conditions of the market on which the product in question is to be placed and therefore on the actual importation of the latter into the country of destination. Transit does not constitute actual importation of the product; for this to have taken place, it has to be given customs clearance.

*Cases 54 to 60/76* — Compagnie industrielle et agricole du comté de Lohéac, Sainte-Rose (Guadeloupe), v (1) Council and (2) Commission

2.3.60. Seven sugar producers carrying on business in Guadeloupe and Martinique brought actions for damages before the Court of Justice on 29 June 1976 in respect of the loss which they claimed to have suffered as a result of the fact that Community regulations relating to sugar (basic regulation and those laying down prices for each sugar marketing year) did not take account of the time lag between the harvest and sales periods in the French departments referred to above and the harvest and sales periods in the European territory of the Community. The Court dismissed these actions in its Judgment of 31 March.<sup>3</sup>

*Case 68/76* — Commission v French Republic

2.3.61. On 16 July 1976 the Commission brought an action before the Court of Justice

against France to establish that by making exports to the other Member States of potatoes falling within tariff heading No 07.01 a A III b of the Common Customs Tariff subject since 25 October 1975 to the submission of an export declaration stamped by FORMA, that country had failed to fulfil its obligations under Article 34 of the EEC Treaty.<sup>4</sup>

In its Judgment of 16 March the Court upheld this action.

*Case 74/76* — SpA Iannini & Volpi, Milan, v Ditta P. Meroni, Milan

2.3.62. On 26 July the Pretura di Milano asked the Court of Justice for a preliminary ruling on whether the charging of a duty on products such as paper, cardboard and cellulose, the proceeds of which are intended to subsidize national production of newsprint, constitutes a measure having equivalent effect to a quantitative restriction on imports and, if not, whether this duty is compatible with Article 95 of the EEC Treaty, having regard to the fact that in the case of domestic products it is calculated on the net price while in the case of imports the basis of calculation is the total price, including transport costs, insurance etc.<sup>5</sup>

This case follows indirectly on Case 94/74 (SpA ICAV v Ente Nazionale Cellulosa e Carta), in which the Court gave judgment on 18 June 1975.<sup>6</sup>

In its judgment of 22 March the Court ruled in particular that detailed rules relating to an aid which were not essential for its objective or functioning, and which contravened the prohibition of quantitative restrictions and measures having equivalent effect, could for this reason be considered incompatible with Article 30 of the EEC

<sup>1</sup> Bull. EC 12-1975, point 2429.

<sup>2</sup> Bull. EC 5-1976, point 2442.

<sup>3</sup> Bull. EC 6-1976, point 2435.

<sup>4</sup> Bull. EC 7/8-1976, point 2455.

<sup>5</sup> Bull. EC 7/8-1976, point 2460.

<sup>6</sup> Bull. EC 6-1975, point 2442.

Treaty, and that the fact that taxes or dues are levied by a public law body other than the State or on its behalf and constitute special charges or charges intended for a specific purpose could not exclude them from the scope of Article 95 of the EEC Treaty.

*Case 75/76* — (1) Miss S. Kaucic, Grimaco, Udine and (2) Miss A.M. Kaucic, Turin, v Institut national d'assurance maladie-invalidité, Brussels

2.3.63. The Belgian Cour de Cassation asked the Court of Justice on 28 July 1976 for a preliminary ruling on whether Articles 27 and 28 of Regulation No 3 on social security for migrant workers<sup>1</sup> preclude the application by an institution of a Member State of rules under its own law relating to the drawing of a benefit payable under such law concurrently with a benefit granted under the law of a non-member country with which the Member State is not linked by a bilateral convention on social security.<sup>2</sup>

In its Judgment of 10 March the Court ruled that these provisions did not exclude the application by an institution of a Member State, when calculating 'for the record' the amount of benefit to which the person concerned would have been entitled if all the insurance periods had been completed solely under the laws of that State, of a rule under its own law so as to reduce the theoretical amount by the amount of benefits received by the person concerned from a source situated outside the Community.

*Case 78/76* — Firma Steinike und Weinlig, Hamburg, v Federal Republic of Germany, represented by the Bundesamt für Ernährung und Fortwirtschaft, Frankfurt/Main

2.3.64. A German firm which imports concentrated citrus fruit juices from Italy and non-member countries and then processes them into syrups which are unfit for consumption is challenging the payment of a duty on the processing operation used to finance a central fund to promote German agriculture, forestry and the food-

stuffs industry on the grounds that the duty is contrary to the EEC Treaty.

The Verwaltungsgericht Frankfurt-am-Main, hearing the action, requested the Court of Justice on 2 August 1976 for a preliminary ruling on a number of questions including that of whether the procedure provided for in Article 93 of the EEC Treaty prevents a national court from referring a case for a preliminary ruling on the interpretation of Article 92, how that Article was to be interpreted, and whether the duty was compatible with, firstly, Articles 9, 12 and 13 and secondly Article 95.<sup>3</sup>

In its Judgment of 22 March the Court replied in the negative to the first question and gave various detailed explanations on the scope of Articles 92 and 95 of the EEC Treaty and on the concept of 'charges having an equivalent effect to customs duties'.

*Case 80/76* — North Kerry Milk Products Ltd, Dublin, v Minister for Agriculture and Fisheries

2.3.65. In an action concerning the method of calculating the Community aid granted for skimmed milk processed into casein, the High Court in Dublin asked the Court of Justice on 13 August 1976 for a preliminary ruling on the exchange rates between the Irish pound and the unit of account, namely whether the rate to be applied is that of the date of manufacture of the casein or of the date on which it is marketed. It should be noted that this is the first occasion on which a case has been referred for a preliminary ruling by an Irish Court.<sup>4</sup>

In its Judgment of 3 March the Court ruled that the rate to be taken into consideration is that applicable on the date on which the merchandise is marketed.

<sup>1</sup> OJ 30 of 16.1.2.1958.

<sup>2</sup> Bull. EC 7/8-1976, point 2461.

<sup>3</sup> Bull. EC 7/8-1976, point 2464.

<sup>4</sup> Bull. EC 7/8-1976, point 2466.

*Case 84/76* — Collic, Croas-Boulic en Plouguerneau, v Fonds d'orientation et de régularisation des marchés agricoles (FORMA), Paris

2.3.66. The Administrative Court of Rennes asked the Court of Justice on 25 August 1976 for a preliminary ruling on the interpretation of Article 2 of Regulation (EEC) No 2195/69 laying down the detailed rules for the application of the system of subsidies for slaughtering cows and incentives not to market milk and milk products,<sup>1</sup> particularly with regard to the compatibility of that Article with French Ministerial Circular No 4038 which deals with the method of converting beef cattle into units.<sup>2</sup>

In its Judgment of 1 March the Court ruled that the calculation of the number of livestock units had to be proportional to the length of time they had been on the farm.

*Case 86/76* — Gervais-Danone AG, Munich, v Hauptzollamt München-Schwanthalerstrasse (now Hauptzollamt München-Mitte)

2.3.67. In a case concerning the tariff classification of fat compounds containing 85% butter, the Bundesfinanzhof asked the Court of Justice on 13 September 1976 for an interpretation of heading No 15.13 of the Common Customs Tariff and also for a ruling on the validity of Regulation (EEC) No 496/69 on the classification of goods under subheadings Nos 21.07 D VIII and IX of the Common Customs Tariff<sup>3</sup> in that it does not specify the content of heading Nos 15.13 and 21.07 but amends them and is therefore not covered by Regulation (EEC) No 97/69 on measures to be taken for uniform application of the nomenclature of the Common Customs Tariff.<sup>4</sup>

In its Judgment of 23 March the Court of Justice ruled that heading No 15.13 of the Common Customs Tariff did not apply to fat compounds containing at least 85% butter even before the entry into force of Regulation (EEC) No 496/69.

*Case 87/76* — W. Bozzone, Masserano, v Office de sécurité sociale d'Outre-Mer, Brussels

2.3.68. In hearing an action brought by an Italian national residing in Italy concerning the payment of a disability allowance to which he had become entitled in the Belgian Congo before its independence, the Brussels Labour Court asked the Court of Justice on 15 September 1976 for a preliminary ruling on the compatibility of the residence clause contained in the colonial decree of 7 August 1952 on sickness or disability insurance for colonial employees<sup>5</sup> with the first subparagraph of Article 10(1) of Regulation (EEC) No 1408/71 on the application of social security schemes to employed persons and their families moving within the Community.<sup>6</sup>

In its Judgment of 31 March the Court of Justice ruled that this residence clause was incompatible with the abovementioned Community Regulation.

*Case 88/76* — Société pour l'exportation des sucres SA, Antwerp, v Commission

2.3.69. A Belgian sugar exporting company holding export licences certifying the refund fixed in connection with partial awards had requested the cancellation of unused licences pursuant to Regulation (EEC) No 557/76 on the exchange rates to be applied in agriculture<sup>7</sup> and Regulation (EEC) No 571/76 laying down detailed rules for the application of Regulation (EEC) No 557/76.<sup>8</sup> The competent body refused to grant this request on the basis of Regulation (EEC) No

<sup>1</sup> OJ L 278 of 5.11.1969.

<sup>2</sup> Bull. EC 7/8-1976, point 2470.

<sup>3</sup> OJ L 67 of 19.3.1969.

<sup>4</sup> OJ L 14 of 21.1.1969 and Bull. EC 9-1976, point 2429.

<sup>5</sup> Official Gazette of the Belgian Congo, 1952, Part I, p. 2236.

<sup>6</sup> OJ L 149 of 5.7.1971 and Bull. EC 9-1976, point 2430.

<sup>7</sup> OJ L 67 of 15.3.1976.

<sup>8</sup> OJ L 68 of 15.3.1976.



1579/76 laying down special detailed rules of application for sugar under Regulation (EEC) No 557/76,<sup>1</sup> which had meanwhile amended the previous regulations.

Following this refusal, the undertaking brought an action before the Court of Justice on 16 September 1976 to annul Article 1(2) of Regulation (EEC) No 1579/76 in so far as it abolishes the right to have such licences cancelled.<sup>2</sup>

In its Judgment of 31 March the Court discussed this action as inadmissible on the ground that the applicant had no interest in maintaining it, since it was dispensed from observing the last-named regulation by the mere fact that its publication in the Official Journal had been delayed.

*Case 93/76 — F. Liégeois, Marcinelle, v Office national des Pensions pour travailleurs salariés, Brussels*

2.3.70. In hearing a case concerning the regularization under the pension scheme for employed persons of periods of study completed in another Member State, the Charleroi Labour Court asked the Court of Justice on 28 September 1976 for a preliminary ruling on the interpretation of Article 9(2) of Regulation (EEC) No 1408/71 on the application of social security schemes to employed persons and their families moving within the Community,<sup>3</sup> and in particular on the question of whether the provisions of Belgian law which govern such regularization are such as to make insurance cover conditional upon the completion of an insurance period.<sup>4</sup>

In its judgment of 16 March the Court ruled that the expression 'voluntary or optional continued insurance' contained in the abovementioned provision covers the treatment of periods of study as periods of employment for insurance purposes, whether or not this involves the continuation of an insurance relationship entered into previously.

## Economic and Social Committee

### 147th plenary session

#### Opinions

##### *Regional development, unemployment and inflation*

2.3.71. With 7 abstentions, the Committee unanimously adopted an own-initiative Opinion on:

'How regional development helps solve unemployment and inflation by making for a more balanced distribution of the working population.'

The Committee took the view that regional policy can help not only to improve the employment situation in problem regions, but can also help to improve regional balance. This would alleviate certain pressures and make a significant contribution to the fight against inflation.

The Committee analysed a number of regional development experiments. In the light of the experiments, the Committee considers that the criteria for assessing the employment situation must be improved and that regional policy instruments must be put to better use in order to cope with the employment situation.

The Committee adopted the following criteria for analysing the employment situation in a given region:

- (i) high chronic employment;
- (ii) rapid fall in the percentage of the labour force engaged in farming;
- (iii) a high percentage of jobs in declining industries;
- (iv) structural under-employment;

<sup>1</sup> OJ L 172 of 1.7.1976.

<sup>2</sup> Bull. EC 9-1976, point 2431.

<sup>3</sup> OJ L 149 of 5.7.1971.

<sup>4</sup> Bull. EC 9-1976, point 2436.

- (v) emigration and net migration;
- (vi) rate of population growth and ageing of the population;
- (vii) average incomes and wages;
- (viii) the state of infrastructure.

The Committee calls for:

- (i) better regional and local statistics;
- (ii) definition of a common yardstick;
- (iii) greater attention to be paid to all these factors by the ERDF. The Committee stresses, however, that the areas receiving aid from the Fund coincide pretty well with the areas where unemployment is highest.

The Committee takes the view that the following rules are essential in the interests of more efficient use of the various regional policy instruments:

- (i) no single instrument is sufficient on its own. An overall blueprint is essential;
- (ii) aids which encourage the direct creation of jobs must be expanded, in conjunction with infrastructure aids which are necessary and complementary;
- (iii) as regards the jobs to be created, steps must be taken to prevent excessive reliance on one industry, independent establishments must be developed, and existing economic activity must be expanded. Vocational training facilities and employment opportunities in forestry must not be overlooked;
- (iv) if the jobs created are to be viable and durable, plans must be vetted and amenities must be developed so that handicaps to regional development can be phased out;
- (v) such measures to standardize development conditions are the best way of preventing competition distortions;
- (vi) Community aids must be better coordinated.

The Committee feels that regional policy also makes a contribution to the drive against infla-

tion. It helps to combat excessive congestion which apart from creating social pressures, pushes up the cost of collective investment.

At the same time it helps to align productivity conditions and in doing so reduces pressures on the wages and prices front.

The Committee therefore suggests that, under the auspices of the Commission, local-level regional policy planners should come together to exchange views and get to know more about the scope of and arrangements for the aid which the European Communities can contribute.

#### *Use of coal in power stations*

2.3.72. In this Opinion, adopted by 48 votes for with 18 abstentions, the Committee approves the aim of the Commission's proposal, namely, to increase the use of coal for electricity generation. But it wonders whether the means chosen are those best suited to achieve this objective. It, therefore, suggests that the system be reviewed to ensure that Community funds are used as efficiently as possible.

The Committee recognizes the primacy of the need to strengthen the Community's coal industry, to attain its coal production targets and to guarantee outlets for the coal so produced. All the necessary measures to this end should, it believes, be undertaken by the Community in the context of its coal policy under the ECSC Treaty.

The Committee, however, believes that this proposal should be considered solely in an overall energy context. It believes its objective should be simply to reduce dependence on oil, i.e. maximize the use of coal irrespective of origin. It also agrees that a priority must be given to projects using principally Community coal.

#### *Motor vehicles*

2.3.73. The Committee unanimously adopted its Opinions on the last proposals for Directives

which supplement and complete the programme for approximating Member States' laws relating to motor vehicles (tyres, wheel guards, passenger compartment heating, rear fog lamps, reversing lamps, parking lamps, windscreen wipers, defrosting systems, interior fittings, weights and dimensions). Subject to a number of observations, the Commission's proposals were approved.

The Committee also unanimously approved the proposal for a Directive concerning the type approval of motor vehicles and asked the Council to consider the proposal at the earliest opportunity.

*Rules governing turnover tax and excise duty applicable in international travel*

2.3.74. In its Opinion, adopted unanimously, the Committee approves the proposed Directive.

The Committee notes that currency depreciation and price increases have considerably reduced the real value of these exemptions (which have not been changed since 12 June 1972). Variations in exchange rates have also led to notable differences in the value of the exemptions calculated in the currency of each Member State.

The index-linking of the exemptions, together with their annual review, should put an end to these shortcomings.

*Export declaration form*

2.3.75. The Committee's Opinion, adopted unanimously, welcomes the plan to introduce a Community export declaration form based on the ECE layout key. It notes that numerous documents used in international trade are already based on this key.

The Committee regrets, however, that the continued divergence of national rules with regard to taxation, statistics and trade, etc., greatly increases the number of boxes reserved for national use in the new form.

*Water favourable to shellfish growth*

2.3.76. In this Opinion, adopted unanimously, the Committee stresses that a wider range of measures is needed in order to protect people consuming shellfish. It, therefore, urges that the Commission, with a minimum of delay, draft proposals designed to make sure that shellfish coming onto the market are perfectly healthy, irrespective of whether they come from Community water or are imported from outside.

*Power station siting*

2.3.77. Adopted by a large majority, with 1 vote against, this Opinion accepts the idea of developing common criteria and methodologies for site selection procedures in general throughout the Community. These would give Member States some guidance when choosing and approving sites. They could also make for objective public discussion. At the same time, the Committee believes that the task of selecting and approving individual sites must remain the exclusive responsibility of the Member States. Only the national governments can weigh up all the different technical, economic, environmental and land-use factors involved in each specific instance. It recommends that the text of the Resolution unambiguously reflect these views.

The Committee supports the creation of a body for consultation on criteria and methodologies. Its aim, it believes, should be to provide the Commission with the broadest range of the best technical advice.

The Commission went on to approve the draft Regulation on the introduction of a Community consultation procedure on power station sites in frontier regions. It endorsed the plan whereby the consultation process may be initiated for a particular site by:

(i) the Member State which considers that it is affected by the siting plans of another Member State;

- (ii) the Member State responsible for the project; or
- (iii) the Commission.

It believes that this procedure is preferable to any attempt to objectively define frontier regions.

### *Plant protection products*

2.3.78. The Committee unanimously approved the proposal for a Directive on the marketing of EEC-accepted plant protection products, but asked the Commission to make sure there was no conflict with the proposal for a Council Directive on the approximation of the laws, regulations and administrative provisions of Member States relating to the classification, packaging and labelling of pesticides.

The Committee felt that the Commission should have indicated more clearly what stages are to be gone through on the way to its ultimate objective, namely, upward alignment of the relevant national health protection regulations.

Concerning the proposal for a Directive on prohibiting the marketing and use of plant protection products containing certain active substances, the Committee observed that the proposed list of prohibited substances is not yet complete. It should be updated, as and when necessary, in the light of progress in scientific and technical knowledge.

### *Vinyl chloride monomer in packaging for foodstuffs*

2.3.79. By a large majority, with 1 vote against and 4 abstentions, the Committee approved the proposal and at the same time accepted the proposed maximum levels of vinyl chloride monomer, which have been worked out in the light of present technology and methods of analysis. It considers these levels, however, to be a strictly temporary precautionary measure, to be reviewed

later in a wider context and in the light of new scientific and technological knowledge.

The Committee feels that exposure to hazards must be limited as far as possible and that consideration should be given to other complementary measures.

Given the present state of scientific knowledge, the Committee cannot accept the principle of a tolerable level for a carcinogenic substance. The existence of a 'no-effect level' has never been proved.

Generally speaking, the Committee is aware of the fact that each separate packaging must be assessed from various angles, e.g. the toxicity of the constituents, hygiene, manufacturing cost, costs of disposal and recycling, and a raw material supplies' policy. The Committee therefore asks the Commission to examine these questions as a whole, not just in isolation.

### *Two-yearly reports on transport*

2.3.80. The Committee approved unanimously the Commission's proposal that the two-yearly reports on progress made towards aligning conditions of competition in the sectors of rail, road and inland waterway transport should be discontinued.

## **ECSC Consultative Committee**

### *182nd meeting*

2.3.81. The ECSC Consultative Committee met in Luxembourg with Mr Joe Gormley, the Committee Chairman, in the chair. The Commission was represented by Mr Vredeling, Vice-President, and Mr Davignon, Member.

*Steel*

2.3.82. The first item on the agenda was a discussion of the situation on the steel market; Mr Davignon opened the debate by outlining the Commission's intentions as regards steel policy. After discussing the reasons behind the crisis currently besetting the European steel industry, Mr Davignon stressed the need to make an immediate start on the structural reorganization of the Community's steel industry in order to make it economically stable and competitive and to create harmonious industrial relations. In concrete terms this means that production objectives and investment programmes will have to be reviewed not only on the basis of technical considerations but also in the light of regional and social requirements. For this the Commission will make full use of the scope offered by Articles 54 and 56 of the ECSC Treaty.

There can be no denying that imports have affected prices, but this is not the only reason for the deterioration in the price situation.

Mr Davignon stated that at the forthcoming meeting of the European Council the Commission would draw the attention of the Heads of State or Government to the seriousness of the situation in the steel industry and to the need to develop a Community plan of action as quickly as possible; following this, early in April, it would put forward proposals for regulations concerning the revision of the general objectives for steel, the introduction of automatic licences, measures concerning concrete reinforcing bars based on Article 61 (minimum prices), and the freeing of additional resources for conversion measures and social measures.

Following Mr Davignon's statement, Mr Vredeling went on to outline the social policy aspects, specifying that the Commission will endeavour to obtain further resources in order to assist regions or branches of the industry which are in difficulty.

Speaking for the steel producers, Mr Ferry approved the statements of the two Members of the Commission and the principles on which the Commission's plan is based. Mr Ferry welcomed particularly the Commission's intention to make all Community producers subject to the same rules and he added that it is equally important that the Commission should continue to make representations to producers in non-member countries which export to Community markets so that they would respect the same disciplines as the Community producers. Mr Ferry then presented a draft resolution which had been adopted by Community steel producers, pointing out that it fitted in fairly harmoniously with the plan outlined by Mr Davignon. Subject to a few amendments proposed by the workers' group, this draft resolution was adopted by a large majority.

The workers generally approved Mr Davignon's statement. They called on the Commission to ensure that national schemes dovetailed into a European plan and hoped that the trade unions would be consulted in order to avoid unjustified investment.

The consumers called on the Commission to ensure that the decisions which have to be taken do not lead to reprisals which would hit the steel-working industries and whose harmful effects would outweigh the benefit obtained by Community steel producers.

*Coal*

2.3.83. The Committee then examined the state of the Community's coal industry and the general coal market situation in 1976 and the outlook for the current year.

A draft resolution presented by Mr Ezra concerning Community financial aid to promote the use of coal in power stations was adopted. Points made during the discussions were that guaranteed outlets must exist for coal production and that an example should be taken from what is

being done for steel and in particular a very close watch kept on imports from outside the Community. Negotiations must therefore be opened with the exporting countries and at the same time aid continued for European coal production (aid for coking coal, storage aid, aid for supplying power stations and investment aid).

The Commission representative pointed out that 50 million EUA will be devoted annually to financing stocks. Over and above this there would be national aid. Proposals would be put to the Energy Ministers at their next meeting to tighten import controls, to draw up an annual plan for imports and to introduce a system of automatic licences.

The Commission feels that the Community and the Member States, including those which are not coal producers, must bear in mind the need to ensure security of supplies and to take steps to expand the intra-Community coal market.

## European Investment Bank

### Loans raised

2.3.84. The European Investment Bank has launched a US \$ bond issue on the international capital market divided into three tranches: one for US \$75 million of 7-year bonds; a second for US \$50 million of 10-year bonds and the third for US \$50 million of 15-year bonds.

The issue has been underwritten by an international banking syndicate.

The 7-year bonds carry a coupon of 8%, payable annually, and were offered for public subscription at 100.25%. The yield calculated on the total lifetime of the bonds is 7.95%. They are redeemable at par at term.

The 10-year bonds carry a coupon of 8.25%, payable annually, and were offered for public subscription at 99.75%. The yield based on the total

lifetime is 8.29%. They are redeemable at par at term. The EIB will be entitled, from 1 April 1984 onwards, to redeem in advance, at progressively reducing premiums, all or some of the bonds in circulation.

The 15-year bonds carry a coupon of 8.75%, payable annually, and were offered for public subscription at par. They are redeemable at par at term. However, the contract includes a 'purchase fund clause' enabling the buying back of US \$2 million of bonds each year between 1977 and 1987 and of US \$5 million of bonds each year thereafter at prices not exceeding par. The EIB will also be entitled, from 1 April 1987 onwards, to redeem in advance, at progressively reducing premiums, all or some of the bonds in circulation.

The issue will be listed on the Luxembourg stock exchange.

### Loans granted

#### *Denmark*

2.3.85. Two loans totalling the equivalent of DKr 69.15 million (10.6 million EUA) have been provided by the Bank in Denmark.

The larger part of this sum, DKr 55 million, has been granted to the Danish electricity producer Elektricitetsselskabet Isefjordværket Interessentskab (IFV) for 12 years at an interest rate of 8 $\frac{7}{8}$ %. It will contribute towards the cost, estimated at DKr 136 million, of converting an oil-fired 255 MW generating unit at the Asnaes power station near Kalundborg, Zealand, to enable it also to burn coal. This two-fuel flexibility already exists in three other generating units (total net capacity 505 MW) at the same power station.

The remaining DKr 14.15 million has been provided in the form of a global loan, for 10 years at an interest rate of 8 $\frac{7}{8}$ %, to Finansieringsinstituttet for Industri og Handværk. The funds will be on-lent, with the EIB's agreement in each case,

to help to finance various small and medium-sized industrial ventures in less developed parts of the country.

### *France*

2.3.86. The Bank has granted Electricité de France two loans totalling the equivalent of FF 322.3 million (57.4 million EUA) towards financing two nuclear power stations, one at Bugey on the Rhône, the other at Dampierre on the Loire.

The loan for Bugey nuclear power station, for the equivalent of FF 153.8 million, has been granted for 12 years. It will help to finance construction of the fourth section of this station which is being built at Saint Vulbas (Ain) and which is to be equipped with a pressurized water reactor with a net capacity of 905 MW. The EIB has previously provided six loans totalling FF 618.6 million for constructing the second, third and fourth sections of this station. After a fifth section is completed in 1979 Bugey will have a total net capacity of about 4 200 MW.

The second loan will go towards financing the first section of the power station at Dampierre at Burly (Loiret). An amount equivalent to FF 168.5 million is being made available in US dollars for 20 years. The project entails installation of a pressurized water reactor with a net capacity of 905 MW. When the last of a further three sections is completed in 1981, the total net capacity of the station will be 3 620 MW.

### *Italy*

2.3.87. A loan totalling the equivalent of Lit 6 500 million (6.6 million EUA) has been provided by the Bank for the extension of a petrochemicals complex in Apulia, in the Italian Mezzogiorno.

It has been granted for 8 years at an interest rate of 8¼% to ISVEIMER-Istituto per lo Sviluppo Economico dell'Italia Meridionale. The funds will

be on-lent to Montedison SpA to contribute to the financing of additional facilities including anti-pollution equipment at three manufacturing units (producing ethylene oxide, polypropylene and low density polythene) at the company's Brindisi complex.

The project is expected to cost about Lit 16 000 million and by improving the competitive position of the works will safeguard the employment provided there.

### *United Kingdom*

2.3.88. A loan equivalent to £14 million (21.1 million EUA) has been made to the British Steel Corporation for extending the steel processing plant at the Corporation's Ravenscraig Works at Motherwell in Scotland. The conditions are 12 years at an interest rate of 8½%.

The funds will be used to help to finance the installation of a third continuous casting machine, capable of a weekly production of 12 000 tonnes of slabs (semi-finished products to be fed to the strip and plate mills for further processing).

Due for completion in the spring of 1979 and estimated to cost about £35 million (fixed assets), the project will lead to the employment of about 120 people, as part of an increase in employment associated with the development of Ravenscraig Works, where liquid steel production is being doubled from 1.5 to 3.2 million tonnes per year.

### *Austria*

2.3.89. The Bank has provided finance to help to increase the transmission capacity of the Trans-Austria Gasline (TAG) which runs from the Czech border to the Italian frontier, bringing supplies of natural gas from the Soviet Union to the Community.

A loan of 4.7 million EUA has been granted in Swiss francs (13 million) to the Italian group ENI—

Ente Nazionale Idrocarburi—for 7 years, with repayment at term, at an interest rate of 6 $\frac{3}{8}$ %.

The funds will be used to contribute towards the cost of uprating compressor stations at Baumgarten, Ruden and Grafendorf which will permit the transmission of about 11 000 million m<sup>3</sup> of gas per year.

In view of the considerable importance the TAG plays in helping to meet the Community's growing energy needs, the EIB's Board of Governors gave special authorization, in 1973, for the Bank's intervention in a non-Community country.

A loan of Lit 17 350 million was granted to ENI for construction of the gasline. A loan of FF 110 million was also made to Gaz de France to pay for transit rights in the pipeline system of which TAG is part.

### *Tanzania*

2.3.90. Under the terms of the Lomé Convention, the Bank has agreed to provide assistance to industrial development in Tanzania in the form of risk capital.

The operation will comprise the purchase by the Bank of convertible bonds to the value of 2.5 million EUA (equivalent to 23.3 million Tanzania shillings) to be issued by the Tanganyika Development Finance Company Ltd (TDFL). This will be the EIB's first intervention in Tanzania.

The funds to be provided to TDFL will be used by that company, with the Bank's agreement in each case, to finance various industrial ventures throughout the country.

This operation is financed from the sum of 95 million EUA provided under the Lomé Convention for various forms of risk capital assistance, the management of which is entrusted to the EIB.

The Tanganyika Development Finance Company Ltd was established in 1962 and its shares are held equally by the government-owned Tanzania

Investment Bank (TIB) and three development agencies of EEC member countries: the Commonwealth Development Corporation (CDC) of the United Kingdom, the Deutsche Gesellschaft für wirtschaftliche Zusammenarbeit (Entwicklungsgesellschaft) mbH (DEG) and the Nederlandse Financieringsmaatschappij voor Ontwikkelingslanden NV (FMO).

### *Ivory Coast*

2.3.91. Two loans totalling 9 150 000 EUA (about CFA F 2 570 million) have been granted by the EIB under the terms of the Lomé Convention in support of an industrial venture and a hotel project in Abidjan, Ivory Coast.

The larger of the two loans, for 7.5 million EUA (about CFA F 2 100 million) has been made available to Palmindustrie, a State-owned company, for 13 years at an interest rate of 6 $\frac{1}{2}$ %, after allowing for a 3% interest subsidy from the resources of the European Development Fund, as provided for under the Convention. The funds will be used to part-finance a palm and coconut oil mill, directly creating some 200 jobs, the total cost of the project being CFA F 4 890 million.

The second loan, worth 1.65 million EUA (about CFA F 460 million), provided for 13 years at an interest rate of 6 $\frac{1}{2}$ % (after deducting the interest subsidy), has gone to Société Immobilière de la Lagune of which the promoters and shareholders are SCOA and Novotel (Société d'Investissements et d'Exploitations Hôtelières - France).

The proceeds will be used for constructing a 288-room hotel, to be run under the name Novotel, on the banks of the lagoon in the centre of Abidjan, providing more than 300 new jobs.

This project, estimated to cost a total of CFA F 2 843 million will boost hotel capacity in the Abidjan conurbation, which is of major importance to the country's development, both as an administrative and business centre and hub of tourism.



## Financing Community activities

### General budget

#### First supplementary and amending budget for 1977

2.3.92. On 23 March the Commission approved the preliminary draft of the first supplementary budget for 1977.

This preliminary draft budget, which has been sent to the Budgetary Authority, is a supplementary budget, but also exhibits the features of an amending budget for the following reasons:

1. Additional appropriations are required in certain fields, primarily for the EAGGF Guarantee Section and for staff appropriations (the adjustment in this sector is of a technical nature and will be largely offset by a corresponding increase in revenue).
2. In other areas (particularly research) the proposed budget is of an amending nature; the proposed amendments consist basically of a number of internal adjustments of appropriations.
3. The same is true of the various other proposals (guarantees for EIB loans, cooperation with Arab countries, creation and reclassification of a limited number of posts, creation of the framework for the Court of Auditors) which do not at present necessitate entering additional appropriations in the budget.
4. As regards the statement of revenue, the proposal simultaneously serves as a supplementary budget by virtue of the overall increase in expenditure which it involves, and as an amending budget by virtue of the revision of own resources forecasts (agricultural and sugar levies) which it comprises.

The Commission stresses that its intention in presenting this proposal has been to group together in one document—in accordance with the

frequently-expressed wishes of the Budgetary Authority—the various factors necessitating recourse to the procedure of a supplementary and amending budget in 1977.

As regards the EAGGF Guarantee Section, the Commission had already submitted a document to the Budgetary Authority on 14 February 1977 setting out the financial implications of the agricultural price proposals and the related measures for 1977/78.<sup>1</sup>

The Commission, in submitting to the Council a detailed analysis of the financial implications of the price proposals and informing the Council of the appropriation requirements for the EAGGF Guarantee Section—estimated at 7% of the appropriations authorized for 1977—gave notice that it would be introducing a supplementary budget in March.

On the basis of the Commission's proposal and the present agricultural and monetary situation, the additional appropriation requirement for the sector concerned with agricultural market policy, including the agrimonetary chapters and the agricultural section of Chapter 100 (provisional appropriations), amounts to 482.2 million EUA.

The Commission will send the Budgetary Authority a letter of amendment to the preliminary draft of the first supplementary and amending budget in the light of the Council decision on agricultural prices and related measures for 1977/78, expected at the Council meeting of 25 April.

#### Budgetary procedure — Parliament's room for manoeuvre

*The Commission's reflections on the application of Articles 203/EEC, 177/EAEC and 78/ECSC following the introduction of differentiated appropriations*

2.3.93. On 16 March the Commission transmitted to the Council and Parliament a Communi-

<sup>1</sup> Bull. EC 2-1977, point 1.3.7.

*Comparison between the 1977 general budget and the effect of the first supplementary and amending budget for 1977 (appropriations for payment)*

Sector	Appropriations in the 1977 general budget	Changes under first supplementary and amending budget 1977	New appropriations.
<b>Commission</b>			
<i>Intervention appropriations</i>			
Agriculture	6 581 503 500	+ 482 200 000	7 063 703 500
Social sector	189 597 000	—	189 597 000
Regional sector	400 000 000	—	400 000 000
Research, energy, industry, transport	236 625 188	- 1 694 718	234 930 470
Development cooperation	269 688 200	+ 191 900 <sup>1</sup>	269 880 100
	7 677 413 888	+ 480 697 182	8 158 111 070
<i>Administrative appropriations</i>			
Staff	268 455 100	- 20 655 800 <sup>2</sup>	289 110 900
Administration	85 728 740	—	85 728 740
Information	8 090 000	—	8 090 000
Aids and subsidies	23 660 900	+ 727 300 <sup>3</sup>	24 388 200
	385 934 740	+ 21 383 100	407 317 840
<i>Contingency reserve</i>	4 000 000	—	4 000 000
<i>Refund to Member States of 10% of own resources</i>	584 578 912	23 505 013	608 083 925
Commission: total	8 651 927 540	525 585 295	9 177 512 835
<b>Other institutions (administrative appropriations only)</b>	148 099 329	+ 5 287 087	153 386 416
Grand total	8 800 026 869	+ 530 872 382	9 330 899 251

<sup>1</sup> This amount corresponds to the effect of the incorporation of the salary weightings in the basic salary scales for the European Cooperation Agency (Item 9430).

<sup>2</sup> This amount corresponds to the effect of the incorporation of the salary weightings in the basic salary scales under Chapters 10, 11 and 12.

<sup>3</sup> This amount corresponds to the effect of the incorporation of the salary weightings in the basic salary scales for the European Schools (Article 289) and the Supply Agency (Article 280).

ation on the application of Article 203 of the EEC Treaty, Article 177 of the EAEC Treaty and Article 78 of the ECSC Treaty following the introduction of differentiated appropriations (distinction between appropriations for commitment and appropriations for payment).

These articles provide that the increase in non-compulsory expenditure from one year to the next must generally be kept within a 'maximum rate' determined each year on the basis of pre-established parameters and that Parliament has special power in this area (for it has what is known as its room for manoeuvre corresponding to one-half of the maximum rate, and has the last word on this expenditure).

Now that the distinction between appropriations for commitment and for payment made by the budgetary authority in 1977 as regards certain areas of expenditure—such as the Social Fund, the EAGGF Guidance Section and energy—has been extended beyond the areas where it was traditionally made—Regional Fund and research appropriations—problems are arising in the interpretation of the relevant Treaty articles. The question is whether, for the determination of the figure to which the maximum rate applies and hence of Parliament's room for manoeuvre, appropriations for commitment or appropriations for payment are to be taken into consideration.

Late in 1976 the budgetary authority asked the Commission to make suggestions on this point. The Commission's Communication of 16 March sets out its views. To sum up, the Commission suggests taking the appropriations for commitment as the basis for applying the relevant articles: these are the appropriations which truly express the financial implications of measures covered by the budget. Appropriations for payment flow automatically from the entry of appropriations for commitment and are therefore very much of secondary importance.

## Overall assessment of budgetary problems

### *Joint Council meeting of foreign and finance ministers*

2.3.94. On 18 March the Commission forwarded to the Budgetary Authority a communication on the overall assessment of the Community's budgetary problems. Following the stimulus given by the European Council at its meeting on 1 and 2 December 1975, a joint Council meeting of foreign and finance ministers took place in Luxembourg for the first time on 5 April 1976 and conducted, in collaboration with the commission, an overall assessment of budgetary problems in the context of general Community policy.<sup>1</sup>

As the 1976 experiment proved useful, the Council agreed to organize a similar meeting on 5 April 1977. The Commission's communication is intended to serve as a basis for its discussions.

The communication has also been sent to the Parliament, as one of the holders of budgetary authority, to enable it to express an opinion on the guidelines set out in this document.

The Commission is drawing the attention of the Budgetary Authority to measures at the institutional level (decision on the uniform assessment base for VAT, the introduction of the EUA, the creation of the Court of Auditors, the interpretation of Articles 203 of the EEC Treaty, 177 of the EAEC Treaty and 78 of the ECSC Treaty, the adoption of the amended Financial Regulation and the strengthening of financial control) and is also asking for guidelines on the priorities in implementing policies such as the common agricultural policy, employment policy (Social Fund and European Regional Development Fund) and energy policy.

<sup>1</sup> Bull. EC 4-1976, point 2447.

## Financial Regulation

2.3.95. Following the Opinion given by Parliament on 14 December 1976,<sup>1</sup> the Commission has amended its proposal<sup>2</sup> for a Regulation amending the Financial Regulation of 25 April 1973.<sup>3</sup> The Commission has no objection to most of the amendments suggested by Parliament, which will improve the proposal without affecting its general scheme. On some articles, however, the Commission felt obliged either to amend the amendments or simply to prefer its original text. The amended proposal was transmitted to the Council and Parliament on 11 March.

## Own resources

### *Financial Regulation concerning VAT*

2.3.96. As the common assessment bases for VAT are now covered by an agreement between the Member States,<sup>4</sup> the sixth VAT Directive will finally be approved by the Council between now and the end of April, once Parliament has given its opinion. This necessitates the implementation from 1 January 1978 of Article 4 of the Decision of 21 April 1970 stating that the Communities' own resources shall include customs duties and agricultural levies and also those accruing from the value added tax and obtained by applying a rate not exceeding 1% to an assessment basis which is determined in a uniform manner for Member States according to Community rules.

At its meeting on 21 October 1976 the Council asked the Commission to submit a memorandum outlining the principles for collecting VAT own resources.

On 17 November 1976 the Commission forwarded to the Council a working paper by its departments entitled 'Guidelines for a Financial Regulation concerning the establishment and making available by the Community of own re-

sources accruing from VAT'.<sup>5</sup> These guidelines form the basis of a draft Council Regulation which is currently in process of being approved by the Commission before being sent to the Council.

## ECSC financial operations

### Loans raised

2.3.97. The Commission conducted the following operations during March:

— A US \$25 million private placement. The bonds bear interest at the nominal rate of 7.75% payable annually over a period of five years seven months. The bonds were offered to the public at par.

— A DM 19 800 000 private placement at an annual rate of 7% for 12 years.

— A bond issue of 25 million Canadian dollars. This was underwritten by an international syndicate of banks. The bonds bear interest at the nominal rate of 9% payable annually for 7 years. The bonds were issued to the public at 100.50% of their nominal value.

### Loans granted

#### *Loans paid*

2.3.98. Under the General Objectives and pursuant to Articles 54 and 56 of the Treaty the Commission granted a total of 95.2 million EUA in loans during February and March.

This sum is distributed over the following three types of loan:

<sup>1</sup> Bull. EC 12-1976, point 2409.

<sup>2</sup> Bull. EC 5-1976, point 2469, and 9-1976, point 2461.

<sup>3</sup> OJ L 116 of 1.5.1973.

<sup>4</sup> Council meeting of 22 March devoted to taxation; point 2.3.41.

<sup>5</sup> Bull. EC 11-1976, point 2477.

**Industrial loans**

The industrial loans (Article 54) paid during the period in question amounted to 92.3 million EUA. They were made to three undertakings to finance the following programmes:

*Coal industry*

Rationalization and modernization of collieries:  
Charbonnages de France, Paris (Houillères du Bassin de Lorraine, Simon, Wendel et Merlebach collieries);

Ruhrkohle AG, Essen (Franz Haniel and Prosper; General Blumenthal and Ewald-Fortsetzung; Gneisenau; Heinrich Robert collieries).

*Iron and steel industry*

— Infrastructure project:

British Steel Corporation, London (project at Hunterston, Scotland).

— Rationalization of pig-iron and steel production:

British Steel Corporation, London (Redcar Works).

**Redeployment loans**

One redeployment loan (Article 56) was granted in the period under consideration to facilitate the creation of new activities to provide employment for workers already redundant or about to be made redundant; the loan amounted to 0.5 million EUA. The recipient was:

France: Pays de la Loire.

**Loans for the construction of low-cost housing**

Loans for the construction of low-cost housing totalled 2.4 million EUA during the same period.

*Loan decisions*

2.3.99. In February and March the Commission also took a number of decisions on the granting of loans and obtained the Council's assent to the granting of two others. The loans decided on total 154.2 million EUA—131.0 million EUA to industry and 23.2 million EUA for the redeployment of workers.

**Industrial loans***Coal industry*

Rationalization and modernization of collieries:  
National Coal Board, London (all NCB collieries).

Research and Training Centre:

National Coal Board, London (Stanhope Bretby Centre, Burton on Trent).

*Iron and steel industry*

Power generating plant:

British Steel Corporation, London (Appleby-Frodingham Works, Scunthorpe).

Rationalization of pig-iron and steel production:  
British Steel Corporation, London (Ravenscraig Works, Scotland) and Italsider SpA, Genoa (Genova-Cornigliano and Genova-Campi Works).

Environmental protection:

Italsider SpA, Genoa (Genova-Cornigliano Works).

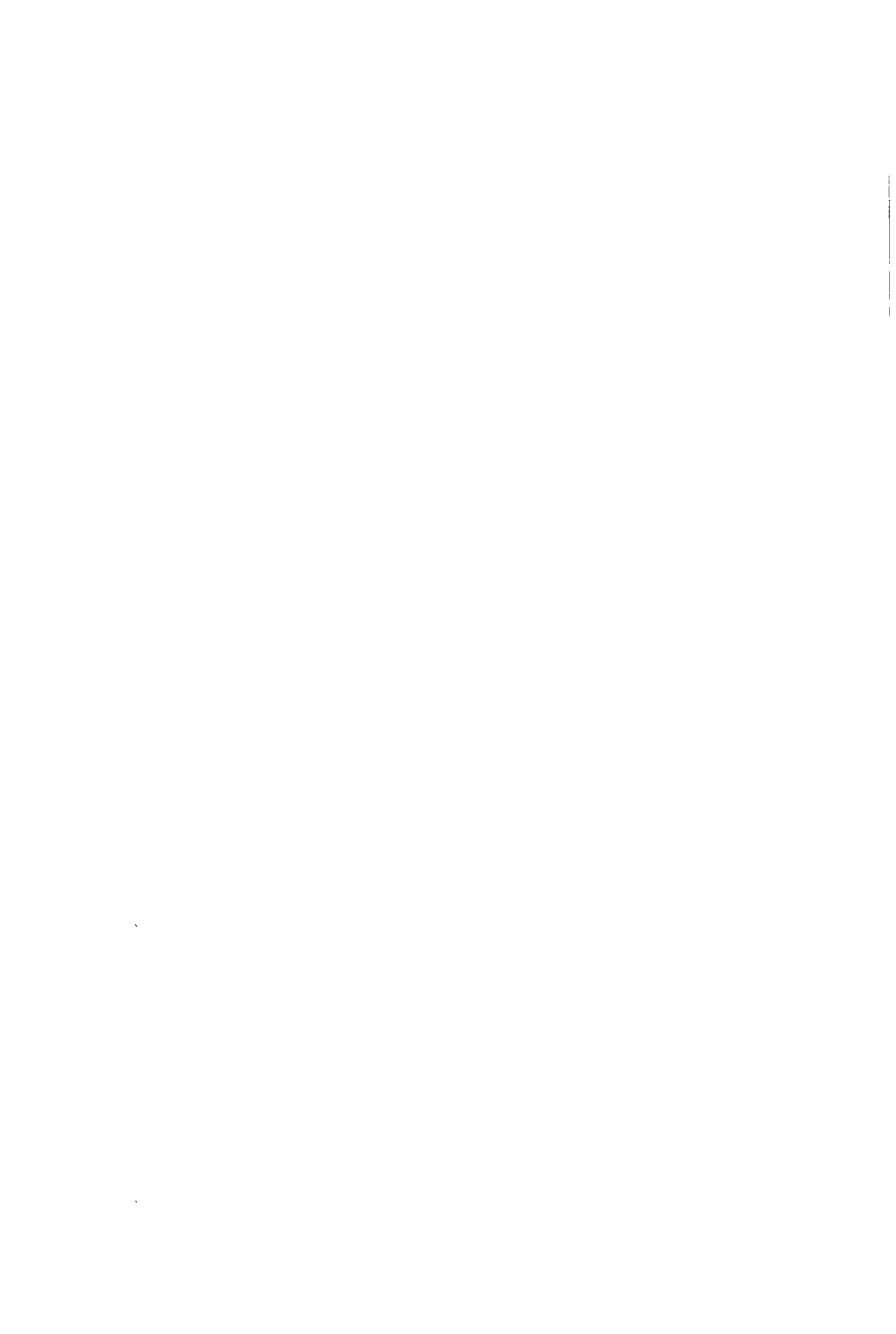
*Overseas project*

Coking coal mine:

Gewerkschaft Norbert Metz, Herzogenrath (Red Ash Sales Company, Inc., West Virginia, USA).

**Conversion loans**

France — Lorraine.





**PART THREE**

**DOCUMENTATION**

# 1. Additional references in the Official Journal

*3.1.1.* This section lists the titles of legal instruments and notices of Community institutions or organs published in the Official Journal during the month under review but relating to items appearing in earlier issues of the Bulletin; the references were not available when the Bulletin went to press.

The number of the Bulletin and the point to which this additional information refers is followed by the title shown on the cover of the Official Journal, the number of the issue and the date of publication.

## **Bull. EC 7/8-1976**

### *Point 2482*

Membership of the ECSC Consultative Committee.  
OJ C 69 of 19.3.1977.

## **Bull. EC 11-1976**

### *Point 2435*

Opinion on the proposal for a Council Decision reviewing the energy research and development programme adopted by Council Decision 75/510/EEC of 22 August 1975.  
OJ C 56 of 7.3.1977.

### *Point 2457*

Opinion on the fourth medium-term economic policy programme of the Community (1976 to 1980).  
OJ C 56 of 7.3.1977.

### *Point 2458*

Opinion on the proposal for a Council Regulation temporarily suspending certain national and Community aids in the milk and milk products sector.  
OJ C 56 of 7.3.1977.

### *Point 2459*

Opinion on the main measures to be taken to help unem-

ployed young people, women and elderly workers and women wishing to resume gainful employment.  
OJ C 56 of 7.3.1977

### *Point 2460*

Opinion on the first annual report on the European Regional Development Fund 1975 and the summary analysis of annual information 1976.  
OJ C 56 of 7.3.1977.

### *Point 2461*

Opinion on the proposal for a Council Regulation containing provisions to enable the International Atomic Energy Agency to carry out inspections and verifications in the territories of the Member States of the European Atomic Energy Community.  
OJ C 56 of 7.3.1977.

### *Point 2462*

Opinion on the recommendation of the Commission concerning the progressive extension of social protection to categories of persons not covered by existing schemes or inadequately protected.  
OJ C 56 of 7.3.1977.

### *Point 2464*

Opinion on the proposal for a Council Directive on the approximation of the laws of the Member States relating to articles of precious metals.  
OJ C 56 of 7.3.1977.

### *Point 2465*

Opinion on the proposal for a Council Decision adopting a technological research programme for the footwear sector.  
OJ C 56 of 7.3.1977.

### *Point 2466*

Opinion on the proposal for a Council Regulation establishing a European agency for trade cooperation with the developing countries.  
OJ C 56 of 7.3.1977.



**Bull. EC 12-1976**

*Point 2276*

Assent No 30/76 given by the Council at its 433rd meeting held on 21 December 1976.

OJ C 72 of 23.3.1977.

*Point 2345*

Adoption of projects financed by the European Development Fund.

OJ C 76 of 19.3.1977.

*Point 2460*

Opinion on the proposal for a Council Directive concerning mutual assistance by the competent authorities of Member States in the field of direct taxation.

OJ C 56 of 7.3.1977.

*Point 2461*

Opinion on the proposal for a Council Regulation amending Regulation (EEC) No 3330/75 extending Regulation (EEC) No 1174/68 on the introduction of a system of bracket tariffs for the carriage of goods by road between Member States.

OJ C 56 of 7.3.1977.

*Point 2462*

Opinion on the proposal for a Council Regulation concluding the agreement establishing a European laying-up fund for inland waterway vessels, and adopting the provisions for its implementation.

OJ C 56 of 7.3.1977.

*Point 2463*

Opinion on the proposal for a Council Directive supplementing, with regard to the chilling process, amended Directive 71/118/EEC on health problems affecting trade in fresh poultrymeat.

OJ C 56 of 7.3.1977.

*Point 2464*

Opinion on the proposal for a Council Decision concluding a convention for the protection of the Rhine against chemical pollution and an Additional Agreement to the Agreement

Bull. EC 3-1977

signed in Berne on 29 April 1963 concerning the International Commission for the Protection of the Rhine against Pollution.  
OJ C 56 of 7.3.1977.

*Point 2465*

Opinions on the communication from the Commission to the Council on action in the field of transport infrastructure; proposal for a Council Decision instituting a consultation procedure and creating a committee in the field of transport infrastructure; proposal for a Council Regulation concerning aid to projects of Community interest in the field of transport infrastructure.

OJ C 56 of 7.3.1977.

*Point 2466*

Opinion on the proposal for a Council Regulation on the procedure for applying the European unit of account (EUA) to the legal acts adopted by the institutions of the European Communities.

OJ C 56 of 7.3.1977.

*Point 2467*

Opinion on the proposal for a Council Directive amending the Directive of 15 March 1976 on mutual assistance for the recovery of claims resulting from operations forming part of the system of financing the European Agricultural Guidance and Guarantee Fund, and of agricultural levies and customs duties.

OJ C 56 of 7.3.1977.

*Point 2468*

Opinion on the proposal for a Council Directive on the scrutiny, by Member States, of transactions forming part of the system of financing by the Guarantee Section of the European Agricultural Guidance and Guarantee Fund.

OJ C 56 of 7.3.1977.

*Point 2469*

Opinion on the proposal for a Council Regulation establishing a Community system for the conservation and management of fishery resources.

OJ C 56 of 7.3.1977.

2495

Final adoption of the general budget of the European Communities for the financial year 1977.

OJ L 79 of 28.3.1977.

**Bull. EC 1-1977***Point 2.1.54*

Commission Decision of 26 January 1977 implementing Directive 76/491/EEC regarding a Community procedure for information and consultation on the prices of crude oil and petroleum products in the Community.

OJ L 61 of 5.3.1977.

*Point 2.3.33*

Case 13/77: Reference for a preliminary ruling made by judgment of the Hof van Cassatie, Brussels, dated 7 January 1977, in the case of G.B. — INNO — B.M., Brussels, v Vereniging van de Kleinhandelaars in Tabak, Elsene.

OJ C 52 of 2.3.1977.

*Point 2.3.34*

Case 14/77: Action brought on 26 January 1977 by Mrs Gerarda Emer (*née* van den Branden) against the Commission of the European Communities.

OJ C 52 of 2.3.1977.

*Point 2.3.35*

Case 15/77: Action brought by Christof Schwab, a certificated agronomist, against the European Economic Community, represented by its institutions, namely 1. The Council of the European Communities; 2. The Commission of the European Communities.

OJ C 52 of 2.3.1977.

*Point 2.3.36*

Case 16/77: Reference for a preliminary ruling made by order of the Finanzgericht Hamburg, dated 18 January 1977 in the case of Diamalt AG v Hauptzollamt Itzehoe.

OJ C 52 of 2.3.1977.

*Point 2.3.37*

Case 17/77: Action brought on 31 January 1977 by Angel Al-

onso and Others against the Commission of the European Communities.

OJ C 52 of 2.3.1977.

*Point 2.3.38*

Judgment of the Court of 25 January 1977 in Case 46/76 (reference for a preliminary ruling made by the Arrondissementsrechtbank, The Hague): W. J. G. Bauhuis v The Netherlands State.

OJ C 60 of 10.3.1977.

*Point 2.3.39*

Judgment of the Court of 26 January 1977 in Case 49/76 (reference for a preliminary ruling made by the Verwaltungsgerecht Hamburg): Gesellschaft für Überseehandel mbH v Handelskammer.

OJ C 60 of 10.3.1977.

*Point 2.3.40*

Judgment of the Court (second Chamber) of 25 January 1977 in Case 65/76 (reference for a preliminary ruling made by the Correctionele Rechtbank, sitting at Oudenaarde (Belgium)): Marcel Derycke.

OJ C 60 of 10.3.1977.

*Point 2.3.41*

Opinion on the common agricultural policy in the international context (possible consequences and improvements).

OJ C 61 of 10.3.1977.

*Point 2.3.42*

Opinion on the draft Commission recommendation on vocational preparation for young people who are unemployed or threatened by unemployment.

OJ C 61 of 10.3.1977.

*Point 2.3.43*

Opinion on the proposal for a Council Regulation on the harmonization of certain social provisions relating to goods transport by inland waterway.

OJ C 61 of 10.3.1977.

**Bull. EC 2-1977****Point 2.3.32**

Case 18/77: Action brought on 4 February 1977 by the Société Sucres Union S.A. against the Commission of the European Communities.

OJ C 52 of 2.3.1977.

Case 21/77: Action brought on 9 February 1977 by the Société Jean Lion et Cie, SA against the Commission of the European Communities.

OJ C 66 of 16.3.1977.

**Point 2.3.33**

Case 19/77: Action brought on 4 February 1977 by Miller International Schallplatten GmbH against the Commission of the European Communities.

OJ C 52 of 2.3.1977.

**Point 2.3.34**

Case 20/77: Reference for a preliminary ruling made by judgment of the Tribunal Administratif de Châlons-sur-Marne, dated 1 February 1977, in the case of Société Coopérative 'Providence Agricole de la Champagne' v Office national interprofessionnel des céréales.

OJ C 66 of 16.3.1977.

**Point 2.3.35**

Case 22/77: Reference for a preliminary ruling made by judgment of the Cour du Travail, Mons (Fourth Chamber), dated 21 January 1977, in the case of Fonds National de Retraite des Ouvriers Mineurs v Giovanni Mura.

OJ C 66 of 16.3.1977.

**Point 2.3.36**

Case 23/77: Reference for a preliminary ruling made by order of the Finanzgericht Münster, dated 19 January 1977, in the case of the Westfälischer Kunstverein v Hauptzollamt Münster.

OJ C 66 of 16.3.1977.

**Point 2.3.37**

Case 24/77: Reference for a preliminary ruling made by order of the Arbeitsgericht, Bonn, dated 21 December 1976, in the case of Geertje Wahl v the Land Nordrhein-Westfalen.

OJ C 66 of 16.3.1977.

**Point 2.3.38**

Case 25/77: Action brought on 22 February 1977 by Lucienne de Roubaix, née de Leye, against the Commission of the European Communities.

OJ C 66 of 16.3.1977.

**Point 2.3.39**

Case 26/77: Reference for a preliminary ruling made by order of the Finanzgericht Berlin, dated 10 February 1977, in the case of Balkan-Import-Export GmbH v Hauptzollamt Berlin-Packhof.

OJ C 66 of 16.3.1977.

**Point 2.3.40**

Case 27/77: Reference for a preliminary ruling made by judgment of the Tribunal Administratif de Paris, Third Section, dated 9 February 1977, in the case of Cargill company v Office National Interprofessionnel des Céréales.

OJ C 66 of 16.3.1977.

**Point 2.3.43**

Judgment of the Court of 1 February 1977 in Case 47/76 (reference for a preliminary ruling by the Hof van Beroep, Ghent): Alexis De Norre and his wife Martine, née De Clerq, v NV Brouwerij Concordia.

OJ C 60 of 10.3.1977.

**Point 2.3.44**

Judgment of the Court (Second Chamber) of 17 February 1977 in Case 48/76: Andreas H. Reinartz v Commission of the European Communities and Council of The European Communities.

OJ C 72 of 23.3.1977.

**Point 2.3.45**

Judgment of the Court of 2 February 1977 in Case 50/76 (reference for a preliminary ruling made by the College van Beroep voor het Bedrijfsleven): Amsterdam Bulb BV v Productschap voor Siergewassen.

OJ C 66 of 16.3.1977.

**Point 2.3.46**

Judgment of the Court of 1 February 1977 in Case 51/76 (reference for a preliminary ruling made by the Hoge Raad of the

Netherlands): *Verbond van Nederlandse Ondernemingen v Inspecteur der Invoerrechten en Accijnzen*.  
OJ C 60 of 10.3.1977.

*Point 2.3.47*

Judgment of the Court of 3 February 1977 in Case 52/76 (reference for a preliminary ruling made by the Pretura di Citadella): *Luigi Benedetti v Munari F.lli s.a.s.*  
OJ C 60 of 10.3.1977.

*Point 2.3.48*

Judgment of the Court of 3 February 1977 in Case 53/76 (reference for a preliminary ruling made by the Tribunal Correctionnel, Besançon): *Procureur de la République, Besançon v Bouhelier and Others*.  
OJ C 66 of 16.3.1977.

*Point 2.3.49*

Judgment of the Court of 3 February 1977 in Case 62/76 (reference for a preliminary ruling by the Arbeidsrechtbank te Hasselt): *Jozef Strehl v Nationaal Pensioenfonds voor Mijnwerkers*.  
OJ C 66 of 16.3.1977.

*Point 2.3.50*

Judgment of the Court of 15 February 1977 in Joined Cases 69 and 70/76 (reference for a preliminary ruling made by the Bundesfinanzhof): *Firma Rolf H. Dittmeyer v Hauptzollamt Hamburg-Waltershof*.  
OJ C 72 of 23.3.1977.

*Point 2.3.52*

Judgment of the Court of 17 February 1977 in Case 76/76 (reference for a preliminary ruling made by the Cour de Cassation of Belgium): *Silvana Di Paolo v Office National de l'Emploi*.  
OJ C 72 of 23.3.1977.

*Point 2.3.54*

Judgment of the Court (First Chamber) of 3 February 1977 in Case 91/76: *Joëlle de Lacroix v the Court of Justice of the European Communities*.  
OJ C 72 of 23.3.1977.

*Point 2.3.55*

Judgment of the Court of 17 February in Case 66/76: *Confédération Française Démocratique de Travail v Council of the European Communities*.  
OJ C 72 of 23.3.1977

*Point 2.3.56*

Opinion on the Commission proposals on the fixing of prices for certain agricultural products and on certain related measures.  
OJ C 77 of 30.3.1977.

*Point 2.3.57*

Opinion on the proposal for a Council Directive on the harmonization of laws in the Member States to combat illegal migration and illegal employment.  
OJ C 77 of 30.3.1977.

*Point 2.3.58*

Opinion on the proposal for a seventh Directive pursuant to Article 54(3)(g) of the EEC Treaty concerning group accounts.  
OJ C 75 of 26.3.1977.

*Point 2.3.59*

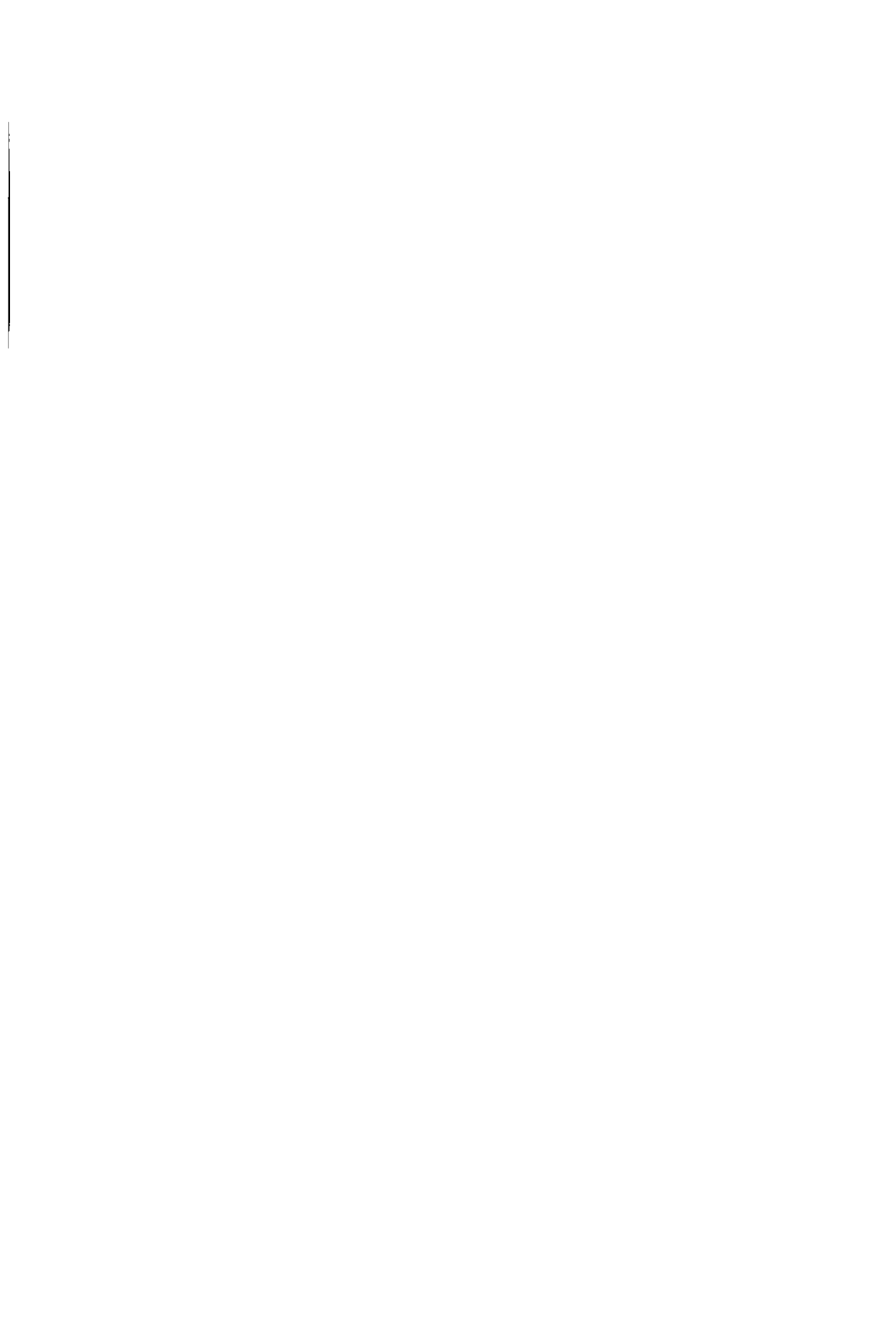
Opinion on the proposal for a Council Directive for the coordination of laws, regulations and administrative provisions regarding collective investments for transferable securities.  
OJ C 75 of 26.3.1977.

*Point 2.3.60*

Opinion on the proposal for a Council Directive on toxic and dangerous waste.  
OJ C 77 of 30.3.1977.

*Point 2.3.61*

Opinion on the proposal for a Council Directive on the quality requirements for waters capable of supporting freshwater fish.  
OJ C 77 of 30.3.1977.



# Grants for research into European integration 1977-78

The Commission of the European Communities will award 15 research grants, each of a maximum of FB 150 000, during 1977 for research projects dealing with European integration. Priority will be given to research projects on

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### REGULATIONS:

1. The research grants of the Commission of the European Communities are intended for young postgraduate researchers and for lecturers and university teachers at the beginning of their career, who are undertaking individual or team research on European integration, within a research institute or faculty.
2. The application should include:
  - a 5 to 10 page typed presentation of the research project;
  - an estimate of expenses;
  - a completed application form;<sup>1</sup>
  - a curriculum vitae;
  - attestations of university degrees and diplomas;
  - a letter of recommendation from an academic authority.These papers are not returned to applicants. } two copies
3. The age limit is 40 years.
4. Grants are not renewable.
5. The maximum grant awarded is FB 150 000.  
It is paid in three parts:
  - half upon commencement of study;
  - a further quarter midway through the period covered by the grant, and upon presentation of two copies of a detailed progress report;
  - the final quarter upon reception of the typed manuscript referred to in point 8.
6. Recipients of grants who do not complete their research are required to refund the balance of the grant.
7. Employees of the institutions of the European Communities and their spouses and children may not apply.
8. The study must be written in one of the official languages of the European Communities.  
Two copies of the final typewritten text must be submitted before 31 October 1978.
9. The Commission of the European Communities may also contribute to the publication costs of the study, up to an amount not exceeding FB 30 000.
10. Decisions to award grants will be taken by 31 October 1977 at the latest.
11. Applications must be submitted before 30 June 1977 to one of the Press and Information Offices listed below<sup>1</sup> or to

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\*

<sup>1</sup> Application forms may be obtained from the University Division, Directorate-General for Information, Commission of the European Communities, Berlaymont 2/01, rue de la Loi, 200, B-1049 Brussels, or from any of the Information Offices of the European Communities listed below:

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*Studio sull'evoluzione della concentrazione nell'industria delle bevande in Italia.* Dicembre 1976.  
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