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# BULLETIN OF THE EUROPEAN COMMUNITIES

European Coal and Steel Community European Economic Community European Atomic Energy Community

Commission of the European Communities Secretariat-General Brussels

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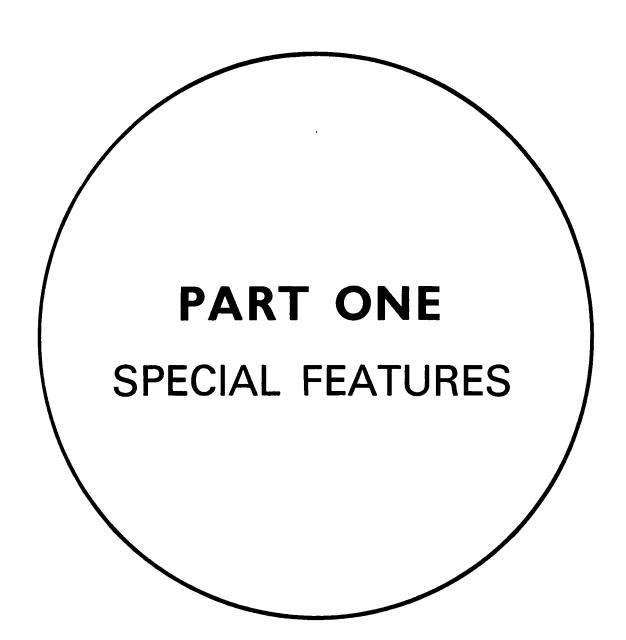
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<sup>\*</sup> In preparation.



Standardized abbreviations for the designation of certain monetary units in the different languages of the Community:

BFR = Belgische frank/Franc belge

LFR = Franc luxembourgeois

DKR = Dansk krone

FF = Franc français

DM = Deutsche Mark

LIT = Lira italiana

HFL = Nederlandse gulden (Hollandse florijn)

UKL = Pound sterling

IRL = Irish pound

USD = United States dollar

# First sittings of the elected European Parliament

First sittings of Parliament

# A milestone in the life of the Community

1.1.1. The European Parliament born of the first elections by direct universal suffrage held its first sittings in Strasbourg from 17 to 20 July.<sup>1</sup>

The statements made on this occasion by the Presidents of Parliament, the Council and the Commission, and the oldest member of the House during the first two sittings and by prominent political figures in the political debate all demonstrated that this was a signal event in the history of European integration.

Although the Treaties of Paris and Rome provided for the election of Parliament by direct universal suffrage, this did not materialize until many years later, formal agreement not being reached until 12 July 1976<sup>2</sup> at the European Council in Brussels. The official texts concerning the election were signed in September of that year and the actual elections were held from 7 to 10 June 1979,<sup>3</sup> 20 and 25 years after the signature of the Treaties establishing the Communities.

As the long wait came to an end, the first sitting of the elected members at once highlighted the political cast of the new Parliament, to which the political discussion, the statements on the future development of the Community and the very tenor of the debates all bore witness.

# Europe: a common heritage and a future

### Address by Louise Weiss

1.1.2. In her address at the first sitting Louise Weiss, the oldest member of Parlia-

ment, said that history was being made, describing the event as a symbol of continental reconciliation.

Addressing her fellow members with the passion and conviction of 'one who loves Europe', her first words held a warning note: 'Our peoples hear us today: the two Americas, Asia, Africa and Oceania hear our words. How proud I am to be a European! Let us safeguard our most precious asset—our culture and the fraternity it brings us. I ask for your agreement ...'

Then came a historical recollection of the cultural and political pantheon of Europe, from Charlemagne to Charles de Gaulle, from Shakespeare to Robert Schuman and Jean Monnet, pausing in between at Dante and Grotius, at Stresemann and Briand and many others.

The lesson for us was that we must never cease to feel that we were both heirs and bequeathers: inheriting an essential spirituality and bequeathing that spirituality for the good of generations to come.

Then turning to the future she proposed objectives: to give 'new life' to the European structures, provided that Parliament 'does not itself succumb to sterile party strife. As the bearer of hopes it cannot disappoint, it will not succumb'.

Let them all attack three problems.

The first was 'identity': 'The Community institutions have produced European sugarbeet, butter, cheese, wines, calves and even pigs. They have not produced Europeans'.

Points 2.3.3 to 2.3.11.

<sup>&</sup>lt;sup>2</sup> Bull. EC 6-1976, preliminary chapter and 7/8-1976, points 1101 to 1109.

<sup>&</sup>lt;sup>3</sup> Bull. EC 6-1979, points 1.3.1 to 1.3.4.

Editor's note: The abbreviations indicating the political group and nationality of members are listed at the bottom of the first page of 'Parliament' (point 2.3.3).

The second was 'the birth rate': 'If our jeopardized Europe wishes to perpetuate itself, it must be prepared for a profound moral transformation'.

The third was 'legality': the problem of human rights. Today the Manhattan Glass House contained less than 30 democracies. 'To lay down the law and pretend to enforce it while in reality betraying it is a crime. It will be for you to condemn this crime'.

The speech by Louise Weiss, the oldest member, was given a long standing ovation.

# The role of Parliament and the European dimension

Address by the President of Parliament, Simone Veil

1.1.3. Elected President after two ballots, Simone Veil, in her inaugural address, laid the emphasis on two cardinal points: the 'historic innovation' represented by the election of the House by direct suffrage, and the 'great challenges' which the Member States of the Community now had to meet.

A fundamental innovation — Mrs Veil recalled that the elected Parliament was first and foremost the heir to the parliamentary assemblies which had gone before it. It follows on in the path traced by those who have sat in this House from the time when, a generation ago, the European and the democratic ideal were brought together.

'Its beginnings were modest and discreet, in keeping with the limited powers conferred on it by the Treaty of Rome, but through the growing political influence it has gradually acquired, the European Parliament has consolidated its role among the institutions and in the building of the Community.

It was this growing influence which led to the signing of the Treaties of 20 July 1970 and 22 July 1975, which strengthened the Assembly's budgetary powers. Furthermore, through a number of practical arrangements, the part played by the Assembly in the exercise of the Community's responsibilities has been given sharper form and wider scope.

We in the new Parliament will not lose sight of these achievements of our predecessors. None of us will forget their contribution to the attainment of the hopes of the founding fathers of the Community for an ever-closer union between the peoples of Europe.

While we cannot forget the substantial achievements of the Assemblies which preceded us, I must now lay full emphasis on the fundamentally new departure that has been made by the European Communities in having their Parliament elected for the first time by direct universal suffrage.

For this is the first time in history, a history in which we have so frequently been divided, pitted one against the other, bent on mutual destruction, that the people of Europe have together elected their delegates to a common assembly representing, in this Chamber today, more than 260 million people. Let there be no doubt, these elections form a milestone on the path of Europe, the most important since the signing of the Treaties. It is true that the electoral systems still vary from one Member State to the other-and this was laid down in the Act of 20 September 1976 on the election of representatives to the Assembly by direct universal suffrage—and it will be for us to draw up a uniform electoral system for future elections. This is a task to which, along with you, I shall devote my energies.'

Meeting the challenges — Mrs Veil then went on to stress that this historic event of Parliament's election by direct universal suffrage had occurred just at a crucial moment for the peoples of the Community.

Point 2.3.5.

The new President highlighted the three 'great' challenges now facing all the Community countries: that of peace, that of freedom and that of prosperity. And it was clear that only the European dimension would enable them to meet those challenges.

'The period of peace we have enjoyed in Europe has been an exceptional piece of good fortune, but we should none of us underestimate its fragility ...

Like its forerunners, our Assembly has, whatever our differences, a fundamental responsibility for maintaining this peace, which is probably the most precious asset in all Europe ...

The second basic challenge is that of freedom. The frontiers of totalitarianism have spread so far that the islands of freedom are surrounded by regimes in which force prevails. Our Europe is one such island; let us welcome the fact that Greece, Spain and Portugal, with traditions as old as our own, have joined the ranks of the free countries. The Community will be happy to receive them. Here too, the European dimension should help to strengthen that freedom whose value is too often not realized until it has been lost.

Finally, Europe has to meet the great challenge of prosperity ...

Every country in Europe is now faced with a kind of economic warfare which has brought the return of that forgotten plague, unemployment, and jeopardized the rise in living standards ...

We all know that these challenges, which are being felt throughout Europe with equal intensity, can only be effectively met through solidarity. Beside the superpowers, only Europe as a whole is capable of taking the necessary action, which is beyond its individual members in isolation. However, in order to take effective action the European Communities must unite and gather strength. The European Parliament, now that it is elected by direct universal suffrage, will in future bear a special responsibility. If the challenges facing Europe are to be met, we need a Europe capable of solidarity, of independence and of cooperation.

By a Europe of solidarity I mean solidarity between peoples, regions and individuals...

Our Assembly must nevertheless continually press for a reduction of existing disparities since a deterioration of the situation would destroy the unity of the Common Market and, with it, the privileged position of some of its members. Social solidarity, in other words the balancing out of economic and sometimes financial inequalities, is also required if regional disparities are to be reduced...

Policy must also be adapted in order to redress not only the situation in the traditionally depressed regions, but also that of regions considered up to quite recently as strong and prosperous but now stricken by economic disasters.

Finally, and most important of all, solidarity between men must be fostered... at a time when all citizens will undoubtedly be required to accept the fact that the rise in the standard of living must come to a halt or progress more slowly, and also to accept a brake on the growth of social expenditure, the necessary sacrifices will not be made unless there is a genuine reduction in social inequalities.

The principal objective of the measures to be taken in this field, both at Community and national level, is employment...

Our Europe must also be a Europe of independence. This must not be an aggressive or conflictual independence but Europe must determine the conditions of its development in its own way. This is particularly true in such matters as monetary and energy policy: here the European Monetary System is of major political significance, while in the field of energy ... the Assembly might be well advised to call upon the European Governments to proclaim in this House their desire for cooperation and concertation—a desire which is belatedly beginning to become apparent...

Finally, the Europe which we advocate must be a Europe of cooperation. The Community has already established, in the field of relations with the developing countries, a form of cooperation which is in many respects exemplary...

But although the new world economic situation necessitates a strengthening of this policy of cooperation, it also requires us to take account of the growing disparities evident among the developing countries themselves, depending on whether they

are producers of raw materials. Within the framework of this selective cooperation, Europe must be able to obtain the raw materials necessary for its activities, to offer its partners equitable revenues and balance the necessary transfers of technology with safeguards ensuring that its industries can compete under equitable conditions.'

Parliament's responsibility — Mrs Veil emphasized the special responsibility which Parliament would have to take in this.

'Our electors would not forgive us if we failed to take up this heavy but infinitely rewarding responsibility'.

It would be for Parliament to perform this task through its function of democratic control and its budgetary powers, which of course implied the task of adopting expenditure but none the less the task of appraising revenue. The urgency of this was heightened by the fact that during the lifetime of this Parliament, the European Community budget would reach the ceiling of 1% of VAT revenue laid down in the Treaties for the collection of own resources. Moreover, the conciliation procedure 'should enable Parliament to participate effectively in the legislative decisions of the Communities'.

Parliament would also be an organ of control of general policy within the Community: 'Let us not be deluded into believing that the strictly institutional limitations on its powers can prevent a Parliament such as ours from speaking out at all times, and in every field of Community action, with the political authority conferred on it by its election'.

Mrs Veil concluded her address with an appeal and a commitment:

'Let us, however, avoid the error of turning our Assembly into a forum for rivalry and dissent'; 'As far as I am concerned I intend to devote my entire time and energies to the task before us'. She firmly believed that the pluralist nature of the House would serve to enrich the work of its members.

### How the Community has developed

Address by the President of the Council, Jack Lynch

1.1.4. Having emphasized the leading role which the elected Parliament will have to play, Mr Lynch, Prime Minister of Ireland and President of the European Council, considered the way in which the Community had developed.

Mr Lynch felt that the primary functions of this Parliament would be to carry forward the European ideal, to help cement and develop the economic and cultural progress of the Community and to chart the road to the ultimate political solidarity of Europe. No nation need be called upon to abandon its own character, traditions and identity. The Community 'is a positive answer to the terrible imperative of Europe's uniting or being destroyed'.

This Parliament represented both an end and a beginning. For the first time the people had been given a direct voice in the building of Europe. This was the initiation of a new dimension in the process of European integration, whatever the many challenges with which it was, and always had been, confronted.

'It is well to recall it was from the suffering of war that the European Community was born. We can argue about finances and policies, about regulations, procedures and structures but we must never forget that it was to avoid the recurrence of bloodshed and devastation that the Community itself and its institutions, with their careful system of checks and balances, were devised. The Community was created as an act of faith. It is a posi-

tive answer to the terrible imperative of Europe's uniting or being destroyed. Its aim was and is to sustain peace and advance the prosperity of the people of Europe.

The world is changing rapidly and fundamentally. Barely 100 years ago, relatively small countries were regarded as the great powers. Power today is exercised on a vaster scale. It involves forces, expenditures and technologies beyond the wildest dreams and fears of our forefathers. In this new world, Europe must speak with coherence and reason, if it is to have an influence proportionate to its power. In this world the Community has a role greater than the sum of its parts...

What has been the greatest influence in the Community's development? I believe that its strength has come from the balance and flexibility of the institutions created by the Rome Treaty, by the faith of the Member States in the European Ideal which that Treaty was established to serve, and in the ability of the Community itself to grow and adapt with changing times. We have seen how the European Coal and Steel Community grew into the Common Market, how that market developed through its policies for industry, for agriculture and for trade to the benefit of the people of Europe, how with that ultimate aim, the Community has welcomed first Denmark, Ireland and the United Kingdom, and now Greece, and the other countries seeking accession; more recently the European Monetary System was devised and set in motion as a further step towards integration. We have seen also how the institutions have responded to the need for change. Political cooperation has developed alongside the framework provided by the Treaties. The European Council has been established on a regular basis. Now the directly-elected Parliament takes its rightful place in this process of evolution. This ability to adapt and change is one of the most valuable characteristics of the Community and one which we must never lose.

### Community prospects: the 1990 horizon

Address by the President of the Commission, Roy Jenkins

1.1.5. The President of the Commission devoted much of his speech to the problems

the Community is tackling and to the Community's prospects between now and 1990.

Referring to the appraisal of the Community's prospects, which the Strasbourg European Council made in June, President Jenkins recalled a number of major trends and dangers facing the Community over the years ahead, particularly in respect of population, employment and world trade.

To his mind the Community's approach should be the following one.

First, it is imperative for the Community to develop more specialization within the areas on which employment within our economies is still heavily dependent. Second, we must face up to the need to be competitive through improved productivity, continuous adaptation to market requirements, and constant modernization of industrial plant. Third, we shall need more effectively to deploy the strength we have through our common commercial policies in the Community if we are to exercise the weight we should in the world trading system.

I wish also, to draw particular attention to the silent revolution in our affairs represented by the advance of high technology into our daily lives. It is often said that we have no option but to accommodate ourselves to this revolution. I go further. We have to master it. Already it dominates a whole range of industries and services: computers, communications, vehicles, banking and finance, machine-tools and engineering and precision instruments. At the moment—we should be in no doubt about this—our major competitors in Japan and the United States are ahead of us, and their lead is increasing. This represents a challenge to the Community as a whole which has not yet been fully recognized. If we do not meet it, I see a real risk that in the next decade we shall find ourselves squeezed between our more successful and adventurous competitors on the one hand and, on the other, developing countries which have acquired the skills and equipment which still generate much of the wealth and employment within the existing Community.

The Commission therefore believes that it is urgent that we work out a Community strategy for advanced industrial technology. Its cost and range are of an order beyond the capacity of any one of our Member States to undertake on its own. Separate national markets, separate national procurement policies and duplicated research programmes are simply not good enough. Hence we believe that we should elaborate a Community-wide research and development programme based on a common procurement policy and an open European market for electronic goods and services based on common standards. Obviously we must examine the social consequences and find means of avoiding the dislocation which is already becoming apparent in some areas.

This combination of developments—change in energy, change in demography, change in trade patterns and change in technology—presents a formidable challenge to the Community and its Institutions. Our ability to meet it depends critically on our ability to resolve some of the internal problems.'

Then commenting on the significance of the direct election of Parliament, Mr Jenkins declared:

'... it is a platitude to say that we were all present yesterday at a historic occasion. Some may feel, and may perhaps hope, that it will appear more important in history than it was exciting or dramatic on the spot and at the time. That, I suspect, has been the case with many historic occasions in the past-they require a little ageing before they achieve their full quality. But what is not a platitude, and what is not without drama, is that this Parliament can assist in the making or breaking of Europe. We have had 20 years of substantial but intermittent progress-30 years, if we go back to the beginning of the European Coal and Steel Community. The question now is whether, with some of the original impulse exhausted and faced with new tensions and difficulties, and in a harsher economic climate than at any time since we picked ourselves up from the aftermath of the war, we will allow this past generation, these past 30 years of enlightenment to appear in the sweep of history as merely one of those brief, bright intervals which have occasionally illuminated our frequently dark and quarrelsome European climate. Or whether, by reasserting the momentum, by rekindling the idealism, we will make it the foundation of a more benevolent continuing future. It is upon the answer to that question—which we cannot as yet give, but in the determination of which we can all play our part that the significance of this week of initiation will depend.'

# Statements by the Chairmen of the Political Groups

1.1.6. Taking the floor during the inaugural sitting the Chairmen of the Political Groups in the House expressed the views of their Groups.

Speaking for the Socialist Group, Mr Glinne (Belgium) hoped that the new President of Parliament would be able to support, without any split between a majority and opposition, all the initiatives which emanated from the House. He also expressed the wish that the Presidency of the Council would participate in all the debates. Strengthened by its new legitimacy Parliament must assert and extend its role. Thus the action of the European Council was admissible only if the elected Parliament constituted a genuine counterbalance to it.

In his conclusions Mr Glinne highlighted the aims of the Socialist programme: planning for full employment and a fairer distribution of available jobs, democratic control of economic and social development (economic planning and surveillance of the multinational companies), democratization of industry at all levels, intensification of regional policy, defence of human rights. In each individual case the Socialist Group would seek to promote the formation of progressive, transnational and transpartisan majorities'.

The Chairman of the European People's Party, Mr Tindemans (Belgium) hoped that Parliament would make all possible active use of the scope offered by Article 235 of the Treaty of Rome (new action required but not provided for by the Treaty). For hin, unemployment and energy were the absolute top priorities.

He called for a major debate on the situation of the Community today: disguised protectionism, economic and monetary union, the problems of the budget relations with the Third World... Nor should they overlook European security and human rights.

Mr Tindemans also reaffirmed the need to create a citizen's Europe, emphasizing the beauties of cultural diversity: 'the activists of Europe are not stateless citizens'.

They had not mobilized millions of voters to elect a powerless Parliament. 'There is no other solution than a united Europe—let us then bring that solution about'.

Speaking on behalf of the European Democratic Group, the Chairman, Mr Scott-Hopkins (United Kingdom), said that the elected Parliament would be faced with three kinds of problems: those which involved Parliament's own operations (publicity for debates in committee, the electoral system, the matter of Parliament's seat); the many institutional problems, vital to the Community's future, and the issues directly affecting the citizen.

In regard to Parliament's powers, Mr Scott-Hopkins felt that their extension ought not to be at the expense of the national parliaments; this would not happen in sectors which were not subject to national control.

Speaking for the Communist and Allies Group, Mr Berlinguer (Italy) said that 'though some of the groups have sought, and

still seek, to hide the differences of opinion which exist within them', the Communist Group acknowledge the cleavage between its Italian and French members in regard to the extension of Parliament's powers and the enlargement of the Community to embrace Greece, Spain and Portugal. On the other hand they were all of one mind when it came to resisting the exorbitant powers of the multinational corporations in striving for the democratization of the Community and in proclaiming the importance of peace and a new Europe of socialism in freedom. Eurocommunism would seek expression in social, political and cultural action. The Communist Group would search out every area of agreement with the other forces of the Left and of democracy in order to resolve the problems confronting Europe.

The Chairman of the Liberal and Democratic Group, Mr Bangemann (Germany), attacked the divisions between countries and social classes. The elected Parliament would have to improve the legal protection of the individual in society, while giving him the feeling that he was living in a constitutional State. At this point Mr Bangemann emphasized the value of a common European electoral law. The extension of Parliament's powers meant that political divisions must be transcended. Mr Bangemann concluded to the effect that the Community bore a heavy responsibility vis-àvis the rest of the world.

Speaking for the Group of European Progressive Democrats, Mr Debré (France) declared that the European nations were in a state of turmoil. Rather than 'crisis' the operative word was 'war'. 'Peace can come only through the action of men, of governments and systems that will want to bring it about, and who will also be determined to emerge, not on the side of the conquered, but on the side of the victors'. The war was primarily a

monetary conflict, but it also engulfed energy, trade and investment.

In a situation such as this, the crucial question was whether the European nations could surmount it. They must meet the assaults with 'concerted actions'.

How was Europe to progress?

Mr Debré elaborated four guidelines:

- Intergovernmental cooperation. Europe was not a single nation. The European nations had become the cradle of freedom and the bastion of democracy... The role of an assembly such as theirs was not primarily to support an administration—not even the Commission itself—against the national governments. Nor was it to support the pretensions of the Court of Justice against the competence of the national courts. It was to watch over the European dimension of intergovernmental activities and its constant progress.
- The goal of independence. Though the American and Japanese markets and the markets of the European Communist countries and of Asia and Africa were protected, the Community market was 'virtually open to allcomers'. It had been forgotten that the Community was not inspired by the idea of free trade but by the concept of Community preference.
- Collective solidarity side-by-side with national loyalties. Examples here were the common agricultural policy and regional aid. The European nations must also enter the new paths of science and technology.
- Respect for fundamental moral values. Today, for example, the European nations must concern themselves with the refugee problem. Another European priority: the birth rate. There could be no meaningful social policy unless urgent consideration was given to the birth rate.

In conclusion, Mr Debré urged the European nations to 'motivate their actions with the three essential resolves: realism, greatness and generosity' without which Europe could not live...

Lastly, two speakers announced the position of the new Group for the Technical Goordination and Defence of Independent Groups and Members. Mr Pannella (Ind. Italy) said that the Italian radicals had been the first to point out 'the duty to intervene' against genocide, as in the case of Vietnam. Then Mrs Hammerich (Ind. Denmark), elected in Denmark on the anti-Community platform, put the views of the movement. Far from intending to sabotage the work of Parliament, it wanted to voice the feelings of the majority of the Danish people, which were, moreover, shared by many British people. Transcending ideological differences the movement would foster international cooperation while preserving national sovereignty. It would resist supranationality, the Court of Justice, Parliament's budgetary powers and Commission decisions which could not be rejected by the Danish Parliament.

### Political debate on the programme for the Irish Presidency and on the Strasbourg European Council

1.1.7. After the political statements on 19 July which had marked the inaugural sitting of the European Parliament held on the occasion of its first election by direct universal suffrage, it was again a true political debate which took place after the statement by Mr O'Kennedy on the Irish Presidency's programme for the next six months and on the results of the Strasbourg European Council of 21 and 22 June, a subject also treated in a statement by President Jenkins.

<sup>&</sup>lt;sup>1</sup> Bull. EC 6-1979, points 1.1.1 to 1.1.19.

### Mr O'Kennedy, President of the Council

1.1.8. Mr O'Kennedy, the Irish Minister for Foreign Affairs and President of the Council, declared that with the election of Parliament by direct suffrage a page of history had been turned, and that it was for the elected representatives in the Strasbourg chamber to set about their historic task, which would be to give a new European dimension to the aspirations of our citizens.

Having appraised the results of last June's European Council, Mr O'Kennedy set out the programme for the Irish Presidency as he reviewed the major issues and problems to which the Nine would have to bend their efforts during the next six months.

He laid special stress on the priority given to strengthening the Community by its forthcoming enlargement to twelve Member States and then considered budgetary matters, expressing the hope that the Commission would soon present proposals concerning new own resources.

Turning to the question of external relations, Mr O'Kennedy stressed the 'very important role' that Parliament was called upon to play in this sphere and affirmed his conviction that political cooperation would continue to develop.

After announcing that the report of the Three Wise Men on the functioning of the Community institutions in the context of enlargement would be presented in October and considered by the European Council at the end of November, the Council President concluded: 'Our overall purpose is the Community's gradual—but, I hope, inexorable—progress towards European Union'.

### Mr Jenkins, President of the Commission

1.1.9. Taking the floor in his turn, Mr Jenkins, President of the Commission, drew the conclusions from the Strasbourg European Council and the Tokyo Summit, both of which were predominantly concerned with the crucial problem of energy, on which Mr Jenkins had this to say:

"... The test for the Community and for the Western world as a whole will be our ability over a limited time-span to break the link between economic growth and the consumption of oil. This is not an inherent or pre-ordained link. It has existed only for about 25 years or so—little more than a tenth of the period since the beginning of the Industrial Revolution. But the sundering of this link is essential. Those countries or groups of countries which fail to so will find themselves dinosaurs of the industrial world of the 1990s.

The penalties of failure can themselves be a stimulus; all will depend on our capacity to respond. That response cannot be made by governments alone. Throughout society and at every level we have to create a greater sense of joint responsibility, a greater willingness to share sacrifices and to take decisions together. This will require much wider understanding of the issues which face us, of the fragility of our economies and of the vulnerability of our society as a whole. In no way are we more vulnerable than in the failure which present levels of unemployment represent, above all for the younger generation, on whom, as Mr O'Kennedy said, responsibility for our future, the future of our society will rest.'

### Statements by the Political Groups

1.1.10. The spokesmen of the Political Groups then made their comments on the statements from the Council and the Commission.

After paying tribute to Strasbourg, the symbol of Franco-German reconciliation, Mr Brandt (D) on behalf of the Socialists defined the role which the European Parliament

<sup>1</sup> Bull. EC 6-1979, points 1.2.1 to 1.2.6.

would have to play. Without futile polarization 'it must become a forum for serious discussion which will attract the interest of the broad masses of our peoples and, to reach them more effectively, it must organize public hearings'.

Speaking of the differences of concept which existed in regard to Europe, he said: 'No one would wish to deprive Mr Debré of his pride in everything French. Who would dare to try? We all have our roots'.

After calling for more forceful Community action concerning the regions, Mr Brandt reappealed for a full-scale debate on energy policy, a sector in which the Community was deficient, for as Mr Jenkins had said the link between oil and growth must be severed.

After announcing that the Socialist Group intended to set up an ad hoc committee to produce a report on the current situation with regard to women's rights, Mr Brandt called for Community action in the spheres of détente, disarmament and relations with the Third World.

Lastly, Mr Brandt suggested that the House endorse the Socialist proposal to formulate a European Community Charter of Human Rights. Its objective: to create a society 'free from fear'.

On behalf of the Group of the European People's Party Mr Klepsch (D) said that if the problems of the elected Parliament lay in its limited powers and in the fact that public opinion had not yet realized the need for the European Community, it was luckily able to take a critical look at the constraints cramping national parliaments in their efforts to settle the problems of our time: energy, unemployment and the monetary system.

Like the speaker before him, Mr Scott-Hopkins (UK), on behalf of the European

Democratic Group, held that Parliament ought to be involved in the ratification of the Accession Treaties and hoped that Parliament would be able to debate the report of the Three Wise Men. He called for a debate on security and warned against the danger of protectionism.

Turning to agricultural policy he did not mince his words: we could not go on piling up surpluses at the taxpayer's expense. Between now and January 1980 the Commission should present constructive proposals. It should also submit proposals for combating unemployment.

For the Communist Group, Mr Amendola said he was dismayed that the speech of the President of the Council had not fully conveyed the seriousness of the present situation and seemed not to notice the pace at which it was still deteriorating.

For him, it was not a 'crisis' but an 'upheaval'. And the problem, if not attacked at its roots, could not be solved. It was a matter of changing the structures of production. The expenditure on arms was a terrible waste and out of all proportion to the crumbs given to the developing countries. Human rights were being trampled upon everywhere.

For the Liberal and Democratic Group, Mr Pintat (F) welcomed the agreement on agricultural prices, though it had not solved the basic problem. The Irish Presidency would therefore have to solve the problems still besetting that sector. The Mediterranean regions, in particular, must be treated with the consideration they deserved within the framework of the common agricultural policy.

Moreover, a policy was needed for external trade in agricultural and food products. It was as if exporting were a sort of shameful adjunct to the intervention system.

# Employee participation in asset formation

First sittings of Parliament

Mr Pintat's last point was to the effect that a big Community loan must be floated to set up a European energy fund, a massive programme providing the Community with the means to deploy a solid policy which would enable us to make the necessary investments in energy and to combat unemployment and at the same time promote growth.

The spokesman for the European Progressive Democrats, Mr Lalor (IRL) centred his comments on the problem of the widening regional disparities and the need to swell the appropriations of the Regional Fund.

Lastly, the spokesman for the Technical Coordination Group, Mr Coppetiers (B) supported supranationality, provided that the Member States treated the regions as individual entities, which at the moment was not the case.

# Memorandum presented to the Council

1.2.1. The aim of the suggestions contained in a memorandum on employee participation in asset formation<sup>1</sup> adopted by the Commission on 27 August and transmitted to the Council, Parliament and the Economic and Social Committee is broadly to encourage asset formation by workers and more specifically to give fresh impetus to the asset formation policies already applied by the Member States with a view to gradually reducing unjust social inequalities.

The memorandum analyses the various systems already in existence or planned in the majority of Member States, which are open either to the population at large or to low income groups (access to home ownership, savings premiums, etc.) or more specifically to employees (asset formation allowances, profit sharing, employee shareholding, etc.).

The threads running through this analysis are drawn together in a discussion of 'the mechanics of asset formation policy' which sets out the aims, the main problems and the implied fundamental choices implementation of such a policy. The Commission does not put forward any formal proposals in its conclusions but outlines various suggestions regarding, in particular, formulas and procedures which might advantageously be pursued in the future. Its hope is that these suggestions will be widely discussed by all interested parties and will give fresh impetus to asset formation policy at Community level. The guidelines put forward

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Asset formation Asset formation

fall into two categories—the first aimed at strengthening the 'social' character of incentives to individual savings and the second, and more important, aimed at promoting employee participation in productive capital formation.

The memorandum was produced with a view to facilitating discussion between governments and the two sides of industry in response both to a formal request by the Council and to a wish expressed by the June 1976 Tripartite Conference. In view of its advantages in the present economic situation at both national and international level, it is highly desirable that asset formation policy should receive fresh impetus along the lines suggested by the Commission.

# Present situation and trends in the Member States

1.2.2. Annexed to the Commission's memorandum is a veritable 'compendium' of the systems currently in force or about to be introduced in the majority of Member States. Highlighting the considerable efforts already undertaken in this field and the range of new measures planned, this forms the foundation for the guidelines suggested in the memorandum.

In all Member States there are schemes, some of very long standing, currently in operation in the field of incentives to individual savings and access to home ownership: tax benefits, savings premiums, home-building loans, interest rate subsidies, etc. Efforts have been made in almost all the Member States to extend and refine these measures in various ways suited to the particular national situation: youth savings, home-building savings schemes, indexed savings schemes, etc.

In addition, other types of scheme open only to employees and based on various principles have appeared in certain Member States. The prevalent patterns are negotiated schemes involving a fixed-sum payment financed essentially by the employer (the 'DM 624 Law' in Germany) and compulsory profitsharing schemes subject to a holding period and financed in part by the State (French Statutory Order on employee participation in the formation of productive capital). There is scope in the Dutch, German and British systems for a wide range of voluntary profitsharing schemes, but these are in practice very limited in extent. Mention should also be made of the development in France of employee shareholding schemes which are compulsory in some public sector undertakings and optional in the private sector. Similar shareholding schemes have been introduced in Denmark, the United Kingdom and the Federal Republic, but these are entirely optional.

Recently, increasing interest has been shown in these problems not only by industry, trade unions and political parties but also by some governments, as can be seen from the number of studies, plans, statements and draft laws produced. A number of proposals for more innovatory patterns of asset formation/distribution have been drawn up by governments, notably in Denmark (1973), Germany (1974), the Netherlands (1976 and 1978) and France (1978).

### The Commission's guidelines

1.2.3. The Commission's analysis of the Member States' policies and the conclusions which emerge regarding the mechanics of asset formation policy lead it to suggest certain guidelines for the future.

Asset formation Asset formation

### Incentives to individual savings

- 1.2.4. The first set of suggestions is intended to strengthen the 'social' character of incentives to promote individual savings:
- (i) An income ceiling should be fixed for beneficiaries so as to favour those with relatively low incomes.
- (ii) Savings premiums should be preferred to tax benefits.
- (iii) The sums saved should be frozen for around five years.
- (iv) There should be a free choice between a number of types of investment.
- (v) The sums invested should be inflation-proofed.
- (vi) Any terms or conditions likely to hinder the free movement of persons should be eliminated.

# Employee participation in productive capital formation

1.2.5. The second set of suggestions — the more important — is aimed at promoting employee participation in productive capital formation.

The Commission is, of course, in favour of schemes where employees receive flat-rate allowances paid in addition to their wages/salaries by the employers under asset formation agreements and frozen for a specified period.

However, it also favours another, more innovatory approach which would consist of allocating a share in the profits, capital growth or capital of firms to their employees. This could either be made compulsory by law or be left to negotiation between the two sides of industry within a legal framework designed to facilitate the application of such a scheme.

This formula would make it possible either to limit the amounts in question to the employees of each firm concerned or to create a clearing system. The Commission suggests a mixed formula whereby part of the amounts earmarked for asset formation would be distributed amongst the staff of the enterprise concerned while the other part is paid into one or more collective funds. This formula would avoid overlarge discrepancies between employees of different firms while ensuring that the incentive for employees to participate in the life and financial results of their own firm is maintained.

The Commission is of the opinion that employee participation in productive capital formation constitutes an efficient approach towards the fundamental goal—from a social standpoint—of greater justice in the distribution of total wealth. This asset formation policy is furthermore a modern means of regulating the economy and of controlling inflation.

The desirable economic strategy in the medium term is the non-inflationary financing of the productive investment necessary for a recovery of economic activity and a return to satisfactory investment levels. If, under those circumstances, employees were asked to accept relatively moderate salary increases so that undertakings might reconstitute their investment capacity, such a policy ought (as a counterpart) to be accompanied by employee participation in the formation of productive capital thus brought about.

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# 1. Building the Community

Economic and monetary policy

# Economic and monetary policy

Economic and monetary union

European Monetary System

### Operation of the EMS

2.1.1. At its meeting in Brussels on 16 July, the Council (Economic and Financial Affairs) discussed the operation of the EMS and the work to be done in the months ahead.

This work is to cover the European Monetary Fund and the re-examination, in the light of the experience gained during the first six months of the System's operation, of exchange rate and intervention arrangements, as called for in the European Council Resolution of 5 December 1978<sup>1</sup> on the establishment of the European Monetary System.

# Interest subsidies for certain structural loans

2.1.2. On 3 August the Council formally adopted a Regulation on interest subsidies for certain structural loans under the European Monetary System<sup>2</sup> and a Decision implementing this Regulation.<sup>2</sup>

At the meeting of the Council (Economic and Financial Affairs) on 16 July the last remaining problems had been resolved and a common position agreed, on the Regulation.

The relevant Commission proposal had been transmitted to the Council on 12 February.<sup>3</sup>

These interest subsidies constitute one of the back-up measures whose introduction was

provided for at the European Council meeting of December 1978 in the context of the EMS in order to strengthen the economies of the less prosperous Member States participating in the European Monetary System. They are intended to make it easier for these countries to obtain Community loans, granted by the European Investment Bank (EIB) from its own resources or by the Commission from the proceeds of loans which it has been empowered to contract for the purpose of promoting investment within the Community (priority having to be given to infrastructure investments).

The Regulation of 3 August fixes the interest subsidy at 3% per year and the amount of the loans to be subsidized at 5 000 million EUA for a period of five years (divided into annual instalments of 1 000 million EUA). The Regulation was made applicable with effect from 1 January 1979.

The implementing Decision also adopted by the Council on 3 August designates Ireland and Italy as the two Member States to benefit from the measures provided for in the Regulation, since they fulfil the required double condition of effectively and fully participating in the mechanisms of the EMS and of being considered 'less prosperous'.

### **Economic situation**

### Second quarterly examination

2.1.3. On the basis of an introductory statement by Mr Ortoli, Vice-President of the

OJ L 379 of 30.12.1978 and Bull. EC 12-1978, point 1.1.11 (paragraph 3.6).

<sup>&</sup>lt;sup>2</sup> OJ L 200 of 8.8.1979.

<sup>&</sup>lt;sup>3</sup> OJ C 65 of 9.3.1979 and Bull. EC 2-1979, point

<sup>&</sup>lt;sup>4</sup> OJ L 125 of 22.5.1979 and Bull. EC 5-1979, point 2.1.7.

Commission, and in the light of the preparatory work done by the Policy Coordination Group on Economic and Financial Policies, on 16 July the Council examined the economic situation and outlook in the Community (taking into account the impact of the rise in oil prices) and laid down quantitative guidelines for the national budgets. This was the second quarterly examination of the economic situation in the Community since the beginning of the year; the first had been carried out in March.<sup>1</sup>

### **Monetary Committee**

2.1.4. The Monetary Committee held its 252nd meeting in Brussels on 11 July, with Mr van Ypersele in the chair. After an exchange of views on the convergence of performances in the context of the EMS, the Committee examined the economic and monetary situation in Denmark and discussed international monetary problems.

### **Economic Policy Committee**

- 2.1.5. The Economic Policy Committee held its 79th and 80th meetings in Brussels in July:
- (i) on 5 July it met in its reduced 'budget' composition, with Miss Brown in the chair, to prepare for the budgetary part of the Council's second examination of the economic situation in the Community;
- (ii) on 12 July it met in its full composition, with Mr Tietmeyer in the chair. The Committee set up an *ad hoc* group to study the problems connected with the adjustment of working hours in order to be able to report to the Council as requested; it then examined in detail past productivity trends and the pro-

ductivity outlook in the Community; finally, it discussed possible means of countering the secondary effects of the rise in oil prices in preparation for the Council meeting on 16 July.

# Internal market and industrial affairs

### Free movement of goods

Removal of technical barriers to trade

### **Industrial** products

### Motor vehicles

2.1.6. On 24 July<sup>2</sup> the Council amended its Directive of 4 March 1974 on the typeapproval of wheeled agricultural or forestry tractors.3 The Commission proposed amendments to this Directive in December 1978,4 experience having shown that some equipshould be type-approved without recourse to the tractor manufacturer. The annexes containing the model information document and the model EEC type-approval certificate have therefore been brought up to date so as to take account of the fact that several Member States have incorporated technical requirements for some features in their legislation which had not been included in those annexes.

Bull. EC 3-1979, point 2.1.4.

OJ L 205 of 13.8.1979.

OJ L 84 of 28.3.1974.

<sup>&</sup>lt;sup>4</sup> OJ C 25 of 29.1.1979 and Bull. EC 12-1978, point 2.1.8.

2.1.7. On 20 July the Commission adopted a Directive bringing into line with technical advances the Council Directive of 1 March 1971 on rear-view mirrors in motor vehicles. This adaptation will make conformity checks more effective, will increase safety and will take account of rear-view mirrors which can be adjusted from inside the vehicle.

### Dangerous substances and preparations

2.1.8. On 24 July<sup>3</sup> the Council adopted a Directive supplementing the Annex to the Directive of 27 July 1976<sup>4</sup> on the approximation of the laws, regulations and administrative provisions of the Member States relating to restrictions on the marketing and use of certain dangerous substances and preparations.

The Directive forbids the use of tri (2,3 dibromopropyl) phosphate to fireproof certain textile articles. It also bans the use of liquids, as such or as preparations, listed in Annex I to the Council Directive of 27 June 1967<sup>5</sup> as highly toxic, toxic, harmful, corrosive, explosive, extremely flammable, highly flammable or flammable, as well as of any liquid with a flashpoint below 55° C, in ornamental objects intended to produce light or colour effects.

The Commission's proposal on this matter was sent to the Council in March 1979.6

2.1.9. At its meeting on 17 and 18 July the Economic and Social Committee gave its opinion<sup>7</sup> on the Commission's proposals relating to noise emitted by lawn mowers,<sup>8</sup> to common provisions for measuring instruments and methods of metrological control,<sup>9</sup> and to construction products.<sup>10</sup>

### **Foodstuffs**

### Processed agricultural products

2.1.10. On 24 July<sup>11</sup> the Council adopted a Directive on the approximation of the laws of the Member States relating to fruit jams, jellies and marmalades and chestnut purée. The main purpose of this Directive is to establish a common nomenclature for the various products in question, reflecting the type and quantity of fruit used and the processes to which it has been subjected. The Member States are required to permit trade in products complying with the Directive not later than two years after its notification. Trade in products not complying with the Directive will be prohibited three years after its notification.

2.1.11. On 31 July the Commission sent to the Council two proposals concerning the trade arrangements for products not included in Annex II to the EEC Treaty. One is for a Regulation establishing the trade arrangements applicable to certain goods resulting from the processing of agricultural products (consolidation and amendment of the Regulation of 28 May 1969,<sup>12</sup> while the other is for

OI L 68 of 22.3.1971.

<sup>&</sup>lt;sup>2</sup> OJ L 239 of 22.9.1979.

<sup>&</sup>lt;sup>1</sup> OJ L 197 of 3.8.1979.

OJ L 262 of 27.9.1976.

<sup>&#</sup>x27; OJ 196 of 16.8.1967.

<sup>&</sup>lt;sup>6</sup> OJ C 96 of 12.4.1979 and Bull. EC 3-1979, point 2.1.10.

Points 2.3.64, 2.3.67 and 2.3.68.

<sup>&</sup>lt;sup>8</sup> OJ C 86 of 2.4.1979 and Bull. EC 12-1978, point 2.1.8.

OJ C 42 of 15.2.1979 and Bull. EC 1-1979, point 2.1.14.

OJ C 308 of 23.12.1978 and Bull. EC 11-1978, point 2.1.7.

<sup>&</sup>quot; OJ L 205 of 13.8.1979.

<sup>&</sup>lt;sup>12</sup> OJ L 141 of 12.6.1969.

a Regulation determining the quantities of basic products considered to have been used in the manufacture of goods coming under the Regulation of 28 May 1969.

### Colouring matters

2.1.12. On 30 July<sup>2</sup> the Commission sent the Council a proposal containing the seventh amendment to the Council Directive of 23 October 1962<sup>3</sup> on the approximation of the laws of the Member States on colouring matters which may be used in foodstuffs intended for human consumption. The Commission drew up the proposal on the basis of recommendations made by the Scientific Committee for Foodstuffs.

2.1.13. At its meeting on 17 and 18 July the Economic and Social Committee gave its opinion on the Commission's proposals on emulsifiers, stabilizers, thickeners and gelling agents which may be used in foodstuffs and on cocoa and chocolate products intended for human consumption.

# Free movement of persons and freedom to provide services

### Removal of restrictions

2.1.14. On 31 July<sup>7</sup> the Commission sent to the Council a proposal for a Directive on the right of nationals of the Member States to reside permanently in the territory of another Member State. At present, nationals of the Member States wishing to reside permanently in another Member State without engaging in any economic activity there come within

the scope of the general legislation relating to non-nationals and are treated, in respect of their conditions of residence, in the same way as nationals of non-Community countries.

The guiding principle of the proposal is recognition of a right of permanent residence in the Member States for Community nationals over eighteen years of age and for members of their families who do not enjoy this right by virtue of the Community measures in respect of the free movement of employed and self-employed workers. However, the host Member State will be able to demand that these nationals show that they have means of subsistence equivalent to the minimum required by its laws.

Children under eighteen and spouses without independent means would not have a direct right of residence but a right derived from that of the person on whom they are economically dependent, provided they live with that person in the host country. Children over eighteen with no personal means and dependent on a national of a Member State would be granted a personal right of residence if they are students in the wide sense of the

The right of residence would be evidenced by the issue of a residence permit valid for at least five years; this permit would be renewed automatically unless at the end of the first period the person in question no longer met the minimum subsistence requirement. Breaks in residence of less than one year and absences for military service or for medical

- OJ L 141 of 12.6.1969.
- <sup>2</sup> OJ C 201 of 10.8.1979.
- <sup>3</sup> OJ 115 of 11.11.1962.
- 4 Points 2.3.65 and 2.3.71.
- <sup>5</sup> OJ C 115 of 8.5.1979 and Bull. EC 4-1979, point
- <sup>6</sup> OJ C 121 of 15.5.1979 and Bull. EC 4-1979, point 2.1.8.
- <sup>7</sup> OJ C 207 of 17.8.1979.

reasons would not affect the validity of the residence permit.

Any exceptions to the automatic granting of the right of residence could be justified only by reasons of public policy, public safety or public health.

The Commission's proposal fills a gap in Community law without changing the existing system. Furthermore, it responds to a political appeal made by the Paris Summit of December 1974<sup>1</sup> and a resolution passed by the European Parliament in November 1977<sup>2</sup> regarding the special rights which should be granted to European citizens by virtue of their belonging to the Community.

### Industrial reorganization and conversion

Steel

### Application of the crisis plan

2.1.15. Mr Davignon, Member of the Commission, made a statement to the ECSC Consultative Committee, which met in Luxembourg on 6 July,<sup>3</sup> on the measures envisaged by the Commission concerning steel prices.

### Delivery statements by steel firms

2.1.16. To ensure regular monitoring of the application of delivery programmes, on 27 July<sup>4</sup> the Commission amended its Decision of 8 December 1976<sup>5</sup> requiring steel undertakings to provide information on their steel deliveries. The delivery statistics required need to be based on the same definitions as those contained in the programmes, which were amended from the fourth quarter of 1978.

### Industrial loans

2.1.17. The Commission has decided, pursuant to Article 54 of the ECSC Treaty, to grant a loan of LFR 950 million (some 24 million EUA) to ARBED SA, Luxembourg. This loan will part-finance the construction of two continuous casting machines to replace the present set-up of a blooming mill with soaking pits.

### **Textiles**

2.1.18. Meeting in plenary session on 17 and 18 July, the Economic and Social Committee delivered an opinion<sup>6</sup> on the proposal relating to a second research and development programme in the textile and clothing sector, which the Commission sent to the Council on 4 April 1979.<sup>7</sup>

# Advanced technologies and growth sectors

### Data processing and electronics

2.1.19. On 24 July the Council approved a multiannual programme to promote research, industrial development and the application of data processing. The Commission proposed such a programme in November 1976.8

Bull. EC 12-1974, point 1104.

OJ C 299 of 12.12.1977.

<sup>&</sup>lt;sup>3</sup> Point 2.3.73.

<sup>4</sup> OJ L 196 of 2.8.1979.

OJ L 344 of 14.12.1976.

<sup>6</sup> Point 2.3.69.

<sup>&</sup>lt;sup>7</sup> OJ C 111 of 4.5.1979 and Bull. EC 4-1979, point 2.1.20.

OJ C 39 of 16.2.1977 and Bull. EC 10-1976, points 1201 to 1205.

Customs union Customs union

The programme, for which 25 million EUA will be available for four years, is in two parts:

- (i) the first, to which 10 million EUA has been allocated, is concerned with general actions, particularly in the field of standardization, public contracts and the promotion of research;
- (ii) the second, to which 15 million EUA has been allocated, provides for a system of Community premiums to back up the development of software.

The Council also passed a Resolution calling on the Commission to present proposals for action to develop microelectronic technology.

### Customs union

### **Economic tariff matters**

### Tariff quotas

2.1.20. On 3 July¹ the Council increased from 5 500 to 8 900 tonnes the Community tariff quota opened for 1979 for unwrought magnesium.² The 3 400 tonnes increase is subdivided into 300 tonnes for unwrought extra-pure magnesium, 600 tonnes for unwrought magnesium not in alloy, and 2 500 tonnes for unwrought magnesium in alloy. A first tranche of 560 tonnes of the increase approved for unwrought magnesium not in alloy is allocated among the Member States, while the second tranche of 40 tonnes and the 300 tonnes and 2 500 tonnes increases go to the Community reserves previously set up.

- 2.1.21. On 16 July<sup>3</sup> the Council adopted two Regulations on the opening, allocation and administration of Community tariff quotas: one for 38 000 head of heifers and cows, not intended for slaughter, of certain mountain breeds, at a duty of 4% (with a first tranche of 19 000 head and a reserve of 19 000 head); and the second for 5 000 head of bulls, cows and heifers, not intended for slaughter, of certain Alpine breeds, at a 4% duty (with a first tranche of 3 500 head and a reserve of 1 500 head). These two Community tariff quotas apply from 1 July 1979 to 30 June 1980.
- 2.1.22. On 3 August<sup>4</sup> the Council adopted a Regulation opening, allocating and providing for the administration of a Community tariff quota for processing work in respect of certain textile products under Community outward processing arrangements (with Switzerland), free of duty, up to 1870 000 EUA of added value. The quota covers the period 1 September 1979 to 31 August 1980, and is divided into two tranches. The first (1640000 EUA) is allocated among certain Member States, and the second (230 000 EUA) forms a common reserve for all the Member States.
- 2.1.23. On the same date<sup>5</sup> the Council adopted Regulations increasing, on an autonomous basis, the duty-free Community tariff quotas for 1979 for:
- (i) ferro-chromium containing not less than 4% by weight of carbon. The quota, opened by Regulations dated 19 February and 8 May, 6 is increased from 190 000 tonnes to 330 000 tonnes;

OJ L 167 of 5.7.1979.

OJ L 354 of 18.12.1978.

OJ L 181 of 18.7.1979.

OI L 202 of 10.8.1979.

<sup>&</sup>lt;sup>5</sup> OJ L 200 of 8.8.1979.

<sup>6</sup> OJ L 45 of 22.2.1979 and L 117 of 12.5.1979.

Customs union Customs union

(ii) certain plywoods of coniferous species. The quota was initially set by a Regulation dated 16 October 1978<sup>1</sup> at 700 000 cubic metres, and is increased to 800 000 cubic metres.

### Origin of goods

2.1.24. On 20 July<sup>2</sup> the Commission adopted two Regulations on the determination of the origin of certain textile products: one dealt with sails and tents, and the other with gloves, mittens and mitts. In respect of the products covered, these Regulations amend the Regulation of 10 April 1978<sup>3</sup> on the determination of the origin of certain textile products falling within Chapters 51 and 53 to 62 of the Common Customs Tariff.

### General legislation

### Repayment or remission of duties

2.1.25. On 2 July the Council adopted a Regulation on the repayment or remission of import or export duties. The purpose is to eliminate any distortion in the treatment accorded in this field to Community importers of products from non-member countries (and Community exporters of products to those countries), and to define the cases in which Member States may correct calculations regarding the European Communities' own resources, thus ensuring a better control of those resources.

# Procedures for release of goods for free circulation

2.1.26. On 24 July<sup>5</sup> the Council adopted a Directive on the harmonization of procedures for the release of goods for free circulation. The aim is to harmonize the rules governing

customs clearance procedures in the different Member States, in order to ensure uniform application of the Common Customs Tariff and eliminate disparities in the treatment of importers.

### Post-clearance recovery

2.1.27. On 24 July6 the Council adopted a Regulation on the post-clearance recovery of import duties or export duties which have not been required of the person liable for payment on goods entered for a customs procedure involving the liability to pay such duties. This Regulation will eliminate all distortions in the treatment of Community importers and exporters, and defines with the conditions under which precision Member States may correct calculations regarding the European Communities' own resources pursuant to the Community provisions in force, thus ensuring a better control of those resources.

### Harmonization of export procedures

2.1.28. On 24 July<sup>7</sup> the Commission transmitted to the Council a proposal for a Directive on the harmonization of procedures for the exportation of goods.

The purpose is to ensure the uniform application of common policies applying to goods exported outside the Community, and to eliminate distortions in the treatment of Community economic agents which result at present from the application of rules which differ according to the Member State where export formalities are completed.

<sup>&</sup>lt;sup>1</sup> OJ L 297 of 24.10.1978.

<sup>&</sup>lt;sup>2</sup> OJ L 185 of 21.7.1979.

<sup>&</sup>lt;sup>3</sup> OJ L 101 of 14.4.1978.

<sup>4</sup> OJ L 175 of 12.7.1979.

OJ L 205 of 13.8.1979.
OJ L 197 of 3.8.1979.

<sup>&</sup>lt;sup>7</sup> OJ C 201 of 10.8.1979.

Competition Competition

### Competition

# Restrictive practices, mergers and dominant positions: specific cases

### Distribution

# Court judgment upholds Commission policy on export bans

2.1.29. A Commission press release issued on 20 July expressed satisfaction at the judgment delivered by the Court of Justice on 12 July in upholding the Commission's Decision of 13 December 1977<sup>2</sup> concerning BMW Belgium and 47 of its dealers. The decision fined these firms for operating a collective export ban contrary to the EEC Treaty competition rules.

The Commission attaches an importance to the judgment which goes beyond the scope of this particular case. The Court has again made it clear that export bans are as a rule incompatible with the common market and accordingly prohibited. This basic principle of Community antitrust law is now so firmly established that dealers can no longer argue that they were unaware of the prohibition, nor that they agreed to accept it only under pressure. The judgment provides the Comvaluable support in mission with endeavours to ensure that users and import agents are in a position to obtain new vehicles in any Member State and to benefit from lower prices which may be charged there.

The Commission will continue to monitor distribution systems in the motor industry, where there are already significant restrictions of competition arising from the selection of dealers and their obligation to handle only one make of car, and will endeavour to ascertain to what extent they are a source of market segregation and of artificial price differentials.

### Mergers

# Authorization for acquisition of three steel firms

2.1.30. The Commission has authorized the British Steel Corporation (BSC), under Article 66 of the ECSC Treaty, to acquire three steel stockholding businesses in the United Kingdom, namely Dunlop and Ranken Ltd, Leeds, the Hall Brothers group, Oldbury, and Herringshaw Steels Ltd, Birmingham.<sup>3</sup>

The BSC, in addition to being a major steel producer, also engages in steel stockholding activities through British Steel Service Centres (BSSC). As a result of the three acquisitions the share of the United Kingdom steel stockholder market held by BSC/BSSC for ECSC steel products will rise from about 8% to about 11%. The BSC will still be less important in this field than another British steel producer/stockholder, the GKN Group, which already has a UK stockholder market share of nearly 20%. There are three other steel stockholders with shares ranging from 4% to 7%, and several hundred other small-or medium-sized stockholders.

In the circumstances, the Commission came to the conclusion that the three acquisitions satisfy the tests for authorization set out in Article 66(2) of the ECSC Treaty.

Point 2.3.46 and OJ C 199 of 8.8.1979.

<sup>&</sup>lt;sup>2</sup> OJ L 46 of 17.2.1978 and Bull. EC 12-1977, point

OJ L 245 of 28.9.1979.

Competition Competition

### State aids

### General schemes

### Federal Republic of Germany

2.1.31. On 7 August the Commission decided not to raise objections to the introduction of a scheme of assistance designed to benefit training and employment promotion, which the German Government proposes to introduce for the space of a year (1 August 1979 to 31 July 1980). There are three aspects to this scheme:

(i) Premiums for the training of workers in firms undergoing restructuring: the premium will cover 90% of wages for the period spent in training. The overall budget for financing this measure amounts to DM 150 million.

As the assistance will be confined strictly to time spent in training and not in productive employment, the Commission considers that it does not constitute aid caught by Article 92 (1) of the EEC Treaty but is rather an exercise of the State's responsibilities in the field of vocational education.

- (ii) Premiums for the recruitment and training of unskilled workers and of the long-term unemployed: this premium will also amount to 90% of wages during the time spent in training (up to a maximum of one year). Here again the Commission, in line with its previous practice, held that the measure is not caught by Article 92(1) of the EEC Treaty, being intended to overcome the difficulties that some workers encounter when seeking employment because they have no training or else the wrong training.
- (iii) Premiums for the improvement of social services and social infrastructures: the overall budget here is DM 150 million. This

measure likewise does not fall within the terms of Article 92(1) of the Treaty.

The measures will apply only to firms located in regions with an unemployment rate above 6%—East Friesland, Lower Saxony, Eastern Bavaria, the Saar and the Ruhr.

### Ireland

2.1.32. On 12 July the Commission decided to raise no objection to the one-year extension until 31 March 1980 of the Employment Maintenance Scheme (EMS) in the textile, clothing and footwear industries, to which it had likewise raised no objection in July 1978.<sup>2</sup>

The extension was, however, allowed subject to certain changes in the plan originally notified to the Commission. The 1979 budget will be limited to IRL 4.5 million. The assistance (IRL 10 per employee per week) may be paid only in respect of a maximum of 50% of the workforce of the assisted firm. Any firm receiving assistance must apply a restructuring plan, and cases in which a firm is to receive assistance in respect of more than 125 workers must be notified beforehand to the Commission. The assistance is not payable in the man-made fibres industry.

### Netherlands

2.1.33. On 27 July<sup>3</sup> the Commission decided to forbid the Dutch Government to grant the additional premium for major projects (GPT) to investment made by the Dutch subsidiary of a multinational tobacco manufacturer.

<sup>&</sup>lt;sup>1</sup> Bull. EC 10-1977, points 2.1.16 and 2.1.17.

Bull. EC 7/8-1978, point 2.1.41.

<sup>&</sup>lt;sup>3</sup> OJ L 217 of 25.8.1979 and OJ L 236 of 20.9.1979.

Competition Competition

When in 1978<sup>1</sup> the Commission raised no objection to the introduction of an additional premium for major projects, to be granted under the Dutch Act of 29 June 1978 on the promotion and guidance of investment (WIR), to planned investments costing over HFL 30 million, it asked the Dutch Government to give it prior notification of all cases of application of the additional premium, as required by Article 93(3) of the EEC Treaty.

On 4 October 1978 the Dutch Government informed the Commission of its intention to grant this additional premium to a cigarette manufacturer. The cost of the investment in question would be HFL 165 million, and the premium itself would amount to HFL 6.2 million. The investment would also qualify for a HFL 10 million grant under the Dutch regional aid system (Investeringspremieregeling — IPR).

When it initiated the procedure of Article 93(2) EEC in respect of the grant of the additional premium in this case, on 13 December 1978, and again when it adopted this final decision, the Commission considered that neither the relative socio-economic situation of the Netherlands, nor that of the region concerned, nor that of the industry, nor that of the firm in question, provided valid grounds for the exercise of its discretionary power to apply one of the exemptions which the Treaty permits from the prohibition laid down in Article 92(1).

Against the background of slack growth and investment, the Commission believes that now more than ever it must allow only aids whose necessity is clearly established. Member States may be tempted to use State aids to attract or to retain on their territory activities which might benefit other Member States whose positions are even less encouraging.

This beggar-my-neighbour policy threatens to develop in general aid schemes, of which the WIR scheme is only one form. Thus when examining important cases of the application of these schemes, the Commission must establish carefully, as it does for other kinds of aid, regional, industrial or otherwise, that the resulting threat of distortions of competition is overridden by the general interest, because the aid stimulates the recipient firm to take the kind of action that can help to solve structural problems.

In this case there was no question of any such response, while the fact that the lion's share of the firm's output was to be sold on the markets of other Member States meant that the aid was likely to adversely affect trading conditions to an extent contrary to the common interest, in the sense of Article 92(3)(c) of the EEC Treaty.

### Industry aids

### Energy

### Belgium

2.1.34. On 28 June<sup>2</sup> the Commission decided to initiate the procedure of Article 93(2) in respect of assistance which the Belgian Government proposed to grant to the Belgian subsidiary of a major international oil group, under the Belgian Act of 17 July 1979. The investment would consist of a grant of BFR 120 million and certain forms of tax relief for an investment in the conversion of heavy petroleum fractions into lighter products at a refinery in Antwerp.

Bull. EC 4-1978, point 2.1.28.

OIC 174 of 11.7.1979.

Competition Competition

The investment would undeniably help to improve the structure of the firm along the lines called for by the general trend of the oil market, in view of the fact that demand for heavy petrol products has slackened while at the same time a deficit in light products such as motor spirit and naphtha has appeared.

Even so the Commission felt obliged to initiate the procedure on the grounds that the requirements for exemption from the prohibition on State aids laid down in Article 92(1) of the EEC Treaty were not satisfied.

The economic situation in the Antwerp area is such that there are no regional considerations to militate in favour of granting the aid. Furthermore, although the Commission accepts that in certain circumstances the construction of conversion capacity by refineries might qualify for some public support, it has emphasized that such support must be justified by the situation of the recipients. The firm in question here has already carried out the investments, and the new plant is in operation. The firm admitted that the project was in its own interest and that it had the resources to carry it out.

### Denmark

2.1.35. On 25 July, the Commission approved a bill notified by the Danish Government, which provides for the grant of aid to encourage the use of renewable energy sources.

The aid will take the form of nonreimbursable grants equal to 30% of the investment, up to a maximum of DKR 100 000 (15 000 EUA) in any individual case. A total budget of DKR 50 million (7.5 million EUA) will be available for the purpose in 1979 and 1980.

The investments which will qualify will be investments in the purchase and installation in industrial, commercial, agricultural or residential buildings of systems for the use of solar, wind or geothermal energy, natural gas, or other, similar energy sources.

The Commission considered that this bill qualified for exemption under Article 92(3)(b) of the EEC Treaty as the aid was intended 'to promote the execution of an important project of common European interest'. It was in conformity with the Community incentives for the economical use of energy. The Commission has several times approved aid of this kind in the past, notably in Denmark,1 Germany, 2 the Netherlands,3 and the United Kingdom.4

### Clocks and watches

### France

2.1.36. On 11 July the Commission decided to close the procedure initiated under Article 93(2) regarding the levy of a parafiscal charge in France for the benefit of the clock and watch-making industry.

The French Government had agreed to amend the system originally planned and to have the parafiscal charge on imported products originating in other Member States reimbursed by the Centre technique de l'industrie horlogère (CETEHOR — Technical Centre for the Clock and Watch Making Industry) and the Comite professionnel interregional de l'horlogerie (CIH - Interregional Committee of the Clock and Watch Making Industry).

Bull. EC 10-1977, point 2.1.22.

Bull. EC 11-1977, point 2.1.44. Bull. EC 10-1977, point 2.1.24.

Bull. EC 5-1978, point 2.1.30.

The Commission has also pointed out that the new arrangements for collection of the charge and the final destination of the sums collected must also respect both the rule of free movement and the principle that taxes, whether direct or indirect, must be nondiscriminatory.

### Film industry

### Germany

2.1.37. On 27 July the Commission decided not to initiate the procedure of Article 93(2) of the EEC Treaty in respect of proposed assistance for the film industry notified in May by the Federal Republic of Germany.

The Commission had reached the conclusion that in itself the aid did not give any major cause for concern, as it was aimed at encouraging the economic and cultural development of an activity which was in economic difficulties, essentially as a result of competition from other mass media, such as television, and from new forms of leisure activity.

However, the Commission considered that the bill contained a series of provisions which ran counter to the fundamental freedoms enshrined in the EEC Treaty; these provisions related to the nationality of film-makers. Furthermore, the parafiscal levy charged on cinema box office takings in order to finance the assistance raised complex questions of assessment.

The Commission accordingly decided that it would be more appropriate to deal with the problems raised by the bill in the field of fundamental freedoms by proceeding under Article 169 of the Treaty. It might at a later date make a detailed study of the question of the parafiscal levy, and take whatever measures seem appropriate.

# Financial institutions and taxation

### Financial institutions

### Insurance

### Legal expenses insurance

2.1.38. On 23 July<sup>1</sup> the Commission sent to the Council a proposal for a Directive on the coordination of laws, regulations and administrative provisions relating to legal expenses insurance. This Directive would supplement the indemnity insurance coordination Directive of 24 July 1973<sup>2</sup> with regard to legal expenses insurance.

According to the proposal, composite insurance companies, i.e. companies undertaking simultaneously legal expenses insurance and one or more other classes will no longer be prohibited in the Federal Republic of Germany but (and this applies to the composite undertakings of all countries) will have to adopt special provisions concerning their accounts and the presentation of their insurance contracts.

The Member States will, however, be entitled to require composite undertakings to entrust the administration of claims under the legal expenses class to a legally separate undertaking. In addition, every contract relating to

OJ C 198 of 7.8.1979.

 $<sup>^{2}</sup>$  OJ L 228 of 16.8.1973 and Bull. EC 7/8-1973, point 2122.

this class of insurance will have to contain a variety of clauses designed to prevent possible conflicts of interest between insured and insurer, including a clause conferring on the policyholder freedom of choice of a lawyer and an arbitration clause to cover situations where a difference of opinion arises between insurer and insured as to the action to be taken. The purpose therefore of the proposal is to improve in this way the position of consumers as policyholders.

### Insurance contracts

2.1.39. On 10 July the Commission sent to the Council a proposal for a Directive on the coordination of laws, regulations and administrative provisions relating to insurance contracts.

The proposal deals only with the fundamental provisions of direct insurance contracts other than life assurance contracts, in particular the obligations of the policyholder to declare the risk and any increases in the risk, and to reduce the loss in the event of a claim. and the term of contracts.

The purpose of the proposed harmonization measures is to secure equivalent protection for policyholders in regard to these aspects irrespective of the law applicable to the insurance contract. They must be viewed in the context of the second coordination Directive laying down provisions to facilitate the effective exercise of freedom to provide services, which has been before the Council since 19762 and which, in certain circumstances, confers on the parties to an insurance contract freedom to choose the law applicable to the contract.

### Employment and social policy

### **Employment**

### Free movement of workers

Exchange of young workers

2.1.40. On 16 July the Council formally adopted the Decision establishing a second programme to encourage the exchange of young workers. It had approved the programme in principle at its meeting on 15 Mav.⁴

### Sectoral measures

### Restructuring the steel industry

2.1.41. On 19 July the Commission approved a revised version of its draft decision on the introduction of special temporary allowances to help workers in the iron and steel industry affected by the Community's restructuring plans.5

The new draft largely reflects the unanimous opinion (less three abstentions) delivered by the ECSC Consultative Committee at its meeting on 6 July.6 The draft decision has been forwarded to the Council for its assent in accordance with Article 95 of the ECSC Treaty.

OJ C 190 of 28.7.1979. OJ C 32 of 12.2.1976; Bull. EC 12-1975, point 2136 and 2-1978, point 2.1.22.

OJ L 185 of 21.7.1979.

Bull. EC 5-1979, point 2.1.59.

OJ C 142 of 7.6.1979 and Bull. EC 5-1979, point

Point 2.3.74 and OJ C 193 of 31.7.1979.

### Readaptation of workers in the ECSC industries

2.1.42. In July, acting under Article 56(2)(b) of the ECSC Treaty, the Commission decided to contribute a total of 10 545 000 EUA towards readaptation aid for 5 615 workers affected by the closure or running down of coal mines, iron mines and Community iron and steel plants in Belgium, France, Germany and the United Kingdom.

#### **European Social Fund**

#### **Fund Committee**

2.1.43. At its plenary meeting in Brussels on 6 July, the Social Fund Committee examined more than 300 applications from the Member States for Fund assistance. These applications relate to retraining operations for agricultural and textile workers and to migrant workers, young people below the age of 25 and women (Article 4), and to unemployed or under-employed workers in the Community's least-developed regions (Article 5). Others relate to the training of workers to meet the requirements of technical and industrial progress and the rehabilitation of handicapped persons. The Committee also gave its opinion on about 20 pilot schemes.

#### Social protection

#### Social security for migrant workers

2.1.44. On 6 July the Commission transmitted a proposal to the Council amending its Regulation of 21 March 1972<sup>1</sup> fixing the procedure for implementing the Regulation

of 14 June 1971<sup>2</sup> on the application of social security schemes to employed persons and their families moving within the Community. The aim of this proposal is to change the method used for determining the rates for converting currencies, which are at present fixed in accordance with Article 107 of the Regulation of 21 March 1972. The procedure will be aligned on the methods used for calculating the ECU under the European Monetary System.

2.1.45. The Commission proposal of 11 April 1979<sup>3</sup> amending the Regulations of 14 June 1971 and 21 March 1972 was adopted by the Council on 16 July.<sup>4</sup> The purpose of these new arrangements is to adapt Community rules to the recent changes in the United Kingdom social security system.

#### Living and working conditions

## Employee participation in asset formation

2.1.46. On 27 August the Commission adopted a memorandum on employee participation in asset formation.<sup>5</sup>

#### Housing

2.1.47. Under the first and second instalments of the eighth scheme of financial aid

OJ L 74 of 27.3.1972.

<sup>&</sup>lt;sup>2</sup> OJ L 149 of 5.7.1971.

OJ C 115 of 8.5.1979 and Bull. EC 4-1979, point

<sup>&</sup>lt;sup>4</sup> OJ L 185 of 21.7.1979.

Points 1.2.1 to 1.2.5 and Supplement 6/79 — Bull. EC.

towards the construction of dwellings for workers in the ECSC industries, the Commission has approved the financing of building projects with a total cost of 4 061 642 EUA. These appropriations are to finance the construction of 1418 houses in Belgium, the Federal Republic of Germany, France, Luxembourg and the United Kingdom.

#### Industrial relations and labour law

2.1.48. On 17 July<sup>1</sup> the Commission forwarded to the Council a proposal amending its proposals for a Regulation<sup>2</sup> on the harmonization of certain social provisions for inland waterway transport. This amendment was framed to take account of the changes to the original text proposed by the European Parliament and the Economic and Social Committee.

2.1.49. On 5 July<sup>3</sup> the Commission and the European Trade Union Confederation (ETUC) met for an exchange of views on the economic and social situation in the Community. Discussions centred on the energy crisis and the recent increase in oil prices, with particular reference to the consequences for incomes and employment.

#### Health and safety

## Safety, hygiene and health protection at work

2.1.50. On 19 July the Commission transmitted to the Council a proposal for a Directive on the major accident hazards in certain industrial activities.

The object of the proposed Directive is to prevent such accidents and to limit their effects on human beings and on the environment. In particular, it requires those responsible for certain industrial activities involving one or more dangerous substances meeting specific criteria to submit a safety report to the competent authorities. This proposal is based on the European Communities' action programmes on the environment of 1973 and 1977<sup>5</sup> and on the action programme on safety and health at work adopted by the Council in June 1978.<sup>6</sup>

2.1.51. On 27 July the Commission granted financial aid of 2 424 400 EUA to promote 13 research projects coming under the research programme on the technical control of nuisances and pollution at the place of work and in the environment of iron and steelworks. These projects are concerned, in particular, with the improvement of methods of measuring atmospheric pollutants, the acquisition of new knowledge on the origin of atmospheric pollutants in the industrial environment and sound propagation in steelworks.

#### Safety and health in mines

2.1.52. On 24 July the Commission granted financial aid of 1862 500 EUA for 11 research projects under the fourth research programme on industrial hygiene in mines approved on 13 June 1978.7 These projects

<sup>&</sup>lt;sup>1</sup> Point 2.1.91 and OJ C 206 of 16.8.1979.

OJ C 259 of 12.11.1975 and Bull. EC 9-1975, point

Point 2.3.17.

Point 2.1.57 and OJ C 212 of 24.8.1979.

OJ C 112 of 20.12.1973 and C 139 of 13.6.1977.

OJ C 165 of 11.7.1978 and Bull. EC 6-1978, point 2.1.53.

<sup>&</sup>lt;sup>7</sup> OJ C 159 of 5.7.1978 and Bull. 6-1978, point 2.1.49.

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are concerned with techniques of environmental monitoring and control and with environmental and hygiene factors. The Commission decision also covers the purchase of four integrating recorders for sampling dusts in mines.

#### The handicapped

2.1.53. On 2 and 3 July, several European handicapped person's associations met Commission representatives for a joint information meeting in Luxembourg. With a view to the International Year of the Handicapped in 1981, cooperation was envisaged in the fields of housing for the mentally handicapped and techniques to facilitate everyday life for handicapped people.

#### Regional policy

#### Financing operations

#### European Regional Development Fund

#### Fourth ERDF annual report

2.1.54. On 6 July the Commission adopted its fourth annual report—covering 1978—on the activities of the European Regional Development Fund with a view to it being transmitted to Parliament, the Council and the Economic and Social Committee. This is the last report drawn up pursuant to the

Council Regulation of 18 March 1975<sup>1</sup> establishing the ERDF, an amended Regulation having been adopted by the Council in February this year.<sup>2</sup>

In this report the Commission describes the economic situation in 1978 and analyses the outlook for 1979. In 1978 the Commission adopted 330 commitment decisions involving 1 600 investment projects and a total outlay of 556 million EUA. Of this sum, 33% went on industrial and service-sector projects (designed to create or maintain 70 000 jobs) and 67% on infrastructure projects. Actual payments totalled 255 million EUA.

In its conclusions, the Commission once again draws attention to the difficulties it encountered at administrative level—difficulties which owed much to the ever increasing number of grant applications and the rules governing submission of payment applications. The simplified procedures and the possibility of accelerated payments provided for in the amended Fund Regulation<sup>3</sup> should help ease these problems.

The Commission also stresses the importance of complementarity between Fund assistance and national expenditure on regional development. It further notes that no Member State made use of the possibility of obtaining aid in the form of interest subsidies on loans from the European Investment Bank.

Key features of the new Fund as amended by the Regulation of 6 February 1979 are the non-quota section and the more generous eligibility criteria and rates of grant for infrastructure investments. In administering

Bull. EC 7/8-1979

OJ L 73 of 21.3.1975.

<sup>&</sup>lt;sup>2</sup> OJ L 35 of 9.2.1979 and Bull. EC 2-1979, point 2.1.37.

<sup>&</sup>lt;sup>3</sup> OJ L 35 of 9.2.1979.

the Fund in 1979 the Commission intends to make the greatest possible use of this new flexibility so that, while increasing the Fund's support for the Member States' regional development efforts, the Community can at the same time face up to the new regional problems stemming from the economic crisis and ensure that its policies in other fields are implemented without creating difficulties for the less fortunate regions. This last task is one for which it has to accept particular responsibility.

#### **Fund Committee**

2.1.55. The European Regional Development Fund Committee, which met on 12 July, delivered its opinion on the draft decisions for aid from the Fund under the third allocation for 1979. It also discussed the flow of payment appropriations.

#### **Regional Policy Committee**

2.1.56. The Regional Policy Committee held its twentieth meeting on 5 July. After electing its Chairman and Vice-Chairman, the Committee adopted its position on eight major infrastructure projects submitted for financial assistance from the Regional Fund. It then examined a study relating to regional manpower balance sheets and made arrangements for the organization of work on preparing the regular report to be drawn up by the Commission in close cooperation with the Committee.

#### Environment and consumer protection

#### **Environment**

Prevention and reduction of pollution and nuisance

#### The hazards of certain industrial activities

2.1.57. To prevent major accidents which certain industrial activities could cause; to limit the consequences of such accidents for man and the environment; these are the main objectives of a proposal for a Directive which the Commission presented to the Council on 19 July.1

The proposal is the outcome of much work and many studies carried out by the Commission over two years, the need for which was highlighted by the serious accident at Seveso<sup>2</sup> in Italy. Several debates held on the subject in the European Parliament and in the Council led the Commission to prepare this proposal, the presentation of which has been awaited with great interest in many quarters.

The Commission proposal, which comes under the Communities' action programmes on the environment<sup>3</sup> and on health and safety at work4 falls into two parts with two different target areas. The first part has the role of a framework directive intended to cover any industrial activity (including certain storage

OJ C 212 of 24.8.1974.

Bull. EC 7/8-1976, point 2230. OJ C 112 of 20.12.1973 and C 139 of 13.6.1977.

OI C 165 of 11.7.1978.

conditions) which involves or may involve dangerous substances. It also requires a safety report to be made available to the competent authorities and provides for informing workers and the public in the surrounding areas.

The second part applies more particularly to industrial activities which involve or may involve particularly dangerous substances, specified in Annex II to the proposed directive, which are present or potentially present in the industrial activity in excess of a certain quantity. In this case, the manufacturer would have to send the competent authorities a more detailed safety report concerning the substances, facilities and points where major accidents could occur. This report will contain, among other things, an analysis of the reliability of the facilities, and will seek to show the hazards which they entail for man and the environment and the safety measures needed as a result.

The proposal is aimed at the risks of major accidents, meaning exceptional risks in abnormal operating conditions, i.e. when an industrial activity gets out of control.

#### Control of chemical substances

2.1.58. On 5 and 6 July another meeting of representatives of the Member States was held in Brussels concerning the negotiations between the Commission and the United States on the control of toxic substances.¹ Discussion centred mainly on the problems raised in two EPA (Environmental Protection Agency) documents published in May entitled 'Proposed Health Effects Test Standards for Toxic Substances Control Act Test Rules' and 'Good Laboratory Practice Standards for Health Effects'. The Commission commented on these proposed standards.

#### Improvement of the environment

#### Urban problems in the Community

2.1.59. On 26 July the Commission approved the arrangements for a Conference on Urban Problems in the Community to be held in Liverpool from 6 to 9 November.

This Conference, to be organized in conjunction with the International Union of Local Authorities and the Council of European Municipalities, is intended to enable local representatives and local and regional authorities to hold an exchange of views and experiences on the urban problems that will arise in the Community in the next decade. The Commission hopes that this Conference will help to find solutions capable of securing a constant improvement in living and working conditions in large urban areas.

#### **Environmental education**

2.1.60. The third annual seminar of the Community network of pilot schools in the field of environmental education was held from 1 to 7 July in Rovereto in Italy; teachers from 22 schools took part. Its purpose was to demonstrate, compare and assess the work carried out by the schools under the programme for the school year 1978-79, i.e. the theme of exploring the local environment, and to draw conclusions for the benefit of the schools taking part in the network and other interested scholastic circles.

The purpose of this network is to develop new teaching methods or material in order to encourage and improve the environmental

<sup>&</sup>lt;sup>1</sup> Bull. EC 6-1979, point 2.1.63.

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education of young people between the ages of nine and fourteen. After an initial runningin period, the network is now working on the basis of a three-year programme.

#### Consumers

Protection and information of consumers

#### Cosmetic products

2.1.61. On 24 July¹ the Council decided to extend by one-and-a-half years, until the end of 1980, the deadline laid down in its Directive of 27 July 1976² by which the substances and colouring agents listed in an Annex to the Directive are to be definitively approved or definitively prohibited, retained for a further three-year period or deleted from the list. The deadline had proved impossible to meet because of the complex problems involved, making an extension necessary to avoid a legal vacuum.

#### Agriculture

#### Agricultural prices for 1979/80

2.1.62. At a meeting held on 24 July, the Council formally adopted the decisions taken in June<sup>3</sup> on the prices of a number of products for which the marketing years begin on 1 August or later: cereals, rice, tobacco, seeds, oilseeds, olive oil, wine, etc.<sup>4</sup>

## Measures connected with the monetary situation

2.1.63. Following the adoption by the Council of the regulations setting the prices for the 1979/80 marketing year<sup>4</sup> and adjusting the representative rates<sup>5</sup> the Commission adopted or adjusted on 2 July the detailed rules for the application of several regulations it had previously adopted on monetary compensatory amounts and rates for their application<sup>6</sup> and on the rules for cancelling advance fixing.<sup>7</sup>

On 27 July the Commission fixed new monetary compensatory amounts for the cereals and egg and poultry sectors and for certain products not listed in Annex II to the Treaty in order to take account of the new cereal prices and the new representative rates applicable in this sector from 1 August 1979.8

2.1.64. As a result of the continued improvement of sterling on the exchanges during July and of the compulsory reduction of 1.5 points in the difference referred to for the calculation of the monetary compensatory amounts, payment of the amounts was discontinued altogether in trade with the United Kingdom on 6 August. Payments had to be restored a week later, however, when sterling weakened unexpectedly. The amounts were fixed using a difference of

40 Bull. EC 7/8-1979

OJ L 192 of 31.7.1979.

<sup>&</sup>lt;sup>2</sup> OJ L 262 of 27.9.1976.

<sup>&</sup>lt;sup>1</sup> Bull. EC 6-1979, points 2.1.71 to 2.1.76.

OJ L 188 of 26.7.1979; OJ L 189 of 27.7.1979; OJ L 190 of 28.7.1979; OJ L 192 of 31.7.1979.

OJ L 161 of 29.6.1979.

OJ L 164 of 2.7.1979.

<sup>&</sup>lt;sup>7</sup> OJ L 163 of 2.7.1979.

OJ L 194 of 1.8.1979.

OJ L 198 of 4.8.1979.

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1.9 effective from 13 August<sup>1</sup> and 3.3 effective from 20 August.<sup>2</sup>

2.1.65. The United Kingdom and Italy agreed to apply from 3 September Article 2a of the Council Regulation of 12 May 1971<sup>3</sup> on certain economic policy measures to be taken in agriculture following the temporary widening of the margins of fluctuation for the currencies of certain Member States. For products exported from the United Kingdom to Italy the monetary compensatory amount, which would normally be paid by the importing Member State, Italy, will from now on be paid by the United Kingdom. The Commission has therefore adopted the exchange rate for converting into sterling monetary compensatory amounts expressed in Italian lire.<sup>4</sup>

## Marketing of agricultural products: common organizations

2.1.66. Following the adoption by the Council on 24 July<sup>5</sup> of Regulations concerning cereal prices and related matters on 26 July<sup>6</sup> the Commission adopted Regulations fixing the threshold prices of cereals and certain implementing measures in connection with starch products. On 10 August the Commission also fixed the threshold price for rice.<sup>7</sup>

2.1.67. On 27 July the Commission laid down detailed rules for the application of quotas for the production of isoglucose during the period 1 July 1979 to 30 June 1980.8

2.1.68. On olive oil the Council decided on 24 July that compilation of the register of olive cultivation would be financed from deductions from the production aid. For the

1979/80 marketing year the deduction has been fixed at 1.47% by a Regulation of 9 August 1979.9

2.1.69. On fruit and vegetables the Commission adopted on 26 July<sup>6</sup> conditions for the preventive withdrawal of apples and pears. On 6 August<sup>10</sup> the Commission adopted a series of Regulations on products processed from fruit and vegetables concerning not only the marketing year and production aid, but also detailed rules for the application of aids in this sector.

2.1.70. In July and August wine was also on the Council and Commission agendas: on 24 July the Council adopted a Regulation determining, for the 1979/80 wine-growing year, the prices to be paid under the arrangements for the compulsory distillation of the by-products of wine-making and the maximum amount of the contribution from the Guarantee Section of the European Agricultural Guidance and Guarantee Fund. The buying-in price for wine deliveries is within the range fixed by the Council. The price of alcohol from wine deliveries is the same as the market price of alcohol, which means that the intervention agencies will sustain no losses and no money will be paid out from the EAGGF Guarantee Section.

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OJ L 204 of 13.8.1979.

<sup>&</sup>lt;sup>2</sup> OJ L 211 of 20.8.1979.

<sup>&</sup>lt;sup>3</sup> OJ L 106 of 12.5.1971.

<sup>&</sup>lt;sup>4</sup> OJ L 208 of 17.8.1979.

OJ L 188 of 26.7.1979.

OJ L 189 of 27.7.1979.

<sup>&</sup>lt;sup>7</sup> OI L 203 of 22.8.1979.

OJ L 190 of 28.7.1979.

OJ L 206 of 14.8.1979.

<sup>10</sup> OJ L 199 of 7.8.1979.

<sup>&</sup>quot; OJ L 198 of 4.8.1979.

On 3 August the Commission adopted a Regulation<sup>1</sup> on the granting of re-storage aid for table wines for which a storage contract was concluded during the 1978/79 wine-growing year. The purpose of this is to free part of the storage capacity in wine-growing regions, as large quantities of wine are still in store.

The Commission transmitted to the Council on 20 July a report on the implementation of the system of average prices and representative prices in the wine sector. This compared the results obtained by applying two methods, the 'weighted average price' method, used until 15 December 1977, and the 'representative price' method, introduced on that date.

2.1.71. On seeds the Council adopted on 24 July<sup>2</sup> a Directive adjusting Directives of 1966<sup>3</sup> and 1970<sup>4</sup> on the marketing of seeds and plants to the present market situation and cultivation conditions.

2.1.72. There was also intense activity in the milk and milk products sector in July and August. A Commission Regulation of 12 February's had allowed the sale of publicly-held butter at reduced prices for the manufacture of pastry products, ice-cream and other foodstuffs. In order to prevent this operation from preventing the sale of butter for which private storage aid had been granted and to facilitate disposal of such stocks, the Commission decided on 13 July6 to grant aid for butter from private storage used in the manufacture of these products. The amount of this aid is fixed at a level which allows the priority entry of intervention butter onto the market while at the same time taking account of consumer needs and the easier access to butter from private storage.

On 26 July<sup>7</sup> the Commission adopted two Regulations containing rules for granting aid

for skimmed-milk powder for use in animal feed. The first, covering calf feed, tightens up the denaturing and use requirements for skimmed-milk powder and harmonizes the inspection systems at present in force in the Member States. The second adjusts the corresponding rules applying to feed for other animals.

On 25 July<sup>8</sup> the Commission laid down rules for implementing the Regulation of 20 June 1978<sup>9</sup> concerning the granting of certain special rights to the Milk Marketing Boards in the United Kingdom.

#### **Structures**

2.1.73. The Commission transmitted to the Council on 2 August its third annual report on the implementation of the Council Directives on the reform of agriculture of 17 April 1972.<sup>10</sup>

#### Conditions of competition

- 2.1.74. Under Articles 92 to 94 of the EEC Treaty the Commission decided that no observations were called for in respect of the following State aids:
- (i) aid granted in Germany to compensate for the increased price of fuel used by Berlin

<sup>&</sup>lt;sup>1</sup> OJ L 198 of 4.8.1979.

<sup>&</sup>lt;sup>2</sup> OJ L 205 of 13.8.1979.

<sup>&</sup>lt;sup>3</sup> OJ L 125 of 11.7.1966.

<sup>4</sup> OJ L 225 of 12.10.1970.

<sup>&</sup>lt;sup>5</sup> OJ L 41 of 16.2.1979 and Bull. EC 2-1979, point 2.1.58.

OJ L 177 of 14.7.1979.

<sup>&#</sup>x27; OJ L 199 of 7.8.1979.

<sup>\*</sup> OJ L 188 of 26.7.1979.

OJ L 171 of 28.6.1978 and Bull. EC 6-1978, point
 1.87

<sup>10</sup> OJ L 96 of 23.4.1972.

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market gardeners to heat greenhouses during the winter 1978/79. This action was necessary because of the special situation of Berlin as regards fuel supplies compared with other parts of Germany;

- (ii) a subsidy paid in Germany (Baden-Württemberg) for the replanting of vineyards destroyed by frost in the winter of 1979;
- (iii) granting by Belgium of 'tide-over credits' with State guarantees to nurserymen whose facilities were damaged during the winter 1978/79;
- (iv) a pilot research, development, experimentation and advisory scheme in France in the fruit and vegetable sector;
- (v) the implementation in France of two other measures, one being an aid for the training of regional horticultural advisers and the second an aid for the restructuring of vegetable handling stations in the Manche department. The latter aid will bring about a lasting structural improvement in the quality of the vegetables produced and sold;
- (vi) an increase in the United Kingdom (Northern Ireland) in a low rate of aid for horse-breeding which has remained unchanged for several years. Its purpose is to encourage the development of half-breeds for riding. The Commission may, however, reconsider this type of aid under its permanent review arrangements;
- (vii) a draft law in Italy (Sicily) providing for subsidies in 1978 for the modernization of facilities for the preservation, processing and sale of agricultural products, aid for farmers stricken by natural disasters, action to improve the irrigation network and participation in experiments with new varieties of potatoes. Certain operational credit aids will be re-examined by the Commission under its permanent review arrangements;

- (viii) in Italy (Abruzzi) proposed 'measures for the development of agriculture 1978-80'. This is a comprehensive scheme covering several aspects of agriculture, including infrastructure, structure, irrigation, plant health, stockbreeding, natural disasters and reafforestation. The Commission may, however, re-examine the aids for the launching of cooperatives and unions thereof and operating loans;
- (ix) in Italy (Emilia-Romagna) the proposed granting of subsidies for woodlands reafforestation and reconstitution, particularly in upland areas, and low-interest loans for the purchase of the necessary machinery and equipment for forestry work and for technical assistance;
- (x) in Italy (Lazio) aid measures for wine production. These consist of aid for infrastructure projects, for marketing of wine and for the modernization of cooperative installations, a pilot research programme, aid for training and for advisory services and aid for reconstitution work following biological disasters. In this case too, the Commission may re-examine at a later date aid given in the form of operating loans and guarantees.

#### Harmonization of legislation

#### Veterinary legislation

2.1.75. On 11 July the Commission transmitted to the Council a new proposal for a Regulation laying down conditions designed to render and keep the territory of the Community free from classical swine fever. The intention is to organize the prevention of this disease by achieving and maintaining

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OJ C 187 of 25.7.1979.

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throughout the Community's territory a uniform situation that will allow trade in the products concerned to be liberalized without any risk of the disease spreading.

As part of the action taken to protect the Community against the penetration of viruses exotic to its territory and in application of the Council's decision of 24 May 1979<sup>1</sup> the Commission approved on 26 July<sup>2</sup> a plan for the eradication of African swine fever and the re-stocking of pig farms presented by the Republic of Malta. Malta will receive about 5 million EUA over three years in support of the eradication plan.

#### Corrigendum

Bull. EC 5-1979, point 2.1.108

The end of the second paragraph to read:

- "... financial contribution towards measures to combat foot-and-mouth disease in south-east Europe (700 000 EUA)".
- 2.1.76. On intra-Community trade in meat products, the Commission, in order to adjust the health safeguards imposed on preparation of these products in the case of those which undergo a treatment destroying the germs of contagious animal diseases, transmitted to the Council on 17 and 18 July³ two proposals for Directives, one amending the Directive of 21 December 1976⁴ on health problems affecting intra-Community trade in meat products and the other amending the Directive of 12 December 1972⁵ on health problems affecting intra-Community trade in fresh meat.
- 2.1.77. At a plenary session held on 17 and 18 July<sup>6</sup> the Economic and Social Committee delivered an Opinion on the Commission's

proposal transmitted to the Council on 9 November 1978<sup>7</sup> on health problems affecting intra-Community trade in fresh meat. It also adopted an Opinion on the proposal for a Directive transmitted by the Commission on 14 February 1979<sup>8</sup> relating to these matters (fresh poultrymeat).

#### Plant health legislation

2.1.78. On 24 July the Commission adopted a Directive<sup>2</sup> establishing Community methods of sampling for the official control of pesticide residues in and on fruit and vegetables. This is a first stage in the harmonization of the measures for checking maximum levels fixed by the Council's Directive of 23 November 1976.9

#### Farm accountancy data network

2.1.79. On 26 July<sup>10</sup> the Commission adopted a Regulation amending that of 21 November 1966<sup>11</sup> in connection with the standard fee per farm return and the procedures and time-limits for forwarding these returns. These returns, which contain all the accounting data, will henceforth have to be transmitted to the Commission within nine months of the end of the accounting year to which they refer.

OI L 133 of 31.5.1979.

OJ L 207 of 15.8.1979.

<sup>&</sup>lt;sup>1</sup> OJ C 196 of 3.8.1979.

<sup>&</sup>lt;sup>4</sup> OJ L 26 of 31.1.1977.

<sup>&</sup>lt;sup>5</sup> OJ L 302 of 31.12.1972.

Points 2.3.66 and 2.3.70.

OJ C 280 of 24.11.1978 and Bull. EC 11-1978, point 2.1.83.

<sup>&</sup>lt;sup>8</sup> OJ C 65 of 9.3.1979 and Bull. EC 2-1979, point 2.1.65.

OJ L 340 of 9.12.1976.

<sup>&</sup>lt;sup>10</sup> OJ L 189 of 27.7.1979.

OJ L 213 of 23.11.1966.

Fisheries

#### **Fisheries**

## Conservation and management of resources

#### Internal resources

2.1.80. On 4 July the Commission decided to initiate the procedure laid down in Article 169 of the EEC Treaty in respect of the United Kingdom regarding unilateral conservation measures. The Commission had been notified of the measures on 21 March and 16 May, and copies of the corresponding legal instruments were sent in on 19 and 29 June.

These national measures, which the United Kingdom brought into force on 1 July, mainly consist in increasing the mesh sizes authorized in United Kingdom waters in the North Sea and the North Atlantic for the fishing of ground fish and nephrops. They also fix the minimum marketable sizes for nephrops. Authorized levels of by-catches in nephrops fishing are restricted to 50%. The measures also include requirements concerning herring fishing in Isle of Man waters, some of which were referred to the Court of Justice in 1978 (Case 32/79).

The Commission took the view that by adopting the measures in question the United Kingdom had infringed the rules of the Treaty on a number of counts. The Commission held that with effect from 1 January 1979 no Member State was authorized to adopt national measures on fisheries without prior authorization from the Community. Nor had the United Kingdom consulted the Commission at all stages of elaboration of the measures. Some provisions, e.g. the increasing of mesh sizes for bottom fish and nephrops fishing in the North Sea, merely anticipated the

implementation of the Commission's proposals accepted by the other eight Member States. The Commission could not accept the United Kingdom's argument that the measures were urgent, and it considered that fishermen were not being allowed enough time to adapt to the new conditions.

On 31 July the United Kingdom advised the Commission that it disagreed with the Commission's arguments and was maintaining the unilateral measures in force. Consequently, pursuant to the procedure laid down in Article 169 of the Treaty, on 3 August the Commission addressed a reasoned opinion to the United Kingdom, confirming its opinion that the measures in question were contrary to the Community rules and calling upon the United Kingdom to comply within 45 days.

2.1.81. Two provisions included in the United Kingdom measures were, however, approved by the Commission: larger minimum marketable size of whiting and the designation of bass as a protected species.

On 12 July the Commission approved a unilateral conservation measure adopted by Belgium in its North Sea waters. This measure, in accordance with the Commission's proposals, relates to mesh sizes, minimum marketable sizes, levels of by-catches and infringement procedures. On the same date the Commission also declared four Danish conservation measures restricting catches in the North-East Atlantic, the Baltic and the Belts as conforming to Community rules. On 25 July the Commission approved three measures adopted by the Netherlands renewing provisions relating to quotas and one measure relating to mesh sizes in the North-East Atlantic.

Bull. EC 7/8-1979 45

2.1.67.

Bull. EC 6-1979, point 2.1.89.
 OJ C 74 of 20.3.1979 and Bull. EC 2-1979, point

#### External aspects

2.1.82. Following scientific recommendations from the International Council for the Exploration of the Sea, relating to the revision of total allowable catches (TAC) for certain fish stocks in the zones of the two parts of the North Sea, consultations were held between the Community and Norway on 26 and 27 July. The delegations agreed to recommend increases in the TAC for 1979 for the stocks concerned and allocations between the two parties taking account of these increases.

2.1.83. On 23 July a Community delegation had exploratory talks in Lisbon regarding an outline agreement between the Community and Portugal. A number of points which could be covered by an agreement emerged from the discussions.

2.1.84. On 17 and 24 July the Commission forwarded to the Council two proposals for regulations, one of them on measures for the conservation of fishing resources applicable to vessels flying the flag of a Member State and fishing in international waters in the North-West Atlantic, the other on the allocation of catch quotas for those vessels. Both proposals lay down technical measures to ensure compliance with the quotas accepted by the Community under the Convention on Future Multilateral Cooperation in the North-West Atlantic Fisheries (NAFO).

#### Markets and structures

#### Common organization of the markets

2.1.85. On 27 July, the Commission decided to suspend imports of frozen hake

with effect from 30 July. The suspension proved necessary because hake was being imported below the reference price, and this was disrupting the Community market.

#### Structures

2.1.86. On 13 August the Commission decided not to oppose the extension of Stateaid measures that the German Government had applied in 1978. These are national measures for the reorganization of fisheries and the temporary or permanent reduction of production capacity.

#### **Transport**

#### **Inland transport**

#### Operation of the market

#### Access to the market

2.1.87. On 13 July the Commission sent to the Council a proposal amending its Regulation of 16 December 1976 on the Community quota for the carriage of goods by road between Member States. The Regulation provides that the Council, acting on a proposal from the Commission, shall decide by

OJ C 193 of 31.7.1979.

<sup>&</sup>lt;sup>2</sup> OJ C 202 of 11.8.1979.

<sup>&</sup>lt;sup>3</sup> Bull. EC 6-1979, point 2.1.95.

<sup>4</sup> OJ L 190 of 28.7.1979.

Bull. EC 7/8-1978, point 2.1.104.

OJ L 357 of 29.12.1976.

30 November of each year on any increase in the Community quota and on the allocation to the Member States of the extra authorizations resulting from it.

The Commission proposes an increase of 20% in the quota of Community authorizations for 1980 which would be allocated to the Member States according to the usual formula: 50% on a linear basis and 50% on the basis of the degree of utilization of the authorizations in 1977.

2.1.88. On 4 July the Commission addressed an opinion1 to the Federal Republic of Germany, which had consulted it on a draft regulation implementing the Council Directive of 12 November 1974 on admission to the occupation of road passenger transport operator in national and international transport operations.<sup>2</sup> In its opinion, the Commission advises the German Government to make a number of amendments to its draft regulation to bring it into line with the 1974 Directive.

#### Transport rates and conditions

18 July the Commission *2.1.89.* On adopted a Decision fixing 15 September as the time limit by which some Member States must adopt decisions relating to the establishment of reference tariffs for the carriage of goods by road to and from Denmark.3

2.1.90. On 24 July the Commission forwarded to the Council a proposal for a Decision concerning common action by the Member States for the negotiation of a revision of the International Conventions concerning the Carriage of Passengers and Luggage by Rail (CIV) and the Carriage of Goods by Rail (CIM).

#### Approximation of structures

#### Social conditions

2.1.91. On 10 July the Commission decided to amend its proposal of 17 September 1975 on the harmonization of certain social provisions relating to goods by inland waterway<sup>5</sup> to take account of the opinions of Parliament<sup>6</sup> and the Economic and Social Committee.7

These amendments mainly concern the time spent behind the wheel, daily rest periods and the composition of crews (in particular the employment of female crew members).

2.1.92. In accordance with the Council Regulation of 25 March 1969 on the harmonization of certain social legislation relating to road transport<sup>8</sup> and the Council Regulation of 20 July 1970 on the introduction of recording equipment in road transport, the Netherlands Government consulted the Commission on measures exempting certain transport operations and national users from the obligations laid down by these two Regulations with regard to the vocational training of drivers and the use of the tachograph.

On 27 July the Commission adopted a Decision<sup>10</sup> authorizing the exemption requested for transport operations within a radius of

OJ L 182 of 19.7.1979.

OJ L 308 of 19.11.1974.

OJ L 187 of 25.7.1979.

OJ C 206 of 16.8.1979.

OJ C 259 of 12.11.1975; Bull. EC 9-1975, point

OJ C 57 of 7.3.1977; Bull. EC 2-1977, point 2.3.16.

OJ C 61 of 10.3.1977; Bull. EC 1-1977, point 2.3.43.

OJ L 77 of 29.3.1969.

OJ L 164 of 27.7.1970.

OJ L 209 of 18.8.1979.

50 kilometres of the place where vehicles are based and which are used for deliveries to and from local markets, for door-to-door selling, for mobile banking, exchange or savings transactions, for the lending of books, records or cassettes and for cultural events or mobile exhibitions.

On the same day it adopted a favourable opinion on similar exemptions for the use of vehicles undergoing local road tests for purposes of repair and maintenance and for the transport of live animals between farms and local markets.

2.1.93. On 27 July the Commission also delivered a favourable opinion to the Netherlands Government on its proposed measures for the training of drivers of road haulage vehicles with a maximum authorized weight of more than 7.5 tonnes, who are between 18 and 21 years old, and of drivers of buses, who are between 21 and 25 years old, on which the Commission had been consulted under the Council Directive of 16 December 1976.<sup>2</sup>

#### Technical aspects

2.1.94. On 25 July the Commission sent to the Council a proposal for a Directive laying down technical requirements for inland waterway vessels with a view to standardizing the technical inspection of vessels and adopting a Community navigation certificate.

This proposal is the culmination of measures initiated in 1973, at the request of the Member States, to improve the safety of passengers, crews and vessels operating on Community inland waterways. On 20 January 1976<sup>3</sup> the Council adopted a Directive—amended in 1978<sup>4</sup>—providing for the

reciprocal recognition of national navigability certificates and requiring the Council, acting on a proposal from the Commission, to adopt the technical requirements for vessels before 1 January 1980.

#### Improvement of railway finances

2.1.95. The Advisory Committee on Transport Aids held its annual meeting on 10 July at which it studied the problems of aid to the inland waterway shipping business and combined transport. Productive discussions were held on the possibility of providing aid for the start-up phase of new rail-road techniques. Although no suitable legislative solution was found, it gave the Commission an opportunity to sound out the views of national experts, who were all in favour of promoting piggyback transport.

2.1.96. The Commission organized a meeting of railway experts on 4 July to discuss the problems of implementing the Council Decision of 20 May 1975 on the improvement of the financial situation of railway undertakings.5 The Decision provides that Community legislation on public service obligations may be adapted to take account of the links between the transport industry and the other economic and social sectors. At this meeting the experts expressed general support for the Commission's approach which, rather than amending existing legislation would involve supplementing it with annexes serving as guidelines for an assessment of the concept of general interest.

<sup>&</sup>lt;sup>1</sup> OJ L 209 of 18.8.1979.

<sup>&</sup>lt;sup>2</sup> OJ L 357 of 29.12.1976.

<sup>&</sup>lt;sup>3</sup> OJ L 21 of 29.1.1976; Bull. EC 12-1975, point 2283.

OJ L 349 of 13.12.1978; Bull. EC 11-1978, point 2.1.94.

OIL 152 of 12.6.1975.

#### Energy

## Formulating and implementing a Community energy policy

#### Energy savings and rational utilization

2.1.97. The panel of experts under the chairmanship of Mr Saint-Geours, which was set up by the Commission to examine the implications of a more rapid transition to an energy-efficient society, has submitted its report. The Commission had stated in its communication on the conclusions to be drawn from the public hearings on nuclear energy<sup>1</sup> that it would organize such a study.

The report's conclusion is that the challenge of an energy-efficient society is one that society can meet without imperilling its values, its traditions or the well-being and liberties of its citizens. Success depends on the individual initiative and responsibility shown by households and enterprises, and on a tolerance of plural forms in society. There is no question of renouncing economic growth but of redirecting its content and its quality. Indeed, low rates of economic growth will retard the changes and renewals which are necessary to move towards a more energyefficient society. But to be sustainable, rapid economic growth, in future, must be based on a more complete and fundamental policy for energy use than has yet been attempted.

The report presents a well-defined picture of what such a complete and fundamental policy might look like.

#### Sectoral problems

#### Hydrocarbons

2.1.98. Activity in this sector centred on the follow-up to the commitments entered into at the European Council in Strasbourg<sup>2</sup> and the Tokyo Summit.<sup>3</sup>

On 28 August the Council adopted a Regulation introducing registration for crude oil and/or petroleum product imports in the Community. Under this Regulation importers of crude oil and/or petroleum products from non-member countries or from Member States will be required to furnish the Member State concerned with the characteristics of each import. At regular intervals the Member States will forward to the Commission such information as will enable a true picture to be obtained of developments in the conditions under which imports have taken place. This information will be circulated to the Member States.

The data and information collected and forwarded will be confidential, but this will not prevent the publication of general information or information in summary form which does not contain details relating to individual undertakings. The rules for carrying out registration will be laid down in a supplementary Regulation for which the Commission will subsequently adopt detailed implementing arrangements.

In this context, the Council also noted that the Commission, in conjunction with the

<sup>&</sup>lt;sup>1</sup> Bull. EC 3-1978, point 1.2.5.

<sup>&</sup>lt;sup>2</sup> Bull. EC 6-1979, points 1.1.1 to 1.1.19.

<sup>&</sup>lt;sup>3</sup> Bull. EC 6-1979, points 1.2.1 to 1.2.6.

<sup>&</sup>lt;sup>4</sup> OJ L 220 of 30.8.1979 and Bull. EC 6-1979, point 2.1.112.

Member States, is organizing studies on the import targets to be set for individual countries for each year until 1985.

The Council also noted that the Commission, in consultation with other oil-consuming countries, is studying the feasibility of a system of certificates for crude oil prices ex producing countries.

#### Coal

#### Industrial loans

2.1.99. The Commission has decided to grant a loan of DM 8.4 million (some 3.3 million EUA) to Saarbergwerke in Saarbrücken for the joint financing of building and transformation work at the mining engineering college at Saarbrücken.

#### Nuclear energy

#### Uranium prospecting

2.1.100. On 20 July the Commission decided on the detailed allocation of the 5 million EUA earmarked in the 1979 budget as aid for uranium prospecting programmes within the Community. The Commission, which had called for applications in February 1979, took advice from geologists in the Member States after examining the applications.<sup>1</sup>

#### **Euratom loans**

2.1.101. On 30 July the Commission proposed that the Council amend its Decision of 29 March 1977<sup>2</sup> in order to increase the total

amount for Euratom loans to help finance the building of nuclear power stations from 500 million EUA to 1 500 million EUA.

#### Alternative energy sources

2.1.102. Mr Gherab, Secretary-General of the United Nations Conference on New and Renewable Energy Sources, visited the Commission on 12 July for talks with Mr Brunner, the Member with special responsibility for energy.

The visit was in preparation for the conference on new and renewable sources of energy which has been convened for 1981 by the UN General Assembly.

## Research and development, science and education

#### Research in the energy sector: Council agreement

2.1.103. At its meeting on 24 July the Council approved a four-year (1979-83) indirect-action R & D programme in the energy sector which should have followed on from the current four-year programme on 1 July; the Commission proposal was sent to the Council on 10 August 1978.<sup>3</sup>

Like the current programme, the programme agreed by the Council is divided into five

50 Bull. EC 7/8-1979

OJ C 44 of 17.2.1979 and Bull. EC 2-1979, point 2.1.90.

<sup>&</sup>lt;sup>2</sup> OJ L 88 of 6.4.1977 and Bull. EC 3-1977, point 2.1.101.

<sup>&</sup>lt;sup>1</sup> OJ C 228 of 26.9.1978 and Bull. EC 7/8-1978, point 2.1.121.

<sup>\*</sup> OJ L 231 of 2.9.1975; Bull. EC 6-1975, point 2262 and 7/8-1975, point 2263.

'strategic' sectors: energy conservation; production and use of hydrogen; solar energy; geothermal energy; systems analysis and strategy studies in the field of energy. Although greater than the allocations for these sectors in the current programme, particularly in the case of energy conservation and solar energy, the financial resources and staff allocated by the Council for the implementation of the 1979-83 programme fall short of the levels originally put forward<sup>1</sup> by the Commission, the figures being 105 million EUA and 34 staff instead of the 125 million EUA and 37 staff proposed. The programme, which will involve several hundred cost-sharing contracts to be concluded with laboratories, firms and research establishments in the Member States, will be administered by the Commission with the assistance of the specialized Advisory Com-Programme Management mittees on (ACPMs).

Once the Council has given its final approval to this programme, notices inviting applications will be published in the Official Journal specifying the type of activity to be conducted under these contracts and the conditions which will apply to them.

#### Science, research and development

### Scientific and Technical Research Committee

2.1.104. The Scientific and Technical Research Committee (CREST) met at Ispra on 2 and 3 July. The meeting was mainly devoted to the provision of information concerning the various aspects of the proposal

for the next multiannual (1980-83) research programme to be conducted by the Joint Research Centre (JRC). Among other topics, the Committee discussed the various tasks of the IRC (pivoted role, its public service character, assistance to the Commission), the relationships between the programmes and the Community's aims in the field of science and technology and current problems facing the JRC in particular, which relate to the mobility of research workers and the dissemination and optimum utilization of the results of research. CREST also visited some of the research laboratories at the Ispra Establishment, in particular the ESSOR reactor, the research laboratories concerned with the safety of nuclear reactor structures and laboratories working on solar energy and remote-sensing from space.

Lastly, the Committee formally approved an opinion relating to the Commission's proposals for a concerted R & D action programme concerning the effects of thermal treatment and distribution on the quality and nutritional value of foodstuffs.<sup>2</sup>

#### Scientific and Technical Committee

2.1.105. The Scientific and Technical Committee (CST) devoted its meeting on 6 July to an examination of nuclear safety in Europe in the light of the accident which occurred in the Three Mile Island Reactor at Harrisburg, USA, in March. The Committee made a number of recommendations for submission to the Commission concerning the Commission's work on nuclear safety.

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OJ C 110 of 3.5.1979; Bull. EC 3-1979, point 1.5.1.
OJ C 77 of 23.3.1979 and Bull. EC 2-1979, point 2.1.52.

## European Cooperation in the Field of Scientific and Technical Research (COST): Decision concerning a new project

2.1.106. On 26 July a Community-COST Coordination Agreement concerning implementation of a concerted action project on the treatment and use of sewage sludge (COST Project 68a) was concluded by representatives from Austria, Finland, Norway, Sweden and Switzerland and the Community, represented by the Chairman of the Permanent Representatives Committee and the Director-General of the Commission with responsibility for research, science and education. This agreement is the first example of the application of the conclusions adopted by the Council on 18 July 1978<sup>1</sup> concerning the second category of COST projects which relate specifically to projects originally put forward in COST and then developed as Community projects with a view to collaboration within COST. This is the case with research relating to the treatment and use of sewage sludge which was the subject of COST Project 68 until 1976<sup>2</sup> and was then covered by the Council Decision of 27 September 1977<sup>3</sup> adopting a Community concerted action research programme for the period 1977-80 which followed on from and enlarged COST activities. In March 19774 non-member countries involved in COST were invited to participate in this programme and the agreement was approved by the Council of behalf of the Community on 19 March 1979.5

The problem of sewage sludge, which is of increasing importance, is closely linked to the fight against water pollution. In the course of waste water purification, up to 700 kg of sewage sludge per inhabitant per year is produced, to which must be added biodegradable industrial sludge generated by the food

industries, breweries, etc. The disposal of the sludge poses serious environmental problems and in order to overcome these difficulties, sludge treatment must be improved to provide products capable of improving and enriching farm land under economically justifiable conditions which minimize pollution.

A Community-COST Coordination Committee comprising the Commission as the coordinator of the Community concerted action project, the Member States with regard to their national responsibilities and the five non-member States participating in COST is to be set up to administer this project.

#### Science and technology for development

2.1.107. The Commission, represented by the Director-General responsible for research, science and education, played an active part in the conference organized by the UN in Vienna from 20 to 31 August.<sup>6</sup>

2.1.108. At its meeting on 17 July the Economic and Social Committee<sup>7</sup> delivered its opinion on the Commission proposal concerning the establishment of safety measures against surmised risks associated with recombinant DNA work.<sup>8</sup>

Bull. EC 7/8-1978, point 2.1.124.

<sup>&</sup>lt;sup>2</sup> Tenth General Report, point 387.

OJ L 267 of 19.10.1977 and Bull. EC 9-1977, point 2.1.75.

<sup>&</sup>lt;sup>4</sup> Bull. EC 3-1977, point 2.1.114.

<sup>&</sup>lt;sup>5</sup> OJ L 72 of 23.3.1979.

<sup>6</sup> Point 2.2.25.

Point 2.3.63.

<sup>&</sup>lt;sup>8</sup> OJ C 301 of 15.12.1978 and Bull. EC 12-1978, point 2.1.153.

# 2. Enlargement and external relations

Scientific and technical information

## Scientific and technical information and information management

#### Euronet

2.1.109. On 16 August, following negotiations between the Commission and Switzerland, the Council approved the Agreement between the EEC and the Swiss Confederation on the extension of the Community data transmission network (Euronet) to the territory of Switzerland.

Under this Agreement users located in Switzerland or in the Community will be guaranteed, in a non-discriminatory manner and on a reciprocal basis, access to the Euronet network and to the data banks connected to it. These same conditions of non-discrimination and reciprocity apply also to the computers which serve these data bases. Transactions between users and suppliers of information will be governed by a freely accepted code of conduct intended to promote a spirit of healthy and fair competition, to safeguard the interests of the users and ensure efficient and economic use of the network.

The conclusion by the Commission of such agreements for cooperation with non-member States<sup>2</sup> was authorized by the Council when it adopted the second three-year plan of action on 9 October 1978.

#### Greece

#### Association Committee

2.2.1. The EEC-Greece Association Committee met in Brussels on 18 July. Discussions dealt largely with the anti-inflationary measures recently adopted by Greece and their compatibility with the Association Agreement. There were also discussions on the Greek tariff arrangements in the Dodecanese Islands and low-price Greek exports of peaches in syrup.

#### **Portugal**

2.2.2. The President of the Council, Mr O'Kennedy, Minister for Foreign Affairs of Ireland, paid an official visit to Portugal from 27 to 29 August. He had talks with President Eanes, Mrs de Lurdes Pintasilgo, Prime Minister, Mr Freitas Cruz, Minister for Foreign Affairs, the Ministers for Finance, for Economic Coordination and Planning, for Trade and for Tourism, and the President of the Commission for European Integration. He also received leaders of the main political parties in Portugal.

The major topics discussed were Portugal's application to join the European Communities and the planned changes to the 1972 EEC-Portugal Free-Trade Agreement.

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Enlargement and bilateral relations with applicant countries

OJ L 214 of 22.8.1979.

<sup>&</sup>lt;sup>2</sup> OJ L 311 of 4.11.1978 and Bull. EC 10-1978, point 2.1.140.

Commercial policy Commercial policy

#### Spain

#### Accession negotiations

2.2.3. On 12 July the Commission forwarded to the Council its first two communications on negotiations with Spain. The first deals with taxation and the second with customs union for industrial products.

2.2.4. On the same day Mr Calvo Sotelo, Spanish Minister responsible for relations with the Community, met Mr Natali and Mr Gundelach in Brussels to discuss the accession negotiations.

#### Visit by Mr Davignon to Spain

2.2.5. On 9 and 10 July Mr Davignon, Member of the Commission responsible for the internal market and industrial affairs, visited Madrid to have further meetings with the Spanish authorities and business circles. He met the Prime Minister, Mr Suarez, Mr Calvo Sotelo, Minister responsible for relations with the Community, and Mr Bustelo, Minister for Industry. He also took part in working sessions with the Spanish Confederation of Employers' Organizations (CEOE) and with the Supreme Council of the chambers of commerce.

#### Commercial policy

#### **GATT** multilateral trade negotiations

2.2.6. On 26 July the President of the United States signed the act giving effect to the multilateral agreements and arrangements

initialled last April in the framework of the Tokyo Round.<sup>1</sup> The legislation had previously been passed by the House of Representatives (on 11 July) and the Senate (on 23 July).

At its 24 July meeting the Council reaffirmed the importance it attached to a full and satisfactory implementation of the Tokyo Round results by all Parties. It agreed that in the autumn it would consider on the basis of a final report by the Commission the conclusion of the negotiations.

2.2.7. The Community continued to take part in the Geneva negotiations. Talks on a safeguards code (Article XIX of GATT) continued in July, but the various delegations made no further progress towards agreement, particularly with regard to the circumstances in which selective safeguard action would be authorized. Although the GATT Secretariat acknowledge the divergence of views, the Commission is continuing to seek a solution.

The tariff protocol containing the schedules of tariff concessions made by the main parties to the negotiations was signed for authentication in Geneva on 13 July, marking the end of the Tokyo Round tariff negotiations between the major industrialized countries; with regard to the developing countries, an effort is still being made to come up with some improvements in offers regarded as unsatisfactory.

The final texts of the codes on technical standards, subsidies and countervailing duties, import licences, customs valuation, civil aircraft and agriculture have been certified by the Director-General of GATT and are being distributed by the GATT Secretariat. These codes, along with those on counterfeiting and

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<sup>&</sup>lt;sup>1</sup> Bull. EC 4-1979, points 1.2.1 to 1.2.11.

government procurement, will be supplemented, as soon as they are finalized, by regulations and directives to be presented to the Council, together with a final Commission report on the MTNs, towards the beginning of October.

## Implementing the common commercial policy

Import arrangements

#### Instruments of commercial policy

2.2.8. On 1 August<sup>1</sup> the Council amended the basic Regulation of 5 April 1968<sup>2</sup> on protection against dumping or the granting of bounties or subsidies by countries which are not members of the European Economic Community—which had already amended in 19733 and 19774—in order to clarify some of the concepts contained in it. The amendment is in full accordance with the Community's international obligations under Article VI of the General Agreement on Tariffs and Trade and the 1968 anti-dumping code and takes account of the practices of the Community's main trading partners.

The new Regulation defines more clearly a number of terms such as the 'normal value' of a product, particularly in the case of imports from State-trading countries, and 'export price'. It also clarifies the circumstances in which sales may be regarded as not being in the normal course of trade (selling at a loss) and lays down in greater detail the rules for determining the injury sustained by a Community industry affected by dumping, and the conditions under which interested parties may have access to information used during investigations. The new Regulation

also provides that provisional duties may be definitively collected, even when exporters have given a voluntary undertaking to revise their export prices. Finally, there is now a simplified procedure for examining requests for the repayment of anti-dumping duties.

2.2.9. On 26 July the Commission transmitted to the Council a proposal for a Regulation on import arrangments in respect of State-trading countries. The aim of the proposed regulation is to weld the various pieces of legislation in this field into a coherent, streamlined whole, amend it in the light of experience, and supplement the Community rules so that they cover all aspects of import arrangements in respect of State-trading countries.

#### Easing of restrictive measures

2.2.10. Under the Decision of 27 March 1975<sup>5</sup> on unilateral import arrangements in respect of State-trading countries, the Commission took the following measures to relax import restrictions:

Italy-Czechoslovakia: exceptional opening of an import quota for plates, strips, rods, angles, shapes, sections, tubes and the like, prepared for use in structures, of iron or steel;<sup>6</sup>

Denmark-USSR and German Democratic Republic: alteration of quantities for several categories of textile products;<sup>6</sup>

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OJL 196 of 2.8.1979.

<sup>&</sup>lt;sup>2</sup> OJ L 93 of 17.4.1968.

<sup>&</sup>lt;sup>1</sup> OJ L 206 of 27.7.1973.

<sup>\*</sup> OJ L 160 of 30.6.1977 and Bull. EC 6-1977, point 2.2.20.

<sup>&</sup>lt;sup>5</sup> OJ L 99 of 21.4.1975.

<sup>6</sup> OJ C 179 of 17.7.1979.

Italy-German Democratic Republic: exceptional opening of an additional import quota for porcelain for domestic purposes;1

Italy-USSR: exceptional opening of an import quota for aluminium scrap, alloyed, in bars;<sup>2</sup>

France-Poland: exceptional opening of an additional import quota for sheep, other than pure-bred breeding animals;2

France-German Democratic Republic: exceptional opening of four additional import quotas for porcelain for domestic purposes, watches and clocks, and textile products;3

Italy-USSR and Hungary: exceptional opening of additional import quotas for acrylonitrile and unworked cast or rolled glass;3

Italy-Czechoslovakia: exceptional opening of an import quota for woven industrial and occupational clothing, and exceptional amendment of the quantities for categories of textile product;3

Italy-Czechoslovakia: exceptional opening of an import quota for synthetic rubber;3

United Kingdom-Czechoslovakia and German Democratic Republic: exceptional opening of two additional import quotas for textile products, and amendment of quantities for certain categories of textile products;4

Italy-Czechoslovakia: exceptional opening of an additional import quota for vehicles, parts and accessories:5

Member States-China: abolition of certain quantitative restrictions and opening or increasing of a number of quotas;6

Italy-Poland: exceptional opening of an additional import quota for injectors for diesel engines;7

United Kingdom-Czechoslovakia: amendment of the quantity for a category of textile products.7

#### Anti-dumping procedures, Community surveillance and safeguard measures

#### Anti-dumping procedures

- 2.2.11. The Commission decided to initiate anti-dumping/anti-subsidy procedures concerning imports of:
- (i) saccharin and its salts originating in China, Japan and the United States;4
- cassette (ii) certain stereo heads originating in Japan;4
- (iii) canned peaches originating in Greece;8
- (iv) mechanical alarm clocks originating in China, Hong Kong, the German Democratic Republic, Czechoslovakia and the Soviet Union;8
- (v) piezo-electric quartz crystal units originating in Japan, South Korea and the United States;9
- (vi) certain cotton yarns originating in Turkey.10
- 2.2.12. The Commission terminated the procedure initiated in August 197811 for imports of polybutadiene-styrene originating in the German Democratic Republic, Poland and Romania,<sup>12</sup> and the procedure initiated in December 1977<sup>13</sup> for imports of unalloyed wrought titanium originating in Japan.4

OJ C 179 of 17.7.1979.

OJ C 182 of 20.7.1979. OJ C 204 of 14.8.1979. OJ C 207 of 17.8.1979. OJ C 223 of 5.9.1979.

OJ C 210 of 22.8.1979.

OJ C 222 of 4.9.1979. OJ C 212 of 24.8.1979.

OJ C 216 of 29.8.1979.

OJ C 196 of 3.8.1979.

Bull. EC 7/8-1978, point 2.2.44.

OJ C 201 of 10.8.1979.

Bull. EC 12-1977, point 2.2.26.

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## Specific measures of commercial policy

#### Steel

#### Arrangements with non-member countries

2.2.13. Consultations were held between Commission representatives and the competent authorities of seven countries—Norway (2 July); Hungary (12 July); South Korea (13 July); Sweden (16 July); South Africa (17 July); Brazil (19 July); and Portugal (26 July)—under the steel arrangements concluded in 1978 and renewed this year. The functioning and administration of the arrangements were examined, with particular regard to observance of the price rules, the general quantitative trend and imports of products for first-stage processing.

On 18 July special consultations also took place between the Commission and Spain to examine the trend of Spanish exports of ECSC iron and steel products to the Community, and ways of ensuring the smooth functioning of the arrangement; Spain's exports of certain products of first-stage processing were also given particular attention.

#### Anti-dumping measures

2.2.14. The Commission decided to terminate the anti-dumping/anti-subsidy procedures in respect of steel flanges originating in Spain¹ (initiated in April 1978²) and certain galvanized steel sheets and plates originating in Canada³ (initiated in January 1978⁴).

#### **Textiles**

#### Implementation of agreements

2.2.15. On 11 July, in connection with the 1979 Berlin Trade Fair, the Commission adopted a Regulation allocating additional quantities for imports into the Federal Republic of Germany of certain textile products from nine of the supplying countries with which the Community has concluded bilateral agreements. The new regulation is an instance of the flexible administration of the agreements concluded within the framework of the MFA.

#### **Negotiations**

2.2.16. The negotiations with China which opened on 5 March<sup>6</sup> and continued in April<sup>7</sup> ended in Peking on 18 July witht the initialling of an agreement. The joint communiqué put out to mark the occasion states:

'The agreement provides a five-year framework for imports into the Community of Chinese textiles and garments made from cotton, wool or man-made fibres ... granting substantially increased access to Community markets for these products ... the Chinese negotiators have agreed to a reinforced safeguard clause for products not subject to limitation.

Whilst establishing essential protection for the Community industries, the safeguard

<sup>&</sup>lt;sup>1</sup> OJ C 201 of 10.8.1979.

<sup>&</sup>lt;sup>2</sup> Bull. EC 4-1979, point 2.2.13.

<sup>&</sup>lt;sup>3</sup> OI C 216 of 29.8.1979.

Bull, EC 1-1978, point 2.2.33.

OJ L 180 of 17.7.1979.

<sup>6</sup> Bull. EC 3-1979, point 2.2.14.

<sup>&</sup>lt;sup>7</sup> Bull. EC 4-1979, point 2.2.16.

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mechanism will also have the effect of providing security of access to Community markets for Chinese exporters ...'

#### Arrangements with non-member countries

2.2.17. In accordance with the Council Decision of 24 May, the Commission's Special Representative for textile negotiations, at the invitation of Pakistan, Macao, Thailand, Bangladesh, Sri Lanka and India, visited the capitals of those countries for the formal signature of their respective agreements with the Community.

#### **Jute and coir**

2.2.18. On 24 July the Council adopted a Regulation<sup>2</sup> on arrangements for imports into the Benelux countries of jute yarn originating in India, in order to give effect within the Community to the voluntary restraint arrangements agreed in this sector with the Indian Government.

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#### Generalized preferences

#### Proposed scheme for 1980

2.2.19. On 19 July<sup>3</sup> the Commission transmitted to the Council its proposals for the implementation of the 1980 generalized preferences scheme for processed agricultural products and manufactures and manufactures originating in the developing countries.

In this last scheme in the GSP's first decade, the Commission has not attempted to anticipate the new system which will come into force in 1981. Its proposals therefore follow the pattern of previous schemes, retaining their general structure, with some adjustments mainly involving technical improvements (agricultural products subject to quota) and a better offer to take account of the unstable economic conditions still prevailing in certain sectors (industrial products).

In spite of an unfavourable economic situation, overshadowed by the energy problem, the Commission's offer for 1980 demonstrates its concern to extend steadily and pragmatically the preferential advantages the Community accords to the developing countries. In value terms, the overall offer proposed for 1980 represents some 9 400 million EUA, namely an increase of 26% over the preferential opportunities made available in 1979.

Processed agricultural products — With the implementation from 19774 onwards of its offer on tropical products<sup>5</sup> in the framework of the Multilateral Trade Negotiations (Tokyo Round), and the improvements made in 1979, the Community has given as much as it is currently able to grant under the preferential system to developing countries in the agricultural sector. Thus, apart from a bigger tariff reduction for dried bananas, the Commission's main concern has been to achieve an improvement in the utilization of already existing advantages by means of various technical adjustments. These concern the tariff arrangements for Virginia-type tobacco (a

Bull. EC 5-1979, point 2.2.25. OJ L 190 of 25.7.1979.

OJ C 234 of 17.9.1979.

Bull. EC 1-1977, point 2.2.7.

Bull. EC 10-1976, point 2304.

reduction of 1% in ad valorem duty and a 5-EUA cut in the minimum levy per 100 kg, and the reserve share increased to 5%), the possible improvement of the reserve share for pineapples other than in slices, and, lastly, adaptation of the tariff arrangements for palm oil. The volume of agricultural trade covered by the GSP can be put at 1 300 million EUA.

Industrial products other than textiles — In its offer submitted to UNCTAD, the Community adopted 1977 as the reference year for calculating both the basic amount and the additional amount, instead of 1974 and 1976 respectively as for the 1979 scheme. Strict application of this method results in a very substantial increase in the offer. In view of the serious economic difficulties affecting certain sectors the Commission has proposed either a more moderate increase or the maintenance of 1979 levels in certain limited cases (mineral oils, leathers, superphosphates, electric light bulbs and fluorescent tubes).

The overall offer for industrial products now stands at 6 900 million EUA, which is 29% up on 1979. For sensitive and semi-sensitive products, the offer exceeds 1 200 million EUA, representing an increase of more than 16% (not including the two products for which the offer is expressed in specific units, namely plywood with an increase of 5% and mineral oils 'frozen' at 1979 levels). Nonsensitive products show a very marked increase (37%), rising from 3 800 million to 5 200 million EUA.

Textile products — For 1980 the Commission is presenting the same proposal as for 1979; the Council has already taken a number of decisions of principle in this connection, but a number of points are still under discussion. In the case of jute and coir products, the Commission proposes that the tariff exemption be maintained in 1980 for

those developing countries which benefited from it in 1979; as regards India and Bangladesh, this will depend on whether the voluntary restraint agreements between these two countries and the Community are successfully renegotiated.

Beneficiary countries — The Commission proposes to include the People's Republic of China among the beneficiaries of the Community's GSP scheme for all the products covered, with the exception of agricultural products subject to quotas and sensitive industrial products; special arrangements are planned as regards textiles and China's admission is conditional on the conclusion of an agreement on trade in those products.

#### Seminars on the Community's GSP

2.2.20. As part of its annual programme of seminars on the Community's generalized system of preferences, a team from the Commission visited Argentina and held seminars in three cities—Buenos Aires (19 and 20 July), Rosaria (23 and 24 July) and Mendoza (26 and 27 July)—organized in collaboration with the Ministry of the Economy and with financial institutions in each city. The seminar in Buenos Aires was formally opened by the Under-Secretary for International Economic Multilateral Negotiations, Don Juan E. Dumas. More than 400 people enrolled for the three seminars, the majority drawn from the private sector.

The Commission concentrated on specific and practical questions concerning day-to-day problems and techniques of exporting under preference to the Community and also drew attention to the considerable possibilities of diversifying exports into the less sensitive product categories.

<sup>&</sup>lt;sup>1</sup> Bull. EC 5-1979, point 2.2.27 and 6-1979, point 2.2.24.

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#### Commodities and world agreements

#### Cocoa

2.2.21. The second session of the United Nations conference for the conclusion of the third International Cocoa Agreement, which took place in Geneva from 16 July to 2 August, ended without reaching any concrete results, although considerable progress was made regarding the mechanisms of the agreement (based essentially on an international buffer stock) and on the problems of financing that stock.

There seemed to be a considerable narrowing of the wide differences of opinion regarding prices which had seriously divided exporting and importing countries at the first session of the conference. Progress still remains to be made before an agreement can be concluded, particularly on the minimum and maximum price levels and the buffer stock intervention prices. The Community has continued to take an active and influential part in these negotiations, in view of their importance for trade in and consumption of this commodity.

#### Natural rubber

2.2.22. When they met in Geneva from 25 June to 13 July, the participants in the third Negotiating Conference decided jointly to ask the Secretary-General of UNCTAD to convene a fourth session so that an international agreement on the stabilization of natural rubber prices could be concluded. The producers in particular felt that they needed time to obtain further instructions from their respective governments on the key problem of buffer stock financing.

The session centred on the negotiation of the text of an agreement, based on the comprom-

ise text concerning the basic components of the agreement presented by the Chairman of the Conference to the second session.2 This text had been accepted by the majority of the participants including the Community, the United States, China and Japan. The point which raised the greatest difficulties was the finalization of the wording for the financing of the overall buffer stock of 550 000 tonnes (comprising a normal stock of 400 000 tonnes and a contingency stock of 150 000 tonnes), since divergences in interpreting this part of the compromise text had arisen notably between the United States, the producer countries and the Community. Moreover, differences between the United States delegation and the producers in connection with the clause on the availability of rubber supplies, caused the negotiations to be deadlocked for a short while, with the result that the negotiators lost precious time for determining what other questions remained to be settled. The Community delegation continued during this session to act as a stimulus, as it had done during previous sessions.

The fourth session (scheduled for the end of September) should enable the participants to conclude the negotiations.

#### Copper

2.2.23. The Commission participated in the second meeting of the UNCTAD Intergovernmental Group of Experts on Copper held in Geneva from 25 June to 6 July.

The discussions of this Group, which had been established by the Sixth Preparatory Meeting on Copper<sup>3</sup> to examine a series of

<sup>&</sup>lt;sup>1</sup> Bull. EC 2-1979, point 2.2.29.

Bull. EC 4-1979, point 2.2.23.

Bull. EC 3-1979, point 2,2.25.

economic elements for conceivable inclusion in a possible copper agreement, resulted in deadlock. The Chairman, Mr Sirman of Indonesia, concluded the meeting by stating that the 'Group was not able to arrive at agreed conclusions on the most appropriate mechanisms for achieving the objective of stabilization of the world copper market or on the modes of operation of such mechanisms'.

This was essentially a meeting of experts requested to produce technical guidelines for a political decision by the forthcoming Seventh Preparatory Meeting on Copper in October as to whether a negotiating conference should be convened.

#### Tin

2.2.24. From 16 to 20 July the Community took part in the work of the International Tin Council, which was meeting in London under the Fifth International Tin Agreement; 26 countries were represented, including the 9 Member States of the Community.

The market situation was reviewed and tin production and consumption levels were found to correspond closely. The floor and ceiling prices were revised upwards by approximately 11% and 15% respectively.

The Preparatory Committee for the Sixth Agreement held a preliminary exchange of views, the United Nations negotiating conference being scheduled for April 1980. Greece, Portugal, Switzerland, Brazil and Pakistan were on the Committee for the first time, and the hope was expressed that China would be a signatory to the Sixth Agreement.

## Commercial, industrial and technical cooperation

#### Science and technology for development

2.2.25. A programme of action was adopted by the United Nations Conference on Science and Technology for Development (UNCSTED), which took place in Vienna from 20 to 31 August with 141 industrialized and developing countries participating; the Community was represented at this Conference, during which the Member States' delegations adopted common positions on the various items on the agenda.

The adoption by the Conference of a programme of action for the developing countries, coming as it did shortly after UNCTAD V which had achieved somewhat disappointing results, was considered by participants as a favourable development in the North-South Dialogue.

The Conference adopted a set of recommendations aimed at strengthening and restructuring the scientific and technological capacity of the developing countries. The latter were invited to draw up a national policy for science and technology; by the year 2000, they should account for 20% of world R & D activity, as against approximately 3% at present.

Particular attention was paid at both national and international level to problems of scientific and technical information. The developing countries were invited to set up national networks to be linked to an international network of scientific and technological information capable of meeting their requirements. On the other hand, no agreement was reached on the questions of technology transfer and transnational corporations.

At the institutional level, the Conference decided to set up an Intergovernmental Com-

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mittee on Science and Technology for Development, which will have the task of helping the United Nations General Assembly to draw up political guidelines to harmonize the activities of the various UN bodies operating in the field of science and technology. The Committee will meet once a year, and will report and make recommendations to the General Assembly through the Economic and Social Committee (ECOSOC), which will be able to make observations.

A study will be launched to devise a mechanism for financing science and technology for development. This mechanism would have to release a foreseeable and steady flow of financial resources and could be adopted at the 36th General Assembly session in 1981. In the interim, a fund financed by voluntary contributions and administered by the United Nations Development Programme (UNDP) would have to be set up, with a target of at least USD 250 million for the years 1980-81. A conference to call in funds would have to be convened before the end of the year by the United Nations Secretary-General.

The Community, which was one of the Group of 77's main negotiating partners at the Conference and throughout the preparations, always expressed itself through the Presidency of the Council and presented common positions. In an area where the Community has no real competence, the Vienna Conference is a first step towards the sectoral coordination which the Council recommended in its Resolution of 28 November 1977 addressed to the Commission, inviting the latter to 'widen the scope of its coordination activities which should be organized in a more systematic way, whether on a sectoral level or in accordance with the country-bycountry approach, since this role of providing information and stimulus is essential for a better harmonized development of the

Member States' bilateral cooperation policies'.'

#### Agrarian reform and rural development

2.2.26. A World Conference on Agrarian Reform and Rural Development, organized under the aegis of the FAO (United Nations Food and Agriculture Organization) was held in Rome from 12 to 20 July with a Commission delegation participating; around 150 countries and some 200 international organizations were represented at the Conference.

The main subject of this Conference was the elaboration of a declaration of principles and a programme of action designed to transform all aspects of rural life and activities, whether economic, social, cultural, institutional or human. In this connection specific targets were set to be reached by 1990.

The Preparatory Committee for the Conference, which met last March,2 had already given its agreement on the draft declaration of principles and programme of action. The participants in the Committee meeting had expressed their interest in the part of the Conference's agenda concerning the influence of international policies on agrarian reform and rural development.

During the Rome Conference, the implementation of a 'new international economic order' was considered essential to attain the desired objectives. The Community participated in the work of the Conference Commissions responsible for studying national programmes of action and international agrarian reform and rural development policies.

The discussions at the Conference centred on the second of these points. The adoption of a

Bull. EC 11-1977, point 2.2.23. Bull. EC 3-1979, point 2.2.42.

new international economic order was considered essential to enable the developing countries to participate equitably in international economic activities. Among the topics dealt with were: international trade, economic and technical cooperation among developing countries, external investment, official development assistance, and the programme of action to be implemented by FAO and other organizations of the United Nations system.

#### Food aid and emergency aid

#### South-East Asian refugees

2.2.27. The problems raised by South-East Asian refugees—on whose behalf the Community had already taken steps, including a formal statement by the Ministers of Foreign Affairs of the Nine at a political cooperation meeting in June'—gave rise in July and August to a series of measures, proposals, meetings of Community institutions and participation by the Community in the Geneva Conference held under the aegis of the United Nations.

2.2.28. The President of the Council, Mr Michael O'Kennedy, referred to this problem at length when he addressed a meeting of the Council of Ministers of the ASEAN (Association of South-East Asian Nations) in Bali on 1 July. Recalling that the European Council in Paris had asked on 18 June for an international conference<sup>2</sup> to be convened urgently to study possible solutions to this problem, he said that:

'The EEC Member States appreciate the problem with which your countries in the region are faced, and the magnitude of the burden placed on you.

The nine members of the EEC have already tried, according to their capabilities, to alleviate this problem by admitting refugees for resettlement and by contributing to humanitarian aid programmes such as those of the United Nations High Commissioner for Refugees. In the period up to 31 May 1979 Member States of the EEC had admitted approximately 56 850 refugees for resettlement, and commitments to admit additional numbers had been made.

The Community Member States have also contributed substantially, according to their respective capacities, to the UN High Commissioner for Refugees. The Commission of the European Communities recently contributed 5 million u.a. or about USD 6 million, over and above previously announced contributions, for humanitarian aid to refugees. The Member States are now prepared to make further commitments, additional to those already given, in regard to admitting refugees and making financial contributions, so as to enhance the prospects of success of the forthcoming conference, to encourage other countries to take similar action, and to help ease the heavy burden which your countries and others in this area are bearing.'

2.2.29. In order to meet the wishes of the European Council expressed with some urgency in June, the Commission proposed to the Council that it should suspend direct aid to Vietnam and provide food aid for the refugees.

On 4 July, the Commission accordingly proposed to the Council that food aid be allocated to the South-East Asian refugees, to be delivered free at destination via the United Nations High Commissioner for Refugees (UNHCR); the quantities involved were 8 000 tonnes of rice and 1 500 tonnes of skimmed-milk powder. On 13 July, the Commission proposed that the Kampuchean refugees in Vietnam be granted 2 700 tonnes of rice as emergency food aid, to be delivered free at destination; on 23 July, it proposed

Bull. EC 7/8-1979 63

<sup>&</sup>lt;sup>1</sup> Bull. EC 6-1979, points 1.1.16, 2.2.28 and 2.2.58.

<sup>&</sup>lt;sup>2</sup> Bull. EC 6-1979, point 1.1.16.

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granting 20 000 tonnes of rice and 1 500 tonnes of milk' to be delivered free at destination via the UNHCR for refugees and displaced persons in South-East Asia. It further proposed that the UNHCR be granted emergency aid of 10 million EUA as a contribution to its programme of assistance to refugees.

2.2.30. The Council gave its approval to the quantities involved in these proposals on 4 July and 24 July respectively. It also agreed that direct food aid for Vietnam would remain suspended pending a fresh Commission proposal dealing with the items against which the aid is to be charged and the consequences for the budget.

The aid is in addition to that already granted to South-East Asian refugees via the UNHCR (5 000 tonnes of cereals, 2 000 tonnes of skimmed-milk powder and 1 000 tonnes of butteroil.

- 2.2.31. At its first part-session, the directlyelected European Parliament adopted a resolution on the tragedy of the Indo-Chinese refugees on 19 July.
- 2.2.32. The International Conference on South-East Asian Refugees, called for by the European Council in Paris, was held on 20 and 21 July in Geneva, after being convened by the United Nations Secretary-General. The Community was represented by Mr O'Kennedy, President of the Council, and Mr Cheysson, Member of the Commission with special responsibility for development. Sixty-five countries took part.

Mr O'Kennedy made a statement which was substantially the same as when he addressed the ASEAN Council of Ministers at the beginning of July.' The following are extracts from Mr Cheysson's statement: '... Approximately USD 20 million has been allocated from this year's Community budget to various organizations working for refugees from Kampuchea, Laos and other South-East Asian countries. If, as several speakers have suggested, those organizations could step up their activities on behalf of Kampuchean refugees, I have no doubt at all that the Community would be prepared to back up such efforts.

At the beginning of the year ... the flow of refugees increased suddenly. Our cooperation with the Office of the High Commissioner in South-East Asia had made us aware of the seriousness of the situation and we decided, in addition to our normal measures, to take immediate action in the following two ways:

- (i) 5 million EUA, approximately USD 7 million, has been paid out in cash over the last three months to cover the costs incurred by the Office of the High Commissioner;
- (ii) an exceptional decision involving the immediate supply of 8 000 tonnes of rice and 1 500 tonnes of skimmed-milk powder has meant that we have been able at the same time to cover half the refugees' food requirements for which the High Commissioner's Office is responsible for the three-month period from June to August 1979.

The Community is determined—and I am authorized to say this on its behalf—to continue with these measures, that is to say to undertake responsibility for the same proportion of the Office of the High Commissioner's rice and milk requirements in South-East Asia during the months to come, our first commitment involving two three-monthly periods, and also to make a further donation in cash well in excess of that which has just been made ...'

At the close of the Conference the United Nations Secretary-General, Mr Kurt Waldheim, expressed his satisfaction at the way it had been conducted and the commitments entered into by the participants.

Bull. EC 7/8-1979

OJ L 193 of 1.8.1979.

Point 2.3.8 and OJ C 203 of 13.8.1979.

Point 2.2.28.

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2.2.33. At its meeting on 24 July, the Council of the European Communities drew conclusions from the Geneva Conference, and decided how it should be followed up. The communiqué published at the end of the meeting stated the following:

'The Council confirmed the undertakings made by the Community in Geneva regarding the provision of emergency food aid in favour of the refugees of South-East Asia through the United Nations High Commissioner for Refugees.

#### These undertakings are as follows:

- (1) the provision of 20 000 tonnes of rice (which are in addition to the 8 000 tonnes already approved by the Council Decision of 4 July 1979) covering 50% of the needs, up to February 1980, for refugees in South-East Asia;
- (ii) the provision of 1500 tonnes of vitaminized milk powder (which are in addition to the 1500 tonnes already approved by the Council Decision of 4 July 1979);
- (iii) the provision of 10 million EUA for the general programme of the UNHCR for refugees in South-East Asia;
- (iv) the allocation of 2 700 tonnes of rice to Kampuchean refugees in Vietnam through the UNHCR.

The Council also decided to earmark a provisional credit of 4 million EUA in favour of Kampuchean refugees refused by Thailand and those remaining in Kampuchea, which would be implemented as and when the appropriate channelling can be assured through international organizations.

The Council invited the Permanent Representatives Committee to put the necessary technical arrangements into effect within the next few days.

Furthermore the Council agreed to re-examine the matter of food aid to Vietnam at its September meeting in the light of developments in this area.'

#### Food aid

Peru

2.2.34. On 2 July the Commission decided on behalf of the Community to grant emergency food aid to Peru involving 1 000 tonnes of cereals and 500 tonnes of skimmed-milk powder, for free distribution to people affected by extremely bad weather conditions (floods and drought) and an earthquake. The cost of these measures can be estimated at approximately 450 000 EUA.

#### Nicaragua

2.2.35. On 16 July the Commission decided to grant Nicaragua 1 650 tonnes of cereals and 100 tonnes of skimmed-milk powder under the 1979 food aid programme; the aid in question will be allocated to the International Committee of the Red Cross. The food aid granted to the ICRC and to the Catholic Relief Service for the people of Nicaragua since the beginning of the year comprises 3 000 tonnes of cereals (including 1 350 tonnes under the 1978 programme) and 360 tonnes of skimmed-milk powder (including 160 tonnes under the 1978 programme) having a total value, inclusive of transport costs. of 0.7 million EUA at world market prices and 1.2 million EUA inclusive of refunds.

On 27 August the Commission adopted a programme of emergency aid for Nicaragua, involving a food donation of 5 000 tonnes of cereals and 500 tonnes of skimmed-milk powder, the cost of carriage by sea and air (for 70 tonnes of milk powder) being covered by the Community. A decision was also taken to allocate 2 million EUA for the purchase on the spot of local foodstuffs (beans), food for

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infants and vegetable oils and fats. In all, this emergency food aid from the Community represents a sum of nearly 3 million EUA, i.e. over USD 4 million at world prices.

#### Emergency aid

#### Nicaragua

2.2.36. In addition to the measures taken on behalf of Nicaragua specifically in the form of food aid, on 25 July the Commission also granted the country emergency aid of 200 000 EUA and earmarked some 2 million EUA under the programme of financial and technical aid to non-associated developing countries, for reconstruction projects to be submitted to it by the Nicaraguan Government. The Head of the Commission Delegation for Latin America went to Nicaragua immediately to enter into contact with the authorities of the country. Mr Haferkamp, Commission Vice-President, informed the Managua Government's special envoy in Europe of these decisions on the day they were taken. He expressed the Commission's sympathy towards the work of economic and democratic reconstruction undertaken by Nicaragua's new Government.

Under the programme of emergency aid for Nicaragua adopted on 27 August, the Commission decided to grant aid of 250 000 EUA for the purchase of seeds, so that sowing, which normally takes place at the beginning of September, can be carried out under fairly satisfactory conditions. Lastly, the Commission agreed to send a team of trade promotion experts and also a programming mission to Nicaragua in September with a view to providing financial and technical aid for the reconstruction of the country, a sum of 2 to 3 million EUA having already been earmarked for this purpose.

#### Costa Rica and Honduras

2.2.37. In view of the consequences of events in Nicaragua, the Commission decided on 10 August to allocate 100 000 EUA to the League of Red Cross Societies as emergency aid for the supply of essential goods (tents, blankets and food) to some 100 000 Nicaraguans who had taken refuge in the neighbouring States of Costa Rica and Honduras. The dramatic situation in Nicaragua made it impossible for these refugees to return home in the short term. This aid is in addition to that earmarked by the Community for direct allocation to Nicaragua.<sup>1</sup>

#### Angola

2.2.38. On 16 August the Commission decided to contribute the sum of 100 000 EUA to help implement a USD 2 million programme set up by the Office of the United Nations High Commissioner for Refugees (UNHCR) to assist some 50 000 Angolan refugees who have returned home on their own initiative. The programme, half of which is being covered by Scandinavian aid, is designed to permit the social rehabilitation of the refugees within a very short time. It mainly involves the supply of agricultural implements, seeds, household clothing and equipment for schools.

## Relations with non-governmental organizations

2.2.39. With regard to the cofinancing of projects in the developing countries, by 31 August the Commission had received 138

Point 2.2.36.

projects submitted by 55 NGOs for the financial year 1979 involving requests for a total of 11 750 434 EUA. Commitments totalling 6 592 475 EUA had been made for 81 projects.

The Commission has also contributed 81 820 EUA to eight schemes undertaken by NGOs for educating the European public in development matters.

#### Law of the sea

2.2.40. The second part of the eighth session of the United Nations Conference on the Law of the Sea was held in New York from 16 July to 24 August. It failed to produce a consensus on the system for the exploitation of the international seabed situated beyond the continental shelves.

Negotiations also continued on other sensitive points, such as scientific research, marine pollution, the definition of the outer limit of the continental shelf, and the delimitation of waters as between States which face or border on each other. Little progress was made, and the negotiations were not concluded.

#### International organizations

#### **United Nations**

#### Economic and Social Council

2.2.41. The United Nations and Social Council (ECOSOC) held its second ordinary

session of the year in Geneva from 4 July to 3 August. This meeting did not yield any concrete results, since ECOSOC was unable to provide any guidelines for the continuation of the dialogue between industrialized and developing countries.

The continuing recession and the energy crisis loomed large. Mr Waldheim, United Nations Secretary-General, stressed that the international community had to give serious consideration to how it could deal with the energy problem and how it should react to the prospect of the progressive depletion of oil reserves. He recalled the proposal which he had made two years ago regarding the creation of a world energy institute and hoped that it might be examined. The Community was represented at the session with observer status.

#### World Food Council

2.2.42. The ministerial meeting of the World Food Council, to be held in Ottawa from 4 to 7 September, was preceded by a preparatory meeting, which took place in Rome from 4 to 6 July. The participants at that meeting examined the world food situation and discussed topics which would appear on the agenda of the ministerial meeting, in particular: how to overcome the obstacles to growth in the production of foodstuffs in the developing countries; food security, trade in foodstuffs and food aid; famine and malnutrition.

Bull. EC 4-1979, point 2.2.31.

#### Food and Agriculture Organization

## World Conference on Agrarian Reform and Rural Development

2.2.43. The Commission was represented at the World Conference on Agrarian Reform and Rural Development, which took place in Rome from 12 to 20 July under the ægis of the FAO.

## United Nations Conference on Science and Technology for Development

2.2.44. The United Nations Conference on Science and Technology for Development (UNCSTED), which met in Geneva from 20 to 31 August<sup>2</sup> with the participation of the Community, completed its work on the adoption of a 'programme of action'.

## United Nations Group on the International Year of the Child

2.2.45. A meeting of the United Nations Group responsible for assessing the progress made in activities relating to the International Year of the Child took place in Geneva on 6 July. The Community took this opportunity to state once again the concern which it has for children, who make up 20% of its population, even though the European treaties do not make any provision for an overall policy for children. The Community delegation stressed the action undertaken by the Community in this field, and emphasized that in some areas this action had been quite extensive, for example appropriations from the European Social Fund for measures to assist

the children of migrant workers (15 million EUA in 1979), and increased financial and food aid for the Third World, part of which will go to children. Since it was set up the European Development Fund has helped to finance 50 paediatric centres, 110 maternity homes and 35 centres for the protection of mothers and children in the developing countries.

#### General Agreement on Tariffs and Trade

#### **GATT Council**

2.2.46. The GATT Council of Representatives met in Geneva on 25 July. Three points on the agenda of this meeting concern the Commission in particular. The Commission representative described the broad outlines of the Treaty for Greece's accession to the Community, the Acts of which were signed on 28 May in Athens. The texts of the Acts relating to accession were communicated to the GATT Contracting Parties.

The Community also notified GATT of cartain trade measures relating to Community imports of apples from Chile. The Council agreed to set up a special working party to examine this question. Lastly, the GATT Council took note of the fact that measures taken by the United Kingdom regarding imports of television sets from Korea had been lifted following bilateral consultations.

Point 2.2.26.

<sup>&</sup>lt;sup>2</sup> Point 2.2.25.

<sup>&</sup>lt;sup>3</sup> Bull. EC 5-1979, points 1.1.1 to 1.1.19.

## Relations with certain countries and regions

#### Industrialized countries

#### **United States**

2.2.47. The eighteenth meeting in the series of six-monthly high-level consultations¹ between the Commission and the United States Government was held in Brussels on 12 and 13 July. The Commission delegation was led by Mr Haferkamp and the United States delegation was led by Mr Richard Cooper, Under-Secretary of State for Economic Affairs.

The discussions covered the economic situation and prospects in Europe and in the United States, the position after the Tokyo Round, the energy problem, the North-South Dialogue and various bilateral trade matters, including the Toxic Substances Control Act (TSCA), problems in the iron and steel industry and certain trade matters involving the petrochemicals industry.

#### New Zealand

2.2.48. On 7 August the Commission sent the Council a report on the milk situation in the Community, on the world market and in New Zealand, in connection with British imports of New Zealand butter.

The Commission notes that despite New Zealand's attempts to diversify the Community is still its main butter market. It considers that the Community should ask New Zealand to reduce its sales of butter in the United Kingdom, in return for which the Community could consider offering New Zealand a higher price.

#### Mediterranean countries

#### Yugoslavia

2.2.49. The negotiations between the Community and the Socialist Federal Republic of Yugoslavia were resumed in Brussels on 2 and 3 July with a view to concluding a cooperation agreement to take over from the trade agreement which has been tacitly extended since 30 August 1978. The Yugoslav delegation was headed by Mr Andov, a member of the Federal Executive Council and the Community delegation was led by Mr Haferkamp, the Vice-President of the Commission responsible for external relations.

The object of this negotiating meeting was to enable both delegations to state their respective positions and views on the future of EEC-Yugoslavia relations, in the light of Yugoslavia's situation as a non-aligned, European, Mediterranean country and member of the Group of 77, and of the outcome of the discussions held in February<sup>2</sup> and April 1978<sup>3</sup> and the exploratory talks conducted by Mr Haferkamp in Belgrade in June 1978.

The cooperation agreement under discussion is a new type of agreement but follows along the lines of the Belgrade Joint Declaration, which was signed on 2 December 1976<sup>4</sup> and testifies to the two parties' wish to strengthen, deepen and diversify their cooperation links.

The delegations firmly expressed their common desire to examine in more detail each

Bull. EC 11-1978, point 2.2.53.

<sup>&</sup>lt;sup>2</sup> Bull. EC 2-1978, point 2.2.44.

<sup>&</sup>lt;sup>1</sup> Bull. EC 4-1978, point 2.2.58.

<sup>&</sup>lt;sup>4</sup> Bull. EC 11-1976, point 2340.

others' positions regarding points on which agreement has not been reached at this stage, in order to come to a mutually acceptable agreement as soon as possible. They agreed to hold a further negotiating session in the near future.

#### Maghreb - Mashreq

2.2.50. From 2 to 27 July a group of 12 senior officials from Arab countries attended a seminar at the Commission, to which they had been invited by Mr Haferkamp and Mr Cheysson. They came from countries with which the Community has cooperation agreements but also from financial institutions with which the Community would like to cooperate more closely. The visitors had discussions with large numbers of Commission officials, and were received by Mr Brunner.

#### **Developing countries**

ACP States and the OCT

#### Lomé Convention

#### Accessions to the Convention

2.2.51. The Republic of Kiribati (former Gilbert Islands), which became independent on 12 July, has applied to accede to the Lomé Convention. Pending Kiribati's accession, the Council decided on 1 August¹ to continue to apply to it the arrangements provided for in the Decision of 29 June 1976² on the association of the overseas countries and territories with the European Economic Community.

#### Financial and technical cooperation

2.2.52. On 25 July the Commission transmitted a report to the ACP-EEC Council of Ministers on the administration of financial and technical cooperation in 1978 under the Lomé Convention.

This report, which is the third compiled under Article 41 of the Lomé Convention, shows that 673 million EUA was committed in 1978, bringing total commitments decided on by the Commission and the European Investment Bank to 1860 million EUA out of the 3458 million EUA in Community aid provided for in Article 42 of the Lomé Convention, in respect of the African, Caribbean and Pacific States signatory to the Convention.

The report also states that, in the same period, major efforts were made to ensure the rapid execution of projects for which commitments were made in 1976 and 1977; the rate of disbursements—which reflects project execution—has been speeded up considerably. From 1977 to 1978 disbursements rose from 155 million to 321 million EUA.

#### **Export earnings**

#### Stabex

2.2.53. In accordance with Article 18(2) of the Lomé Convention, on 19 July the Commission proposed to the Council that it request the ACP-EEC Council of Ministers to authorize the advance use of up to 20% of

OJ L 208 of 17.8.1979.

OJ L 176 of 1.7.1976.

<sup>&</sup>lt;sup>3</sup> Bull. EC 4-1977, point 2.2.64 and 3-1978, point 2.2.55.

the 1979 instalment of the resources allocated to the system for the stabilization of export earnings. The Commission noted that transfers to be made in 1979 to offset the losses registered in 1978 by certain ACP States exceeded the available amounts.

2.2.54. A transfer agreement relating to an amount of 3 591 506 EUA was signed on 26 July with the Republic of Guinea-Bissau to offset the losses suffered by that country in 1978 on its groundnut exports.

#### European Development Fund

New financing decisions

2.2.55. In July and August the Commission took the following financing decisions:

### Under the second and third EDFs

Rivanda — Continuation and extension of the Mwaga-Gisakura tea project (settlement of a dispute): 160 000 EUA;

Upper Volta — Upgrading of the Ouagadougou-Koupéla road - first section (settlement of a dispute): 450 000 EUA.

#### Under the fourth EDF

Zambia — Immediate exceptional aid for the supply of a pontoon landing stage for the Kazungula ferry between Zambia and Botswana: 172 000 EUA; Cotton development project: 7 700 000 EUA;

Benin — Improvement of rural facilities in Mono province: 2 521 000 EUA; Improvement of rural facilities in Ouémé province: 2 333 000 EUA:

Mali — Tree-felling at the Sélingué Dam site: 1 293 000 EUA;

Malawi — Central lake fisheries development project: 1 300 000 EUA;

Lesotho — Mafeteng-Tsoloane road: 2 921 000 EUA;

Zambia — Multipurpose agricultural stores: 2 200 000 EUA;

Mauritania — School building programme: 3 380 000 EUA;

Nigeria — Multiannual training programme: 1 280 000 EUA;

Kiribati (former Gilbert Islands) — Baitfish production (Temaiku fish farm - phase 2): 170 000 EUA;

Surinam — Improvement of the medical infrastructure in the interior of the country: 350 000 EUA;

Gambia — Rural Vocational Training Programme (supply of equipment): 100 000 EUA;

Somalia — Multiannual training programme: 990 000 EUA:

ASECNA' countries — Extensions to the African School of Meteorology and Civil Aviation (EAMAC) in Niamey - regional project: 2 860 000 EUA;

*UPDEA*<sup>2</sup> member countries — College of electrical engineering: 2 000 000 EUA;

Sao Tome and Principe — exceptional aid: 300 000 EUA;

Equatorial Guinea — exceptional aid: 300 000 EUA;

Sudan — exceptional aid: 990 000 EUA;

Mauritius — exceptional aid: 700 000 EUA;

Fiji — exceptional aid: 700000 EUA;

Tanzania — exceptional aid: 300 000 EUA.

<sup>&</sup>lt;sup>1</sup> Agency for Security of Aerial Navigation in Africa and Madagascar.

<sup>&</sup>lt;sup>2</sup> Union of Electricity Producers and Distributors in Africa.

#### Asia

# Member countries of the Association of South-East Asian Nations

2.2.56. On 18 July the Commission transmitted to the Council a communication recommending that negotiations be opened with ASEAN with a view to concluding a commercial and economic cooperation agreement.

The Commission feels that it is politically important for the Community and for the ASEAN countries to give their relations a formal basis of this type. From the Community viewpoint a formal cooperation agreement would facilitate and encourage European participation in the economic growth of one of the most rapidly-developing areas of the world. For the ASEAN countries an agreement with the Community would help them to achieve a better balance as between their different economic partners and would provide an impetus to their international integration. This would in turn strengthen the political stability of the region, which is a vital element in preserving the peace of the whole of South-East Asia, as the Community specifically recognized on the occasion of the EEC-ASEAN ministerial meeting held in Brussels in November 1978.1

#### Southern Asia

# Bangladesh

2.2.57. Doctor Huda, Minister of Finance and Planning of Bangladesh, visited the Commission on 17 July and was received by Mr Haferkamp. In the course of his talks he expressed his Government's concern at his country's critical situation as regards food

supplies. He also conveyed to Mr Haferkamp a personal invitation from his Minister for Foreign Affairs to visit Bangladesh, which Mr Haferkamp proposes to do later this year.

#### Iran

2.2.58. An Iranian delegation led by Mr Ardalan, Minister of Economic and Financial Affairs, visited the Commission on 13 August; it was received by Mr Davignon.

At the end of the talks the Commission spokesman made the following statement to the press:

'The aim of the visit was to take stock of relations between Iran and the Community and to examine their future development.

The talks covered subjects of common interest to Iran and the Community, particularly in the sphere of economic policy, energy and trade policy and industrial and agricultural cooperation.

The two delegations agreed that technical discussions on the same subjects will be continued in Teheran in October. The aim of these exploratory talks is to prepare a report for the respective authorities so that negotiations can be resumed with a view to reaching a new agreement between the EEC and Iran.'

#### Latin America

# Andean Group

2.2.59. On 5 July, at the invitation of Mr Jenkins, the Commission received the President of Colombia, H.E. Julio César Turbay Ayala, who had received a mandate from the other Andean Group countries (Bolivia,

<sup>&</sup>lt;sup>1</sup> Bull. EC 11-1978, points 1.4.1 to 1.4.5.

Ecuador, Peru and Venezuela) to put forward the idea of a strengthening of their links with the Community.

During a working meeting with a number of the Members of the Commission, President Turbay described the achievements and prospects of Andean integration and argued the case for the conclusion of a cooperation agreement between the two groups of countries. Mr Jenkins, after recalling the close ties already established between the Community and the Junta of the Cartagena Agreement, expressed his readiness to start exploratory talks as soon as possible on the form and possible content of such a cooperation agreement.

# State-trading countries

#### China

2.2.60. The first meeting of the Joint Committee set up under the Trade Agreement between the Community and the People's Republic of China was held in Peking from 17 to 19 July.

The Community delegation was led by the Commission's Director-General for External Relations and the leader of the Chinese delegation was Mr Sun Suo Chang, Director at the Ministry of Foreign Trade.

The European delegation was received by Mr Ku Mu, Vice-Premier, who stressed the political importance attached by his Government to relations between an increasingly unified Community and a China strengthened by its modernization programme; the delegation was subsequently received by Mr Li Qiang, Minister of Foreign Trade, who stressed the role which the recently held Fifth Congress assigned to foreign trade in the attainment of general objectives.

The main purpose of the Joint Committee's work was to enable a general assessment to be made of the application of the Agreement and of the development of trade relations. Generally speaking the delegations considered that the application of the Agreement was proceeding smoothly.

In line with the provisions of the Agreement, the Community delegation described the new import opportunities which it was prepared to concede for 1979 in the form of further liberalization of certain imports and also in the form of quota increases. It also communicated the Community's decision on generalized preferences. This Chinese delegation explained how it applied the principle laid down in the Agreement of 'favourable consideration' for Community exporters.

#### Council for Mutual Economic Assistance

#### Romania

2.2.61. The third round of the negotiations between the Community and Romania with a view to the conclusion of agreements on industrial products (other than textiles and iron and steel products) and on the setting-up of a joint committee took place from 2 to 5 July.<sup>2</sup>

Discussions centred on the structure of the industrial agreement, and in particular on the provisions relating to the import arrangements which the Community proposed to apply to Romanian products. The Romanian delegation specified its position on the various aspects of the problem, and also its ideas on the trade-offs which it could give the Community.

<sup>&</sup>lt;sup>1</sup> Bull. EC 1-1978, points 1.2.1 to 1.2.3 and 4-1978, points 1.5.1 to 1.5.5.

<sup>&</sup>lt;sup>1</sup> Bull. EC 3-1979, point 2.2.71 and 5-1979, point 2.2.78.

Political cooperation Political cooperation

# **Diplomatic relations**

2.2.62. On 23 July the President of the Council and the President of the Commission received His Excellency U Maung Maung Nyunt, who presented his letters of credence in his capacity as Head of the Mission of the Socialist Republic of the Union of Burma to the European Economic Community (EEC).

On the same day' the two Presidents received Their Excellencies Mr Mahmoudou Haman Dicko (United Republic of Cameroon) and Mr Ghebray Berhane (Socialist Ethiopia), who presented their letters of credence in their capacity as Heads of their countries' Missions to the European Communities (EEC, ECSC, EAEC).

On 24 July' Their Excellencies Mr Julio Ego-Aguirre Alvarez (Republic of Peru), Mr Lengolo Bureng Monyake (Kingdom of Lesotho) and Mr Ernani Rodrigues Lopes (Republic of Portugal) presented their letters of credence to the President of the Council and to the President of the Commission in their capacity as Heads of their countries' Missions to the European Communities (EEC, ECSC, EAEC).

The new Ambassadors succeed Mr Simon Nko'O Etoungou (Cameroon), U Chit Moung (Burma), Mr Lij Michaël Imru (Ethiopia), Mr Emilio G. Barreto Bermeo (Peru), Mr T.E. Ntlhakan (Lesotho) and Mr Antonio de Sigueira Freire (Portugal).

the Council and of political cooperation, spoke of the problems concerning the future of the refugees from Vietnam, Laos and Cambodia. He put the Community's position at the Conference on the refugees held in Geneva on 20 and 21 July.<sup>2</sup>

2.2.64. On 19 July Parliament's passed a resolution on the tragedy of the Indochinese refugees, in which it called for emergency and coordinated measures. On 20 July Parliament passed another resolution on the arrests of dissidents in Czechoslovakia.

# Political cooperation

2.2.63. During talks with the Foreign Ministers of the ASEAN countries in Bali on 1 July, Mr Michael O'Kennedy, President of

OJ C 201 of 10.8.1979.

Points 2.2.27 to 2.2.33.

<sup>&</sup>lt;sup>2</sup> Points 2.3.8 and 2.3.9 and OJ C 203 of 13.8.1979.

# 3. Institutional and political matters

**Parliament** 

# Institutional developments — European policy

### Court of Justice Rules of Procedure

2.3.1. In accordance with Article 188 of the EEC Treaty and the corresponding articles of the other Treaties, the Council approved amendments to the Rules of Procedure of the Court of Justice' proposed by the Court and examined as agreed by the Ministers of Justice on 9 October 1978.<sup>2</sup> According to the Treaties it is now for the Court formally to adopt the amended Rules of Procedure.

# Right of residence for nationals of Member States

2.3.2. On 31 July the Commission transmitted to the Council a proposal for a Council Directive giving nationals of Member States a right of permanent residence on the territory of other Member States.3 Community rules so far apply only to employed and self-employed working people. The directive would fill in the gaps by covering other categories of citizens. It is directly inspired by the current provisions for working people. If the Council adopts the Commission proposal the citizens of the Member States will have acquired one of the 'special rights' which the European Parliament and the Council have recommended that they be given so as to make Community membership more tangible.

# Institutions and organs of the Communities

# **European Parliament**

# First meeting in Strasbourg, 17 to 20 July

2.3.3. In Strasbourg, from 17 to 20 July, the European Parliament<sup>4</sup> held its first partsession since the election by direct universal suffrage last June.<sup>5</sup> The tenor of these sittings was therefore formal with heavy political overtones.<sup>6</sup>

# The opening

### Address by Louise Weiss

2.3.4. The first sitting of the new Parliament was opened by Louise Weiss (EPD/F), the oldest member of the House.

<sup>2</sup> Bull. EC 10-1978, point 1.2.4.

This report was prepared from 'Le point de la session' published by Parliament's Secretariat.

The complete texts of the Resolutions passed by Parliament are reproduced in OJ C 203 of 13.8.1979, and the report of proceedings is contained in OJ Annex No 244. The political group and nationality of members are indicated in brackets by the following abbreviations: S = Socialists, EPP = European People's Party: former Christian Democrats; ED = European Democratic Group: former Conservative Group; COM = Communists and Allies; L = Liberals and Democrats; EPD = European Progressive Democrats; TC = Group for the Technical Coordination and Defence of Independent Groups and Members; B = Belgium, DK = Denmark, D = Federal Republic of Germany, F = France, IRL = Ireland, I = Italy, L = Luxembourg, NL = Netherlands, UK = United Kingdom.

' Bull. EC 6-1979, points 1.3.1 to 1.3.4.

<sup>4</sup> The 'high spots' of this part-session are reported in Part 1: points 1.1.1 to 1.1.10.

OJ L 350 of 28.12.1974.

Point 2.2.14 and OJ C 207 of 17.8.1979.

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In the traditional opening address, Mrs Weiss painted a broad picture of Europe's history from Charlemagne to our own time and highlighted the tasks awaiting the elected Parliament, which was to give new life to the European structures.<sup>1</sup>

# Election of the President

2.3.5. Simone Veil (L/F) was elected President after a second ballot. Five candidates had stood in the first ballot, in which 404 members voted. The result of the first ballot was: Mrs Veil 183; Mr Zagari (S/I) 118; Mr Amendola (COM/I) 44; Mr de la Malène (EPD/F) 26; Mrs Bonino (Republican/I) 9. In the second ballot the three candidates still in the field obtained the following votes (the absolute majority being 189): Mrs Veil 192; Mr Zagari 138; Mr Amendola 47.

Mrs Veil, who secured an absolute majority, was formally proclaimed President of the European Parliament. She thanked the members for the confidence they had placed in her and indicated that she would make the traditional opening speech on the following day.

# Election of Vice-Presidents

2.3.6. Parliament also elected its Vice-Presidents. After the third ballot the Vice-Presidents elected in order of precedence were: Mr Vandewiele (EPP/B); Mr Gonella (EPP/I); Mr Katzer (EPP/D); Mr Pflimlin (EPP/F); Mr Friedrich (S/D); Mr Jaquet (S/F); Mr Vondeling (S/NL); Mr de Ferranti (ED/UK); Mr Zagari (S/I); Mr Møller (ED/DK); Mr Rogers (S/UK); Mrs Demarch (COM/F).

# Inaugural sitting and political debate

2.3.7. Parliament devoted the greater part of the sittings of 18 and 19 July to a major political debate.<sup>2</sup>

During the formal opening sitting of Parliament on the occasion of its first election by direct universal suffrage Mrs Veil, President, Mr Lynch, Prime Minister of Ireland and President of the European Council, Mr Jenkins, President of the Commission, and the Chairmen of the Political Groups all spoke.

The debate was resumed on the following day after two speeches by Mr O'Kennedy, President of the Council, who presented the programme for the Irish Presidency and appraised the results of the Strasbourg European Council, and by Mr Jenkins, who dealt at length with energy problems.

#### The refugees of Indochina

2.3.8. The tragedy of the refugees from Indochina and the opening of the Geneva Conference on 20 July had prompted several political groups in the House to bring up this question. Mr O'Kennedy, the Council President, told the House that the Council had asked for this Conference to be organized in the United Nations context in order to consider practical measures to help solve the serious problems facing the countries to which the refugees were coming. Member States of the Community were prepared to make further commitments in addition to those already made. Mr O'Kennedy then gave an account of the representations he had made to the Foreign Ministers of the

Point 1.1.2.

<sup>&</sup>lt;sup>2</sup> Points 1.1.2 to 1.1.9.

Parliament Parliament

ASEAN countries in Bali; he had urged them not to deny the refugees the right to land.

Mr Cheysson, Member of the Commission, gave details of the Community's food aid policy (640 million EUA in 1979), stressing the fact that a humanitarian policy would never depend on political considerations, praising the role played by the United Nations High Commissioner and recalling the Community's proposal, in response to the Commissioner's appeal, to meet immediately half the food needs of the refugees (who presently number 400 000: 190 000 from Vietnam, 210 000 from Cambodia and Laos). Mr Cheysson also mentioned in passing that the Council had not increased Community food aid in cereals for the last five years.

The main aim of the Geneva Conference was to arrange the departures of refugees in an orderly fashion. Agreements had already been made with Vietnam to this effect, but not with Cambodia.

The Commission's attitude on the with-drawal of food aid to Vietnam was greeted with mixed feelings by the House and led to four motions for resolutions tabled by the EPP, European Democratic and the Liberal Groups, the Socialist Group, the EPD Group and the Communist Group.

The Socialist and Communist resolutions criticized the Commission; the Socialists deplored the use of food aid as a political weapon, whereas the Communists urged the Council to throw out the proposals for withdrawing food aid to Vietnam.

The motion tabled by the EPP, European Democratic and Liberal Groups focused on the human side of the tragedy of the Indochinese refugees without going into any purely political considerations. This was the one which the House finally adopted.

#### Arrest of Czechoslovakian dissidents

2.3.9. On a proposal from Lord Bethell (UK) on behalf of the European Democratic Group, Parliament adopted a resolution in which it protested against the arrest in Prague on 29 May of 10 members of a Czech group for the defence of human rights, all of whom were signatories to Charter 77. These people who were about to go on trial had been accused of spreading anti-government propaganda, a crime which carried a maximum penalty of 10 years' imprisonment.

The House expressed its firm conviction that these arrests and the trial in effect constituted a blatant violation of the provisions of the Final Act of Helsinki, which guaranteed freedom of expression. The Czechoslovak Government, a signatory to the Final Act, was urged to release the 10 detainees, in accordance with its international obligations.

# Preliminary draft budget of the Communities for 1980

2.3.10. The Council had consulted Parliament on the preliminary draft budget for 1980, which amounts to 16 621 million EUA in commitment appropriations and 14 991 million EUA in payment appropriations, increases of 13.1% and 9.3% respectively compared with the 1979 budget.

Presenting the Commission's proposals, Mr Tugendhat pointed out that the present budget represented less than 1% of the Member States' GDP and less than 3% of their budgets and that, as a result, its economic impact was inevitably limited. On the agricultural side the Community held

Bull. EC 7/8-1979 7

Bull. EC 5-1979, points 1.5.1 to 1.5.12.

exclusive competence. Other dominant sectors of Community expenditure would have to be developed. Mr Tugendhat then spoke of the prospect of own resources being exhausted (1979 budget, VAT rate 0.74%; in 1980, 0.88%; 1% overrun of the ceiling in 1981). He told the House that before the end of the year the Commission would submit a proposal on increasing Community resources.

Mr Tugendhat went on to object that, in taking their decisions on farm prices, the Ministers of Agriculture had not considered their impact on the budget; and this was likely to have disastrous consequences for the other policies.

The rapporteur for the 1979 budget, Mr Bangemann (L/D), commented on the draft, expressing alarm at the inexorable advance towards the 1% VAT rate and his satisfaction with the Community loan and borrowing policy (the Ortoli facility). Mr Bangemann felt that proceedings in national parliaments should be coordinated with those in this House, with a view to arriving at solutions for own resources.

The group spokesmen expressed their initial comments on the draft. The House will take it through its first reading from 5 to 7 November.

#### Formation of Committees

2.3.11. Parliament dealt with a number of matters of procedure.

After verifying the credentials of its members, it was decided to form 15 Parliamentary Committees (three more than in the previous Parliament) and two Delegations to the Joint Parliamentary Committees of the EEC-Greece and EEC-Turkey Associations.

There were two new Committees, for Youth, Culture, Education, Information and Sport and for Budgetary Control. The former Committee on Regional Policy, Regional Planning and Transport was split up, with a separate Committee on Transport being set up. At the vote on the resolution, the Group of European Progressive Democrats abstained since it felt there should also be a Committee on Fisheries. The Group would be taking action in that direction.

Finally, after lengthy discussion, it was decided to refer back to committee the report by Mr Luster (EPP/D) on amending Parliament's rules of procedure. The report argued for raising the number of members required to form a group (from 14 to 29 or from 10 to 21 if the group consisted of members from two countries). The survival of the Technical Coordination Group, which numbers only 11 members, depends on the answer to this question.

#### Council

2.3.12. In July the Council held three meetings on economic and financial affairs, foreign affairs and agriculture.

589th meeting — Economic and financial affairs

(Brussels, 16 July)

2.3.13. President: Mr Colley, Deputy Prime Minister and Minister for Finance of Ireland.

Commission: Mr Ortoli, Vice-President.

Economic situation in the Community: The Council made its second quarterly review of the economic situation in the Community.<sup>1</sup>

Point 2.1.3.

Council Council

European Monetary System: The Council took stock of work to be done over the next few months in connection with the European Monetary System.

Interest subsidies for certain loans: The Council agreed on a common position on the draft Regulation concerning interest subsidies for certain loans granted under the European Monetary System.<sup>2</sup> It was agreed that this common position would be notified to the Greek delegation under the consultation procedure prior to Greece's accession.

OECD Understanding on Export Credits for Ships: The Council worked out a common line on the Community position regarding participation in the OECD Understanding on Export Credits for Ships and on amendments to that Understanding. It was agreed that this common line would be notified to the Greek delegation.

591st meeting — Foreign affairs (Brussels, 24 July)

2.3.14. President: Mr O'Kennedy, Minister for Foreign Affairs of Ireland.

Commission: Mr Jenkins, President; Mr Haferkamp and Mr Natali, Vice-Presidents; Mr Cheysson, Mr Brunner, Mr Davignon and Mr Tugendhat, Members.

Four-year programme for development of data processing in the Community: The Council approved a four-year Community programme to promote research, industrial development and applications of data processing.<sup>3</sup>

Registration of crude oil and petroleum product imports: The Council agreed on the Regulation introducing registration in the Community for imports of crude oil and petroleum products.<sup>4</sup>

Supplies of nuclear fuel for the Community: The Council heard a statement by the French State Secretary presenting a memorandum from the French Government on supplies of nuclear fuel for the Community (Chapter VI of the Euratom Treaty). The memorandum will be examined together with the Commission's recent communication on the same subject.

Energy research programme: The Council approved an energy research and development programme for 1979-83.

China: The Council heard a report by the Commission on the results of the first meeting of the Joint Committee set up under the EEC-China Trade Agreement of 3 April 1978, which was held in Peking from 17 to 19 July. The Council expressed satisfaction with the positive results achieved during that meeting.

Relations with Portugal: The Council held an exchange of views concerning the adjustments which Portugal has requested in its present agreement with the Community. The Council noted that the Commission would continue making the necessary contacts to enable the Council to decide in September on a brief which would allow the Commission to start negotiations with Portugal on the adjustments in question.

ASEAN: Following his meeting with the ASEAN Foreign Ministers in Bali on 1 July, the President of the Council, supported by the Commission urged that negotiations for a cooperation agreement with the Community

<sup>&</sup>lt;sup>1</sup> Bull. EC 12-1978, point 1.1.11.

Point 2.1.2.

Point 2.1.19.

Point 2.1.98.

Point 2.1.103.

<sup>6</sup> Point 2.2.60.

Council Commission

be started in the autumn and completed by the end of the year. The Commission recently submitted appropriate proposals to the Council.<sup>1</sup>

GATT multilateral trade negotiations: The President of the Council drew a number of conclusions concerning the latest developments.<sup>2</sup> It was agreed that on the basis of a final report by the Commission the Council would consider the outcome of the negotiations in the autumn.

South-East Asian refugees: The Council agreed to re-examine the matter of food aid to Vietnam at its September meeting in the light of developments in that area in the intervening period.

# 592nd meeting — Agriculture (Brussels, 24 July)

2.3.15. President: Mr Gibbons, Minister for Agriculture of Ireland.

Commission: Mr Gundelach, Vice-President.

Citrus fruit: The Council discussed various matters relating to Community citrus fruit. It was agreed to resume the discussion at the meeting scheduled for 17 and 18 September.

Register of olive cultivation: The Council adopted arrangements in respect of the procedure for financing compilation of the register of olive cultivation.

Sheepmeat: The Council held a general discussion of the proposal for a Regulation on a common organization of the market in sheepmeat. It was agreed to consider this matter again at the next meeting, with a view to reaching a consensus enabling the Council to take a decision before the end of October.

Wine: The Council adopted the Regulation on the prices to be paid in respect of compul-

sory distillation of the by-products of winemaking.<sup>4</sup> After a detailed discussion the Council confirmed its intention of taking a decision on all the wine matters when it meets in October.

#### Commission

#### Activities

2.3.16. The Commission met four times in July. It paid particular attention to budgetary matters on the eve of its negotiations with the Budgetary Authority. Acting in consequence of the Council's farm-price decisions, the Commission adopted a letter of amendment to the preliminary draft 1980 budget. It also prepared the ground for its forthcoming deliberations on matters of financial and budgetary control and budgetary management.

On economic and financial affairs, the Commission agreed to hold an in-depth discussion on Community borrowing policy in the autumn. It is also to consider the possibilities for new actions for giving effect to the new Lomé Convention. The Commission adopted arrangements to govern its relations with the new elected Parliament. The other main subjects covered by Commission decisions were social affairs; right of residence of European citizens; financial relations between Member States and their public undertakings; shipbuilding; enlargement; relations with Cyprus, ASEAN and New Zealand; generalized preferences; and food aid.

Point 2.2.56.

<sup>&</sup>lt;sup>2</sup> Points 2.2.6 and 2.2.7.

<sup>&</sup>lt;sup>1</sup> Point 2.1.68.

Point 2.1.70.

Point 2.3.88.

Commission Commission

Social policy: The Commission adopted the broad lines of a draft Council Decision to grant temporary social benefits to workers in steel firms under the Community restructuring programme. It also approved the main points of a memorandum relating to asset formation for employed persons.<sup>2</sup>

Right of residence: The Commission adopted a proposal for a Directive giving the nationals of Member States a general right of residence on the territory of another Member State.

Financial relations between Member States and their public undertakings: The Commission continued its consideration of a communication on the preparation of a Directive on transparency of financial relations between Member States and their public undertakings. It agreed to consult the other Community bodies and the Member States.

Shipbuilding: The Commission gave its first reading to a communication on a scheme for the scrapping and building of ocean-going vessels. It will finally adopt the paper in September.

Milk products: The Commission approved the main points to be included in a report concerning the situation on the Community milk market and the position as regards imports of butter from New Zealand. Proposals will be made along the lines set out in the report, so that the Council can take decisions in the autumn.

Enlargement: The Commission adopted internal arrangements and contact procedures to apply during the interim period pending Greek accession. It adopted its initial communications to the Council in preparation for the negotiations with Spain.<sup>4</sup> These concern the customs union (for industrial products) and taxation. Lastly, it agreed on the princi-

ple of special Community aid for a programme to develop small and medium-sized industrial firms in Portugal.

Relations with non-member countries: The Commission reviewed the association agreement with Cyprus. It adopted a recommendation to the Council for the opening of negotiations with the Member States of ASEAN for a commercial and economic cooperation agreement.

Generalized preferences: The Commission adopted a set of proposals to the Council governing the generalized scheme of preferences for developing countries in 1980.5

Food aid: The Commission decided to put a set of proposals to the Council for measures providing among other things for emergency food aid to South-East Asian refugees and for an immediate halt to all direct aid to Vietnam.

Aid to Nicaragua: The Commission agreed on the principle of special aid for reconstruction work in Nicaragua. This will be in addition to the emergency food aid already given.

# Relations with workers' and employers' organizations

2.3.17. Mr Jenkins and other members of the Commission received a delegation from the European Trade Union Confederation lead by its President, Mr Kok. The main topics considered at this first meeting included the results of the European Council

Point 2.1.41.

<sup>&</sup>lt;sup>2</sup> Points 1.2.1 to 1.2.5.

Point 2.1.14.

Point 2.2.3.

<sup>&</sup>lt;sup>5</sup> Point 2.2.19.

in Strasbourg and the Tokyo Summit; employment in general and work-sharing in particular; the economic and social situation; and the effects of increases in the price of oil on wages. As it was not possible to complete the agenda, it was agreed to hold a further meeting in September.

Mr Davignon and Mr Brunner received a delegation from the Joint Committee for European Affairs to discuss questions concerning the film industry. The Committee represents three trade union federations with members in films, television, the theatre, music and the audio-visual media.

Under the arrangements for preliminary consultations with trade unions, experts from the European Trade Union Confederation continued their discussions on take-over bids and on health and safety at work.

A fact finding meeting was arranged at which Commission staff briefed the ETUC's environment working party on environmental impact assessments.

#### **Court of Justice**

#### Partial renewal of the Court of Justice

2.3.18. The Conference of the Representatives of the Governments of the Member States on 24 July appointed

Mr Aindrias O'Caoimh (renewal of term of office),

Mr Pierre Pescatore (renewal of term of office),

Mr Ole Due,

Judges at the Court of Justice of the European Communities from 7 October 1979 to 6 October 1985 inclusive; and

Mr Gerhard Reischl (renewal of term of office),

Mr Jean-Pierre Warner (renewal of term of office).

Advocates-General at the Court of Justice of the European Communities from 7 October 1979 to 6 October 1985 inclusive.

#### New cases

Case 116/78 Rev. — A. Bellintani and others v Commission

2.3.19. In its judgment in Case 116/78<sup>1</sup> the Court dismissed the application by temporary staff employed at the Joint Research Centre at Ispra for the annulment of the contract of employment offered to them.

The applicants, considering that the Court of Justice had misinterpreted certain facts, lodged an application on 4 July for the revision of the judgment.

Case 106/79 — Vereniging ter Bevordering van de Belangen des Boekhandels, Amsterdam, and others v Eldi Records BV, Arnhem

2.3.20. In a case concerning the sale of strip-cartoon books at prices lower than those fixed by the publisher, the Arrondissementsrechtbank (District Court), Amsterdam asked the Court of Justice on 2 July for a preliminary ruling on a series of questions concerning the compatibility of the regulation governing the trade in books in the Netherlands with the competition rules of the EEC.<sup>2</sup>

Bull. EC 4-1979, point 2.3.59.

OJ C 195 of 2.8.1979.

Case 107/79 — L. Schuerer v Commission

2.3.21. A Commission official, retired on grounds of invalidity, brought an action before the Court of Justice on 2 July for the annulment of the Commission's decision unilaterally declaring her retired and calculating her pension on the basis of the third paragraph of Article 78 of the Staff Regulations.

Case 108/79 — S. Belfiore v Commission

2.3.22. A Commission official brought an action before the Court of Justice on 4 July for the annulment of a Commission decision relating to him.<sup>1</sup>

Case 109/79 — Maïseries de Beauce Sarl, Marboué v Office National Interprofessionnel des Céréales (ONIC)

2.3.23. In a case concerning the calculation of monetary compensatory amounts paid by the applicant on exports of cereal meal made from maize, the Tribunal Administratif, Orléans asked the Court of Justice on 9 July for a ruling on the validity of Regulation (EEC) No 2744/75,² which fixes the coefficients for the processing of, *inter alia*, maize into meal, and on Regulations (EEC) Nos 1910/76³ and 2466/76⁴ which apply these coefficients to the compensatory amounts.⁵

This case is similar to Case 4/79.6

Case 110/79 — U. Coonan v Insurance Officer

2.3.24. The Office of the National Insurance Commissioners asked the Court of Justice on 16 July for a preliminary ruling on a series of questions concerning the entitlement to sickness benefits of an Irish national who

worked in Ireland until she was more than 60 years of age but had not yet reached pensionable age in that country and had then come to reside in the United Kingdom and to work there, where the pensionable age is 60 years.<sup>5</sup>

Case 111/79 — SA Caterpillar Overseas v the Belgian State

2.3.25. In the course of proceedings concerning the method of calculating the customs duties payable upon entry into the Community of spare parts for the Belgian subsidiary of a company whose head office is situated outside the Community, and belonging to the same group as the majority of suppliers, the Tribunal de Première Instance, Brussels asked the Court of Justice on 20 July for a preliminary ruling on a series of questions concerning the interpretation of Regulations (EEC) Nos 803/68 (in particular Article 9 thereof)<sup>7</sup> and 603/728 with regard to customs valuation.<sup>9</sup>

Case 112/79 — Einkaufsgesellschaft der deutschen Konservenindustrie mbH v Hauptzollamt Hamburg-Waltershof

Case 113/79 — Einkaufsgesellschaft der deutschen Konservenindustrie mbH v Hauptzollamt Bad-Reichenhall

2.3.26. The Bundesfinanzhof (Federal Finance Court) asked the Court of Justice on

UOLC 195 of 2.8.1979.

<sup>&</sup>lt;sup>2</sup> OJ L 281 of 1.11.1975.

OJ L 208 of 2.8.1976.

OJ L 280 of 11.10.1976.

OJ C 199 of 8.8.1979.

Bull. EC 1-1979, point 2.3.33.

OJ L 148 of 28.6.1968.

<sup>\*</sup> OJ L 72 of 25.3.1972.

OJ C 207 of 17.8.1979.

25 July for a preliminary ruling in these two cases on the question whether fruit which has been preserved in a mixture containing certain percentages of alcohol and water for transportation purposes is to be classified under tariff subheading 20.06 B I of the Common Customs Tariff.

Cases 114 to 117/79 — S. Fournier and children v Commission

2.3.27. The wife and children of a Commission official applied to the Court of Justice on 25 July for compensation for the damage which they claim to have suffered as a result of action taken by the Commission.

Case 118/79 — Gebrüder Knauf Westdeutsche Gipswerke, Iphofen v Hauptzollamt Hamburg-Jonas

2.3.28. The Bundesfinanzhof (Federal Finance Court) asked the Court of Justice on 26 July for a preliminary ruling on the question whether Regulation (EEC) No 1132/742 must be interpreted as meaning that a levy may be imposed on maize starch (tariff heading 11.08 A I of the CCT) exported under outward processing arrangements and subsequently re-imported as processed goods.

Case 119/79 — Lippische Hauptgenossenschaft eG, Lage v Bundesanstalt für landwirtschaftliche Marktordnung, Frankfurt am Main

Case 126/79 — Westfälische Central-Genossenschaft eG, Münster v Bundesanstalt für landwirtschaftliche Marktordnung, Frankfurt am Main

2.3.29. The Verwaltungsgericht (Administrative Court), Frankfurt am Main asked the

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Court of Justice on 30 July and 7 August for preliminary rulings on the question whether the period during which an intervention agency may claim the repayment of denaturing premiums for common wheat paid in error must be calculated in the light of Community law and, if so, which rules of limitation apply. The Court also asked whether repayment may still be claimed after the expiry of the period prescribed by national law for which the records relating to denaturing must be preserved.<sup>3</sup>

Case 120/79 — Luise de Cavel (née Brümmer), Frankfurt am Main v Jacques de Cavel, Frankfurt am Main

2.3.30. The Bundesgerichtshof (Federal Court of Justice) asked the Court of Justice on 30 July to interpret the Convention on jurisdiction and the enforcement of judgments in civil and commercial matters, in particular whether the Convention applies to the enforcement of an interlocutory order made by a French judge in divorce proceedings whereby one of the parties to the proceedings is awarded maintenance temporarily, and to the payment of interim compensation, on a monthly basis, granted to one of the parties in a French judgment dissolving a marriage pursuant to Article 270 et seq. of the Code Civil.1

Case 121/79 — S. Maggio, Karlsruhe v Bundesanstalt für Arbeit, Nuremberg

2.3.31. The Bundessozialgericht (Federal Social Court) asked the Court of Justice on

OJ C 219 of 31.8.1979.

OJ L 128 of 10.5.1974.

OJ C 219 of 31.8.1979 and OJ C 224 of 6.9.1979.

31 July for a preliminary ruling on the interpretation of Article 69 of Regulation (EEC) No 1408/71 (social security) as regards the entitlement of a worker to unemployment benefits where he returns to the competent State after an absence of more than three months.2

Cases 122 and 123/79 — M. Schiavo v Council

2.3.32. A Council official brought two actions against the Council on 3 August for the annulment firstly of L/A promotions for 1977 and secondly of the ratification by the Council's General Secretary of the opinion of the Reports Committee refusing to revise the applicant's staff report for 1975-77.

Case 124/79 — J.A. van Walsum BV, Rotterdam v Produktschap voor Vee en Vlees, Rijswijk

2.3.33. The College van Beroep voor het Bedrijfsleven (Administrative Court of last instance in matters of trade and industry), The Hague, asked the Court of Justice on 6 August for a preliminary ruling on the question whether it is compatible with Article 3(1) of Regulation (EEC) No 3063/784 openallocating and providing for the administration of a Community tariff quota for frozen beef and veal in the context of the GATT, for the Netherlands, in the allocation of its quota, also to take into consideration traders who have already imported frozen beef and veal for processing under the favourable arrangements laid down in Article 14(1) of Regulation (EEC) No 805/68' on the common organization of the market in beef and veal.3

Case 125/79 — B. Denilauler, Taunusstein v SNC Couchet Frères, Andrézieux-Bouthéon

The Oberlandesgericht (Higher Regional Court), Frankfurt am Main requested the Court of Justice on 6 August to interpret several articles of the Convention on jurisdiction and the enforcement of judgments in civil and commercial matters, namely Articles 27(2), 46(2), 47(1) and 36(1). The request concerns the applicability of the Convention to proceedings in which the adoption of provisional protective measures is authorized without the opposite party being heard, the documents to be produced and the possible remedies available to the party against whom enforcement is sought.3

Case 127/79 — Amministrazione Finanze dello Stato v Ditta Salumificio di Verona Vassanelli

128/79 — Amministrazione Case delle Finanze dello Stato v Ditta Fratelli Ultrocchi

2.3.35. The Corte Suprema di Cassazione requested the Court of Justice on 6 August to give preliminary rulings in connection with two cases, the reference being identical to that in Case 66/79.6 The questions referred concern the applicability of a judgment of the Court to situations arising prior to it and the right of those concerned to claim or recover, on the basis of that judgment, amounts paid in error or amounts due but not collected.3

OJ L 149 of 5.7.1971.

OJ C 219 of 31.8.1979.

OJ C 224 of 6.9.1979.

OJ L 366 of 28.12.1978.

OJ L 148 of 28.8.1968.

Bull. EC 4-1979, point 2.3.50.

Case 129/79 — Macarthys Ltd v W. Smith

2.3.36. Her Majesty's Court of Appeal asked the Court of Justice on 10 August for a preliminary ruling on a series of questions involving the interpretation of Article 119 of the EEC Treaty and Article 1 of the Directive on the approximation of the laws of the Member States relating to the application of the principle of equal pay for men and women, and the direct applicability of the latter provision.1

Case 130/79 — Express Dairy Foods Ltd v Intervention Board for Agricultural Produce

2.3.37. The Court of Justice having held in its judgment in Case 131/77 of 3 May 1978<sup>2</sup> that Article 1 of Regulation (EEC) No 539/753 fixing the monetary compensatory amounts and certain rates for their application is invalid in so far as it fixes monetary compensatory amounts in respect of trade in powdered whey, the High Court of Justice, Queen's Bench Division, Commercial Court asked the Court of Justice on 10 August for a preliminary ruling on the validity of all regulations adopted by the Commission between 1 February 1973 and 11 August 1977 fixing compensatory amounts for that product. The Court also put the question whether, in the event of a regulation being declared invalid, the competent authorities are bound to refund any amounts collected in error and any interest thereon, from what date and at what rate.1

Case 131/79 — Regina v Secretary of State for Home Affairs, ex parte Santillo

2.3.38. In a case concerning the deportation from the United Kingdom of an Italian worker convicted of rape and assault, the

High Court of Justice, Queen's Bench Division, Divisional Court asked the Court of Justice on 10 August for a preliminary ruling on the interpretation and direct applicability Council Directive Article 9(1) of 64/221/EEC⁴ 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.5

Case 132/79 — Commission v Federal Republic of Germany

2.3.39. The Commission brought an action before the Court of Justice on 13 August to establish that Germany, by failing to adopt within the period prescribed the measures necessary to comply with the Sixth Value-Tax Directive<sup>6</sup> 77/388/EEC) has failed to fulfil its obligations under the EEC Treaty.5

Case 133/79 — (1) Sucrimex SA, Paris; (2) Westzucker GmbH, Dortmund v Commission

2.3.40. In a case concerning contracts for the export of sugar awarded by tender, the export licences issued by the intervention agency were mislaid and replaced by identical documents that did not bear the word 'duplicate'.

O] C 224 of 6.9.1979.

Bull. EC 5-1978, point 2.3.67.

OJ L 57 of 3.3.1975.

OJ L 56 of 4.4.1964. OJ C 233 of 15.9.1979.

OJ L 145 of 13.6.1977.

The Commission refused to acknowledge these licences as being authentic and decided to grant, in respect of those exports, only the refund automatically applicable on the date of completion of the formalities. The exporters applied to the Court of Justice on 13 August for the annulment of this decision and for the payment by way of compensation of the difference between the automatic refund and the refund calculated on the basis of the rate fixed by tender.

Case 134/79 — Criminal proceedings instituted against G. Brunetti

2.3.41. The examining magistrate of the Tribunale Civile e Penale (Civil and Criminal Court), Salerno asked the Court of Justice on 14 August for a preliminary ruling on the same question referred by the Procuratore della Repubblica di Salerno in Case 46/79,<sup>2</sup> namely, whether the practice adopted by Italian sports federations of limiting to Italian citizens the right to take part in football matches as professional or semi-professional players is compatible with Article 48 of the EEC Treaty and with Regulation (EEC) No 1612/683 (freedom of movement workers).1

Case 135/79 — Firma Cedelfi Grosseinkauf GmbH and Co. KG, Cologne v Hauptzollamt (Principal Customs Office) Hamburg-Jonas

2.3.42. Proceedings have been instituted before the Finanzgericht (Finance Court), Hamburg concerning the application of a levy for added sugar on imports into Germany of orange syrup falling within tariff heading 20.07 B II, the subdivision of which is based on the unit of account whose value in fine gold is laid down in Rule 3 under Head C of the General Rules of the CCT,

which provides also that the exchange rate to be used in converting the unit of account into national currencies is to be that corresponding to the par value communicated in respect of those currencies by the International Monetary Fund.

The court in question asked the Court of Justice on 21 August for a preliminary ruling on the validity of Regulations (EEC) Nos 516/774 and 2857/775 in so far as they result in imports of those products, whose value in units of account is calculated on the basis of the import price expressed in US dollars, being subject to the levy in Germany and not in the other Member States.

Case 136/79 — National Panasonic (UK) Limited, Slough v Commission

2.3.43. A United Kingdom firm, which was the subject of a Commission decision ordering an investigation of its books and business records pursuant to Article 14(3) of Regulation No 17 (implementing Articles 85 and 86 of the Treaty), applied to the Court of Justice on 24 August for the annulment of the decision on grounds of failure to observe the procedures laid down in that regulation.

Case 137/79 — J. Kohll v Commission

2.3.44. A Commission official who is a Luxembourg national and had applied for a transfer from Brussels to Luxembourg after having received from the Head of the Indi-

OJ C 233 of 15.9.1979.

<sup>&</sup>lt;sup>2</sup> Bull. EC 3-1979, point 2.3.45.

OIL 257 of 19.10.1968.

OJ L 73 of 21.3.1977.

OJ L 329 of 22.12.1977.

<sup>&</sup>lt;sup>6</sup> OJ C 249 of 3.10.1979.

vidual Rights and Privileges Division information in writing setting out the conditions for retention of the expatriation allowance, instituted proceedings before the Court of Justice on 31 August for the annulment of the Commission's decision depriving him of that allowance and, as a subsidiary claim, for the payment of compensation.

Case 138/79 — SA Roquette Freres, Lestrem v Council

2.3.45. Following the judgment of the Court of Justice in Cases 103 and 145/77<sup>2</sup> establishing the invalidity of Regulation (EEC) No 1111/77<sup>3</sup> in so far as it imposed a production levy on isoglucose, the Council adopted Regulation (EEC) No 1293/79<sup>4</sup> amending the above regulation.

A producer of isoglucose brought an action before the Court of Justice on 31 August for the annulment of Regulation (EEC) No 1293/79, claiming that the production quota allocated to it had been invalidly fixed.

#### Judgments

Joined Cases 32 and 36 to 82/78 — BMW Belgium SA, Kontich et al v Commission

2.3.46. By its decision of 23 December 1977, the Commission found that the Belgian subsidiary of BMW and a number of its Belgian dealers had infringed the provisions of Article 85(1) of the EEC Treaty by entering into an agreement, which was maintained in force from 29 September 1975 to 20 February 1976, whereby they undertook to refrain from effecting any exports. By the same decision, the Commission imposed fines of between 1 000 and 150 000 u.a. on these undertakings. The Belgian subsidiary and the deal-

ers to whom the said decision was addressed brought actions before the Court of Justice to have it annulled.<sup>6</sup>

By judgment of 12 July, the Court dismissed these actions as unfounded.<sup>3</sup>

Case 124/78 — H. List v Commission

2.3.47. A Commission official brought an action against the Commission on 29 May 1978 to annul several decisions taken in respect of him.8

By judgment of 12 July, the Court dismissed this action as unfounded.<sup>7</sup>

Case 149/78 — Metallurgica L. Rumi, SpA, Bergamo, v Commission

2.3.48. By its decision of 30 May 1978, the Commission fined the firm of Rumi LIT 68 840 000 on the ground that it had effected certain transactions at prices lower than those on its own price lists, thereby infringing Article 60 of the ECSC Treaty and the decisions adopted to implement it. The firm concerned applied to the Court of Justice on 22 June 1978 for the annulment of that decision.<sup>9</sup>

By judgment of 12 July, the Court confirmed the decision of the Commission, while reducing the amount of the fine to LIT 45 890 000.7

OIC 249 of 3.10.1979.

<sup>&</sup>lt;sup>2</sup> Bull. EC 10-1978, point 2.3.55.

OJ L 134 of 28.5.1977.

OJ L 162 of 30.6.1979.

<sup>&#</sup>x27; OJ L 46 of 17.2.1978.

<sup>&</sup>lt;sup>6</sup> Bull. EC 3-1978, points 2.3.29 and 2.3.33.

OJ C 199 of 8.8.1979.

<sup>\*</sup> Bull. EC 5-1978, point 2.3.57.

Bull. EC 6-1978, point 2.3.56.

Case 153/78 — Commission v Federal Republic of Germany

2.3.49. The Commission applied to the Court of Justice on 11 July 1978 for a declaration that, by restricting imports from other Member States of certain meat products manufactured from meat not coming from the country of manufacture of the finished product, the Federal Republic of Germany has failed to comply with its obligations under Articles 30 and 36 of the EEC Treaty.1

By judgment of 12 July, the Court held that the application was well-founded.2

Case 166/78 — Italian Republic v Council

2.3.50. Italy brought an action before the Court of Justice on 31 July 1978 to annul Article 2 of Regulation (EEC) No 1125/78 amending Regulation (EEC) No 2727/75 on the common organization of the market in cereals<sup>3</sup> and Article 3 of Regulation (EEC) No 1127/78 amending Regulation (EEC) No 2742/75 on production refunds in the cereals and rice sectors,3 which introduce a premium for the manufacture of potato starch and which, it is alleged, discriminate against cereal starch manufacturers who do not qualify for this premium.4

By judgment of 12 July, the Court dismissed this action as unfounded.2

Cases 185 to 204/78 — Officier van Justitie, Rotterdam v Firma J. van Dam & Zonen, Goedereede

2.3.51. In the course of criminal proceedings brought against some 20 defendants on the ground of exceeding fishing quotas for

sole and plaice fixed by the the Netherlands law of 1977, the Arrondissementsrechtbank (District Court), Rotterdam, asked the Court of Justice on 14 September 1978 for a preliminary ruling on the interpretation of Article 102 of the Act of Accession in order to determine the Community provisions on which national fishing rules are based and whether they are compatible with Community law.5

By judgment of 3 July, the Court ruled that since the period referred to in Article 102 of the Act of Accession expired on 31 December 1978, the Netherlands' measures in question were, at the time in question, within the powers of the Member States and that such measures cannot be considered as discriminatory as long as they are applied uniformly to all fishermen under the jurisdiction of the Member State concerned.2

Case 223/78 — Criminal proceedings against A. Grosoli

2.3.52. In hearing criminal proceedings concerning the infringement of maximum prices fixed by national authorities for the retail sale of frozen beef and veal, the Pretore, Padua, asked the Court of Justice on 5 October 1978 for a ruling on whether a system of maximum prices fixed for the retail sector alone is compatible with Community law.6

Bull. EC 7/8-1978, point 2.3.36.

OJ C 199 of 8.8.1979.

OJ L 142 of 30.5.1978.

Bull. EC 7/8-1978, point 2.3.49. Bull. EC 9-1978, point 2.3.32.

Bull. EC 10-1978, point 2.3.41.

By judgment of 12 July, the Court ruled that Regulation (EEC) No 2453/761 and the provisions for its implementation authorize Italy to fix retail prices, on condition that the retailers' margin of profit is not so small as to hinder the marketing of the products in question, and that the unilateral fixing of maximum prices is incompatible with Community law only to the extent to which it endangers the objectives or the operation of the common organization of the markets.2

Case 237/78 — Caisse Régionale d'Assurance Maladie (CRAM), Lille, v Mrs D. Palermo, née Toia, Escaudain

2.3.53. In hearing a case concerning the refusal to grant a mother's allowance to an Italian national resident in France on the grounds that her children do not have French nationality, the Court of Appeal, Douai, asked the Court of Justice on 30 October 1978 for a ruling on whether Articles 2(1), 3(1) and 4(1)(c) and (2) of Regulation (EEC) No 1408/713 on social security must be interpreted as meaning that the grant of an oldage benefit of a non-contributory nature may be restricted to nationals.4

By judgment of 12 July, the Court ruled that the grant of such a benefit may not be made dependent either on the nationality of the person concerned or on that of her children, provided that the nationality in question is that of one of the Member States.2

Case 244/78 — Union Laitière Normande, Condé-sur-Vire v French Dairy Farmers Ltd, London

2.3.54. In view of the fact that the United Kingdom authorities had refused to issue a distribution licence in respect of standardized whole milk imported from France unless the latter was not used for human consumption or was reprocessed in the United Kingdom, the Tribunal de Commerce (Commercial Court), Paris, before which the case had been brought, requested the Court of Justice on 6 November 1978 to give a preliminary ruling on whether these measures were compatible with Regulation (EEC) No 566/76 amending Regulation (EEC) No 1411/71 as regards, inter alia, the fat content of whole milk' and with Articles 30 and 36 of the EEC Treaty.6

By judgment of 12 July, the Court ruled that since the final date for the implementation of Directive 75/106/EEC on the making-up by volume of certain pre-packaged liquids was deferred in the case of the United Kingdom until 31 December 1979, the application of the United Kingdom Weights and Measures Act to pre-packaged milk from another Member State was not prohibited by Community law on the date of the imports in question.2

Case 252/78 — A. Broe v Commission

2.3.55. An official brought an action before the Court of Justice on 13 November 1978 to

OJ L 279 of 9.10.1976.

OJ C 199 of 8.8.1979.

OIL 149 of 5.7.1971.

Bull. EC 10-1978, point 2.3.51.

OJ L 67 of 15.3.1976 and L 148 of 3.7.1971. Bull. EC 11-1978, point 2.3.36.

OJ L 42 of 15.2.1975.

annul the Commission decision providing for the recovery from him of payments wrongly made by way of household allowance.

By judgment of 11 July, the Court dismissed this action as unfounded.<sup>2</sup>

Case 260/78 — Maggi GmbH, Singen v Hauptzollamt Münster

2.3.56. The Münster Finanzgericht (Finance Court) requested the Court of Justice on 13 December 1978 to give a preliminary ruling on the compatibility with Community law of the exemption from the payment of monetary compensatory amounts granted by a Member State in respect of products imported from another Member State in which they were in free circulation on the ground that, under inward processing arrangements, they were not put into free circulation in the importing country but were incorporated in products which were then re-exported to the country of origin or to other Member States.<sup>3</sup>

By judgment of 12 July, the Court ruled that under the provisions of Regulation (EEC) No 1380/75,4 a Member State cannot apply such national rules.5

Case 266/78 — B. Brunori, Cologne v Landesversicherungsanstalt Rheinprovinz, Düsseldorf

2.3.57. In the light of the German 'Hand-werkerversicherungsgesetz' which provides that self-employed craftsmen are no longer subject to compulsory social security obligations if they have contributed for at least 216 months, the Landessozialgericht, Nordrhein-Westfalen (Higher Social Court for North-Rhine Westphalia) asked the Court of Justice on 22 December 1978 for a ruling on whether Article 45(1) of Regulation (EEC)

No 1408/71,6 which provides for account to be taken of insurance periods completed in other Member States for the acquisition, retention or recovery of pension rights, applies by analogy in respect of the 216 months compulsory contributions.7

By judgment of 12 July, the Court ruled that these provisions are not applicable so as to determine the existence or non-existence of an obligation to effect insurance laid down by national legislation.

Case 268/78 — J.L. Pennartz, Cannes-la-Bocca v Caisse Primaire d'Assurance Maladie des Alpes Maritimes, Nice

2.3.58. The French Cour de cassation (Court of Cassation) asked the Court of Justice on 27 December 1978 for a preliminary ruling on the method of calculating a pension in respect of an accident at work suffered by an employee who had worked successively in several Member States.8

By judgment of 11 July, the Court ruled that where, under the legislation of one of the Member States, the basic wage to be reckoned for the calculation of the benefits in question is the average wage for a given period, such average wage is to be determined solely by reference to the wages paid

Bull. EC 11-1978, point 2.3.38.

<sup>&</sup>lt;sup>2</sup> OJ C 195 of 2.8.1979.

Bull. EC 12-1978, point 2.3.36.

<sup>&</sup>lt;sup>4</sup> OJ L 139 of 3.5.1975.

OJ C 199 of 8.8.1979.

<sup>6</sup> OJ L 149 of 5.7.1971.

Bull. EC 12-1978, point 2.3.41.

Bull. EC 12-1978, point 2.3.43.

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in the State in which the person concerned was working at the time of the accident.

Case 7/79 — R. Gallet, Capian v Ministry of Agriculture

2.3.59. In hearing a case concerning the analytical and organoleptic testing of wines having a registered designation of origin, the French Conseil d'État asked the Court of Justice on 17 January for a ruling on what method for determining the dry extract is authorized by Regulation (EEC) No 1539/71 determining Community methods for the analysis of wines.<sup>2</sup>

By judgment of 4 July, the Court ruled that a Member State may apply a presumption in law of over-alcoholization which is based on the proportion of alcohol to dry extract determined by the 100° method, provided that that presumption is capable of being rebutted.

Case 9/79 — Mrs M. Koschniske, wife of Mr Wörsdörfer, Nordhorn v Raad van Arbeid, Hengelo

2.3.60. In hearing a case concerning the cessation of payment of family allowances to a mother receiving a disability allowance on the grounds that her husband works in another Member State and receives child allowances in that State, the Raad van Beroep (social security court), Zwolle, asked the Court of Justice whether the term 'spouse' in Article 10(1)(b) of Regulation (EEC) No 574/724 includes a married man who is engaged in a professional or trade activity in a Member State and whose wife is entitled under the provisions of Article 77(2)(a) of Regulation (EEC) No 1408/71' to family allowances under the legislation of another Member State.6

By judgment of 12 July the Court replied in the affirmative.

# Corrigendum

Bull. EC 5-1979, point 2.3.61

Case 164/78 — F. Woehrling v Commission In the last paragraph, read 'The Court dismissed this action on 31 May' (instead of 'held that this action was well-founded').

# **Court of Auditors**

2.3.61. On 13 July the Court of Auditors, pursuant to Article 83 of the Financial Regulation of 31 December 1977, sent to the institutions of the European Communities the comments which it believes should be included in the report on the accounts for the past financial year, as provided for in Article 206a of the EEC Treaty and the corresponding articles of the other Treaties.

On 19 July the Court of Auditors adopted an opinion on the proposal which the Commission presented on 23 April' for a Council Regulation amending the Financial Regulation of 21 December 1977 applicable to the general budget of the European Communities.

OJ C 199 of 8.8.1979.

<sup>&</sup>lt;sup>2</sup> OJ L 163 of 21.7.1971; Bull. EC 1-1979, point 2.3.36.

<sup>&</sup>lt;sup>3</sup> OJ C 195 of 2.8.1979.

<sup>4</sup> OJ L 74 of 27.3.1972.

OJ L 149 of 5.7.1971.

<sup>&</sup>lt;sup>6</sup> Bull. EC 1-1979, point 2.3.38.

OJ C 225 of 7.9.1979; point 2.3.89.

#### **Economic and Social Committee**

#### 170th plenary session

2.3.62. The 170th plenary session of the Economic and Social Committee was held in Brussels, with Mr Vanni, the Committee Chairman, in the chair. The Committee debated at great length the draft of an amendment to its internal rules of procedure, which sought to introduce a system of 'assistants'. The proposal would have allowed each member to choose an assistant who could have stood in for him at section or study group meetings without being empowered to vote. This draft was finally rejected by a majority of the Committee.

#### **Opinions**

### Genetic safety (DNA)

2.3.63. The Committee unanimously adopted an Opinion on the proposal for a Council Directive establishing safety measures against the conjectural risks associated with recombinant DNA work. The Committee approved the proposal, but unlike the Commission it felt that an obligation to give notice of experiments would generally be sufficient.

The appropriate authorities should have the right to veto experiments that had to be notified, i.e. they should be able within a specified period to issue an injunction or impose a ban. Such action should be properly justified in each case. Only experiments within a closely defined area of research should have to seek prior authorization.

The Committee also pointed out that it had not been able in the short time at its disposal

to determine whether the physical and biological safety measures (e.g. the special rules governing laboratories or the selection of vectors and hosts) were adequate for dealing with the suspected risks, especially as scientific knowledge in the field of genetic engineering was progressing so rapidly. The Committee believed that it was more important for the Member States to follow a common line on such matters, especially as far as industrial uses of the new technology were concerned.

In addition to the proposal there was a need for national measures and the voluntary safety codes on genetic engineering in the Member States to be harmonized. This was all the more important if, as was the case at present, the legal status and content of the rules in force varied from one Member State to another. The industrial application of the new technology could be particularly affected by such anomalies.

The Committee thought that these questions should be gone into thoroughly. As views differed, especially on the nature and extent of the risks, the Committee proposed to draw up an own-initiative study with the help of experts. In this connection hearings would be organized in conjunction with the Commission in order to sound out the opinion of experts from the world of science, the unions, industry, agriculture and public interest groups. Afterwards a paper should be prepared which would serve as a basis for aligning safety rules between the Member States.

#### Construction products

2.3.64. With one vote against and one abstention the Committee adopted an Opin-

<sup>&</sup>lt;sup>1</sup> OJ C 301 of 15.12.1978; Bull. EC 12-1978, point 2.1.153.

ion on the proposal for a Council Directive on the approximation of the laws, regulations and administrative provisions of the Member States relating to construction products,¹ and the proposal for a Council Resolution laying down a list of priority products to be covered by implementing Directives.

The Committee's approval of the Commission's two proposals was contingent upon the procedure for adopting implementing directives being amended to provide for:

- (i) effective involvement, at the drafting stage, of the socio-economic groups directly and technically concerned, and
- (ii) mandatory consultation of the Economic and Social Committee before the implementing directives were submitted to the Committee for Implementing Directives. The Committee asked the Commission to use its powers under Article 149 of the EEC Treaty to amend its proposal accordingly.

It considered that the implementing directives had to be chosen with great circumspection. The products to be covered by such directives should be carefully selected in the light of a market survey, which should be conducted in conjunction with the relevant socio-economic groups.

This selection process should be based on the existence of major barriers and the impact which a free Community market had on the profitability of the industrial sector.

#### **Emulsifiers**

2.3.65. In a unanimously adopted Opinion the Committee approved the proposal for a Council Directive amending, for the second time, Directive 74/329/EEC of 18 June 1974<sup>2</sup> on the appoximation of the laws of the Member States relating to emulsifiers,

stabilizers, thickeners and gelling agents for use in foodstuffs. The Committee considers, however, that criteria of purity should be laid down when additives are authorized—a point of view that is shared by the Scientific Committee for Food. It also regrets that the Commission has not yet proposed any measures for determining conditions of use, as requested by the Economic and Social Committee in its Opinion of 23 November 1977.

#### Fresh meat

2.3.66. The Committee unanimously adopted an Opinion approving the principles underlying the proposal for a Council Regulation on health problems affecting intra-Community trade in fresh meat and fresh poultry meat which has been minced, ground or similarly chopped up with or without the addition of other foodstuffs, additives or condiments.<sup>4</sup>

#### Lawnmowers

2.3.67. The Committee unanimously adopted an Opinion on the proposal for a Council Directive on the approximation of the laws of the Member States relating to noise emitted by lawnmowers.

The Committee approves the Commission's aim and is pleased that the Commission has found the right balance between noise, performance and price; it would suggest, however, that the proposed study into the conditions for a step-2 reduction in noise levels should evaluate not only the noise annoyance

OJ C 308 of 23.12.1978; Bull. EC 11-1978, point 2.1.7.

<sup>&</sup>lt;sup>2</sup> OJ L 189 of 12.7.1974.

OJ C 125 of 8.5.1979; Bull. EC 4-1979, point 2.1.9.
OJ C 280 of 24.11.1978; Bull. EC 11-1978, point

OJ C 86 of 2.4.1979; Bull. EC 12-1978, point 2.1.8.

as related to the sound power, but also the noise annoyance due to other characteristics of the sound emission, such as the frequency spectrum.

The Committee thinks that application of the noise limits to be set by the Council in the second stage will call for a considerable effort on the part of manufacturers in areas such as research, engineering, tooling, tool-proving, testing and piloting of new models. At least four years will be needed for all this. The Committee accordingly considers it vital to bring forward the date for the fixing of the step-2 limits to no later than 31 December 1982 and to defer the entry into force of these limits until 31 December 1986.

# Measuring instruments

2.3.68. The Committee adopted unanimously its Opinion on the proposal for a Council Directive amending Council Directive 71/316/EEC of 26 July 1971 on the approximation of the laws of the Member States relating to common provisions for both measuring instruments and methods of metrological control.<sup>1</sup>

The Committee welcomes the two alternative approaches provided in the proposal for achieving metrological security, leaving a free choice to the manufacturer of the method to be used. The Commission should, however, re-examine the design proving tests and the checking circuit provisions to ensure that they are no more stringent than necessary.

So that products will not become more expensive, the Committee urges the Commission to re-examine the possibility of providing adequate consumer safeguards with a less complicated series of tests and of utilizing the principle of quality assurance at the factory of the manufacturer as far as possible.

The Committee also thinks that in order to avoid competition distortions, it must be ensured that all manufacturers will be submitted to the same level of EEC verification. Finally, the Committee wishes to emphasize once more the importance of the Community obtaining reciprocity from third countries which export to its market, in accordance with the basic principles of GATT.

# Textile research programme

2.3.69. The Committee unanimously adopted an Opinion on the proposal for a Council Decision adopting a second multiannual R & D programme for the European Community in the field of textiles and clothing (indirect action).<sup>2</sup> The Committee endorses the selection of projects and the proposals for their implementation from a scientific, technological, economic and social point of view. The Committee also considers that workers should be adequately represented on the proposed Advisory Committee on Programme Management.

### Chilling of fresh poultrymeat

2.3.70. The Opinion unanimously adopted on the Commission report to the Council on certain problems of hygiene involved in the process for chilling poultry carcasses by immersion in water and on the proposal for a Council Directive amending, in respect of chilling, Directive 71/118/EEC of 15 February 1971 on health problems affecting trade in fresh poultrymeat' approves the Commission's proposal, subject to the inclusion in the Directive of a provision that the chilling process used has to be clearly indicated (i.e.

OJ C 42 of 15.2.1979; Bull. EC 1-1979, point 2.1.14.

OJ C 111 of 4.5.1979; Bull. EC 4-1979, point 2.1.20.

OJ C 65 of 9.3.1979; Bull. EC 2-1979, point 2.1.65.

'chilled by air' or 'chilled by immersion in water').

Furthermore, in so far as the Council Regulation of 23 November 1976 does not lay down a maximum extraneous water content for fresh poultrymeat chilled by immersion in water, the Committee would like to see this fixed in this Directive. The consumer should also be adequately informed of the true extraneous water content of such poultrymeat. These provisions are necessary in the interests of competition in the poultry industry and to provide consumers with a guide as to the quality of the products.

#### Cocoa

2.3.71. An Opinion was unanimously adopted on the proposal for a Council Directive amending, for the seventh time, the Council Directive of 24 July 1973 on the approximation of the laws of Member States relating to cocoa and chocolate products intended for human consumption.<sup>2</sup>

The Committee states that it is generally opposed to the use of additives in food, except when they are absolutely necessary.

The Committee therefore calls for urgent introduction of Community-wide rules. Pending this, a derogation could be granted to allow the use of polyglycerol polyricinoleate and sorbitan tristerate in the Member States where they are currently widely used in chocolate. However, the use of these substances should be specified on the label.

#### **ECSC Consultative Committee**

# 201st meeting

2.3.72. The ECSC Consultative Committee met in special session in Luxembourg on

6 July, with Sir Derek Ezra in the chair. Mr Vredeling and Mr Davignon took part in the discussions on the Committee's opinion concerning the social aspects of steel policy. Mr Davignon told the Committee what the Commission was intending to do in respect of steel prices.

# Steel prices

- 2.3.73. Mr Davignon presented a Commission working paper setting out the steps it is planning to take concerning steel prices. It was more of an appraisal of the steel market situation two years after the introduction of the crisis measures, the Commission's aim still being to harness the movement of prices to the demands remaining competitive. Even if rising costs require a technical adjustment of minimum prices, even if a harmony of prices between various manufactures must be maintained, three factors dictate caution:
- (i) the system of market discipline must be further improved;
- (ii) the short-term economic situation is still uncertain; adverse influences have to be reckoned with;
- (iii) the repercussions of mounting oil prices must be carefully considered. If, for the first time, the recession was to hit both the American and the European market, the safety valves of the forward programmes would no longer work.

The Committee took note of this warning but held no debate. It will discuss the Commission's paper at its September meeting.

OJ L 339 of 8.12.1976.

OJ C 121 of 15.5.1979; Bull. EC 4-1979, point 2.1.8.

# Social aspects of restructuring the steel industry

- 2.3.74. The Committee concluded the debate<sup>1</sup> which had begun when it was consulted under Article 95(1) of the ECSC Treaty concerning the draft decision on the social aspects of restructuring the steel industry. With three abstentions it unanimously adopted an opinion, in which it:
- (i) commended the Commission for proposing a broader application of Article 56 of the EEC Treaty;
- (ii) approved the arrangements for early retirement in certain circumstances;
- (iii) suggested to the Commission that it rework the provisions of the draft covering possible improvements in working hours and conditions, so that it is clearly established that:
- their scope of application does not impair freedom of decision for the two sides of industry;
- any improvement in working hours and conditions will have a positive effect on employment without compromising the competitive position of firms. On this point Mr Vredeling indicated that he would be proposing to the Commission that it extend the scope of arrangements for improving working hours and conditions which could qualify for Community aid, with due consideration for the concern voiced by the Committee.

# **European Investment Bank**

#### Loans raised

2.3.75. On 4 July the European Investment Bank invited tenders for the issue on the

international capital markets of a loan for USD 100 or 150 million with a life of 10 years and a coupon of 9.70%.

The Bank received tenders totalling USD 675 million for an issue limited to USD 100 million and USD 625 million for an issue of USD 150 million. At a price of 98%, these tenders totalled USD 250 million for each of the two possible issue amounts.

In the present circumstances, the EIB preferred to go for the better price conditions: it therefore accepted a single price of 98.06% on the basis of a 'Dutch auction' for USD 100 million.

This issue for USD 100 million was underwritten by the three successful banks: Citicorp International Bank Limited for USD 50 million; Algemene Bank Nederland NV and Samuel Montagu & Company Ltd for USD 25 million each. The bonds were offered to the public on the terms fixed by these banks.

The loan is redeemable at par at term; however, the contract contains a purchase fund clause which provides for the possibility of redemption of bonds during the years 1979 to 1984 at prices not exceeding par and possibly reducing the average life of the loan to  $8^{1/2}$  years. In addition, the Bank has the right of early redemption of some or all of the bonds with reducing premiums from 1985 onwards.

Application has been made to list the bonds on the Luxembourg Stock Exchange. The proceeds of the issue will be used by the European Investment Bank for its ordinary lending operations.

<sup>&</sup>lt;sup>1</sup> Bull. EC 3-1979, point 2.3.76.

2.3.76. The European Investment Bank launched a bond issue for SFR 100 million on the Swiss capital market. The underwriters are a syndicate of banks headed by Soditic SA. Geneva.

Carrying a coupon of 4.38% payable annually and with a maximum life of 15 years, the bonds were offered to the public at 99.50% from 3 to 10 August 1979; the yield is 4.44%, calculated on the average lifetime. The bonds are redeemable at par in 10 equal annual instalments by drawings from 22 August 1985 to 22 August 1994. The Bank has the option to redeem in advance all bonds still in circulation as from 22 August 1985.

Application for admission and listing of the issue for the full period of the loan will be made to the Basle, Berne, Geneva, Lausanne and Zurich stock exchanges. Proceeds from the sale of bonds will be used by the European Investment Bank to help finance its ordinary lending operations.

This is the EIB's seventh public issue in Switzerland, bringing the total to SFR 660 million.

2.3.77. The European Investment Bank has signed a contract in London for a Japanese yen 15 000 million bond issue on the international capital market.

The underwriters are an international syndicate of banks headed by The Nomura Securities Co., Ltd.

With a maximum life of 10 years and bearing interest at a nominal rate of 7.75%, payable annually, the bonds were offered to the public at an issue price of 99.25% giving a yield of 7.86%. The bonds are redeemable at par at term. However, the contract includes a purchase fund clause enabling the buying

back of bonds to a nominal value of Japanese yen 1 200 million per year during the first three years at prices not exceeding par. The EIB will also have the option of redeeming in advance, at progressively reducing premiums, from 1984 onwards, all bonds then in circulation.

Application has been made to list the issue on the Luxembourg Stock Exchange.

This is the second Japanese yen bond issue made by the EIB in Europe on the international capital market, yen 10 000 million having been raised in April 1977. The Bank will use the proceeds from the sale of the bonds for its ordinary lending operations.

#### Loans granted

#### France

2.3.78. The European Investment Bank granted a loan for the equivalent of FF 29 million (5 million EUA) towards financing installations to treat the ballast water discharged by oil tankers at Brest.

The loan, which is for a term of 20 years and carries interest at 10.20%, goes to the Syndicat Mixte Brest-Iroise which was set up in 1975 and comprises four public bodies. Its main function is to promote the establishment of economic activities connected with the sea and thus create new jobs in the Brest region, especially in connection with the port.

Costing a total of FF 57.8 million, the installations will replace equipment which is no longer suited to large modern oil tankers. They will be constructed by a group of enterprises which include the Port Autonome de Marseille which in 1977 received a loan of FF 15 million from the EIB for similar installations at Fos.

As well as helping to develop the region's economy by promoting port activities, the cleansing installations and the related equipment will also produce considerable savings in fuel, as the oil recovered by cleansing operations could amount to 50 000 tonnes per annum, and could even be of value to tourism.

# United Kingdom

2.3.79. The European Investment Bank granted three loans totalling UKL 32.6 million (51.8 million EUA) for water supply and sewerage schemes in various parts of North-West England and in the Plymouth area of Devon and for other infrastructure works in Devon, including the extension of Exeter airport.

Two of the loans have been made to the National Water Council (NWC), as follows:

- (i) UKL 25.4 million for 15 years at 10.2%, which is being passed on to the North-West Water Authority to cover half the estimated cost of carrying out works to increase water supplies to North Merseyside and to improve sewerage infrastructure for several towns in North-West England;
- (ii) UKL 3.4 million for 15 years at 10.05%, which goes to the South-West Water Authority to reinforce the water supply system in the Plymouth area, mainly by exploiting more fully the resources of the River Tavy; the EIB lent UKL 4 million for this project in July last year—together the two loans cover half the estimated cost.

In total the EIB has lent UKL 277.8 million to the National Water Council in less than four years for water supply, sewerage and sewage disposal schemes in assisted areas, principally to support industrial and agricultural development and tourism.

The third loan—for UKL 3.8 million—has been made to Devon County Council for 15 years at 10.2% for a series of infrastructure works needed to expand industry and tourism. These include: development (roads, drainage, small prefabricated factories) of eight industrial estates; a road in Plymouth improving access to an industrial estate and the City's port facilities, including the crosschannel ferry to Roscoff (Brittany); improvements to Exeter airport, comprising a runway extension, new landing systems and terminal modifications. The total cost of all these works is put at UKL 7.6 million.

2.3.80. The European Investment Bank granted a loan equivalent to UKL 1.5 million (2.3 million EUA) towards a new factory at Skelmersdale, Lancashire, which will manufacture turbochargers for diesel and petrol engines.

The loan has been made for seven years at 9.5% to Garrett Airesearch Ltd, which is investing a total of UKL 7.2 million to increase its production capacity by about 75%. Turbochargers can boost engine power by about 30%, permit reductions in fuel consumption of between 15 and 20% and cut the noxious content of exhaust fumes by between 10 and 20%.

The new production facilities, on the West Pimbo industrial estate, close to the company's present factory should be fully operational by the end of 1980 providing 210 new jobs (plus a further 70 by the end of 1982) in an area where unemployment is running at about twice the United Kingdom average.

#### **Ireland**

2.3.81. Six loans totalling the equivalent of IRL 48.6 million (72.7 million EUA) have

been granted in Ireland by the European Investment Bank for water supply and sewerage schemes, road improvements, land drainage and for the opening up of peat bogs mainly to increase supplies of fuel to peatburning power stations.

These bring to IRL 325.5 million the total amount lent by the EIB in Ireland since the country's accession to the European Community in 1973.

The IRL 48.6 million is made up as follows:

(i) Water supplies/sewerage: a total of IRL 25.8 million has been lent to the State in three loans, each for 20 years at 8.55%.

Most of this amount—IRL 16.5 million—will be used to finance various works which Dublin Corporation and Dublin County Council are carrying out in the City, suburbs and nearby new towns to serve the area's industrial development and growing population (the cost is an estimated IRL 65.6 million, towards which the EIB lent IRL 13.5 million in November last year); the remainder will go towards a large number of small-scale works undertaken by local authorities in Counties Galway, Mayo and Sligo to meet the needs of both industry and tourism.

(ii) Road improvements: IRL 11 million has been lent to the State on the same conditions as above to help finance the initial phase of improvement works on over 20 roads in the national road network and on major roads in or adjacent to Dublin, Cork, Limerick and Dundalk, to be carried out at an estimated cost of IRL 66.9 million; the works are intended to improve communications between main centres of population and industry and ease bottlenecks around the ports and airports (the EIB already lent IRL 23.1 million for other road improvement schemes in Ireland, in loans granted in July last year and December 1977).

- (iii) Land drainage: IRL 7 million, again to the State on the same conditions, will be used to help finance land drainage schemes covering about 58 000 hectares in Counties Meath, Limerick and Mayo; these will be located in areas where many farming incomes are low, with inadequate drainage a major obstacle to raising agricultural productivity and limiting the range of uses to which the land can be put.
- (iv) Peat production: IRL 4.8 million (for 15 years at 12.05%) has been lent to Bord Na Mona, the Irish peat authority, to develop the production of peat for use mainly in power stations and also for the manufacture of briquettes; of the total planned production of 2.2 million tonnes per year 1.5 million will be for delivery to power stations (peat-fired power stations cover approximately 20% of Ireland's present electricity needs, their present production capacity being the equivalent of 500 000 tonnes of oil per year). About 1 300 jobs, 1 000 of them full-time, should be created through the development, which the EIB already supported with a IRL 2.2 million loan in December 1976.

#### Greece

2.3.82. The European Investment Bank has granted a loan for 20 million EUA to help finance an irrigation project in Thrace, north-eastern Greece.

The loan, granted under the second Financial Protocol signed between the Community and Greece, has been made available to the State for 20 years at 6.85%, after deduction of a 3% interest subsidy financed from the Community budget.

Depending on the areas concerned, irrigation will be carried out using either surface water from a diversion dam on the Ardas river or

groundwater in the Evros valley. The project will cover 37 760 hectares in areas which number among the least developed in Greece. In addition to stock-farming, production focuses on the cultivation of wheat, potatoes, vegetables, fruit and sugar.

The works are scheduled to be brought into operation between 1979 and 1985, offering full benefits by 1993. They will make it possible to boost agricultural production for the domestic market and replace certain imported animal products. The project should, moreover, markedly raise the standard of living of some 17800 farming families and lead to the creation of an extra 5000 permanent jobs.

This latest operation brings to 101.3 million EUA the volume of financing granted by the Bank for irrigation in Greece with six schemes, involving a total area of around 130 000 hectares, attracting loans.

#### Turkey

2.3.83. The European Investment Bank advanced 56 million EUA (about LT 3 600 million) in Turkey to promote hydroelectric power and small and medium-scale private industrial ventures, mostly export-oriented. Three operations have been mounted: a 36 million EUA loan on special conditions using the budgetary resources of the Community, and two global loans, for 15 million and 5 million EUA respectively, using the Bank's own resources.

This is the first finance to be accorded under the Third Financial Protocol signed between the European Community and Turkey, which came into effect on 1 May of this year and covers the period up to 31 October 1981. This provides for the mobilization by the Bank of funds totalling 310 million EUA consisting of 220 million EUA in the form of special loans, granted by the Bank as agent for the Community and using funds from its budget (carrying terms of 40 years including 10-year grace periods, with interest charged at 2.5% per annum) and 90 million EUA in the form of loans from EIB resources, largely made up of the proceeds of its borrowing operations on the capital markets.

#### Small and medium-scale industrial ventures

The two global loans have each been granted with a 15-year term and a 9.6% rate of interest to the Turkish Government, which will on-lend the funds to the Industrial Development Bank of Turkey—TSKB (15 million EUA) and the Industrial Credit and Investment Bank—SYKB (5 million EUA).

These two loans are the first of several financing operations which the Bank plans to mount in Turkey with the agreement of the Turkish Government, in support of small and medium-scale private industrial ventures, for a total amount of up to 60 million EUA.

To date, global loan financing of industrial development in Turkey by the EIB (30.2 million EUA channelled through TSKB and 10 million EUA via SYKB) has helped to bring 63 investment projects to fruition, it being estimated that some 6 200 jobs have been created in the process, and 2 200 more safeguarded.

#### Hydroelectric scheme

The 36 million EUA loan on special conditions has been granted out of the Community's budget resources to the Turkish Government, towards the uprating of the Keban hydroelectric power station on the Euphrates in south-eastern Anatolia. The project, which

is being implemented by the State Hydraulic Works (DSI) involves the installation of four additional generating sets with a combined capacity of 720 MW, giving scope for raising output by about 2 000 GWh per annum. The first of the new sets is scheduled for commissioning in mid-1981 and the other three will be phased in successively.

In coming years, the demand for electricity in Turkey is expected to rise by 12% per annum on average and the expansion of the Keban scheme should mean it will be possible to stay abreast of this increase and obviate the need for importing electricity.

The EIB has already advanced 40 million EUA of credit for the hydroelectric complex at Keban, which came on stream in 1973.

#### Portugal

2.3.84. The European Investment Bank advanced 15 million EUA (about ESC 958.75 million) in support of small and medium-scale ventures in industry and tourism in Portugal. The operation takes the form of a global loan to the Banco do Fomento Nacional (BFN) which is to allocate the proceeds for investment projects selected with EIB approval.

The loan has been granted under the terms of the Financial Protocol between the Community and Portugal, which came into effect on 1 November 1978. This provides for the granting of 200 million EUA of loans from the Bank's own resources, the bulk of which will thus be funded out of its borrowing operations on the capital markets. Three-quarters of these loans will attract a 3% interest subsidy for which 30 million EUA have been set aside in the Community budget.

The loan carries a term of 10 years and bears interest at 6.25% after deduction of the 3% interest subsidy.

BFN was set up in 1959 as a public institution and is the chief source of long and medium-term investment finance for Portuguese manufacturing industry. It plays a key role in the implementation of the Government's policy of encouraging industrial investment.

BFN has already received two global loans from the EIB, for a total of 24 million EUA under the 150 million EUA exceptional emergency aid package put together by the Community for Portugal at the end of 1975. The funds were mobilized by the Bank in 1976 and 1977 for long-term lending. Of these global loans, 22.9 million EUA have so far been allocated, in support of 40 ventures, involving the creation of some 2500 jobs. This new global loan brings to 220 million EUA the volume of funds advanced by the EIB in support of economic development in Portugal, both under the emergency aid scheme and in connection with the Financial Protocol.

2.3.85. The European Investment Bank lent 11 million EUA (about ESC 734 million) towards financing works designed to improve air traffic safety at Funchal airport, Madeira. The loan has been made to Aeroportos e Navegaçao Aerea (ANA), a public undertaking responsible for airports and air traffic control, for 15 years at 6.6% after allowing for a 3% interest subsidy financed from the Community budget.

The funds have been advanced under the Financial Protocol signed between the Community and Portugal.

The project, costed at a total of some 22 million EUA, involves constructing safety areas

at each end of the runway, extending the parking apron, improving runway lighting, beacons and radio navigation aids and resurfacing the runway. The works are expected to be completed in the first half of 1982.

Studies will also be conducted with a view possibly to extending air traffic facilities which at present handle more than 600 000 passengers a year, mostly holidaymakers. Tourism plays a key role in the economy of Madeira with its 250 000 inhabitants.

This operation brings to 231 million EUA the total financing provided by the EIB for Portugal's economic development.

# Madagascar

2.3.86. For its first operation in Madagascar under the terms of the Lomé Convention, the European Investment Bank has granted a conditional loan of 1 190 000 EUA (around FMG 345 million) for constructing a chrome ore (chromite) dephosphorization pilot plant at Andriamena, 160 km north of Tananarive. The loan has been granted to the Government of Madagascar by the EIB drawing on European Development Fund resources which, under the Lomé Convention, are managed by the Bank for various risk capital operations.

The project will be implemented by the Stateowned company Kraomita Malagasy (KRA-OMA) which works the mines near the site of the pilot plant; the plant is likely to be commissioned in early 1981.

The pilot plant is considered as preparatory investment supplementing feasibility studies for a ferrochromium works. Construction is warranted by the need to lower the phosphorus content of the ore in order to match the technical demands of the process to be

used at the works. The works would be built at a later stage in the light of the results obtained at the pilot plant and have an annual capacity of 60 000 tonnes of ferrochromium, helping both to expand and develop chromite production.

The Government of Madagascar is collaborating with a group of European companies comprising Ugine-Aciers, a subsidiary of Péchiney-Ugine-Kuhlmann (France), Gesellschaft für Elektro-Metallurgie (Germany) and Elkem-Spigerverket (Norway) in connection with the installation and running of the prospective ferrochromium works.

#### Lebanon

2.3.87. The European Investment Bank has granted a loan worth 7 million EUA towards financing three additional 70 MW generating sets at the Jieh thermal power station near Beirut. Extension of the Jieh power station is one of the key measures undertaken by the Lebanese Government to spur the country's economic revival. Increased electricity output is vital for the planned expansion of industrial and commercial activity and to meet growing domestic demand. The loan, which has been granted for 10 years at a rate of 5.15%, follows a first loan of 3 million EUA granted in June 1978; the two loans form part of the total funds of up to 25 million EUA which the Bank has scheduled for partfinancing the project ('exceptional aid' of 20 million EUA offered to Lebanon by the Community, which the Bank is implementing in the form of long-term loans, together with 5 million EUA under the terms of the Financial Protocol signed between the Community and Lebanon).

The loans are being spread over the construction period (up to 1981) and disbursed to the

Council for Development and Reconstruction (CDR), a body set up by the State to implement the national reconstruction programme, which will on-lend the funds to Electricité du Liban.

# Financing Community activities

# **Budgets**

# General budget

# Letter of amendment to the preliminary draft general budget for 1980

2.3.88. On 6 July the Commission sent to the Budgetary Authority a letter of amendment to the preliminary draft budget for 1980, embodying the budgetary consequences of the decisions taken by the Council at its meeting from 18 to 22 June on agricultural prices and related measures. The Commission deplores the financial impact of these decisions—an increase in estimated expenditure for 1980.

The Council's decisions have caused a large increase in appropriations of over 1 316 095 000 EUA and a jump in the VAT rate from 0.76% to 0.88%, and has changed the internal balance of the budget. The share of farm policy spending rises from 58.4% to 61.4% in total appropriations for commitments and from 63.9% to 66.67% in total appropriations for payments.

# Financial Regulation

2.3.89. The Council has approved the Regulation<sup>3</sup> amending the Financial Regulation of 21 December 1977 applicable to the general budget of the Communities.<sup>4</sup>

The amendments concern the deadline by which the Commission must submit requests to carry appropriations forward, which has been brought forward from 1 May to 21 April (giving the budgetary authority six instead of four weeks to consider them) and the budgetary presentation of research and investment appropriations.<sup>5</sup>

# ECSC operational budget

2.3.90. The Commission has approved the balance sheet of the European Coal and Steel Community (ECSC) and implementation of the ECSC operational budget for 1978. The ECSC's financial activities in 1978 were affected by the serious crisis which has ravaged the European iron and steel industry since the end of 1974 and by persistent problems in the coal industry. While investments in the coal fields have remained at a high level, capital expenditure in the iron and steel industry has fallen off with the cancellation or cutback of certain programmes. In spite of these difficulties, the ECSC has continued to provide financial aid to the iron and steel industry for a large number of projects, to modernize and restructure steelworks. The Community has endeavoured, through its

<sup>&</sup>lt;sup>1</sup> Bull. EC 6-1979, point 2.3.62.

Bull. EC 6-1979, point 2.1.71.

<sup>&</sup>lt;sup>3</sup> OJ L 160 of 28.6.1979.

OJ L 356 of 31.12.1977.

<sup>&</sup>lt;sup>5</sup> Bull. EC 4-1979, point 2.3.87.

financial instruments, to help the industry to adapt its production capacities and plant to the new economic climate.

In the coal sector, the ECSC achieved the significant increase in its financing over the previous year which is called for in the mediumterm guidelines for the coal industry for 1975-85.1

In 1978, the ECSC granted 141 loans totalling 798 million EUA compared with 85 loans totalling 742 million EUA in 1977. These loans represented almost 25% of investment expenditure by the Community iron and steel and coal industries themselves, compared with 21% in 1977. As in previous years, the ECSC continued to borrow on all the capital markets. In 1978, a total of 53 public and private loans, amounting to 1 069 million EUA, were raised compared with 32 loans (729 million EUA) in 1977.

In order to avoid depressing interest rates on the capital markets, the ECSC judiciously staggered its activities by grasping new opportunities and making use of new loan techniques.

### Financial operations

#### **ECSC**

#### Loans raised

- 2.3.91. The Commission raised the following loans in July and August:
- (i) a USD 125 million bond issue, underwritten by a syndicate of American banks. The bonds bear a nominal annual interest rate of 9.75%, payable six-monthly for a 20-year term. They were offered to the public at

98.915% of par. Application has been made for listing on the New York stock exchange;

(ii) a number of private borrowings for durations of between 10 and 12 years and worth in total 35.7 million EUA.

#### **Euratom**

2.3.92. The Commission has transmitted a draft decision to the Council to raise to 1 500 million EUA the total it can borrow on behalf of Euratom in order to finance nuclear power stations.<sup>2</sup>

#### Loans

#### Loans paid

2.3.93. Acting under Articles 54 and 56 of the ECSC Treaty the Commission paid out loans totalling 142.2 million EUA in July and August.

#### Industrial loans

Industrial loans worth a total of 130.2 million EUA were given to help four undertakings finance the following programmes:

#### Coal industry

Two loans were given to the National Coal Board, London, for the rationalization and modernization of the following collieries:

The first:
Derbyshire (Shirebrook);
South Yorkshire (Silverwood);
South Yorkshire (Treeton);

OJ C 22 of 30.1.1975; Bull. EC 11-1974, point 2269.

<sup>&</sup>lt;sup>2</sup> Point 2.1.101; Bull. EC 2-1979, point 2.3.87.

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South Yorkshire (Kingswood);
South Yorkshire (South Kirkby);
Nottinghamshire (Ollerton);
North Yorkshire (Allerton Bywater);
West Midlands (Rawdon, Donisthorpe);
Cumbria (Maryport distribution centre)
West Glamorgan (Treforgan);
South Yorkshire (Goldthorpe, Highgate);
South Yorkshire (Askern);
South Yorkshire (Bentley);
South Yorkshire (Frickley, South Elmsall);
South Yorkshire (Houghton Main);
South Yorkshire (Grimethorpe);
South Yorkshire (Manton);
Nottinghamshire (Thoresby);
Nottinghamshire (Harworth);
Tyne and Wear (Wearmouth);
West Midlands (Bagworth/Ellistown);
Mid-Glamorgan (Lady Windsor/Abercynon);
Staffordshire (Lea Hall);
Fife (Seafield Frances);
Greater Manchester (Parsonage);
Cheshire (Holditch);
Derbyshire (Oxcroft);
Staffordshire (Hayes distribution centre);
North Yorkshire (Sharlston);
South Yorkshire (Yorkshire Main);
South Yorkshire (Barnburgh and Manvers);
South Yorkshire (Manton);
West Yorkshire (Bower's Row distribution
centre);
Nottinghamshire (Ollerton);
Nottinghamshire (Bilsthorpe);
Nottinghamshire (Gedling);
Nottinghamshire (Mansfield);
West Midlands (Daw Mill);
Glamorgan (Trelewis);
South Yorkshire (Thurcroft);
South Yorkshire (Cortonwood);
South Yorkshire (Kinsley);
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Nottinghamshire (Warsop);
North Yorkshire (Kellingley);
North Yorkshire (Selby);
The second:
West Midlands (Daw Mill);
Glamorgan (Trelewis);
South Yorkshire (Thurcroft);
South Yorkshire (Cortonwood);
South Yorkshire (Kinsley);
South Yorkshire (Brockhouse);
South Yorkshire (Shireoaks);
Nottinghamshire (Warsop);
North Yorkshire (Kellingley);
South Yorkshire (Markham);
South Yorkshire (Shireoaks);
South Yorkshire (Yorkshire Maine);
Nottinghamshire (Thoresby);
Greater Manchester (Bickershaw);
West Glamorgan (Aberpergwm);
South Yorkshire (Frickley);
South Yorkshire (Bentley);
South Yorkshire (Woolley);
South Yorkshire (Denby Grange);
Mid-Glamorgan (Merthyr Vale);
Nottinghamshire (Bevercotes);
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### Training centre:

Nottinghamshire (Thoresby);

Saarbergwerke AG, Saarbrücken (Bergingenieurschule).

Nottinghamshire (Amnesley and Bentinck).

#### Steel industry

Rationalization of pig-iron and steel production:

ARBED-Finanz Deutschland GmbH, Saarbrücken (Völklingen works of Stahlwerke Röchling-Burbach).

South Yorkshire (Brockhouse);

Nottinghamshire (Shireoaks);

#### Conversion loans

Conversion loans paid in the same period ran to 4.7 million EUA. The recipients were the following:

France — Lorraine:

Forges et Boulonneries d'Ars-sur-Moselle, Ars-sur-Moselle;

Société de Développement Régional de Lorraine (LORDEX), Nancy (to assist small and medium-sized undertakings).

Germany — Saarland:

ARBED-Finanz Deutschland GmbH, Saarbrücken (Völklingen works of Stahlwerke Röchling-Burbach).

#### Welfare housing

Loans for the construction or improvement of welfare housing ran to 7.5 million EUA.

#### Loan decisions

2.3.94. The Commission also took a number of decisions for the granting of loans under Article 54(1) of the ECSC Treaty. A total of 389 million EUA was concerned, the recipients being as follows:

#### Coal industry

Rationalization and modernization of collieries:

National Coal Board, London (all collieries); South Yorkshire (Markham); South Yorkshire (Shireoaks); South Yorkshire (Yorkshire Main);

Nottinghamshire (Thoresby);

Greater Manchester (Bickershaw); West Glamorgan (Aberpergwm); South Yorkshire (Frickley); South Yorkshire (Bentley); South Yorkshire (Woolley); South Yorkshire (Denby Grange); Mid-Glamorgan (Merthyr Vale); Nottinghamshire (Bevercotes); Nottinghamshire (Thoresby); Nottinghamshire (Amnesley and Bentinck);

#### Training centre:

Saarbergwerke AG, Saarbrücken (Bergingenieurschule).

#### Steel industry

Rationalization of pig-iron and steel production:

ARBED SA, Luxembourg (Esch-Schifflange works);

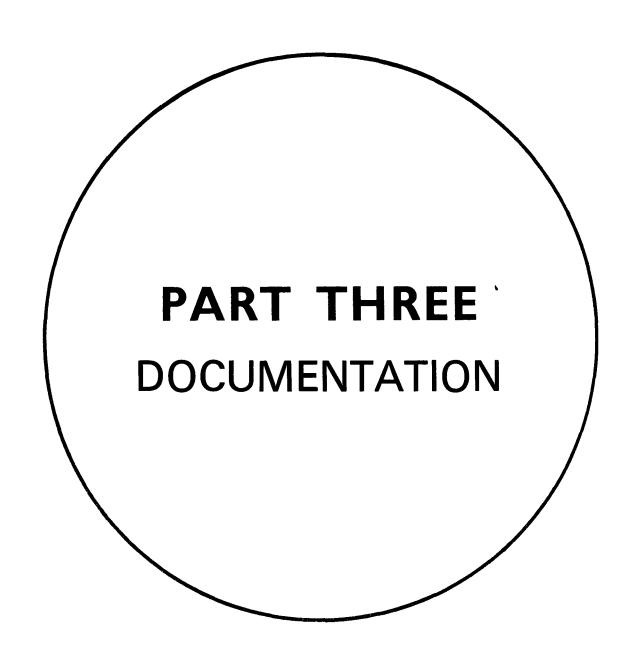
Cockerill SA, Seraing (Réhon works);

Klöckner-Werke AG, Duisburg (Georgs-marienhütte);

Acciaierie de Piombino Spa, Piombino/Livorno.

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# Units of account

Units of account

#### European unit of account

#### ECU and European unit of account

3.1.1. Following the entry into force of the European Monetary System on 13 March 1979,<sup>1</sup> the ECU/EUA is now used in all areas of Community activity without exception, the decision to apply the EMS provisionally in the common agricultural policy having been extended until 31 March 1980. The Community has thus returned to using a single unit of account after a period of several years during which units of account of very different kinds had existed at the same time.

#### Gradual introduction of the EUA

- 3.1.2. Since it was devised in 1975, the EUA has been phased into use in the various areas of Community activity:
- 1975 ACP-EEC Lomé Convention (Council Decision of 21 April 1975); balance sheet of the European Investment Bank (Decisions of the Board of Governors dated 18 March 1975 and 10 November 1977);
- 1976 ECSC operational budget (Commission Decision of 18 December 1975);<sup>3</sup>

- 1978 General budget of the Communities (Financial Regulation of 21 December 1977);
- 1979 1 January establishment of the EMS (Council Regulation of 18 December 1978) (ECU); customs matters (Council Regulation of 23 November 1978); European Monetary Cooperation Fund (Council Regulation of 18 December 1978); 9 April provisional introduction, for three months, into the common agricultural policy (ECU) (Council Regulation of 29 March 1979 extended by Council Regulation of 25 June 1979).

The EUA may also be used in the fields of banking and commerce, and various banks offer arrangements for deposits denominated in EUA. By way of example, Table 1 shows the rates obtaining in Brussels last month for large deposits.

Table 1 — Annual interest rates on bank deposits denominated in EUA

	1 August	16 August	31 August
1 month	93/4	9 <sup>3</sup> / <sub>4</sub>	10
3 months	101/8	10	101/2
6 months	103/8	101/4	105/8
12 months	10	10	$10^{3}/_{8}$

Rates obtaining in Brussels.

Bull. EC 2-1979, preliminary chapter.

OJ L 104 of 24.4.1975.
 OJ L 327 of 19.12.1975.

<sup>4</sup> OJ L 356 of 31.12.1977.

<sup>5</sup> OJ L 379 of 30.12.1978.

<sup>6</sup> OJ L 333 of 30.11.1978.

<sup>&</sup>lt;sup>7</sup> OJ L 84 of 4.4.1979; OJ L 161 of 29.6.1979.

Units of account Units of account

#### Definition

3.1.3. The ECU is identical with the EUA, though, unlike the EUA, it provides for a revision clause enabling changes to be made to its composition. It is a 'basket' unit made up of specific amounts of Member States' currencies, determined mainly by reference to the size of each Member State's economy.

The ECU, like the EUA, is made up of the following amounts: BFR 3.66, LFR 0.14, HFL 0.286, DKR 0.217, DM 0.828, LIT 109, FF 1.15, UKL 0.0885, IRL 0.00759.

#### Calculation and publication

3.1.4. The equivalent of the ECU/EUA in any currency is equal to the sum of the equivalents of the amounts making up the unit.

It is calculated each day1 on the basis of representative rates for each Community currency against the dollar, which is used simply as a common reference for expressing exchange rates. The exchange rates are established on each exchange market at 2.30 p.m. by the relevant central bank; on the basis of these rates, the Commission establishes an ECU/EUA equivalent in the Community currencies and in the other major currencies.

These equivalents are published each day in the Official Journal of the European Communities ('C' edition) and may also be obtained from the Commission by telex (automatic answering service); they are also reported by the main European press agencies and are published in many newspapers (see Table 2 below).

Table 2 — Values in national currencies of one European unit of account

National currency	1 August <sup>1</sup>	16 August <sup>2</sup>	31 August <sup>3</sup>
Belgian franc and Luxembourg franc	40.5031	40.5049	40.5685
German mark	2.53131	2.52797	2.53022
Dutch guilder	2.77842	2.77856	2.77700
Pound sterling	0.615274	0.618710	0.614987
Danish krone	7.28800	7.28708	7.30220
French franc	5.89186	5.88917	5.90214
Italian lira	1 134.83	1 131.44	1 131.40
Irish pound	0.672023	0.672341	0.672247
United States dollar	1.38437	1.38065	1.38483
Swiss franc	2.29251	2.28912	2.29535
Spanish peseta	91.4859	91.2058	91.4610
Swedish krona	5.82583	5.83256	5.83802
Norwegian krone	6.97652	6.94219	6.96984
Canadian dollar	1.62151	1.61771	1.61859
Portuguese escudo	67.6955	67.8866	68.1751
Austrian schilling	18.5297	18.4800	18.4390
Finnish mark	5.32497	5.8099	5.32189
Japanese yen	299.231	299.836	305.590

OJ C 195 of 2.8.1979. OI C 207 of 17.8.1979.

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<sup>&</sup>lt;sup>1</sup> See notice on the calculation of the equivalents of the ECU/EUA published by the Commission: OJ C 69 of 13.3.1979.

OJ C 220 of 1.9.1979.

Units of account Units of account

Each month, the Commission also calculates, for its own purposes, the equivalent of the EUA in about 100 currencies.

#### ECU-related central rates

3.1.5. Table 3 shows the ECU-related central rates which have been in force since 13 March 1979; the percentages are based on these central rates.

These central rates are applied within the EMS. The rates were used, firstly, to establish fluctuation limits (of plus or minus 2.25%) for each participating currency, with intervention being compulsory when these limits have been reached. The central rates are also used to calculate the divergence indicator, whose role is to show the movement of the exchange rate of an EMS currency in relation to the average of the other currencies, represented by the ECU.

Table 3 — Central rates and corresponding weight of the currencies in the ECU

National currency	ECU-related central rates	Weight of the currencies in the ECU (as %)	
Belgian franc and Luxembourg franc	39.4582	9.63	
Dutch guilder	2.72077	10.51	
Danish krone	7.08592	3.06	
German mark	2.51064	32.98	
Italian lira	1 148.15	9.50	
French franc	5.79831	19.83	
Pound sterling <sup>1</sup>	(0.663247)	13.34	
Irish pound	0.662638	1.15	

<sup>1</sup> The rate given for the pound sterling is not a central rate, but a rate established purely as a guide on 12 March 1979.

#### Use of ECU/EUA rates

3.1.6. The ECU-related central rates are not at present used for any purpose other than their reference role in determining the divergence indicator within the EMS and in calculating the monetary compensatory amounts under the common agricultural policy.

In contrast to earlier units of account, which were linked to parities or central rates, the ECU/EUA is established on the basis of daily exchange rates, and it is on the basis of these daily equivalents that all the transactions of the sectors using this unit of account are carried out, including settlements between central banks within the EMCF. Common agricultural policy activities, however, are based on the central rates, and the activities of some sectors, which apply the EUA simply as a point of reference for administrative purposes, use a rate which is generally valid for one year.

#### 'Green' rates

3.1.7. Agricultural prices will in future be fixed in ECU if the provisional decision to use this unit

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Units of account Units of account

of account is made definitive; however, the ECU equivalent in national currencies ('green rates')

will, like the earlier representative rates, continue to be fixed by the Council (Table 4).

Table 4 — Conversion rates into national currencies for the unit of account used in connection with the common agricultural policy

Non-red server	July 1979	August 1979		
National currency	E	ECU		
Belgian franc and Luxembourg franc	40.5951' 40.8193 <sup>2</sup>	40.8193 <sup>7</sup> 40.5951 <sup>2</sup>		
Danish krone	7.08592	7.08592		
German mark	2.78341¹ 2.81432²	2.81432 <sup>1</sup> 2.78341 <sup>2</sup>		
French franc	5.71259³ 5.50961⁴ 5.42697⁵ 5.149206	5.71259³ 5.42697⁴ 5.50961²		
Irish pound	0.652840	0.652840		
Italian lira	1 048.84 <sup>7</sup> 1 005.00 <sup>8</sup> 954.545 <sup>2</sup>	1 005.00 <sup>4</sup> 1 048.84 <sup>2</sup>		
Dutch guilder	2.79914¹ 2.81459²	2.81459 <sup>1</sup> 2.79914 <sup>2</sup>		
Pound sterling	0.581264 <sup>7</sup> 0.552199 <sup>2</sup>	0.552199 <sup>4</sup> 0.581264 <sup>2</sup>		

July 1979

#### August 1979

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For sugar and isoglucose and beef and veal.

<sup>&</sup>lt;sup>2</sup> For the other products.

<sup>3</sup> For pigmeat.

<sup>4</sup> For sugar and isoglucose, milk and beef and veal.

<sup>5</sup> For wine and poultrymeat.

<sup>6</sup> For cereals.

<sup>&</sup>lt;sup>7</sup> For sugar and isoglucose, milk, beef and veal and pigmeat.

<sup>8</sup> For wine.

For pigmeat, milk products and wine.

For the other products.

<sup>3</sup> For pigmeat.

For wine.

# Additional references in the Official Journal

Additional references in the Official Journal

3.2.1. This section lists the titles of legal instruments and notices of Community institutions or organs which have appeared in the Official Journal since the last Bulletin was published 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 4-1979

Point 2.3.66

#### **Economic and Social Committee**

Opinion on the proposals for the 1979/80 farm prices and related measures.

OJ C 171 of 9.7.1979

Point 2.3.67

#### **Economic and Social Committee**

Opinion on the problems currently facing Community shipping policy, particularly maritime safety, the growing importance of the new shipping nations, the development of flags of convenience and the discrimination against certain flags.

Point 2.3.68

OJ C 171 of 9.7.1979

#### **Economic and Social Committee**

Opinion on the proposal for a Council Directive relating to the approximation of the laws, regulations and administrative provisions of the Member States concerning misleading and unfair advertising.

OJ C 171 of 9.7.1979

Point 2.3.69

#### **Economic and Social Committee**

Opinion on the proposal for an Eighth Directive pursuant to Article 54(3)(g) of the EEC Treaty concerning the approval of persons responsible for carrying our statutory audits of the annual accounts of limited liability companies.

OJ C 171 of 9.7.1979

Point 2.3.70

#### **Economic and Social Committee**

Opinion on the proposal for a Council Regulation on the common organization of the market in sheepmeat.

OIC 171 of 9.7.1979

Point 2.3.71

#### **Economic and Social Committee**

Opinion on the proposal for a Council Regulation amending Regulation (EEC) No 816/70 laying down additional provisions for the Common organization of the market in wine.

OJ C 171 of 9.7.1979

Point 2.3.72

#### **Economic and Social Committee**

Opinion on the proposal for a Council Regulation amending Regulation (EEC) No 974/71 with regard to the calculation of monetary compensatory amounts in the wine sector.

OJ C 171 of 9.7.1979

Point 2.3.73

#### **Economic and Social Committee**

Opinion on the proposal for a Council Directive on the indication by labelling of the energy consumption by domestic appliances, and on the proposal for a Council Directive applying to electric ovens and the Council Directive on the indication by labelling of the energy consumption of domestic appliances.

OJ C 171 of 9.7.1979

#### Point 2.3.74

#### **Economic and Social Committee**

Opinion on the proposal for a research and training programme (1979 to 1983) for the European Atomic Energy Community in the field of controlled thermonuclear fusion.

OJ C 171 of 9.7.1979

#### Point 2.3.75

#### **Economic and Social Committee**

Opinion on the proposal for a Council Directive establishing measures for the implementation of Directive 77/489/EEC on the protection of animals during international transport.

OJ C 171 of 9.7.1979

#### Point 2.3.76

#### **Economic and Social Committee**

Opinion on the draft Council recommendation on the ratification of the International Convention for Safe Containers (CSC).

Opinion on the proposal for a Council Regulation amending Regulation (EEC) No 1191/69 on action by Member States concerning the obligations inherent in the concept of a public service in transport by rail, road and inland waterway and Regulation (EEC) No 1107/70 on the granting of aids for transport by rail, road and inland waterway.

OJ C 171 of 9.7.1979

#### Bull, EC 5-1979

#### Point 2.1.13

Proposal for a Council Directive on the approximation of the laws of the Member States relating to powered industrial trucks.

OJ C 165 of 2.7.1979

#### Point 2.1.85

Proposal for a Council Directive amending for the first time Directive 76/768/EEC on the approximation of the laws of the Member States relating to cosmetic products.

OJ C 165 of 2.7.1979

#### Point 2.1.130

Commission Decision of 30 May 1979 amending Decision 77/190/EEC implementing Council 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 170 of 9.7.1979

#### Point 2.3.56

Judgment of the Court of 31 May 1979 in Case 22/78: (1) Hugin Kassaregister AB, Stockholm; (2) Hugin Cash Registers Ltd, London, v Commission of the European Communities.

OJ C 168 of 5.7.1979

#### Point 2.3.58

Judgment of the Court of 31 May 1979 in Case 132/78 (reference for a preliminary ruling made by the Tribunal d'Instance, Lille): S.àr.l. Denkavit Loire, v The French State (Customs Authorities).

OJ C 168 of 5.7.1979

#### Additional references in the Official Journal

#### Additional references in the Official Journal

#### Point 2.3.60

Judgment of the Court (Second Chamber) of 31 May 1979 in Case 156/78: Frederick H. Newth v Commission of the European Communities.

OJ C 173 of 10.7.1979

#### Point 2.3.61

Judgment of the Court (Second Chamber) of 31 May 1979 in Case 164/78: Francis Woehrling v Commission of the European Communities.

OJ C 173 of 10.7.1979

#### Point 2.3.64

Judgment of the Court of 31 May 1979 in Case 182/78 (reference for a preliminary ruling made by the Centrale Raad van Beroep): Bestuur van het Algemeen Ziekenfonds, Drenthe-Platteland, Zwolle, v Mrs G. Pierik.

### OJ C 168 of 5.7.1979

#### Point 2.3.65

Judgment of the Court (First Chamber) of 31 May 1979 in Case 183/78 (reference for a preliminary ruling): Firma Hans Peter Galster, Hamburg, v Hauptzollamt Hamburg-Jonas.

#### OJ C 168 of 5.7.1979

#### Point 2.3.66

Judgment of the Court (First Chamber) of 31 May 1979 in Case 207/78 (reference for a preliminary ruling): Ministère Public, v (1) Gilbert Even, Herstal; (2) Office National des Pensions pour Travailleurs Salariés, Brussels.

#### OJ C 168 of 5.7.1979

#### Point 2.3.69

Opinion of the Court of Auditors on the proposal for a Council Regulation on the measures to be taken in the event of irregularities affecting the own resources referred to in the Decision of 21 April 1970 and the organization of an information system for the Commission in this field.

OJ C 187 of 25.7.1979

#### Bull. EC 6-1979

#### Point 1.4.8

Proposal for a Council Decision initiating a consultation procedure concerning international action in the field of air transport.

OI C 193 of 31.7.1979

#### Points 1.5.1 to 1.5.7

Draft Council resolution concerning the second programme of the European Economic Community for a consumer protection and information policy.

Draft action programme of the European Communities with regard to consumers.

OI C 218 of 30.8.1979

#### Points 2.1.83 to 2.1.85

Award of aid from the Guidance Section of the European Agricultural Guidance and Guarantee Fund (Regulation No 17/64/EEC)—1979 tranche.

Award of aid from the Guidance Section of the European Agricultural Guidance and Guarantee Fund (Regulation (EEC) No 355/77)—1979: first tranche.

OJ C 217 of 29.8.1979

#### Point 2.1.111

Proposal for a Council resolution on new lines of action by the European Community in the field of energy saving.

OJ C 208 of 18.8.1979

#### Point 2.3.27

Case 104/79: Reference for a preliminary ruling by the Pretura di Bra, by order of that court of 6 June 1979 in the case of Pasquale Foglia v Mariella Novello.

OJ C 195 of 2.8.1979

#### Point 2.3.30

Judgment of the Court (Second Chamber) of 28 June 1979 in Case 160/78 (reference for a preliminary ruling made by the Finanzgericht München (Third Chamber)): Intercontinentale Fleischhandellsgesellschaft mbH & Co, KG, Großgerau, v Hauptzollamt München-West.

# OJ C 195 of 2.8.1979

#### Point 2.3.31

Judgment of the Court of 27 June 1979 in Case 161/78 (reference for a preliminary ruling made by the Fourth Chamber of the Østre Landsret): Advokatråd as representative of P. Conradsen A.S. v Ministeriet for Skatter og Afgifter.

OI C 195 of 2.8.1979

#### Point 2.3.35

Judgment of the Court (First Chamber) of 28 June 1979 in Case 216/78 (reference for a preliminary ruling made by the Finanzgericht Düsseldorf): Nicolaï Beljatzky, Berlin, v Hauptzollamt Aachen-Süd.

Judgment of the Court (First Chamber) of 28 June 1979 in Case 217/78 (reference for a preliminary ruling made by the Finanzgericht Düsseldorf): Nicolas Corman & Fils, Goé Dolhain (Belgium), v Hauptzollamt Aachen-Süd.

OJ C 195 of 2.8.1979

#### Point 2.3.36

Judgment of the Court (First Chamber) of 28 June 1979 in Joined Cases 233, 234 and 235/78 (refer-

ences for a preliminary ruling made by the Verwaltungsgericht Frankfurt am Main): Benedikt Lentes and Oswald Werner v Federal Republic of Germany, represented by the Bundesamt für Ernährung und Forstwirtschaft (233/78), Ludwine Gibbert, Fr.-J. Reiz Daniels, Joachim Gabel and Reinhold Lehnen v Federal Republic of Germany, represented by the Bundesamt für Ernährung und Forstwirtschaft (234/78) and Norbert Lay, Edmund Simon, Karl Dahm jun. and Theo Buss v Federal Republic of Germany, represented by the Bundesamt für Ernährung und Forstwirtschaft (235/78).

OJ C 195 of 2.8.1979

#### Point 2.3.38

Judgment of the Court (First Chamber) of 28 June 1979 in Case 255/78: Andrée Anselme (née Heirwegh) and Roger Constant v the Commission of the European Communities.

OI C 195 of 2.8.1979

# 3. Infringement procedures

Infringement procedures

#### Reasoned opinions

3.3.1. In July and August the Commission issued 18 reasoned opinions:

# Failure to apply or incomplete application of Directives

Directive 75/440¹ concerning the quality required of surface water intended for the abstraction of drinking water in the Member States (Belgium and Netherlands).

Directive 75/4421 on waste (Belgium, Luxembourg, Italy and Netherlands).

Directive 76/160<sup>2</sup> concerning the quality of bathing water (Belgium and Netherlands).

Directive 77/3883 concerning turnover taxes (Germany).

#### **Taxation**

Infringement of Article 95 of the EEC Treaty by reason of discrimination between national and imported beer in the application of excise duties (Belgium, Luxembourg and Netherlands).

#### Free movement of goods

Infringements of Article 30 of the EEC Treaty in the following cases:

The requirement that the applicant for type approval of mopeds be established in the Netherlands (Netherlands).

The obligation to sell margarine by volume (Belgium).

Grants given by the Region of Calabria to undertakings which buy buses made in Italy (Italy).

Conditions imposed in relation to wine distillates for the use of the quality designation 'Weinbrand' (Germany).

#### **Fisheries**

Introduction of certain national measures under procedures incompatible with Community law (United Kingdom).

#### Personnel

Refusal to apply the provisions for the transfer of pension rights laid down in Article 11(2) of Annex VIII to the Staff Regulations of Officials of the European Communities (Belgium).

#### Proceedings in the Court of Justice

3.3.2. The Commission brought an action before the Court of Justice against Germany for failure to apply Directive 77/388.

The Court found in favour of the Commission in Case 153/78 (Germany).<sup>5</sup>

OJ L 194 of 25.7.1975.

OJ L 31 of 5.2.1976.

<sup>&</sup>lt;sup>3</sup> OJ L 145 of 13.6.1977.

<sup>4</sup> Point 2.3.39.
5 Point 2.3.49.

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Oversigt over retspraksis. Konvention (EØF) af 27. september 1968 om retternes kompetence og om fuldbyrdelse af retsafgørelser i borgerlige sager, herunder handelssager. Hæfte 3.

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CA-28-79-334-6A-C

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\*) CC-NA-79-R18-DE-C

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\*) CC-NA-79-R18-NL-C

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Deel K: Hoofdstuk 86-89 Vervoermaterieel 1979. 220 p.

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