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**EUROPEAN  
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9<sup>th</sup> year

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*The Supplements are published separately as annexes to the Bulletin. They include the official texts of the Commission (communications to the Council, reports, proposals) of the documents published under the double responsibility of the Council and of the Commission. The Supplements are not published in Spanish.*

# BULLETIN OF THE EUROPEAN COMMUNITIES

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

Commission of the European Communities  
General Secretariat  
Brussels

no. 4  
1976  
9<sup>th</sup> year

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\* In preparation.



**1<sup>ST</sup> PART**

**EVENTS AND  
STUDIES**

# 1. A fundamental problem: employment

## Statement by Dr Hillery to the European Parliament

1101. In a statement to Parliament on 6 April Dr Hillery, Vice-President of the Commission, spoke at length about the employment situation, which was such a serious problem in the Community in 1975 and continues to cause concern.

In pressing and discussing the Commission's annual Social Report,<sup>1</sup> Dr Hillery took stock of social developments in the Community last year, reviewing the various measures taken at Community level to improve living and working conditions. This part of his speech was based largely on the themes developed in the 1975 Social Report, in particular in the introduction.<sup>1</sup>

Answering questions put by members of Parliament (on Community measures to combat unemployment), Dr Hillery devoted the second part of his statement, which is reproduced below, to the employment problem now facing the Community and the ways and means of dealing with it.

### Employment: the outlook

1102. '... Until quite recently steady economic progress has been a characteristic feature of our industrialized Western countries. This in turn has facilitated great social progress and improvements in living standards for the vast majority of Community citizens. Present circumstances, however, indicate that this rate of economic growth may be more erratic in the years ahead and that the structural problems of industry may confront us with a continuing high rate of unemployment.

This situation will be further influenced by the realities of present demographic trends, which are likely to bring a much larger number of young people into the employment market, aggravating an already serious employment situation. The

employment problem, therefore, is likely to remain a theme of central importance for social policy in the period ahead. The Community's efforts cannot solve problems that are more effectively tackled at a national level. There are a number of ways in which they can and do help in the search for solutions; in this respect there must be a solidarity of intent at Community and national level to confront our respective responsibilities.

The Commission has, since the early days of the recession, been actively engaged in identifying the causes of unemployment and in helping Member States to maintain high levels of employment. In doing so it has used three instruments — *consultations and policy coordination, information, and financial intervention.*

### Consultations with governments and the two sides of industry

1103. The departments of the Commission concerned with social, economic and regional matters have initiated and sustained a system of consultations between governments, employers and trade unions which has contributed significantly towards an agreed analysis of the causes of unemployment and of the means to combat it.

The Commission is now drawing on this work in preparing the papers for the next tripartite conference, at which the discussion will focus on means of re-establishing a high level of employment while maintaining stability. The fourth medium-term economic policy programme which the Commission hopes to present to the Council in July, is being framed to meet the same objectives. Through the close contact which is maintained with senior employment officials in the Member States, common problems are discussed and ideas and information exchanged.

<sup>1</sup> Bull. EC 3-1976, points 1201 to 1212.



### Information for Member States

1104. I am convinced that, but for this close awareness of each other's problems, Member States might have followed policies which would have had adverse effects on their neighbours, thus weakening the Community as a whole. Indeed, the most important contribution of the Community in this connection is that it has been instrumental in protecting its members against an even worse situation, a beggar-my-neighbour struggle for survival.

... The Commission is of course aware of the need to increase the efficiency of the machinery at both the national and Community levels, for the matching of the labour supply and demand. There are at present half a million jobs unfilled in the Community. The three elements of such machinery — vocational guidance, vocational training and placement — continue in a number of the Member States to operate without proper liaison. The Commission has drawn the attention of both government representatives and the social partners to the urgent need for the rationalization of Member States' work in these fields. It is proposed to include a reference to this in the proposed recommendation on the training of young unemployed workers, which is at present being prepared.

At Community level, moreover, the Commission has already introduced SEDOC, the European system of international clearing of vacancies and applications. This system involves the collection and diffusion of information covering both job vacancies, appropriate for Community clearing, and job applications from workers who have expressed themselves ready to accept employment in other Member States. Although experience so far suggests that freedom of movement is increasing the mobility of workers only slowly, this movement is bound to gain momentum. Over the years, it will, I am sure, reduce the pockets of unemployment which exist in some areas of the Community at the same time as shortages of labour persist in other areas.

Consultation and action must be based on reliable and up-to-date information. The Commission has been developing its capabilities in this respect. Our monthly employment statistics are widely used throughout the Community. The programme of work in the field of employment which was approved by the Council in the summer of 1975 includes a research programme which should provide the Community with a much better basis for action than it has had before. Our forecasting capability is being strengthened, and we shall shortly be publishing a discussion paper on the prospects for employment in the Community until 1980.

### Community financial assistance

1105. The Community's financial instruments have been used intensively to counteract the increase in unemployment. Apart from the instruments of agricultural intervention, which, I should emphasize, play a crucial role in that sector, the Social and Regional Funds are the major instruments which we have to hand, and ... we have been concerned to ensure that the two funds complement each other. While the Regional Fund is specifically designed to support the creation of employment, the importance of the Social Fund's training support lies in the fact that a significant proportion of those who are unemployed do not possess the skills needed to do the jobs that are or may become available.

It should be noted, too, that the European Investment Bank has been asked to give greater weight to the effects of its intervention on employment opportunities in the less-developed regions of the Community.

### Mobilizing efforts

1106. This record of activity by the Community and the Commission must of its nature be solid rather than spectacular. Its significance and

importance wins recognition, however, when one speculates on what might have occurred, or on practical alternatives. Increasing appreciation of the degree of solidarity achieved by the Community has also been reinforced by the growing understanding that the present recession has a global dimension. Nevertheless, while it is true to say that when dealing with the employment situation we must take account of its international aspects, there is no proof for the assumption that international solutions must exist because national solutions have not yet been found.

We are in a period of change and adaptation. Our task is to guide our peoples through this most difficult time, seeking equity and justice in whatever social equilibrium we reach. Our goal for the end of the present cycle must be a world in which people, no matter what system may govern them, no matter what their present state of development, can feel that stability has returned and that there has been a more equitable distribution of resources, holding the promise of further social progress.

The Community dialogue between the social partners, the Member States and the Community institutions has shown that there is no magic way to that goal. Nor will it be reached by pressing other people harder and harder. Nor, I think, has the Community found itself frustrated by a lack of instruments or ideas; the Regional Fund, the Social Fund, the European Investment Bank and other mechanisms give us the capacity to dispense effectively whatever resources can be made available. Where ideas are concerned, there is no possible miracle cure that has been overlooked in the search.

In concluding, therefore, may I call again for a full-hearted commitment to what I call the slow miracle. This is a healing process which I believe will emerge from that complex of effort and shared responsibility in which we are already engaged and in which the Commission has greatly appreciated the support of this Parliament. Every debate helps us to move from the widening con-

sensus to deepening commitment. I believe that within the current consensus attention is now focusing as much on the need for actual job creation as on a return to growth. This is an important development in which I would like to see the Community acting as a catalyst...'

## 2. Report on Competition Policy

1201. The Commission has published and sent to Parliament its latest annual Competition Report,<sup>1</sup> covering all aspects of the Community's work in this area in 1975. The introduction to the Report is reproduced below.

### Introduction

1202. In times of economic difficulty competition policy must continue to make its influence felt alongside all the other Community policies. Its function is to preserve a situation in which the structural changes that are needed can take place. Although competition policy can make only an indirect contribution to solving the economic difficulties now besetting the Community—and then only if it achieves its objectives—there can be no solution without it. The Commission has tried to ensure that competition policy satisfies the demands made of it—in the measures it has taken as regards both State aids and the business conduct of firms.

The Commission considers that the proliferation of State aids as a means of mitigating economic difficulties and their social consequences carries with it the risk of preserving industrial structures that have failed to adapt to circumstances. Restrictive agreements offer no real solution to the crisis either. The Commission is paying particular attention to the increasing popularity of joint ventures: they may in certain circumstances help industrial rationalization, but they can be a mere façade for anticompetitive agreements too. It is also clear that a more systematic control of large-scale mergers is essential if harmful developments in the structure of industry are to be prevented. The Commission has, in addition, set itself the task of following closely the effect of the growing tendency of Member States to intervene in their economies through the agency of public enterprises.

1203. In the matter of State aids in 1975, as

expected, the Commission had to deal with significantly more cases of assistance granted by Member States to offset the industrial and social effects of the serious economic crisis which the Community is experiencing. It has kept a close watch on the situation to ensure that the effect of the assistance was not simply to transfer from one Member State to another the difficulties it was intended to resolve or alleviate, and that it actively helped to solve structural problems rather than merely masking them.

Two factors have had to be borne in mind. First, a return to protectionist policies, however indirect, on the part of Member States cannot provide an effective solution to the crisis. Second, a return to normal necessarily involves a structural adaptation of the machinery of production in the Community to major changes in internal demand and in the international division of labour.

The Commission has worked out new principles for coordinating regional aids throughout the Community, which take account of the economic and social requirements of each region. In implementing these principles, under the powers conferred by the Treaty in respect of State aids, the Commission will ensure that competition is not unduly distorted and consequently that national aids are commensurate with the seriousness of the regional problems to be solved. In this way it will help to make national regional policies more effective, particularly as regards the future of Community regions facing the gravest difficulties.

1204. As regards restrictive agreements and abuse of dominant positions, the Commission has taken action against attempts to divide the market, to prevent price decreases or to aggravate the rigidity of certain markets.

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<sup>1</sup> Fifth Report on Competition Policy (published in conjunction with the Ninth General Report on the Activities of the European Communities), Brussels and Luxembourg, April 1976.

Apart from decisions taken on certain of the traditional anticompetitive practices prohibited by Article 85, the Commission has intervened on a whole range of sales strategies which, when operated by a dominant firm, tend to constitute an abuse within the meaning of Article 86. It attacked a dominant firm's discriminatory pricing policy not as a price control agency, but simply to enforce the clear prohibition on such practices contained in Article 86. In point of fact, the Commission did not impose a specific price reduction but merely gave an indication enabling the firm to decide an acceptable price level.

Similarly, the Commission has stated the limits within which it will tolerate selective distribution systems. The importance of the only decision issued on this subject in 1975 lies in the fact that it provides the consumer electronics industry with points of reference to bring their distribution systems into line with Article 85. The Commission had previously made similar decisions in relation to automobiles and perfumes.

The Commission has continued to clarify its policy on patent licensing agreements, which can be a classic means of separating markets. Now that seven decisions have been issued, it is possible to contemplate the preparation of a regulation exempting certain categories of patent licensing agreement, which should benefit small and medium-sized firms in particular.

In parallel with its enforcement of the prohibition on restrictive practices, the Commission has made use of its powers under the provisions exempting international cooperation between firms to authorize a coordination of investment in the highly specific area of nuclear reprocessing and long-term specialization in the manufacture of penicillin. In the latter case, the authorization was given only after the firms had agreed to abandon their plan to form joint subsidiaries. In view of the nature of the relevant market, the Commission considered this step necessary to ensure that the two firms remained independent of each other in the market.

1205. In 1975 there were fourteen decisions under Articles 85 and 86 of the EEC Treaty and twenty-two decisions under Articles 65 and 66 of the ECSC Treaty. In the EEC field, therefore, approximately one hundred have been issued since the Treaty's competition rules began to be enforced. Apart from restoring competition to a number of markets in the Community, the Commission's gradually developing case law has clarified the significance of the rules laid down by the Treaties. In 1975, as in previous years, a large number of cases were settled without a formal decision being made. Although this procedure is less well known and has less legal value than a formal decision, its importance should not be underestimated, as it enables some cases to be settled with a minimum of administrative intervention.

In 1975, for instance, it was used to separate the joint interests of two major continental glass manufacturers as regards safety glass for motor vehicles and to bring the marketing in the Community of Brazilian coffee into line with the rules of competition.

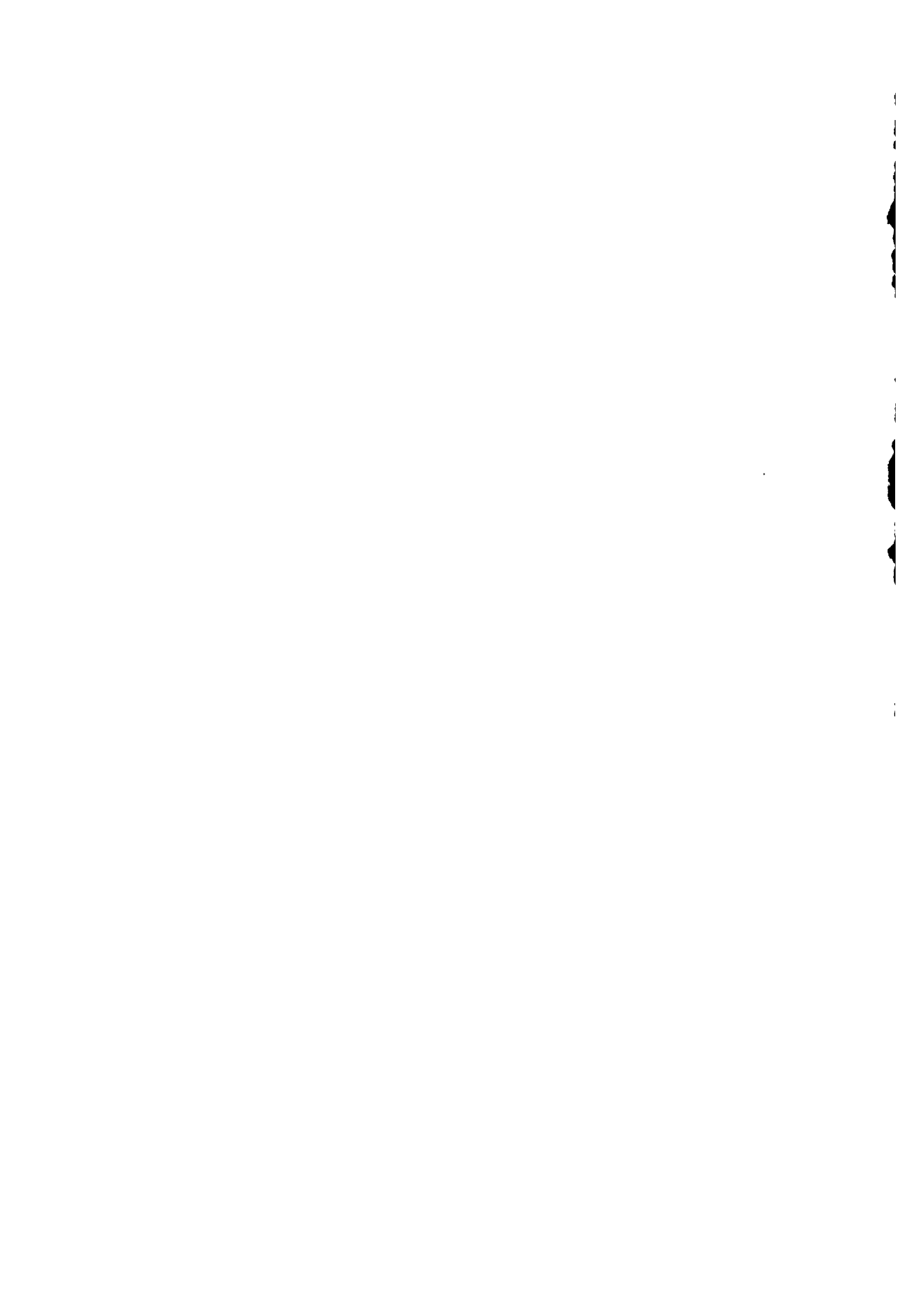
1206. When the oil crisis arose in the autumn of 1973, the Commission publicly warned the oil companies to refrain from indulging in restrictive or abusive practices. The Commission has now nearly completed its examination of a complaint concerning a refusal to supply in a case which may well constitute abuse of a dominant position. The report of the behaviour of the oil companies in the Community during the crisis period sets out the results of the Commission's inquiries under Articles 85 and 86. The Commission has decided that there must be further investigation of the terms of sale of aviation jet fuel (kerosene) to the airlines and of naphtha to the chemical industry, the use of certain arrangements for publishing oil prices by the oil companies and public supply contracts with electricity companies.

The Commission has begun work on proposals to the Council for special regulations applying the rules of competition to sea and air transport,

which will take account of the need for uniform application of these rules and at the same time of the specific features of these modes of transport. The Court of Justice has held that the general rules of the EEC Treaty apply to sea and air transport, so the rules of competition applying to firms under Articles 85 to 90 also apply.

1207. Work on the research programme on concentration continued in 1975, and results have now been published in nearly a hundred studies on individual industries or markets. These reports have highlighted the need both for periodic updating and for further consideration of certain points which would help to explain how competition actually functions in the main product markets. This research is especially valuable in the current inflationary situation in that inflation is particularly rife in concentrated industries in the Member States.

Given the importance to the Community of the rapid introduction of a more systematic means of controlling large-scale mergers, which would help to maintain effective competition, the Commission has asked the Council to intensify its work on the proposed merger control regulation.





**2<sub>ND</sub> PART**

**ACTIVITIES  
IN APRIL 1976**

# 1. Functioning of the common market

Customs union

## Customs union

### Common Customs Tariff

#### *Nomenclature*

2101. On 6 April<sup>1</sup> the Council amended a number of earlier Regulations on the tariff nomenclature of certain *cereal, beef and veal* and *sugar* products. Certain tariff headings could, without economic difficulties, be regrouped to simplify procedures both in trade and for the authorities concerned. These amendments will apply from 1 July 1976.

### Tariff measures

#### *Suspensions*

2102. On 6 April<sup>2</sup> the Council adopted a Regulation extending the total suspension of autonomous CCT duties until 25 April in the case of *new potatoes* (subheading 07.01 A II a) and until 30 June in the case of *ware potatoes* (subheading 07.01 A III b). With supply difficulties continuing, the Council decided on 30 April<sup>3</sup> to extend until 20 May the total suspension of duties for new potatoes.

### Harmonization of customs legislation

2103. On 8 April the Commission presented to the Council a proposal for a Directive on the harmonization of provisions laid down by law, regulation or administrative action relating to *customs debt*. The purpose of this proposal—which is part of the Commission's general programme for the approximation of customs legislation<sup>4</sup>—is to define the circumstances in which customs debt—i.e., the obligation to pay import or export

duties to which goods are liable—arises, falls due and is settled. If adopted, it would eliminate distortions in treatment among Community importers of products from non-member countries and among Community exporters of products going to those countries.

### Customs arrangements for the movement of goods

2104. The Agreement between the Community and Austria on the *simplification of formalities in respect of goods traded between the EEC* on the one hand and *Greece and Turkey* on the other, when the goods in question are *forwarded from Austria*, enters into force on 1 May. Austria and the Community have informed each other of the completion of the necessary procedures for the entry into force of the Agreement,<sup>5</sup> which was signed on 11 June 1975.<sup>6</sup> It provides for administrative cooperation between the customs authorities and as a result there will be greater scope than hitherto to benefit from the advantages of being able to regroup, split up, warehouse and reconsign goods in transit through Austria.

\*

2105. On 9 April<sup>7</sup> the European Parliament gave its Opinion on two proposals from the Commission to the Council, one of which concerns customs arrangements for certain products coming from the Faeroes.

<sup>1</sup> OJ L 100 of 14.4.1976.

<sup>2</sup> OJ L 94 of 9.4.1976 and L 115 of 1.5.1976.

<sup>3</sup> OJ L 115 of 1.5.1976.

<sup>4</sup> Bull. EC 6-1971, Part One, Chapter IV.

<sup>5</sup> OJ L 98 of 13.4.1976.

<sup>6</sup> Bull. EC 6-1975, point 2109.

<sup>7</sup> Point 2414.



## Internal common market

### Free movement of goods

#### Removal of technical barriers to trade

2106. On 6 April,<sup>1</sup> the Council adopted a Directive on the braking mechanism of wheeled farm or forestry tractors. This is the eighth specific Directive implementing the type approval Directive of 4 March 1974<sup>2</sup> concerning tractors.

The prime function of the Directive is to ensure improved safety on the road and at work throughout the Community, and to this end it provides in the annexes a set of detailed and comprehensive requirements and tests for braking devices which tractors must satisfy if they are to gain EEC type-approval and consequently the right of free movement throughout the Community.

2107. On 13 April,<sup>3</sup> the Commission adopted a Directive adapting to technical progress the Directive of 19 November 1973 on certification and marking of wire-ropes, chains and hooks.<sup>3</sup> New technical annexes replace those in the original Directive.

### Companies

#### Harmonization of national laws concerning group accounts

2108. On 28 April, the Commission adopted a proposal for a Directive on group accounts,<sup>4</sup> the seventh in the harmonization of company law programme. It follows logically on the proposal for the fourth Directive of 1971<sup>5</sup> on the annual accounts of limited liability companies, of which the amended version presented on 26 February 1974<sup>6</sup> is now being discussed within the Council.

The proposed Directive on group accounts has the same objectives as the proposals for a fourth Directive on annual accounts: to ensure that companies established within the Community publish *comparable information drawn up on uniform lines* in order to provide a minimum degree of protection for shareholders, employees and third parties. This harmonization is required to enable companies to exercise their right of establishment more easily, to create favourable conditions for operating a European capital market and to prevent divergent legal requirements concerning the provision of information from distorting conditions of competition for companies within the Community.

#### *Multinational companies*

Harmonization of laws relating to group accounts will also be of undoubted value for the work now going on at various levels on multinational companies. Through this harmonization process, multinational companies whose registered offices are situated in the Community will have to publish group accounts relating to all their subsidiaries throughout the world and clearly indicate the relationships and activities within the group. Multinational companies whose registered offices are outside the Community will also be subject to the same rules with regard to their activities carried out through companies established within the Community.

#### *Definition of a group*

The proposal was finalized after thorough consultation with government experts and associations

<sup>1</sup> OJ L 122 of 8.5.1976.

<sup>2</sup> OJ L 84 of 21.3.1974.

<sup>3</sup> OJ L 335 of 5.12.1973 and L 122 of 8.5.1976.

<sup>4</sup> Supplement 8/76 — Bull. EC (to be published).

<sup>5</sup> Supplement 7/71 annexed to Bull. EC 12-1971.

<sup>6</sup> Supplement 6/74 — Bull. EC.

of accountants and financial analysts. It first defines company groups to determine the scope of the consolidation. There are two tests which a group must satisfy: first, a company must be in a position to control another company; second, this potential control must be exercised in practice to the effect that the companies concerned are managed on a central and unified basis.

The advantage of this definition is that it automatically excludes holdings in the capital of undertakings, even majority holdings, which are merely short-term investments, and that it covers situations where one undertaking is controlled by another by virtue of a minority holding in its capital.

#### *Consolidation must be world-wide*

Group accounts must be drawn up as if the company controlling the group or another member of the group is a company incorporated with limited liability. The annual accounts of all the companies in the group, regardless of where they are located, must be consolidated in the group accounts. A company in the group may not be left out of the consolidated accounts unless it is of only minor importance.

The Directive applies both to vertical groups, the usual kind of group dominated by a single company, and to horizontal groups (consortia) in which central and unified management is provided by two or more companies heading the group.

Consolidated accounts must also be drawn up for sub-groups within the Community comprising two or more companies. This is particularly important where the company heading the group is located outside the Community and does not publish group accounts.

#### *A true and fair view*

Group accounts comprise the group consolidated balance sheet, the group consolidated profit and

loss accounts and notes to the accounts. They must give a true and fair view of the group's assets, liabilities, financial position and results.

The proposal lays down a number of principles governing consolidation in order to ensure that it is effected uniformly throughout the Community. For instance, debts and claims and transactions between group companies must be eliminated so that group accounts do not give a false impression of the group's assets, liabilities and results. The annual accounts of undertakings to be included in the consolidation must also be drawn up at the same date so that the consolidated accounts refer to the same period and cover comparable accounting items.

#### *Identical valuation methods*

Lastly, items incorporated in group accounts must be valued using identical methods to avoid consolidation of heterogeneous and disparate values. A degree of flexibility is allowed in applying these principles since practical difficulties may arise in exceptional cases.

The proposal prescribes a special valuation method for group accounts relating to holdings of group undertakings in the capital of other undertakings outside the group where, through such holdings, substantial influence is exerted on the running of those undertakings. A typical example is a holding in a joint venture. The valuation method laid down in the Directive purports to put a more realistic value on such holdings. The reason why this method is compulsory is that the relevant information must be comparable throughout the Community.

Finally, certain important particulars must be included in the notes to the group accounts to indicate clearly the structure of the groups, identity of the group undertakings and the relationship between them.

## Commercial and economic law

### Price legislation

2109. The Working Party on Legislation relating to Prices met again in Brussels on 21 April. Its proceedings consist of regular discussions on national price regulations and the effects that disparities between them might have on the functioning of the common market.

At the meeting the Working Party reviewed *developments in national legislation* on prices and price controls (freezes, etc.) recently applied by some countries. It decided to improve, extend and update the existing list of national regulations, using data supplied by the appropriate national authorities, and to intensify its investigation of certain special problems.

The discussion also bore on the scope for harmonizing national rules governing the *publication of prices*. Since several delegations were in favour of a Community regulation to this effect, the talks will be resumed at the next meeting of the Working Party, scheduled for September.

A further item on the agenda was the organization of surveys on prices in the Community and the publication of the results if it was found that appreciable differences existed.

## Competition policy

### Fifth Report on Competition Policy

2110. On 13 April the Commission approved its Fifth Report on Competition Policy,<sup>1</sup> for publication in conjunction with the Ninth General Report on the Activities of the European Communities. Drawn up at the request of the European Parliament, the Report, as in previous years, outlines the evolution of the Community's competition policy.

## Restrictive agreements, mergers, dominant positions: specific cases

### *Elimination of restrictive practices*

2111. In response to Commission representations the firms operating the three main French sources of mineral waters—the Perrier-Vichy group, SA des Eaux Minérales d'Evian-les-Bains and Société Générale des Eaux Minérales de Vittel—together accounting for some 95 % of the French market (Perrier c. 47 %, Evian c. 26 % and Vittel c. 22 %) have put an end to certain restrictive practices which were impeding trade; they have dropped an export prohibition imposed on French wholesalers.

Furthermore, these companies no longer refuse to act for their French customers who re-export in obtaining reimbursement of the duties levied on beverages consumed in France but not payable on exports. Although French regulations provide that only source operators may obtain reimbursement—for they alone are able to make the necessary application to the appropriate revenue authorities—French wholesalers are in practice no longer obliged to pay the duty when they export mineral waters.

### State aids

#### *Export aids*

#### *Italy*

2112. On 29 April the Commission decided to initiate the procedure of Article 93(2) of the EEC Treaty against certain assistance given by the

<sup>1</sup> Points 1201 to 1207.

Italian Government to sales by the Italian *textile, clothing* and *footwear* industries in the other Member States, and particularly in Germany.

The assistance is given under a programme worked out by the Ministry of External Trade and operated by the Istituto per il Commercio Estero (ICE); it takes the form of a financial contribution to joint advertising campaigns (TV, radio, press and posters) launched by firms in those industries.

Assistance given under this programme could give Italian exporters an advantage over firms in the other Member States. The Commission considers that in general export aids in trade between Member States are incompatible with the basic principles of a common market, and notably the principle of the free movement of goods. In March, it had already taken a similar decision as regards promotion of Italian toy exports.<sup>1</sup>

When opening the Article 93(2) procedure the Commission asked the other Member States to confirm that they were not applying similar schemes of aid. It also placed a Notice in the Official Journal<sup>2</sup> calling on interested parties other than the Member States to submit their observations.

### State monopolies of a commercial character

#### France

##### *Alcohol*

2113. On 9 April the Commission opened the procedure of Article 169 of the EEC Treaty against an infringement by France. It had concluded that the monopoly right to import, export and market alcohol in France had been incompatible with Article 37 of the Treaty since 31 December 1969. It reached the same conclusion on the charging of a countervailing duty on spirits

imported from the other Member States, which was to offset the difference between the price of the alcohol contained in imported beverages and the higher selling price for alcohol charged by the French monopoly in France.<sup>3</sup>

#### Germany

##### *Alcohol*

2114. As regards the German alcohol monopoly, the German Government has informed the Commission of measures to reorganize its monopoly in line with its obligations under Article 37 taken in response to judgments given by the European Court of Justice.<sup>3</sup> Commission staff are currently examining whether the new situation in Germany will be acceptable.

## Taxation policy and financial institutions

### Taxation

#### *Indirect taxes*

##### *Transactions in securities*

2115. On 2 April the Commission laid before the Council a proposal for a Directive aimed at establishing a single system of taxation for transactions in securities to replace the taxes currently levied on stock exchange transactions in Member States.

The proposal forms part of the work on the establishment of a European capital market and takes a stage further the progress achieved by the

<sup>1</sup> Bull. EC 3-1976, point 2116.

<sup>2</sup> OJ C 104 of 7.5.1976.

<sup>3</sup> Bull. EC 2-1976, point 2116 (Judgments in Manghero, Rewe and Miritz).

previous Council Directives concerning indirect taxes on the raising of capital. It also follows up two other proposals for directives concerning stock exchange transactions and will, in the long run, facilitate the gradual abolition of the tax, an objective which the Commission has set itself. For this reason, incidentally, the establishment or retention of the tax in question has not been made compulsory.

The proposal provides for the partial harmonization of the structures of the taxes on transactions in securities. In particular, with a view to bringing the levels of taxation closer into line, maximum rates are set and a number of exemptions are made compulsory. The proposed rules are designed to limit double taxation and to eliminate most forms of discrimination.

### *Direct taxes*

#### *Mutual assistance between Member States*

2116. On 5 April the Commission laid before the Council a proposal for a Council Directive on mutual assistance between the competent authorities of the Member States in the field of direct taxation.<sup>1</sup> Tax evasion and avoidance have an important international dimension, and measures to combat these practices are therefore needed at international level as well. The Commission proposal lays down the guiding principles for a mutual assistance procedure between the revenue departments of the Member States.

The method of collaboration proposed is to establish a system for the exchange of information enabling income and wealth tax liabilities to be determined accurately. Information could be supplied either automatically, or when a Member State requested it, or spontaneously, by a Member State which has discovered relevant evidence.

Mutual assistance also covers the investigations which a Member State may make on behalf of another Member State in order to obtain the in-

formation requested. Lastly, the proposal provides that an official of one Member State could work in another Member State.

Taken together, these three measures go beyond, in their scope, the cooperation already arranged bilaterally by Member States, in particular in double taxation conventions.

The mutual assistance arrangements will include rules on preserving the confidentiality of the information collected, and on the right of Member States to refuse to transmit information in certain situations, such as the absence of reciprocity.

Finally, the proposal provides for cooperation between the Member States and the Commission with the aim of improving the mutual assistance arrangements and, where appropriate, of formulating Community regulations for this purpose.

### **Financial institutions**

#### *Insurance*

##### *Indemnity insurance*

2117. Negotiations between the Community and Switzerland on an agreement concerning the application of certain rules relating to indemnity insurance opened in Brussels on 21 April. The Commission was authorized by the Council to represent the Community.

The Council Directive of 24 July 1973<sup>2</sup> on the coordination of laws, regulations and administrative provisions relating to the taking up and pursuit of the business of direct insurance other than life assurance contains a title dealing with rules applicable to agencies or branches established within the Community and belonging to undertakings whose head offices are outside the Com-

<sup>1</sup> OJ C 94 of 27.4.1976.

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

munity. One of the Articles provides that 'the Community may, by means of agreements concluded pursuant to the Treaty with one or more third countries, agree to the application of provisions different to those provided for in this title, for the purpose of ensuring, under conditions of reciprocity, adequate protection for insured persons in the Member States'. It is on the basis of this Article that the Swiss Federal Council asked for negotiations with the Community with a view to concluding an agreement of this type.

At these initial discussions the organization of work was dealt with and the main points for negotiation identified. These include the harmonization of financial guarantees and, in particular, Switzerland's acceptance that the discussions should be based on a system involving the solvency margin. The results of these first contacts were encouraging and the next meeting is scheduled for June.

### *Banks and other financial institutions*

#### *Collective investment undertakings for transferable securities*

2118. On 29 April the Commission laid before the Council a proposal for a directive on the coordination of legislation regarding collective investment undertakings for transferable securities of other than the closed-end type (CIUTS).

The proposed directive lays down common rules concerning the approval and supervision of CIUTS. It provides that CIUTS may not operate unless they have been approved by the competent authorities of the Member State in which they are situated and that these authorities must supervise all their activities. Once a CIUTS has been approved, it may, without obtaining further approval, operate anywhere in the Community, subject to relevant restrictions on the free movement of capital.

The proposed directive also lays down a set of rules dealing mainly with the structure and func-

tioning of CIUTS, their investment policy and the information to be published by these undertakings (prospectus and periodic reports). These rules are minimum rules, i.e., all CIUTS situated in the Community will have to comply with them, but the Member States remain free to impose additional or stricter rules on CIUTS situated on their territory, and these only, provided that they are generally applicable and do not conflict with the provisions of the Directive. Only one exception is made to the principle that the legislation applicable is that of the country in which the CIUTS has been approved. This concerns the rules governing the marketing of shares or units of CIUTS, stipulating that the host country may apply its own marketing regulations to similar bodies from other Member States which intend to market their shares or units in that country.

The minimum rules laid down in the proposed directive are sufficiently strict and detailed to ensure achievement of the following two objectives:

- (i) provision within the Community of more effective and more uniform safeguards for investors;
- (ii) closer alignment of the conditions of competition between CIUTS in the various Member States.

The draft directive has another objective of fundamental importance: the elimination of restrictions on the free movement of shares or units of CIUTS within the Community. The first and second Directives adopted by the Council with a view to abolishing restrictions on capital movements did not apply the principle of the free movement of capital to shares or units of collective investment undertakings.<sup>1</sup> One of the reasons why it has not been possible to achieve the free movement of such shares or units is that the national rules governing these undertakings differ to such an extent that they cannot provide equiv-

<sup>1</sup> OJ of 12.7.1960 and 22.1.1963.

## 2. Economic and monetary union

### Taxation policy and financial institutions

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alent safeguards for savers and equivalent conditions of effective competition between such undertakings. As this situation should be remedied by the coordination of laws as laid down in the proposal, this obstacle to the freedom of movement of shares or units of CIUTS across frontiers should, therefore, be eliminated. Such coordination is, as a result, a condition that must be fulfilled before the free movement of capital can be established in this sector.

The proposed Directive provides for the setting up of a Contact Committee, composed of representatives of the Member States and of the Commission, with the main tasks of facilitating the application of the Directive and of advising the Commission of any appropriate additions or amendments.

### Economic, monetary and financial policy

2201. The problems raised by the economic and monetary situation constituted one of the main items on the agenda of the European Council, which met in Luxembourg on 1 and 2 April.<sup>1</sup>

In a Communication to the European Council, the Commission asked that specific guidelines be fixed on the basis of which it could present practical proposals for *economic and monetary action* in the Community.<sup>2</sup> The document, in which the Commission makes a number of recommendations aimed at achieving closer coordination of economic and monetary policies, was discussed by the Heads of State or Government, who had also received a Commission Communication on the *economic and social situation in the Community*.

The European Council was unable to agree on a joint communiqué, but Mr Gaston Thorn, the President, did hold a press conference after the meeting when he said that the Ministers of Economic and Financial Affairs of the Nine had been invited to take practical decisions on the basis of the Commission's Communication on economic and monetary action or otherwise to report back to the European Council.

#### The Council's proceedings: statements by Mr Thorn

2202. At the press conference he gave afterwards, Mr Thorn did not hide the fact that the meeting of the European Council had not lived up to expectations. On the various economic matters discussed he said that:

(a) the European Council had unanimously stressed its determination to press on with the

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<sup>1</sup> Points 2402 and 2423.

<sup>2</sup> Point 2204.

establishment of economic and monetary union, even though the present circumstances were very difficult. Economic and monetary union was still, as it had been in the past and in particular would continue to be in the future, the Community's objective, the ultimate aim being a single currency. It would probably be, as some people have said, a generation's work;

(b) the Heads of State or Government were concerned at the continuing unemployment in most of the industrialized countries of the world. In this connection appropriate steps would be taken by the Community countries. The Council had asked for proposals from the Commission, which had in fact confirmed that they would be drawn up rapidly for a Tripartite Conference (Council, Commission and the two sides of industry) before the summer holidays;

(c) the European Council had discussed the economic action programme presented by the Commission; it was, of course, not for the European Council to take detailed decisions on the various points. On the contrary, the Heads of State or Government had specifically asked that the Ministers of Economic and Financial Affairs should consider the Commission's proposals immediately, study them in detail and if possible reach practical decisions as quickly as possible or otherwise report back to the European Council;

(d) the action to be taken must be based on certain criteria requiring discipline in various fields: discipline as regards money supply and the volume of lending, discipline concerning budget deficits where strict limits must be applied, discipline as regards production costs (and Mr Thorn added that he was authorized to say that this included wages), and discipline concerning the Member States' balance of payments;

(e) the nine Heads of State or Government had stressed the fact that the exchange rate relationships between their currencies were merely a consequence of the economic situation, and that the ill had to be tackled at its source. The question that had been discussed was why were the econ-

omies on divergent courses; there had been no talk of adjusting the snake, but efforts were to be made to get a grip on the economies and to bring them more closely into line;

(f) the Council felt that the basis for this action should be the four disciplines mentioned earlier; it had been unanimously agreed that these four disciplines should be the basis for action by the Ministers of Economic and Financial Affairs. Without wishing to say already that the operation would be a success, Mr Thorn felt that in view of the common approach, the resolve, and the analysis, there could be no talk of a failure.

### The Commission Communications

2203. The two Commission Communications to the Council are reproduced below.

#### *Economic and monetary action*

2204. 'In the wake of a far-reaching crisis, and at a time when economic recovery is beginning to get under way, new disruptive factors have begun to emerge: the danger of relaxing economic policy in those countries which have not yet achieved a sufficiently marked level of improvement, violent disturbances on the exchange markets, and a resurgence of inflation.

There is a major risk of being caught thus in a process which could jeopardize recovery, strengthen protectionist tendencies, threaten the Community's cohesion and all that it has so far achieved.

A return to a healthy economic situation in which regulatory machinery can perform its proper role calls for a more stable framework for economic activity. This stability in economic relations is not an end in itself: it is a necessary precondition for sustained growth and consequently for full employment. It will not be created spontaneously, but calls for a determined economic policy.



Action in the face of these difficulties must be on a Community basis: as a result of the growing integration of the economies, individual action by the Member States is no longer wholly effective and may have harmful effects on the rest of the Community.

In the long term, the achievement of economic and monetary union remains a fundamental objective. In immediate terms, the Commission proposes to strengthen the coordination of economic policies and the monetary organization of the Community.

#### Strengthening of coordination of economic and monetary policies

There are considerable structural divergences between the Member States which must be reduced, by means of appropriate policies, in the interest of all. The success of such policies will depend on the success achieved in controlling overall economic developments.

With a view to achieving the necessary stability, the time has now come for the Community to apply rigorously the coordination of economic policies. A common strategy must first be defined for the orderly development of economic recovery over time and in the light of the situation in each country.

This strategy must form the framework for the main economic policy areas: budgetary policy, monetary policy and exchange rate policy.

In order to be effective, this coordination must be binding in nature so that it forms an integral part of Community solidarity.

It must be based on the following principles:

- (i) determination to ensure that there is mandatory prior consultation and collaboration on the economic measures planned;
- (ii) strict observance of the main guidelines of budgetary policy, which will also have to extend to the medium term;
- (iii) the setting of Community standards gov-

erning the direction of the Member States' domestic monetary policies. These standards should initially apply to the monetary variables recognized as significant for each country.

Measures taken to ensure that economic policy conforms to these guidelines and standards should receive the full support of the Community. Conversely, failure to apply the standards or guidelines jointly established should entail the initiation of justification procedures and, where necessary, the withholding of Community aid.

Strict application of existing provisions<sup>1</sup> would enable a substantial proportion of the above recommendations to be implemented without delay. The Commission requests the European Council to bind itself firmly along these lines.

#### Strengthening the Community's monetary organization

With a view of strengthening the Community's increased cohesion resulting from the implementation of the proposals aimed at convergence of economic trends, the Community must improve its exchange rate system.

This, though fragile, remains:

- (i) an essential stabilizing factor within a vast trade area;
- (ii) an instrument of economic discipline for the Member States which form part of it and accept the monetary constraints resulting from it;
- (iii) an open structure ready to receive back the currencies which have had to leave it.

It should first of all be ensured that there is no infringement of the exchange rate provisions currently in force. Under the Treaty of Rome, each Member State must treat its policy with regard to rates of exchange as a matter of common concern. It must also be ensured that each Member

<sup>1</sup> See in particular the Council Decision of 18 February 1974 on the attainment of a high degree of convergence of the economic policies of the Member States of the European Economic Community; OJ L 63 of 5.3.1974.

State observes the prior consultation requirements.

In addition, greater emphasis should be given to the Community character of the European exchange rate system, and the necessary improvements made:

- (i) all the Member States should be involved in the consultations and there should be provision for association and supervision by the Community for currencies unable to meet all the obligations imposed by the system;
- (ii) the intervention rules should be improved, particularly by means of greater recourse to Community currencies;
- (iii) the role of the European Monetary Cooperation Fund should be strengthened through the increasing of monetary aid, the setting up of gold and foreign currency deposits and by better definition of its powers in the monetary field;
- (iv) regulation of Euromarkets should be improved.

#### Conclusions

The Commission requests that the European Council immediately establish precise guidelines for Community action. These guidelines should relate to:

- (i) the consolidation and strengthening of the binding nature of Community economic policy coordination machinery;
- (ii) the development of the Community exchange rate system and, in this context, increasing the powers and resources of the European Monetary Cooperation Fund;
- (iii) the integration of all deliberations concerning the snake into a Community framework and the setting up of Community association and supervision machinery for currencies floating independently.

In the light of these guidelines, the Commission

will put forward concrete proposals as soon as possible.'

#### *The economic and social situation in the Community*

##### The recent economic situation and the outlook

2205. 'The economic recovery announced in the autumn of 1975 has got under way in almost all the Member States and has indeed proved to be rather more vigorous than originally expected:

- (i) The most recent business surveys carried out among firms and consumers show a distinct and steady improvement in the economic climate in all the countries.
- (ii) In most Member States, total demand and production are moving strongly upwards.
- (iii) The upward tendency is basically due to the rebuilding of stocks, the high level of demand on the part of private households and the growth of exports; the propensity of firms to invest is beginning to improve in a number of countries.

In 1976, the growth rate of industrial production and GDP in volume terms will be highest in the Federal Republic of Germany and France; in Denmark and the Netherlands, the growth of GDP could be in the region of 4%. It will be more limited in Belgium and Luxembourg, and even more so in Ireland and the United Kingdom, where general economic conditions have not permitted overall recovery measures to be introduced. In Italy, the restrictive measures introduced in March will result in a very moderate growth rate in 1976. For the Community as a whole in 1976, the growth of GDP in volume terms could reach nearly 4%.

The improved economic outlook for the current year in the Community and in the other industrialized countries has not entirely dissipated the uncertainties and concern regarding the continuation of economic recovery:

- (i) the growing instability of exchange rates, the

dangers of monetary depreciation and its repercussions may jeopardize the revival in world trade and economic recovery in the Member States;

(ii) the strength and durability of the recovery depend to a decisive extent on productive investment, which, with a few exceptions, has remained at a low level; investors could continue to be reticent if the climate of monetary disturbances persists.

The slowing down of consumer price rises was very marked in the second half of 1975 and continued in several Member States into the beginning of 1976. However, the considerable success achieved by the Member States in combating inflation did not produce any noticeable reduction in the disparities in the rates of consumer price rises within the Community; between the middle of 1975 and the beginning of 1976, inflation rates calculated on an annual basis varied between 2 to 4% in Denmark and the Federal Republic of Germany, and more than 14% in the United Kingdom. The effects of the depreciation in the currencies of several Member States and the growing discrepancy between unit labour costs in the various Member States give rise to serious concern as to the possibility of controlling inflation and reducing divergences within the Community.

Following the remarkable improvement in the Community's current account balance in 1975, a fairly appreciable worsening must be expected for the current year. This should result from a relatively more rapid increase in imports and some deterioration in the terms of trade. The rise in import prices, particularly for raw materials, during the upward phase, and the repercussions of monetary depreciations could well aggravate the problems of the deficit Member States and restrict their room for manoeuvre in creating conditions for lasting and sustained growth.

In the field of economic policy, an effort must be made over the next few months to consolidate

the revival of the economic situation and ensure a lasting recovery without engendering new inflationary dangers. This means:

(i) in the surplus countries, a strict and speedy application of the reflationary measures already decided, so as to allow domestic demand to grow and imports to expand and thus to stimulate economic activity in the other Community countries;

(ii) in the member countries which, during the upswing, face the danger of a rapid deterioration in their balance of payments and a renewed surge of inflation, a fairly restrictive overall line, particularly with regard to the money supply and interest rates;

(iii) the moderation of rises in wage and salary costs, particularly in countries whose room for manoeuvre in terms of balance of payments and budgetary policy is limited, so as to stimulate the propensity of firms to invest, by improving the outlook for profits, to encourage the creation of new jobs, and to take advantage of the expected increase in foreign demand.

#### The situation on the labour market

Despite the improvement in the economic situation, the labour market situation remains extremely worrying:

(i) although in most Member States the rise in unemployment has slowed down since the autumn of 1975, and in some countries the number of unemployed is actually falling slowly, there are none the less, in the spring of 1976, still more than 5 million wholly unemployed and some 1½ million on short-time working in the Community;

(ii) even if the economic recovery continues, the average number of wholly unemployed in the Community in 1976 could still be in the region of 4½ million.

Unemployment in the Community countries will only fall very slowly and—without specific mea-

asures—will hardly revert rapidly to its pre-recession level.

This is because:

(i) in most of the countries, the large measure of short-time working must first of all be reduced before new jobs can be created;

(ii) even if the flow of new orders increases, firms will often be hesitant to take on new labour, since any increase in their labour force might impede them in making subsequent adjustments;

(iii) the marked increase in wage and salary costs over the last few years has favoured labour saving investment and has thus emphasized the tendency to release workers;

(iv) structural adaptation problems have become more acute as a result of changes in the competitive capacities of certain industries, the insufficient occupational and regional mobility of the labour force, and the stagnation or decline of investment over the last few years;

(v) the working population in the Community (excluding migrant workers) will increase considerably over the next few years as compared to growth in the past.

In the present situation, first priority must be given to the objective of full employment. No member country can today afford to tolerate the social, political and financial effects of continuing unemployment, nor simply rely on spontaneous adjustment processes for the medium-term reduction of unemployment.

The drive against unemployment must go hand in hand with further efforts to control inflation. Management, consumers and savers will regain their confidence in the future development of the economy only if there is a continued moderation in the rise in consumer prices. This moderation can be achieved only by pursuing a policy of wage restraint, which itself calls for active cooperation between the two sides of industry, both at national and Community level, and strict price discipline on the part of firms.

The re-establishment of full employment in conditions of stability should be the general subject of the next tripartite conference (the two sides of industry, the governments and the Commission) to be held in June 1976, which the Commission is currently engaged in preparing.

With regard to the problems of structural unemployment, these are dealt with in the analyses and studies carried out as part of the fourth medium-term economic policy programme covering the period from 1976 to 1980 which will be presented to the Council before the summer.

#### Conclusions

In almost all the Member States, the economic outlook for 1976 has become more favourable. However, continuing uncertainties and dangers underlie the signs of improvement. The monetary disturbances of the last few weeks have increased the dangers weighing on the economic upswing which has just got under way in the Community. The countries whose currencies have fallen in value are threatened with a new surge of cost and price rises and, at least in the short-term, with a further worsening in their balance of payments. This means a further widening in the gap between the countries with relatively moderate inflation and with balance of payments surpluses and the countries with a high rate of inflation and a balance of payments deficit. The results of efforts to achieve satisfactory medium-term growth, to bring about a rapid reduction in unemployment, to overcome structural difficulties and to maintain the cohesiveness of the Community continue to be precarious.

#### Meeting of the Ministers of Economic and Financial Affairs

2206. At the invitation of Mr Vouël, the Luxembourg Minister of Finance, an informal meeting of Member States' Ministers of Financial

and Economic Affairs was held in Luxembourg on 26 April to prepare the future work of the Council (Economic and Financial Affairs) following the request made to the latter by the European Council of 1 and 2 April that it should examine the Commission Communication entitled 'Economic and Monetary Action'<sup>1</sup> and take the relevant decisions or, as appropriate, report back to the next meeting of the European Council.

The problems raised by unemployment and the divergent rates of economic development of the Member States were discussed. Mr Haferkamp, Vice-President of the Commission, presented working papers on both subjects and the United Kingdom Chancellor of the Exchequer, Mr Healey, submitted one on unemployment.

The Ministers first discussed the problems raised by the fact that rates of economic development vary substantially from country to country. Following Mr Haferkamp's introductory analysis, they noted that this phenomenon—which was particularly pronounced in the case of economic parameters such as prices, wage costs and the balance of payments—had gained strength over the last three years. It had reached such proportions that if no action was taken to halt it, the divergences could soon pose a threat to the gains the Community had made so far, particularly with regard to the common agricultural policy. Studies had also shown that the competitive position of the economies of Community countries *vis-à-vis* major non-member countries had deteriorated. The Ministers agreed on the need to improve the procedure for coordinating economic and monetary policies. Future progress on the road towards monetary integration would depend on the success of the efforts of the Member States' Governments in the coming months to achieve a higher degree of convergence of economic trends in the Member States. The Ministers also noted that Community monetary and financial solidarity, as it had operated so far, was making a major contribution to promoting progress towards a higher degree of convergence.

On the problem of unemployment, the Ministers

discussed ways and means of arriving at a common approach with a view to re-establishing full employment in the medium term. In particular, they studied a range of measures which could form part of a strategy for gradually scaling down unemployment. They noted that in the immediate future, measures to stimulate overall demand would have no lasting effect on employment; a better approach would be to step up job-creating investment.

There should be selective stimulatory measures and measures for individual industries, particularly to promote the employment of young people. The Ministers agreed that in any case full employment could be restored only when economic equilibria had been re-established on a lasting and sounder basis, as part of an overall policy. On the whole, the discussion helped to clarify further the scope for action in this field. The views expressed at the meeting will be taken into account by the Commission in preparing the Communication which it will forward to the Council for its meeting on 17 May (economic and financial affairs).

### Growing optimism among industrialists

2207. The results of the most recent EEC business survey indicate that industrialists in the Community<sup>2</sup> have in general become much more optimistic about the outlook for production. This was especially so in the Federal Republic of Germany, where the industrial climate improved again between February and March, in Belgium, Luxembourg, the United Kingdom and, probably, in France. In the Netherlands, the results show a slight deterioration in the production outlook, but this may be due to statistical factors rather than to any real change in industrialists' opinions. In Ireland and Italy, executives' opinions

<sup>1</sup> Points 2201 and 2204.

<sup>2</sup> Harmonized survey carried out at the beginning of March based on a sample of 22 000 industrial executives. Denmark does not yet take part.

were, on balance, unchanged in early March, by comparison with the February survey.

In the Federal Republic of Germany, 26 % of industrialists now expect production to rise over the period to the end of June, whereas only 6 % expect output to fall; this is the highest percentage of positive responses since February 1973. In France, the 33 % of the executives expecting output to rise in the February survey was the highest recorded since September 1973. There has also been a striking improvement in the last few months in the industrial production outlook in the United Kingdom and Ireland, but the improvement has been less marked in the Netherlands, Belgium, Luxembourg and Italy. In all of these countries (except the United Kingdom, to which the harmonized survey was extended only at the beginning of 1975), the percentage of managements who now expect production to rise is the highest attained since mid-1974.

The surplus of stocks of finished products in the Community's industrial sector continues to diminish. At the level of the individual Member States, finished stocks declined in the Federal Republic of Germany and Belgium between February and March. The level of stocks appears to have stabilized in Italy, the Netherlands and Luxembourg, whereas an increase was indicated by the survey results for Ireland.

Community industrial order-books have increased substantially in most Member States. The growth in orders reported in the Federal Republic of Germany is consistent with the reduction of stocks and the improved production outlook. By the same token, the slight deterioration in Dutch industrial order-books is in accordance with the stable stock situation and the uncertainties about the production outlook. The export order situation in particular is strikingly better in Italy and has improved, also, in Germany, Belgium and Luxembourg. Orders for industrial exports in Ireland fell somewhat between February and March.

A significant increase in orders for consumer goods has been reported by industrialists in Italy

and Belgium; demand for consumer durables is mainly responsible for the improvement in the latter country. Consumer-goods orders were reported stable, at the beginning of March, in the Federal Republic of Germany, the Netherlands and Luxembourg. In Ireland, the improvement reported early in February was followed by a rather marked deterioration last month, explained in substantial part by a decline in orders for consumer durables.

A steady improvement in orders for investment goods has continued in the Federal Republic of Germany, Italy and Luxembourg, while investment orders in Belgium were virtually unchanged between February and March. The Netherlands is the only country where there is evidence of a deterioration in the order-books of investment-goods industries. The survey also shows a fall in orders for building materials in the Federal Republic of Germany and Ireland.<sup>1</sup>

### Monetary Committee

2208. The 216th meeting of the Monetary Committee was held in Luxembourg on 27 April, with Mr Pöhl in the chair. After a brief review of current developments, the Committee discussed the work of the Fourth Commission of the Conference on International Economic Co-operation and preparations for the forthcoming session of UNCTAD.

### Economic Policy Committee

2209. The Economic Policy Committee held its 30th meeting in reduced medium-term composition in Brussels on 26 and 27 April, with Mr Maldague in the chair. The meeting was entirely

<sup>1</sup> Source: Graphs and notes on the economic situation in the Community, 3/1976.

devoted to a study of a new version of the preliminary draft fourth medium-term economic policy programme, prepared by the Commission departments. The Committee unanimously agreed that the new version would form an excellent working document on the basis of which it should be able to adopt a final text without delay.

## Regional policy

### Financing operations

#### European Regional Development Fund

*Second allocation for 1976: 138.3 million u.a.*

2210. On 27 April the Commission approved the second allocation of grants for 1976 from the European Regional Development Fund, amount-

ing to 138.3 million u.a. The aid has been allocated to 398 investment projects, costing a total of 1 003 million u.a.

The projects qualifying had been endorsed by the Fund's Management Committee on 6 and 7 April, the Regional Policy Committee having been consulted on 30 March on those infrastructure projects costing more than 10 million u.a.

This new allocation—the fourth since the Fund was set up—brings the total assistance granted by the Fund to 459.89 million u.a. and the total number of projects assisted to 1 646. So far, about 30% of the 500 million u.a. available for 1976 has been committed, the first 1976 allocation from the Fund having been approved by the Commission last January.<sup>1</sup>

France, the Netherlands and Luxembourg submitted no applications for assistance in respect of this latest allocation. Table 1 gives a breakdown of the amounts granted.

<sup>1</sup> Bull. EC 1-1976, point 2204.

Table 1 — *Grants from the Fund (second 1976 allocation)*

Member State	Number of grant decisions	Number of investment projects	Investments assisted (million u.a.)	Assistance granted (million u.a.)
Belgium	3	28	43.2	6.7
Denmark	1	10	18.2	2.3
FR Germany	17	56	80.6	9.5
Ireland	4	24	62.4	10.9
Italy	11	18	343.5	66.6
United Kingdom	31	262	455.2	42.3
Total	67	398	1 003.1	138.3

The 138.3 million u.a. break down as follows:

(a) 110.6 million u.a. to help finance 265 infrastructure projects required to develop industrial, artisan and service activities, comprising:

71.1 million u.a. to help finance 13 projects costing more than 10 million u.a. each;

33.8 million u.a. to help finance 214 projects costing less than 10 million u.a. each;

5.7 million u.a. to help finance 38 infrastructure investment projects in the areas referred to in the Directive on mountain and hill farming and farming in certain less-favoured areas.

The infrastructure investments assisted from the Fund involved a total of 679.1 million u.a. The main Member States to benefit are Italy, receiving 58.2 million u.a., and the United Kingdom, receiving 31.1 million u.a.

(b) 27.7 million u.a. to help finance 133 projects relating to industrial, artisan and service activities, comprising:

7.8 million u.a. to help finance 4 projects costing more than 10 million u.a. each, and

19.9 million u.a. to help finance 129 projects costing less than 10 million u.a. each.

The industrial and services investments assisted from the Fund involved a total of 324 million u.a. The main Member States to benefit are the United Kingdom, receiving 11.2 million u.a., Italy, receiving 8.4 million u.a., and Ireland receiving 5.7 million u.a.

## Reconversion

### *Financing new activities*

2211. On 6 and 30 April,<sup>1</sup> the Council gave five 'assents'—pursuant to Article 56(2)(a) of the ECSC Treaty—to enable the Commission to grant the following reconversion loans:

£ 950 000 (about 1.64 million u.a.) to Natural Gas Tubes Ltd., United Kingdom, to facilitate the es-

tablishment of a plant for the construction of welded steel tubes at Tafarnaubach Industrial Estate, Ebbw Vale, South Wales;

Lit. 300 million (about 0.34 million u.a.) to Italsider, Italy, to facilitate the creation of a new production line for caterpillar tracks at San Giovanni di Valdarno, Tuscany;

Lit. 4 300 million (about 4.86 million u.a.) to Italsider, to facilitate the expansion and modernization of existing heavy engineering works producing railway bogies, at Lovere, Lombardy;

\$250 000 (about 215 000 u.a.) to Sierra Chemical Europe BV Netherlands, to set up a fertilizer factory at Heerlen;

£ 5.5 million (about 9.6 million u.a.) to Courtaulds Ltd. United Kingdom, to facilitate the construction of a spinning mill and the expansion of existing dyeing plant at Spennymoor, County Durham, and the construction of a weaving mill at Belmont, also in County Durham.

## Social policy

2212. The problems posed by the employment situation were widely discussed in April. The *European Council*,<sup>2</sup> meeting in Luxembourg on 1 and 2 April, considered them, on the basis of the *Commission's* Communications on economic and social matters.<sup>3</sup>

The Commission also determined the line it will take on employment<sup>4</sup> in its consultations with the two sides of industry, in anticipation of the new *Tripartite Conference* scheduled for June. Preparations for the Conference and the stance to be adopted by the Community at the *world em-*

<sup>1</sup> OJ C 91 of 22.4.1976 and C 111 of 19.5.1976.

<sup>2</sup> Points 2201, 2202 and 2402.

<sup>3</sup> Points 2203 to 2205.

<sup>4</sup> Point 2214.



*ployment conference*, arranged under the auspices of the International Labour Organization (also for June), were discussed at the *Council meeting on social affairs* in Luxembourg on 30 April.<sup>1</sup>

The same problems were also the subject of the talks with the Director-General of the *International Labour Office* (ILO) in Brussels on 26 and 27 April.<sup>2</sup> And Dr Hillery, Vice-President of the Commission, spoke about the social situation in the Community in 1975 and the outlook for the future when he presented the *1975 Social Report*<sup>3</sup> in the European Parliament on 6 April.

### Social affairs and the Council

2213. On the basis of the Communication from the Commission, the Council, meeting in Luxembourg on 30 April, discussed the various measures to be applied nationally and at Community level to help in solving the employment problems.

Despite the signs of recovery now to be found in certain Member States, the Council regarded the problem of unemployment, particularly among young people, as still extremely serious.

The discussion was of special interest in the light of the forthcoming Tripartite Conference between the Ministers of Labour, the Commission and the two sides of industry. At the end of the debate, the Commission was asked to bear in mind, when preparing its final communication to be put to the Conference, the points which came up during the Council's discussion.

The Council also discussed the attitude to be adopted at the World Conference on employment, distribution of income, social progress and the international division of labour, to be held in June under the auspices of the International Labour Organization (ILO). The Council stressed the importance of this Conference, which would compare the problems of the developing countries with those of the industrialized nations, particularly in respect of employment. Broad agree-

ment was reached on the analysis in the Commission Communication, which advocated a positive cooperative attitude towards the other participants at the Conference.

The Council considered that a common, coordinated position should be sought, particularly on the main issues set out in the International Labour Office's report and contained in the Commission's paper. At the end of the meeting, the Council instructed the Commission to prepare this common, coordinated position so that the President could express the Community's view at the Conference. It also felt that certain aspects should be more carefully considered, notably the problem of the international division of labour and the impact of multinational companies on employment.

The Council also amended the 1971 and 1972 Regulations on social security for migrant workers, approved the rules of procedure of the Advisory Committee on Safety, Hygiene and Health Protection at Work and agreed the objectives and guidelines of the second European Social Budget (mainly intended to provide quantitative data on estimates of social expenditure by the Member States). Lastly, the Council adopted a Regulation on the organization of a survey of the earnings of permanent workers employed in agriculture.

### Employment

2214. The Commission has fixed the broad lines of action to be taken by the Community to achieve full employment in conditions of stability. The guidelines adopted by the Commission will serve as the basis for consultation with the two sides of industry (the trade unions and the

<sup>1</sup> Point 2213.

<sup>2</sup> Point 2323.

<sup>3</sup> Points 1101 to 1106.

employers' associations). With due consideration for the opinions it has gathered, the Commission will then lay down its final position in a paper, sent to the Council on 9 April for information, which will serve as the basis for the Tripartite Conference to be held in June.

The Commission feels that the seriousness of the economic and social situation (persistent high unemployment despite the economic recovery) and the prospect of major structural change over the years ahead, mean that the two sides of industry and the Governments must reach broad agreement at the Tripartite Conference on a number of joint short- and medium-term objectives and on certain immediate moves to restore stable full employment as soon as possible, stabilize prices and stimulate productive investment.

### **Free movement and social security for migrant workers**

2215. At its meeting on 30 April, the Council amended and supplemented the 1971<sup>1</sup> and 1972<sup>2</sup> Regulations on the application of social security schemes to employed persons and their families moving within the Community.

The new Regulation adjusts the Community rules now in force on social security in order to bring them into line with changes in some of the laws of the Member States and take account of administrative changes regarding the division of responsibility between national social security institutions and bodies.

Following statutory changes in the United Kingdom, the Regulation contains, in particular, new provisions for implementing the rules for aggregating insurance and other periods so that periods completed by workers in the other Member States may be taken into account in determining the right to benefits under United Kingdom legislation and contributions paid in the United Kingdom may be taken into account in determin-

ing rights under the legislation of other Member States.

2216. Meeting on 22 and 23 April, the *Administrative Commission on Social Security for Migrant Workers* continued to examine the question of what action should be taken in the light of judgments given by the Court of Justice concerning the calculation of pensions for migrant workers.<sup>3</sup> It was also decided to set up a working party whose task will be to reappraise Community arrangements for unemployment insurance.

2217. Lastly, on 28 April, the Commission adopted a Communication to the Council on implementing the EEC-Turkey Association Agreement in respect of *free movement for Turkish workers*. The Commission's paper proposes certain guidelines for this.

During an initial phase, not to exceed three years, efforts should be made to:

- (i) consolidate at Association level the advantages provided under national legislation and bilateral agreements with Turkey;
- (ii) gradually liberalize conditions for access to employment in favour of Turkish workers and their families now living in the Community;
- (iii) abolish any discrimination which still persists in respect of living and working conditions;
- (iv) establish cooperation between employment authorities.

<sup>1</sup> OJ L 149 of 5.7.1971.

<sup>2</sup> OJ L 74 of 27.3.1972.

<sup>3</sup> Judgment in Case 24/75: Bull. EC 10-1975, point 2444.

## Social Fund, re-employment and retraining

### *European Social Fund*

2218. Just before the Council meeting on social affairs on 26 April, the Commission informed the Council of a Resolution passed by the *European Social Fund Committee*. The text expressed the Committee's feeling that, in view of the current condition of the market, the Council should, at the earliest opportunity, consider increasing the resources commanded by the European Social Fund. The Committee emphasized that, given the Fund's present budget, too many applications have to be rejected for lack of money.

### *Readaptation*

2219. Pursuant to Article 56(2) of the ECSC Treaty, the Commission decided in April to provide loans of £ 105 000 for the benefit of steel-workers hit by the closure of an undertaking in the *United Kingdom* and DM 6 420 000 for 2 155 workers hit by the closure of a colliery in *Germany*.

## Vocational training and guidance

2220. On 8 April, the Commission decided to grant financial assistance to carry out three pilot experiments in the field of vocational training, preliminary to action by the Social Fund. They concern: training of instructors; preparation and trial of a standard training programme for divers employing techniques using mixtures of gases; integration or reintegration into the labour market of women over 35, who wish to take up an occupation, by teaching them an immediately operational skill.

## European social budget

2221. At its meeting in Luxembourg on 30 April, the Council agreed to the *formulation of the second European social budget* on the guidelines adopted by the Commission.

The European social budget provides information of great relevance to the Community's social policy. It incorporates statistics on social security expenditure and revenue and on a general level takes into consideration all areas coming under social policy.

It contains medium-term estimates based on the laws in existence when the social budget is drawn up. The information given in the social budget will enable both the Member States and the Community to evaluate the financial implications of the social policy and, in this context, the effects of the changes in social legislation on which the estimates are based.

Before the third European social budget is compiled, the experience drawn from the second social budget will be assessed and any methodological adjustments considered.

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2222. On 6 April,<sup>1</sup> the *European Parliament* passed a Resolution on the Communication which the Commission laid before the Council on 17 December 1975 relating to the European social budget: general objectives and guidelines for the second social budget.<sup>2</sup>

<sup>1</sup> Point 2403.

<sup>2</sup> Bull. EC 12-1975, point 2225.

## Living and working conditions

### *Equal treatment for men and women*

2223. On 14 April, the Commission formally decided to reject the application by the *Irish* Government to derogate temporarily from the rules of equal pay for men and women. This confirmed the position adopted in principle by the Commission last February.<sup>1</sup> The Decision emphasized that equality of pay for men and women constituted a fundamental right and that deferment of the date for applying the principle of equal pay (as requested by Ireland) cannot be treated as a protective measure falling within the general context of Article 135 of the Act of Accession. Moreover, Ireland's application did not present sufficient data for assessing the scale of the economic problems which could arise as a result of raising women's pay and how far the difficulties were relevant to Article 135.

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2224. *The Court of Justice*<sup>2</sup> of the European Communities ruled on 8 April (Case 43/75: *Defrenne v Sabena*) that Article 119 of the EEC Treaty relating to equal pay for men and women may be invoked directly by private individuals before national courts.

### *Survey on earnings in agriculture*

2225. On 30 April,<sup>3</sup> the Council decided to organize a new survey on the earnings of permanent workers employed in agriculture, in order to supplement the system of comparable statistics on wages and salaries which has been established in the Community. As in 1974 and 1975, the Commission will carry out this survey on actual earnings of permanent workers employed in agriculture on the strength of statistics for September, October or November 1976.

## *Housing*

2226. Under the first instalment of the eighth *financial aid scheme* for low-cost housing for personnel in the ECSC industries, the Commission decided to grant a loan of DM 1 219 500 to modernize 40 steelworkers' dwellings in *Berlin*.

## Industrial relations

2227. On 28 April, the Commission amended the proposal for a Regulation which it had put to the Council on 23 February 1972<sup>4</sup> concerning *conflict of laws on employment relationships* within the Community.

The amended proposal, which takes account of the proposals and recommended amendments of the European Parliament and the Economic and Social Committee, also stipulates that:

- (i) the Regulation should cover all employment relationships which are to be practised in a territory where the Treaty of Rome applies, whereas the first version concerned only nationals of the six Member States;
- (ii) certain categories of workers shall be free to choose the applicable law, if this is warranted by their special position in the undertaking or by the specialized nature of their occupational activity.

However, the general principle was retained that the law in force at the place where the work is normally performed shall apply.

<sup>1</sup> Bull. EC 2-1976, point 2211.

<sup>2</sup> Point 2438.

<sup>3</sup> OJ L 118 of 5.5.1976.

<sup>4</sup> Bull. EC 4-1972, point 26.

## Health protection

2228. On 7 April,<sup>1</sup> the Commission presented to the Council a proposal for a Directive to harmonize Member States' legal and administrative provisions on *posting safety signs* at work.

The proposal, which fits in with the social action programme, is intended to standardize all signs conveying prohibitions, orders, warnings and emergency instructions throughout the Community. The main aim of the Directive is to help to eliminate the dangers of industrial accidents and occupational disease, but it will also help to remove some of the obstacles to freedom of movement for persons and services.

The safety signs prescribed in the Directive have been made as simple and striking as possible; no words at all have been used so that everyone, in particular foreign workers, can tell at a glance what must and must not be done. To some extent, familiar symbols used in road signs have been adopted.

2229. Representatives of relevant Government departments and a delegation from the farmers' and farmworkers' organizations, meeting in Brussels on 22 April, unanimously agreed to run a second Community campaign for *safety in agriculture* from 2 to 8 May 1977. The title of the first campaign ('European agriculture without accidents at work') will be retained. The main theme will be: safety and mechanization on the farm; each country may choose a subsidiary theme.

2230. In Luxembourg on 9 April, the Research Committee for *Health in the Mines* examined nineteen projects, presented by seven institutes specializing in Community mining research. The total of financial assistance proposed amounts to about 1 800 000 u.a. The Commission has been notified of the results of the appraisal and will eventually take a formal decision on financing the projects.

2231. The Producers and Workers Subcommittee on *Industrial Safety and Medicine* met in Luxembourg on 21 April. It approved twenty-five research projects for which the total of financial assistance proposed amounts to about 2 900 000 u.a. Of this sum, roughly 1 000 000 u.a. has been earmarked for six projects under the programme of the technical campaign against pollution from steelworks and the rest for projects under the programme for health in the mines. The subcommittee also commended a recently drawn up research programme on safety in the mines. Lastly, it took note of progress made in the programme of research on chronic respiratory affections.

2232. A meeting of national experts in Luxembourg on 28 and 29 April examined the exposure-effect relation for *asbestos* (health criteria) and studied the results of work done on measuring asbestos in the environment outside the place of work.

## Paul Finet Foundation

2233. Meeting in Luxembourg on 27 April, the *Executive Committee* of the Paul Finet Foundation examined 463 applications and granted financial aid in 292 cases for a total of about Bfrs 2 800 000. Since the Foundation was set up on 30 June 1965 it has received 7 992 applications and financial aid has been granted in 5 608 cases, for a total of Bfrs 46 072 800. Up to now, 1 461 candidates have been able to complete their studies under better conditions with the assistance of the Foundation.

<sup>1</sup> OJ C 96 of 29.4.1976.

## Environment and protection of consumers

### Environment

#### *Ministerial Conference on the protection of the Rhine*

2234. A Ministerial Conference on the protection of the Rhine against pollution — the third of its kind — was held on 1 April in Paris with representatives of five Community countries (Belgium, France, Germany, Luxembourg, Netherlands) and Switzerland taking part. The Commission was represented by Vice-President Scarascia Mugnozza.

The most important outcome of the Conference was the approval of a *draft convention on the protection of the Rhine against chemical pollution*. The text of this draft has still to be finalized by the legal experts but participants at the Conference signalled their intention to sign the Convention before the summer of 1976. The Ministers of the five Member States of the International Commission for the Protection of the Rhine against Pollution also agreed that the EEC should become a contracting party: the Convention would thus be open to signature by the Community in accordance with the negotiating brief which the Commission had received from the Council.

This positive result comes after the adoption by the Council on 8 December 1975<sup>1</sup> of the general outlines of a Directive on the reduction of pollution from certain dangerous substances discharged into the Community's aquatic environment. It was indeed the existence of this Community-wide agreement which paved the way for adoption of the Convention on the chemical pollution of the Rhine. The text adopted is almost entirely taken from the Community Directive and was drawn up in March on the initiative of the Commission at meetings held in

Brussels with representatives of the Member States concerned.

The Ministers also continued discussions (begun in The Hague in 1972) on *reducing water pollution caused by chlorides*. Although some progress was made, discussions did not lead to any agreement which could form the basis of a convention for this type of pollution. A further meeting is to be held in Berne in May; the chances of reaching an agreement at this meeting seem quite good, since a compromise on the amount and distribution of the financial burden of such an operation is now in sight.

#### *Protection of the Mediterranean against pollution*

2235. On 30 April the Commission adopted a report to the Council on the outcome of negotiations held in Barcelona<sup>2</sup> between 2 and 16 February 1976 with a view to concluding a Convention for the protection of the Mediterranean against pollution together with two annexed protocols, one of which concerns dumping operations by ships and aircraft. In the light of the results of the Intergovernmental Conference in Barcelona, the Commission is recommending that the Council forthwith approve the substance of the draft Convention and of the protocol on dumping. (The Convention has to be signed by the Community before 17 February 1977.)

#### *Quality of surface fresh water*

2236. On 30 April the Commission forwarded to the Council a proposal for a decision establishing a *common procedure for the exchange of information* regarding the quality of surface fresh water in the Community. The proposal is for information on the quality of water sampled by the

<sup>1</sup> Bull. EC 12-1975, point 1502.

<sup>2</sup> Bull. EC 2-1976, point 2222.

various measurement stations designated by the Member States to be forwarded via a central body to the Commission.

#### *Establishment of a Waste Management Committee*

2237. On 21 April<sup>1</sup> the Commission decided to set up a 'Waste Management Committee', a move already provided for in the second European Community action programme on the environment which was forwarded to the Council on 24 March 1976.<sup>2</sup> The task of the Committee will be to advise the Commission on all problems concerning:

- (i) the development of a waste management policy;
- (ii) various measures for the prevention, the re-use and recycling or the disposal of wastes;
- (iii) the application of the Directives on waste management and the drafting of new proposals for directives in this field.

#### *Disposal of certain particularly toxic substances and wastes*

2238. On 6 April<sup>3</sup> the Council adopted a Directive on the disposal of certain toxic and persistent chemicals, in this case polychlorinated biphenyls (PCBs). The Commission had presented a proposal on this subject to the Council on 13 February 1975.<sup>4</sup> The Directive adopted by the Council falls in both with the harmonization of the laws of the Member States and the Community action programme on the environment. It lays down special arrangements to ensure that human health and the environment are safeguarded against harmful effects caused by the uncontrolled discharge, abandonment or dumping of these highly dangerous wastes, PCBs.

#### *Limitation of noise emission from subsonic aircraft*

2239. On 26 April the Commission forwarded to the Council a proposal for a directive on the limitation of noise emission from subsonic aircraft. Based on the principles of the action programme on the environment, this proposal introduces:

- (i) an authorization procedure prior to the issuing of the individual certificate of airworthiness;
- (ii) a check that aircraft in service are complying with noise standards;
- (iii) noise emission limits to be complied with and the methods of measurement to determine such limits.

### **Consumer protection**

#### *Colouring matters in food*

2240. At its meeting on 6 April<sup>3</sup> the Council adopted a Directive proposed by the Commission on 17 December 1975<sup>5</sup> in which nine colorants used in food are deleted from the Community list of permitted colouring matters. This is a precautionary measure. The colorants have been struck off the list because of a lack of certain data which would permit the conclusion that they are harmless, although it has never been established that they have harmful effects.

In the proposal the Commission did not include amaranth among the colorants no longer to be used since the Scientific Committee on Food-stuffs, on the basis of documentation available

<sup>1</sup> OJ L 115 of 1.5.1976.

<sup>2</sup> Bull. EC 3-1976, points 1301 to 1303.

<sup>3</sup> OJ L 108 of 26.4.1976.

<sup>4</sup> OJ C 49 of 1.3.1975 and Bull. EC 2-1975, point 2221.

<sup>5</sup> Bull. EC 12-1975, point 2255.

and with the agreement of the experts consulted by the FAO and WHO, was able to fix a permissible temporary daily dose for this colorant.

Later, however, when the Commission heard of more recent reports on amaranth in the United States, it immediately got in touch with the American authorities. The Commission then informed the Scientific Committee. At a meeting on 27 February 1976, following a critical and detailed examination of the new information, the Committee reaffirmed its opinion. The Commission has acted on this opinion.

There is a technological reason for using amaranth, as it is at present difficult to find a substitute. In particular the use of Red 40 or Allura Red, which in some countries, notably the United States, serves as a substitute for amaranth, would not be permitted in the Community in view of its rejection by the Scientific Committee for Foodstuffs and FAO (Food and Agriculture Organization of the United Nations) and WHO (World Health Organization) experts.

## Agricultural policy

2241. In April, the prices and aid for certain agricultural products and related measures for the 1976/77 marketing year, which had formed the package deal agreed at the agricultural marathon from 2 to 6 March, were formally adopted by the Council.

At its meeting on 5 and 6 April, the Council was informed of the expenditure estimates for the common agricultural policy in 1976 which take account of the newly fixed prices and related measures, recent market developments and exchange rate movements.

At the end of the month the Commission requested that an extraordinary Council meeting be held. With the value of the pound and the lira

falling faster and faster, the European Agricultural Guidance and Guarantee Fund is having to pay out increasing amounts (an additional 500 million units of account since January 1976) in the form of monetary compensatory amounts to subsidize agricultural imports into the United Kingdom and Italy. In view of the spectacular rise in this type of expenditure in recent weeks additional appropriations will probably have to be entered in the European agricultural budget. Various agri-monetary measures were adopted, including a cut of about 6% in the representative rate for the lira.

Lastly, the Council adopted directives on the harmonization of legislation, and the Commission fixed the second tranche of 1975 aid from the EAGGF Guidance Section.

## Agricultural prices for 1976/77

2242. Following the agreement in early March<sup>1</sup> on the agricultural prices for 1976/77, the Council formally adopted Regulations for most products; the Regulations cover prices and aid<sup>2</sup> (except for cereals and rice), changes in the common organization of markets<sup>3</sup> (except for cereals and wine) and related measures.<sup>4</sup>

The Council discussed the implementation of its decisions and succeeded in settling certain technical problems outstanding and clarified the interpretation of certain decisions, in particular as regards cereals, sugar, wine and beef and veal.

<sup>1</sup> Bull. EC 3-1976, points 2239 to 2246.

<sup>2</sup> OJ L 67 of 15.3.1976, L 84 of 31.3.1976, L 93 of 8.4.1976, L 94 of 9.4.1976, and L 100 of 14.4.1976.

<sup>3</sup> OJ L 67 of 15.3.1976, L 93 of 8.4.1976 and L 94 of 9.4.1976.

<sup>4</sup> OJ L 67 of 15.3.1976, L 72 of 18.3.1976, L 74 of 20.3.1976, L 84 of 31.3.1976, L 93 of 8.4.1976, L 94 of 9.4.1976 and L 108 of 26.4.1976.



## Measures related to the monetary situation

2243. On 29 April the Council (Ministers of Agriculture) held an extraordinary meeting in Luxembourg to examine the implications for the common agricultural policy of the downward float of the pound (sterling and Irish) and the lira. During April these currencies depreciated considerably and the effects this had on trade and on the Community budget had increased the Commission's concern.

The currencies in question have depreciated to such an extent that very high monetary compensatory amounts must be applied, totalling up to 35% in some cases. The expenditure this involves can no longer be met from the Community budget, given the appropriations earmarked for *monetary compensatory amounts* (see Table 2). Moreover, while maintaining prices at the former levels in these Member States by means of monetary compensatory amounts may have a certain

stabilizing effect, viewed from another angle it can have the opposite effect.

2244. The Council decided<sup>1</sup> to fix a *new representative rate* for the *green lira*, equivalent to a devaluation of about 6%; this new rate will be effective from 3 May for products for which the marketing year has already begun (milk and milk products, beef and veal and pigmeat) or for which there is no marketing year (products not covered by Annex II of the Treaty). For the other products, the new rate will come into effect at the beginning of the marketing year except in the case of eggs, poultry, ovalbumin and lactalbumin (1 August 1976). The direct consequence of devaluing the green lira will be a drop of about 7 points in compensatory amounts, in other words a reduction of about 70 million units of account in EAGGF expenditure in the 1976 budget.

<sup>1</sup> OJ L 115 of 1.5.1976.

Table 2 — *Percentage monetary compensatory amounts and appropriations earmarked in the 1976 budget*

Currency	Percentage monetary compensatory amounts <sup>1</sup>				Budget appropriations (million u.a.)	Estimated expenditure if regulations and monetary situation remain as in mid-April 1976 (million u.a.)
	Used for the budget	Beginning 1976	Mid-April 1976	3 May 1976		
Bfrs/Lfrs	+ 2	+ 2	+ 1.4 to 2.0	+ 1.4 to 2.0	+ 10.1	+ 8.1
Fl.	+ 2	+ 2	+ 1.4 to 2.0	+ 1.4 to 2.0	+ 37.0	+ 29.9
DM	+ 10	+ 10	+ 7.5 to 10.0	+ 7.5 to 10.0	- 34.3	- 29.0
£ sterling	- 8	- 6.4 to 13.1	- 17.4 to 24.7	- 19.2 to 26.6	+ 264.8	+ 461.0
Irish £	- 2.4	- 4.8 to 7.2	- 13.4 to 18.3	- 15.1 to 20.1	- 16.9	- 67.8
Lit.	—	—	- 20.8 to 27.6	- 14.4 to 28.8	—	+ 386.9
FF	—	—	- 2.6	- 2.6	—	- 43.6
Dkr	—	—	—	—	—	—
Total					260.7	745.5

<sup>1</sup> The percentage monetary compensatory amounts vary depending on sectors and the date on which marketing years begin.

2245. The Member States further agreed to invoke from 17 May 1976 until the end of the year, the Regulation of 12 May 1971<sup>1</sup> which enables them to grant monetary compensatory amounts for exports to *Italy* and the *United Kingdom*, amounts which should normally be paid by the importing Member States. With the use of the conversion rate applicable for budgetary purposes (the double rate effect)<sup>2</sup> this measure will further reduce Community expenditure in terms of units of account (by some 100 to 110 million u.a. for EAGGF). This facility will not be used in trade between Italy and the United Kingdom.

The Commission also adopted measures to ensure that from 17 May 1976 the system of monetary amounts granted by Member States exporting to Italy and the United Kingdom works smoothly.

2246. Moreover, monetary compensatory amounts were altered in line with movements on the exchange markets with effect from 12 April for sterling and the Irish pound and from 19 April for the lira.

### Common organizations of markets

2247. The Council took decisions and/or fixed guidelines for the markets in cereals, sugar, wine, potatoes and fishery products. The Commission too kept a close watch on the markets and adopted measures in a number of sections including olive oil and proteins. Further, to encourage the export of milk powder and skimmed-milk powder the Commission increased refunds considerably. In the beef and veal sector, imports of further quantities of young cattle for fattening were authorized during the period of application of the protective clause.

2248. To cope with supply difficulties in Italy, the Council agreed<sup>3</sup> to the transfer between now and 30 June 1976 of 300 000 tonnes of *common*

*wheat* to the Italian intervention agency from the intervention agencies in France (100 000 tonnes between now and 31 May), Germany (130 000 tonnes), Belgium and the Netherlands (35 000 tonnes each).

2249. In the *olive oil* sector, by Regulation of 29 April<sup>4</sup> the Commission decided to carry out tests to compare different methods for establishing a register of olive cultivation to enable it to select the most suitable methods.<sup>5</sup>

2250. With respect to *proteins*, the Commission has adopted<sup>6</sup> a number of Regulations to implement the Council Regulation of 15 March 1976<sup>7</sup> on the compulsory purchase of skimmed-milk powder. For instance, it had to amend its Regulation of 26 March<sup>8</sup> laying down detailed rules for the application of the security system, in particular as regards the level of the security to be provided in respect of each product and the operation of the protein certificate system applying to all protein imports. To avoid any distortion of competition the Commission applied different coefficients to the level of the security expressed in national currency so that these securities would be identical throughout the Community. Further, release of the security was authorized, without the purchase of milk powder, in the case of oilseeds and oil cakes for human consumption and certain other specific purposes, provided proof thereof was supplied.

2251. Having settled the one problem still outstanding with regard to the labelling of Community *wines* resulting from coupage, the Council

<sup>1</sup> Bull. EC 2-1973, point 2220.

<sup>2</sup> Bull. EC 9-1975, point 2467.

<sup>3</sup> OJ L 101 of 15.4.1976, and L 115 of 1.5.1976.

<sup>4</sup> OJ L 113 of 30.4.1976.

<sup>5</sup> Bull. EC 1-1975, point 2231.

<sup>6</sup> OJ L 86 of 1.4.1976, L 89 of 2.4.1976 and L 104 of 26.4.1976.

<sup>7</sup> OJ L 67 of 15.3.1976 and Bull. EC 3-1976, point 2240.

<sup>8</sup> OJ L 81 of 27.3.1976.

agreed to the amendment to its Regulation of 8 August 1974<sup>1</sup> laying down general rules for the description and presentation of wines and grape musts.

The Council took note of statements by some delegations and the Commission regarding the disturbing situation on the alcohol market and measures to be taken in that respect. In view of the danger of disruption, on 9 April the Commission fixed<sup>2</sup> a countervailing charge to be levied on imports into Germany and the Benelux countries of ethyl alcohol of agricultural origin produced in France.

2252. The situation on the *potato* market continues to be difficult. The Council therefore extended<sup>3</sup> the total suspension of the autonomous Common Customs Tariff duties for new potatoes until 20 May and for ware potatoes until 30 June. On the other hand, to maintain certain traditional trade flows the Commission, on 14 April,<sup>4</sup> exempted certain potato exports from the export tax.

2253. The Council briefly discussed problems concerning *fishery* products, particularly as regards the improvement of market support mechanisms. Other matters discussed were the reference price and market withdrawal price systems and the compensatory allowance for tunny. With respect to fresh tunny for industrial manufacture, the Council decided<sup>5</sup> by a qualified majority to extend until 1 May 1976 the protective measures for the French market in force up to 1 April.<sup>6</sup>

In conclusion, the Commission undertook to keep a close watch on developments in the fishing industry. As a result it introduced<sup>7</sup> a protective clause suspending imports of frozen hake and saithe, whether whole or in fillets and of fresh or frozen cod, and also extended until 31 May the protective measure for the French market adopted by the Council in respect of tunny. The Commission also fixed<sup>8</sup> the reference prices for tunny to apply until 31 December 1976.

## Structural policy

2254. On 6 April<sup>8</sup> the areas in *France* considered as less-favoured farming areas within the meaning of the Council Directive of 28 April 1975<sup>9</sup> on mountain and hill farming and farming in certain less-favoured areas were added to the Community list.

The same day the Council adopted a decision<sup>8</sup> on the level of the *interest rate subsidy* provided for by the Directive of 17 April 1972<sup>10</sup> on the *modernization of farms* to be applied in *Italy*: the Italian Government is authorized to raise the level of the interest rate subsidy and reduce the minimum rate payable by beneficiaries in the Mezzogiorno and the less-favoured regions of northern and central Italy.

In April the Commission adopted seven decisions and delivered two opinions on the subject of implementing the *reform of agricultural structures* in *Belgium, Ireland, Italy, the Netherlands* and the *United Kingdom* after studying the legal instruments communicated by these countries. Community funds from the EAGGF Guidance Section will therefore be available to help finance the expenditure of these Member States.

<sup>1</sup> OJ L 227 of 17.8.1974.

<sup>2</sup> OJ L 96 of 10.4.1976.

<sup>3</sup> OJ L 94 of 9.4.1976, L 115 of 1.5.1976 and Bull. EC 2-1976, point 2238.

<sup>4</sup> OJ L 101 of 15.4.1976.

<sup>5</sup> OJ L 94 of 9.4.1976.

<sup>6</sup> Bull. EC 12-1975, point 2248.

<sup>7</sup> OJ L 101 of 15.4.1976, L 113 of 30.4.1976 and L 115 of 1.5.1976.

<sup>8</sup> OJ L 108 of 26.4.1976.

<sup>9</sup> Bull. EC 5-1975, points 2223 to 2225.

<sup>10</sup> Bull. EC 4-1972, Part One, Chapter I.

## European Agricultural Guidance and Guarantee Fund

### Guidance Section

2255. On 30 April, the Commission granted aid from the EAGGF Guidance Section under the second and last tranche for 1975<sup>1</sup> for 374 projects totalling 104 604 964 u.a. as shown in Table 3.

A large proportion of the aid was granted to the *fishing* industry, either for vessels, port installations or cold stores. With respect to vessels, the Commission adopted a cautious approach in view of current negotiations on the law of the sea and confined aid to in-shore fishing vessels in an attempt to restructure and modernize the industry.

Since a start has been made on implementing the directives on the reform of agriculture, in particular the one on the modernization of farms, a

number of projects concerning improvements in production structure can no longer be considered under the Regulation of 5 February 1964;<sup>2</sup> this accounts for the relatively larger share allotted to marketing projects (about 55 %).

### Competition

2256. Under Articles 92 to 94 of the EEC Treaty, the Commission decided to close the procedure of Article 93(2) of the Treaty which had been initiated in respect of five aid measures: two *German* measures granting a subsidy (Baden-Württemberg) for poultry farmers to compensate for the rise in the price of fuel and another sub-

<sup>1</sup> Bull. EC 12-1975, point 2251.

<sup>2</sup> OJ 34 of 27.2.1964.

Table 3 — Aid from the EAGGF Guidance Section

	Number of projects	Aid in national currency	Aid in units of account
FR Germany	72	DM 69 089 713	18 876 970
Belgium	28	Bfrs 264 970 200	5 299 404
Denmark	11	Dkr 28 339 275	3 778 570
France	29	FF 109 884 928	19 784 150
Ireland	23	£ Ir. 1 778 271	4 267 848
Italy	92	Lit. 19 402 889 957	31 044 623
Luxembourg	—	—	—
Netherlands	18	Fl. 17 070 674	4 715 656
United Kingdom	101	£ 7 015 732	16 837 743
Community	374		104 604 964

sidy to the Stabilization Fund for Poultry for Fattening; two *French* measures granting loans to equalization funds in the pigmeat and poultry (eggs) sectors and a *Dutch* measure granting a slaughter premium for parent flocks.

The Commission also decided to close the procedure of Article 93(2) initiated in respect of exceptional measures of aid to farmers decided by the *French* Government on 26 February 1975.

### Harmonization of legislation

2257. At its meeting on 6 April the Council adopted<sup>1</sup> a Directive proposed by the Commission on 17 December 1975,<sup>2</sup> in which nine colorants used in *foodstuffs* are deleted from the Community list of permitted colouring matters. This is a precautionary measure. The colorants have been struck off the list because of a lack of certain data which would permit the conclusion that they are harmless, although it has never been established that they have harmful effects.<sup>3</sup>

2258. In the *veterinary field*, in line with other efforts in the field of protection of domestic livestock, on 28 April the Commission presented to the Council a proposal for accession of the Community to the European Convention for the protection of animals kept for farming purposes. This Convention was prepared under the auspices of the Council of Europe and was adopted last December. During the drafting, and following a request from the EEC, a clause permitting the Community as such to become a contracting party to the Convention was inserted.

Approval of this proposal would to a considerable degree ensure useful coordination in this field on a European scale to the benefit of farm animals, and at the same time constitute an important step towards the establishment of equal conditions of production for breeders of livestock within the EEC.

On 5 April the Council took a decision authorizing the Commission to open negotiations with the Council of Europe on the Accession of the Community to the European Convention for the Protection of Animals during International Transport.

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2259. At its part-session from 5 to 9 April,<sup>4</sup> the European Parliament delivered two opinions on agricultural policy, one of which concerned the temporary system of private storage aid for certain protein products.

## Industrial and technological policy

### Industry

#### Tourism

2260. Various problems concerning the tourist trade and the broad lines of a Community tourism policy were discussed at a meeting in Brussels on 12 and 13 April. It was attended by Commission representatives and directors of touring clubs in the Community, which have recently formed a European association.

The meeting, which lasted two days, covered many topics including frontier formalities, the European passport, protection of cultural assets and, in a wider context, regional development and environment policies. The discussions also

<sup>1</sup> OJ L 108 of 26.4.1976.

<sup>2</sup> Bull. EC 12-1975, point 2255.

<sup>3</sup> Point 2240.

<sup>4</sup> Point 2415.

took in the aspects relating to tourism of Commission action on technical matters and in the social field (vocational training).

The delegates wanted to see closer contacts established with the tourist trade so that needs could be met more effectively and a clearer insight obtained into the tourism market, which is expanding fairly steadily, with very buoyant demand and highly diversified supply.

Concerning the guidelines for a Community tourism policy, the delegates stressed the need for a pragmatic approach to provide a clearer image of national policies and bring out the topics of Community interest likely to offer new scope for action.

## Science, research and development, education, scientific and technical information

### Science, research and development

#### *Energy research*

2261. Three Advisory Committees on Programme Management (ACPMs) held meetings during April. The Committee for *Systems Analysis* met on 5 April to discuss the guidelines to be adopted when the programme for which it is responsible is reviewed at the end of 1976. The Committee was of the opinion that no substantial changes need be made in the current programme.

2262. The ACPM for *hydrogen* which met on 7 and 8 April, also came to a decision concerning the revision of the part of the programme which concerns it. Apart from slight adjustments to be made within the overall outline adopted in 1975,

the programme should pursue the same aims as at present. Much of the meeting was devoted to the presentation and discussion of the work in progress under the direct action programme in this field at the JRC's Ispra Centre.

2263. Finally, the Advisory Committee on Programme Management for *solar energy research* met on 27 and 28 April to examine some 120 research proposals, submitted in response to the Commission's call for tender,<sup>1</sup> on the application of solar energy to dwellings and photovoltaic conversion. The Committee recommended that the Commission accept about fifty of the proposals with a view to concluding contracts in accordance with the guidelines it had suggested.

In addition, the Committee approved a proposal (from the Commission) on the launching of initial measures for the coordination and harmonization of European research on the measurement and testing of flat plate solar collectors.

The ACPM for solar energy also held an initial exploratory discussion on the projects to be proposed when the programme is reviewed at the end of 1976.

#### *Scientific and Technical Research Committee*

2264. The Scientific and Technical Research Committee (CREST) met on 27 April to examine questions relating to the coordination of national research and development policies, particularly with respect to medical research. CREST discussed the latter point with representatives of the Committee for Medical Research and Public Health (CRM). It was agreed that the Commission should prepare by the end of 1976 proposals for a Community research programme in this field.

With regard to the coordination of national research and development policies, CREST made

<sup>1</sup> Bull. EC 12-1975, point 2268.

an initial round-up of views on the basis of a Commission working document. Proposals for the practical implementation of one of the resolutions of 14 January 1974<sup>1</sup>—on an outline programme in the field of science and technology—should be drawn up by the Commission before the end of 1976.

## Multiannual programme

### *Scientific and Technical Committee*

2265. At its meeting on 21 April, the Scientific and Technical Committee (STC) examined the draft proposals for a multiannual research programme (based on Article 7 of the Euratom Treaty) on which the Commission must shortly take a decision: the direct action programme for the Joint Research Centre (JRC) and the indirect action programme on scientific and technical training.

The Committee, by and large, welcomed the draft programme proposed for the JRC; it made certain detailed observations with the aim of ensuring optimum implementation of the parts of the proposed programme concerning reactor safety, plutonium fuels and management of nuclear materials and radioactive wastes.

Furthermore, the Committee unreservedly expressed a favourable opinion on the proposal for an indirect action project on education and training.

Finally, the Committee was informed of the studies undertaken by the Commission in connection with the transport of radioactive materials; it will resume its discussions on this subject at a forthcoming meeting.

### *Advisory Committee on Fusion*

2266. In accordance with its statement at the Council meeting on 24 February 1976, the Commission has decided to set up—pursuant to Article 135 of the Euratom Treaty—an Advisory Committee on Fusion (ACF). The nature of the Community's fusion programme—which combines and covers all the activities of the Member States' laboratories in this field—required existing programming and implementing structures to be supplemented by the creation of such a committee to serve as a high-level advisory body for the Commission.

The Committee is composed of government and Commission representatives taking part in the programme as persons responsible for nuclear and energy research; its opinions, delivered at the Commission's request, are also forwarded to the Council.

Its first meeting was held in Brussels on 5 April, the main item on the agenda being the examination of the JET project.

The Committee approved the scientific aims of JET and discussed its technical and financial aspects and management structures. It will hold its second meeting on 17 May when it will continue its discussions and deliver an opinion on the matter.

### *Advisory Committees on Programme Management (ACPMs)*

2267. The Committee responsible for *environmental research* carried out by way of direct and indirect action, met on 27 April in Brussels. After approving the principle of extending fifteen research contracts for one year, the Committee discussed the assessment of the results of the first

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

indirect action programme (1973-75) and the procedure for examining proposals for participation in the second programme (1976-80) which will be received in reply to the call for tenders published by the Commission in April.<sup>1</sup>

## Education

### *Meeting of representatives of higher education establishments*

2268. On 22 April, the Commission convened a meeting to confer with representatives of Member States' higher education establishments and presented to them a scheme concerning the allocation of financial aid to promote the development of joint study programmes between establishments in more than one Member State.

This scheme was drawn up by the Commission in accordance with one of the points of the action programme<sup>2</sup> to be implemented at Community level in the field of education, which was adopted on 9 February 1976 by the Council and the Ministers of Education meeting within the Council.

### *Education Committee*

2269. At its meeting on 23 April, the Education Committee approved the scheme<sup>3</sup> which had been discussed on the previous day with representatives of Member States' higher education establishments; it will now be appropriately publicized in such establishments.

In addition, the Committee held an initial discussion about certain items of a draft report presented by the Commission concerning 'the transition of young people from study to working life'.<sup>4</sup>

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2270. On 8 April,<sup>5</sup> the *European Parliament* adopted a resolution on the action programme in the field of education which had been approved by the Council and the Ministers of Education on 9 February 1976.

## Scientific and technical information and information management

2271. The first meeting of a joint working party comprising representatives of the Commission and members of the International Council of Scientific Unions Abstracting Board (ICSU-AB) was held on 23 April in Luxembourg. It succeeded in identifying and defining the problems to be solved in order to specify the fundamental principles of the future relations between EURONET and the centres and systems which provide data bases. It is important to harmonize EURONET's future relations not only with the bodies which provide and manage the European data bases but also with systems which have been set up and operate normally outside the Community territory.

2272. The Commission has approved the practical steps needed to institute immediately *co-operation with the European Space Agency (ESA)*. The object of such cooperation is to incorporate the data bases managed by the ESA computer at Frascati, Italy, into the EURONET system (whose creation was decided by the Council on 18 March 1975).

The integration of the data bases managed by the ESA constitutes the first concrete contribution to EURONET. Other similar agreements are being prepared.

<sup>1</sup> OJ C 78 of 3.4.1976.

<sup>2</sup> Bull. EC 2-1976, point 2252; Bull. EC 12-1975, points 1101 and 1102 and OJ C 38 of 19.2.1976.

<sup>3</sup> Point 2268.

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

<sup>5</sup> Point 2404.



The data managed by the ESA relate primarily to space. The ESA has also added a number of data bases relating, in particular, to chemistry, physics and education. The ESA's space documentation department is in itself a small network and its impact at this initial stage of the setting up of EURONET is appreciable.

## Energy policy

### Drawing up and implementation of a Community energy policy

#### Energy Committee

2273. The Energy Committee, meeting on 12 April under the chairmanship of Mr Simonet, Vice-President of the Commission, continued its examination of the measures to promote the development of energy resources in the Community. In this context the Committee examined the documents drawn up by the Commission regarding the storage of coal, the use of coal in power stations, the minimum import price of oil and investment guarantees in the energy sector.

#### The energy market situation in the Community

2274. On 26 April the Commission forwarded to the Council a report on 'The Energy Market Situation in the Community: Situation 1975—Outlook 1976'; this document analyses developments in the energy market in 1975 and looks at possible trends for the current year.

In 1975 a fall of 2.5% in the Community gross domestic product brought about a drop in energy consumption of 4.7% as compared with 1974. During this year the energy supply industries encountered major problems caused by falling demand and increasing costs.

In 1976, 3% growth in the gross domestic prod-

uct could increase energy consumption by some 3% to 900 million toe; (in 1973 consumption reached 936 million toe).

In these circumstances, oil consumption could increase by about 2%, coal output would be of the same order of magnitude as in 1975. The demand for natural gas would increase by 7% as the supply position improves. Electricity demand is expected to rise by 2.4% with nuclear plant providing nearly 9% of the total gross electricity production.

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2275. On 5 April the European Parliament passed a 'Resolution on the possibilities and limits of a Community policy to promote the liquefaction of coal for the purpose of manufacturing synthetic fuels'.<sup>1</sup>

## Transport policy

### Approximation of structures

2276. The German Government has forwarded to the Council and the Commission, for information purposes, a draft amendment to the *Regulation on the approval of road vehicles*. The Commission considered this information equivalent to a consultation as provided for in the Council Decision of 21 March 1962<sup>2</sup> concerning the procedure for prior examination and consultation.

In an *Opinion* adopted on 28 April,<sup>3</sup> the Commission recalled that a provisional agreement had been reached in 1973 between the delegations from the nine Member States on a power/weight ratio of 7 metric horsepower (5.1 kW) per tonne, but in view of recent economic developments, the Commission recognized that appropriate

<sup>1</sup> Point 2411.

<sup>2</sup> OJ 23 of 3.4.1962.

<sup>3</sup> OJ L 125 of 13.5.1976.

means should now be sought to cut production costs and felt that a reduction from 7 metric horsepower (5.1 kW) to 6 metric horsepower (4.4 kW) would not compromise road safety significantly. However, the Commission drew the German Government's attention to the fact that the question of the harmonization of vehicles' weights and dimensions was still before the Council and that the planned regulation should not prejudice the decision at Community level.

### Infrastructures

2277. On 28 and 29 April the Committee for coordinating the forward study on goods transport requirements<sup>1</sup> held its first meeting. The Committee examined in detail the question of basic statistical data for the study and drew up a work programme for the preparation of the scenarios and strategies to be used for the study. The Commission intends to present the Committee with the first proposals in this field for examination in September.

2278. A meeting of Government experts was held on 5 April to discuss the drawing up of a list of waterways of a maritime character, as provided for in the Council Directive of 20 January 1976 on *reciprocal recognition of navigability licences* for inland waterway vessels.<sup>2</sup> The Commission will draw up the final list, on the basis of the waterways proposed by the various delegations at that meeting, when the proposals have been confirmed by the Member States concerned no later than one month after the date of the meeting.

### Sea and air transport — Port economy

2279. The *Port Working Group* met in Brussels on 30 and 31 March in order to discuss and prepare the final report which is to be submitted to

the Plenary Ports Meeting. In order to complete its work, the Group also drew up a timetable and a programme of activities for the rest of 1976.<sup>3</sup>

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2280. On 6 April<sup>4</sup> the *European Parliament* adopted a Resolution on problems of EEC transit traffic through Austria and Switzerland.

<sup>1</sup> Bull. EC 6-1975, point 2290, 12-1975, point 2290, and 1-1976, point 2251.

<sup>2</sup> OJ L 21 of 29.1.1976.

<sup>3</sup> Bull. EC 10-1975, point 2278.

<sup>4</sup> Point 2409.

# 3. External relations

## Multilateral negotiations

### Trade Negotiations Committee

2301. April saw meetings of a number of the Groups or Sub-Groups set up within the Trade Negotiations Committee—established by the GATT Ministerial Conference in Tokyo<sup>1</sup>—and above all the Community's offer of tariff concessions to the developing countries in respect of tropical products, which the Nine had been unable to finalize for the date originally fixed.<sup>2</sup>

### *Quantitative restrictions*

2302. The Sub-Group held a meeting at which its members heard statements and comments on the consultations in accordance with the procedure it adopted in April 1975.<sup>3</sup> The meeting also discussed a proposal from Mexico and suggestions for negotiations put forward by Australia. The Sub-Group agreed to continue the consultations under way and the delegations will endeavour to provide the secretariat with brief reports on the consultations in which they have participated, so that at future meetings an outline general approach can be developed for eliminating quantitative restrictions, particularly with regard to those affecting the trade of the developing countries.

The Sub-Group had further discussions concerning import licensing arrangements on the basis of two earlier draft texts and a memo from the secretariat setting out the views of the delegations. The Sub-Group agreed to continue these discussions at its next meeting, the date of which will be fixed by the Non-Tariff Measures Group.

### *Subsidies and countervailing duties*

2303. At its meeting on 5 and 6 April the Sub-Group further considered the solutions proposed

in October 1975 by the United States, the Community, Canada and others. After a brief discussion, it was decided to ask the GATT Secretariat to draw up a complete list of the views expressed. This list, which will serve as a background document, will also contain proposals from the developing countries and the reactions which they have aroused.

The Community delegation again stressed that countervailing duties must not be applied unless it has been proven that material injury has occurred.

### *Tropical products*

2304. On 6 April the Community made an overall offer of tariff and non-tariff concessions to the developing countries within the framework of the Tropical Products Group. The offer of tariff concessions covers approximately 180 agricultural products including coffee, cocoa, tobacco, spices, vegetable oil, fish and flowers. The concessions included reductions and bindings on the basis of the most-favoured nation clause, and also improvements and the addition of new products to the Community's scheme of generalized preferences.

In the non-tariff field, the products covered by the offer will be freed of all quantitative restrictions where they are not free already. Moreover, the Governments of the Member States which still apply specific taxes on certain tropical products such as coffee, tea and spices have agreed to give certain undertakings as regards the level of such taxes or the problems created for the developing countries. The Community proposes that the concessions should enter into force on 1 January 1977.

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<sup>1</sup> Bull. EC 9-1973, points 1101 to 1106.

<sup>2</sup> Bull. EC 2-1976, point 2303.

<sup>3</sup> Bull. EC 5-1975, point 2302.

*Sectoral approach*

2305. At its meeting on 6 and 7 April, the Group concentrated on examining the Canadian proposals for the conclusion of a sectoral agreement on copper and copper products.<sup>1</sup> The Community expressed a number of doubts concerning the grounds for choosing this sector and drew attention to the complementary nature of the approach and to the importance of horizontal approaches in both the tariff and non-tariff field. These views were shared by the delegations of other developed countries. Canada, however, let it be known that it intended in due course to propose sectoral negotiations on nickel, lead, zinc and timber and timber products, in addition to those on copper. The United States Delegation stated that at a later date it too might propose sectoral negotiations on steel. Before the next meeting the GATT Secretariat will study how certain aspects of the approach affect the developing countries.

**Commercial policy****Preparing and implementing the common commercial policy***Trade agreements: renewals, derogations or authorizations*

2306. On 8 April<sup>2</sup> the Council authorized the extension or tacit renewal, for one year, of a number of trade agreements concluded between the Member States and third countries (second batch for 1976). The expiry dates or deadlines for denouncing these agreements fall between 1 May and 31 July 1976.

*Trade protection*

2307. As stated in a notice published in the Official Journal of the European Communities,<sup>3</sup>

the Commission decided to open an inquiry concerning imports of certain household articles, made of enamelled iron, originating in *Spain*. Imports of these articles have increased sharply in the past three years and a situation has been created which could cause serious disruption in a sector of the economy of the Community or of one or more Member States. The purpose of the inquiry is to enable the Commission to determine the scale of the problem.

2308. The Commission also amended on 6 April<sup>4</sup> the interim measures it had established on 23 December 1975<sup>5</sup>—and maintained in force by a Council Regulation adopted on 3 February 1976<sup>6</sup>—with regard to imports of certain textile products originating in *Brazil*. In future the granting of import authorizations will be conditional upon the presentation of an export certificate issued by the relevant Brazilian authorities, under the conditions laid down in the agreement on trade in textile products initialled by the Community and Brazil, pending the establishment of the definitive import rules (which will lay down quantitative restrictions for imports of Brazilian textile products into the Community).

**Specific measures of commercial policy****Textiles***India*

2309. Negotiations took place between the Community and India on 30 and 31 March and 6 April for the conclusion of an agreement on trade in *coir products*, the previous agreement

<sup>1</sup> Bull. EC 11-1975, point 2303.

<sup>2</sup> OJ L 101 of 15.4.1976.

<sup>3</sup> OJ C 83 of 8.4.1976.

<sup>4</sup> OJ L 92 of 7.4.1976.

<sup>5</sup> OJ L 330 of 24.12.1975 and Bull. EC 12-1975, point 2309.

<sup>6</sup> OJ L 29 of 4.2.1976 and Bull. EC 2-1976, point 2307.

having expired on 31 December 1975. The negotiations resulted in an agreement (initialled on 7 April) for the continuation by the Community of the programme for the progressive suspension of the Common Customs Tariff duty, culminating in a zero rate of duty on 1 January 1978. Provision is also made—through the establishment of a Joint Cooperation Committee—for strengthening contacts between industrialists from India and the Community (as regards the products in question) and intensifying cooperation for research and sales promotion.

2310. An initial round of negotiations took place early in April for the conclusion of a new agreement between the Community and India on *jute products*. The provisions of the previous agreement—which expired on 31 December 1975—will apply until 30 June 1976.

### Bangladesh

2311. Negotiations also took place from 21 to 23 April for the conclusion of an agreement on trade in *jute products* between the Community and Bangladesh. The gap between the respective positions of the two parties was considerably narrowed and further negotiations are to take place shortly.

### Romania

2312. On 31 March and 1 April negotiations opened as planned<sup>1</sup> between Romania and the Community for the conclusion of an agreement on trade in textiles, in the context of the implementation by the Community of the Arrangement regarding International Trade in Textiles (known as the Multifibre Arrangement). During this initial round the Community concentrated on setting out the guidelines on which the proposed agreement would be based.

### Colombia

2313. The negotiations begun in January 1976<sup>2</sup> between Colombia and the Community resulted in the conclusion of an agreement on trade in textiles, which was initialled on 29 April.

Like other agreements concluded by the Community in this area, the agreement negotiated with Colombia provides for a specific consultation procedure and for voluntary restraint by that country in its exports of certain products (yarn and woven fabrics of cotton and synthetic woven fabrics) which are particularly sensitive in certain areas of the Community market; for its part the Community undertakes to suspend any restriction in force as regards the products in question and not to subject those products to the safeguard measures provided for by the Multifibre Arrangement (MFA). Existing quantitative restrictions within the Community, for textile products other than those covered by the agreement, will be progressively abolished in accordance with the timetable laid down by the MFA.

The two parties also agreed—pending completion of the procedures necessary for the entry into force of the agreement (to run from 1 January 1976 to 31 December 1977)—that its provisions should apply *de facto* from 1 May 1976.

### Steel

2314. In April the Commission approved two Decisions derogating from Recommendation 1-64, which established minimum duties for imports into the Community of iron and steel products. The Commission authorized *Germany* to import at zero duty for the first six months of 1976 an additional 550 tonnes of 'electrical'

<sup>1</sup> Bull. EC 1-1976, point 2304, 2-1976, point 2310 and 3-1976, point 2308.

<sup>2</sup> Bull. EC 1-1976, point 2305.

sheets,<sup>1</sup> and the *United Kingdom* was authorized to import 12 000 tonnes of tinplate;<sup>2</sup> neither of these products was available in the requisite quantities or qualities on the Community market

## Development and cooperation

### Development cooperation policy

#### *Development questions before the Council*

2315. The Council (Development) met in Luxembourg on 8 April. Items on the agenda included the preparation for the third session of the Commissions of the Conference on International Economic Cooperation, financial aid to non-associated developing countries and the question of the harmonization of cooperation policies within the Community. The Council succeeded in finalizing the Community position to be adopted at the April session of the CIEC. It also noted a Commission Communication on cooperation in development matters with non-governmental organizations. As regards financial aid to the non-associated developing countries and the question of the harmonization of policies, the Council agreed to have further discussions on these matters at its next meeting.

#### *Conference on International Economic Cooperation*

2316. The Community took part in the third session of the Commissions set up within the Conference on International Economic Cooperation (CIEC)—the North-South Dialogue—which was held in Paris from 20 to 28 April.

The four Commissions (energy, development, raw materials and finance) met in an atmosphere which, as had appeared likely, was occasionally difficult and tense, given, firstly, the position of

the nineteen developing countries in relation to the Group of 77 as regards the preparation for the fourth UNCTAD session beginning in Nairobi on 3 May and secondly, the reluctance of most of the industrialized countries—including some Community countries—to adopt an attitude that might commit them to concessions before the Nairobi meeting. These two factors resulted in an atmosphere that was often prickly, at least at the meeting of some of the Commissions—particularly the one on raw materials.

The nineteen developing countries made a number of efforts to have joint texts drawn up. To begin with they attempted to have 'sectoral' declarations accepted on the key questions to be dealt with in Nairobi—the main one being raw materials; these declarations were to include points regarded as fundamental by the developing countries (joint financing, stocks, questions of purchasing power). This solution seemed all the more unlikely since there was no consensus on all the points, hence the industrialized countries' reservations or even outright opposition to such a procedure.

As a compromise Mr Perez Guerrero attempted to draw up a joint declaration of a general, factual nature, to be presented by the two co-Chairmen, that is himself and Mr MacEachen, the Canadian Foreign Minister. This solution was supported by the eight industrialized countries but failed at the last moment because certain countries among the nineteen considered it inadequate and wished to include more points of substance, particularly as regards raw materials.

A fresh attempt to secure a sectoral declaration was then made by the developing countries' co-Chairman of the Commission on development (Mr Aït Challal). This suggestion was accepted by the co-Chairman for the industrialized countries, Mr Wellenstein, and by the eight industrialized

<sup>1</sup> OJ L 105 of 22.4.1976.

<sup>2</sup> OJ L 99 of 14.4.1976.

countries as a group, but it was withdrawn at the last moment by the group of nineteen on the grounds that such a solution would have created an imbalance in relation to the raw materials problem.

The nineteen eventually decided on 28 April to make a unilateral declaration in which they said that they had hoped that the favourable atmosphere surrounding the discussions held with the developed countries in the course of the initial stages of the work of the CIEC, during which solutions to the problems had been clearly identified, would lay the foundation for the future work of the Conference. However, after putting forward concrete proposals in various areas with a view to attaining the objectives of the CIEC and not eliciting any positive reactions or constructive counter-proposals, the group of nineteen was dissatisfied with the slow progress of the Paris Conference. The principal cause was the lack of political will on the part of certain developed countries which were hampering the process of understanding and cooperation to which all the developing countries and most of the developed countries had contributed.

The group of nineteen stated categorically that there could be no question of the work in progress in Paris preventing or delaying the adoption of decisions at the Nairobi Conference.

The group of nineteen was convinced that failure to achieve substantial results at the fourth UNCTAD session would compromise the future of the dialogue within the CIEC on the problems identified by the ministerial conference and on further international economic cooperation for the benefit of all countries and peoples. Should the efforts of the fourth UNCTAD session be crowned with success, on the other hand, the chances of success in the CIEC would be greatly enhanced.

This uncompromising position, linking closely the future of the North-South Conference and the discussions at the fourth UNCTAD session in Nairobi, is in contrast with the optimism ex-

pressed at the end of the commissions' second session in March by the two co-Chairmen of the Paris Conference (Mr Perez Guerrero and Mr MacEachen) concerning the chances of reaching an agreement before the end of 1975 on a 'new international economic order'. Mr Perez Guerrero had stressed that his optimism was based on the fact that the rich countries now realized that the world economic system could not continue to function as in the past and that the 'old economic order' which, he claimed, favoured the economically developed nations, must be replaced by a 'new order' that was fair to all the countries of the world.

Notwithstanding the position taken up in April by the group of nineteen at the North-South Conference, the Council of the European Communities stated early in May that the work of the commissions 'was progressing satisfactorily and had enabled a number of fundamental problems, to which solutions had to be sought in the framework of the North-South dialogue, to be clarified. In this context the Council pointed out that the CIEC discussions and those of the fourth UNCTAD in Nairobi were complementary'.

#### *Industrial development*

2317. The Commission was an observer at the second meeting of the intergovernmental Committee responsible for drawing up the constitution of UNIDO as a specialized agency of the United Nations. This meeting was held in Vienna from 22 March to 3 April.<sup>1</sup>

#### **Food aid and emergency aid**

2318. In response to the request from Mozambique, certain areas of which were ravaged by an

<sup>1</sup> Point 2325.

exceptionally violent cyclone followed by torrential rain, the Commission decided on 13 April 1976 to grant aid of 70 000 u.a. through the United Nations Children's Fund (UNICEF), for the purchase of medicinal products.

## Commodities and world agreements

### Sugar

2319. The Community participated as an observer at the meetings of the *International Sugar Council* and the Consultative Committee of the Council, which were held in London from 12 to 14 April. The principal subject of discussion was the content and timing of possible negotiations for the conclusion of a new Agreement with economic provisions.

A decision on whether or not a negotiating conference should take place under the auspices of UNCTAD in September 1976 was deferred until the next meeting of the Council on 18 June.

### Olive oil

2320. The Community also took part in the session of the *International Olive Oil Council* which was held at Izmir (Turkey) from 26 to 30 April. Only two Member States participated: France as a full member and Denmark as an observer; the Commission represented the Community, with observer status.

The present level of the Community's target and threshold prices for olive oil, regarded by the majority of the members of the International Council as too high to permit expansion of consumption and imports into the Community, formed the main topic of discussion.

### Cocoa

2321. On 5 April the Commission transmitted to the Council a communication concerning the new International Cocoa Agreement concluded in Geneva from 22 September to 20 October 1975.<sup>1</sup> The Commission also recommended that the Council should take a decision concerning the signing of the Agreement on behalf of the Community as soon as possible before 31 August 1976 (provided that all the necessary procedures were completed) and the notification to the Secretary-General of the United Nations, before 30 September 1976, of the Community's intention to apply the Agreement, on a provisional basis, as soon as it enters into force.

### Tin

2322. The *Fifth International Tin Agreement*—the terms of which were worked out by a United Nations Conference meeting in Geneva from 20 May to 21 June 1975<sup>2</sup>—was signed in New York on 29 April by the Community as such. In a communication presented to the Council on 9 April the Commission had recommended that the Agreement be signed on behalf of the Community before 30 April, and this deadline was therefore met. The nine Community States also signed the Agreement.

The Commission also recommended that the Secretary-General of the United Nations be informed, before 1 July 1976, that the Community intended to approve the Agreement in order to be able to apply it on a provisional basis when it enters into force.

<sup>1</sup> Bull. EC 10-1975, point 2321.

<sup>2</sup> Bull. EC 6-1975, point 2321.



## International organizations

### United Nations

#### International Labour Organization

2323. Mr Francis Blanchard, Director-General of the International Labour Office (ILO), had separate talks on 26 and 27 April with the Commission, the Council and the Economic and Social Committee.

During his visit, Mr Blanchard met Mr Ortoli, President, Dr Hillery, Vice-President and Mr Gundelach, Member of the *Commission*. The talks covered working relations between the Community and the International Labour Organization and the measures to be taken to strengthen those relations, given the importance of the problems which the two institutions must tackle in the social field. These problems mainly concern employment.

It was agreed that the Commission would attend the World Conference on employment, growth, social progress and the international division of labour, to be held in Geneva on 4 June concurrently with the 61st session of the International Conference on Labour.

Moreover, arrangements were made to enable the Commission and the ILO to cooperate much more closely in areas connected with working conditions and the humanization of work and in the industrial relations field. Lastly, a number of schemes were considered in the context of perspectives opened up in the economic and social fields by the Lomé Convention.

Mr Blanchard was also received by Mr Berg, the Luxembourg Minister of Labour and Social Security and President of the *Council*, with whom he had discussions touching in particular upon matters currently being examined by the ILO with reference to the World Conference to be held in Geneva in June. Mr Berg emphasized the

interest which the Community and the nine Member States had in the International Labour Organization, and their will to strengthen the bonds of cooperation with that organization, with a view to seeking constant improvements in the employment and working conditions of workers throughout the Community.

Lastly, Mr Blanchard was received by Mr Canonge, Chairman of the *Economic and Social Committee* (ESC) on 26 April. They talked about possibilities of improving information channels and stepping up cooperation between the ILO and the ESC.

#### Food and Agriculture Organization of the United Nations

2324. The *Committee on World Food Security*—set up by the FAO to give effect to one of the resolutions adopted by the World Food Conference which was held from 5 to 16 November 1974<sup>1</sup>—held its first meeting in Rome from 5 to 9 April. It examined the situation on the world cereal market and the measures taken to ensure the implementation of the International Undertaking on Food Security, and adopted a programme of future work. In the discussions emphasis was placed on the need to draw up an international agreement on cereals.

#### United Nations Industrial Development Organization

2325. The Commission was present as an observer at the second meeting of the intergovernmental Committee responsible for drawing up the constitution of UNIDO as a specialized agency of the United Nations.<sup>2</sup> This meeting was held in Vienna from 22 March to 3 April.

<sup>1</sup> Bull. EC 11-1974, point 1404.

<sup>2</sup> Bull. EC 1-1976, point 2319.

The Committee examined various drafts which had been submitted. There are still substantial divergences between the developing countries and many industrialized countries on a number of major aspects, particularly the composition of the management body and financial matters. The Committee was therefore unable at this stage to begin the actual drafting of the constitution. The Committee will have to do this at a third meeting (scheduled for the end of June).

### Economic Commission for Europe

2326. The *annual session* of the Economic Commission for Europe (ECE)—which was held in Geneva from 30 March to 9 April—was devoted first and foremost to the examination of a new long-term work programme proposed by Mr Stanovnik, Executive Secretary of the ECE. The changes which have occurred in the economic situation throughout the world and more particularly in Europe have made it necessary to recast the structure of the ECE's activities.

A further factor calling for such structural adjustments was the Final Act of the Helsinki Conference, which expressly makes the ECE responsible for the multilateral implementation of a number of projects and also contains provisions relating indirectly to the ECE's work.

The participants stated that they were resolved to exploit fully the opportunities offered by the ECE as an instrument of multilateral cooperation in Europe and welcomed the Executive Secretary's initiative. Commenting in detail on his proposals, they laid down guidelines for adjusting the work programmes of the fifteen subsidiary bodies of the Economic Commission for Europe.

The Community delegation reaffirmed its interest in multilateral cooperation within the ECE and stated that it would make an active contribution towards implementing certain provisions of the Helsinki Final Act. The delegation pointed out, however, that this in no way released members

from their obligations in other areas involving the autonomous or bilateral (as well as multilateral) implementation of the Helsinki recommendations.

### Economic and Social Commission for Asia and the Pacific

2327. The Community was represented with observer status (as it has been since 1974) at the *plenary session* of the United Nations Economic and Social Commission for Asia and the Pacific (ESCAP), which was held in Bangkok from 24 March to 2 April. Commission representatives attended the session which laid down the priorities of work for the coming year. Three particular areas will be covered: rural development, technical cooperation between developing countries and inter-regional cooperation.

## Mediterranean countries

### Turkey

2328. The EEC-Turkey *Joint Parliamentary Committee* met in Nice from 26 to 28 April.

The subjects discussed were mainly political, such as the Cyprus problem and the issue of the Aegean. The Joint Committee called for a rapid negotiated solution to the Cyprus problem on the basis of the Brussels agreement between the Greek and Turkish Foreign Ministers. The Committee also adopted a recommendation inviting the governments concerned to begin negotiations on the problem of the Aegean.

Lastly, the Joint Parliamentary Committee appealed for Turkey to be fully consulted on the future accession of Greece to the EEC.

2329. On 3 May the Commission presented a communication to the Council on the implemen-

tation of Article 12 of the EEC-Turkey Association Agreement relating to *Turkish workers*.<sup>1</sup>

### Malta

2330. The exchange of the instruments giving notice of the completion of the procedures necessary for the entry into force of one of the Protocols signed on 4 March 1976 between the Community and Malta<sup>2</sup> took place in Brussels on 30 April.<sup>3</sup> The purpose of this Protocol is to make adaptations to the EEC-Malta Association Agreement consequent upon the enlargement of the Community, and to extend the Agreement to agriculture and cooperation. The Financial Protocol—which provides for financial aid of 26 million u.a. for Malta—will enter into force at a later date since the necessary procedures have not yet been completed.

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2331. On 5 April<sup>4</sup> the European Parliament delivered its Opinion on the Protocol laying down certain provisions relating to the Agreement establishing an Association between the EEC and Malta.

### Maghreb

2332. The cooperation agreements between the European Economic Community and Algeria, Morocco and Tunisia, the negotiation of which was completed in January,<sup>5</sup> were signed in the capitals of the three Maghreb countries on 26, 27 and 25 April respectively.

Mr Gaston Thorn, President of the Council of the European Communities, Mr Claude Cheysson, Member of the Commission, and the plenipotentiaries of the Member States signed on behalf of the Community. The signatories for the Maghreb countries were Mr Abdelaziz Bouteflika, the Algerian Minister of Foreign Affairs, Dr Ahmed Laraki, the Moroccan Minister of State

responsible for Foreign Affairs and Mr Habib Chatty, the Tunisian Minister of Foreign Affairs.

The agreements are of unlimited duration and establish overall cooperation; they will enter into force upon completion of the ratification procedures. In the meantime, the trade provisions of the agreements will be applied in advance by means of interim agreements which are expected to enter into force on 1 July 1976. The conclusion of the latter agreements was the subject of a recommendation from the Commission to the Council on 14 April.

### Spain

2333. The Spanish Minister of Commerce, Mr Calvo Sotelo y Bustelo, was received on 27 April by President Ortolí and Sir Christopher Soames. Mr Calvo Sotelo gave an account of the Spanish Government's political objectives, in particular its intention of organizing a referendum on certain constitutional questions towards the end of September and of calling a general election towards the end of the year or early in 1977. The Minister also mentioned the Spanish Government's intentions with regard to the Community, namely to embark without delay upon negotiations with a view to normalizing the links between his country and the Community pending the request for accession to be submitted to the Community in 1977 by a democratically elected government.

2334. On 28 April talks took place between representatives of the Spanish Government and the Commission with a view to the joint examination of various possible formulas for governing relations between the Community and Spain in the medium term.

<sup>1</sup> Point 2217.

<sup>2</sup> OJ L 111 of 28.4.1976 and Bull. EC 3-1976, point 2338.

<sup>3</sup> OJ L 119 of 6.5.1976.

<sup>4</sup> Point 2407.

<sup>5</sup> Bull. EC 1-1976, points 1301 to 1311.

2235. In reply to written questions from two members of the European Parliament relating to the conditions which would have to be fulfilled before Spain could join the Community, the Council of the European Communities stated: 'that Spain has not submitted any request for accession to the Community. Were it to do so, the request would then be examined in the light of the whole of the legal principles and rules on which the Community is founded'.<sup>1</sup>

### Portugal

2336. On 6 April the Council approved the supplementary directives enabling the Commission to continue the negotiations (including the financial aspects) which began on 13 February 1976, with a view to developing the cooperation established by the Agreements signed in 1972 and thus fostering the development of closer links between the Community and Portugal.

### Israel

2337. Mr Bar-Lev, the Israeli Minister of Industry and Trade, was received by President Ortolí on 26 April. They discussed relations between the Community and Israel in the light of the Agreement signed on 11 May 1975.

## African, Caribbean and Pacific countries

### ACP-EEC Convention of Lomé

#### Declaration by the European Council on the entry into force of the Convention

2338. The European Council, which met in Luxembourg on 1 and 2 April,<sup>2</sup> adopted the fol-

lowing declaration marking the entry into force on 1 April<sup>3</sup> of the ACP-EEC Convention of Lomé:

'The Heads of Government, meeting in Luxembourg as the European Council, welcome the entry into force today of the Convention signed in Lomé on 28 February 1975.

They would express to the Heads of State and the Governments of the countries which have signed this Convention and to the peoples they represent, their profound conviction that the co-operation which has been brought about by means of the Lomé Convention constitutes an exemplary undertaking serving to reinforce close cooperation between industrialized and developing countries.

The European Council re-affirms the Community's will to contribute through this initiative to finding a solution to the major problems of balanced economic development between the partners to this Convention.'

#### Relations with certain countries in southern Africa

2339. Following a statement by the Commission, the Council discussed Community aid and bilateral aid from the Member States to southern Africa, the aim in view being to help bring economic and political stability to that area.

The Council recognized the need for coordination between Member States' bilateral action and Community action, the latter being undertaken in the context of the Lomé Convention.

With a view to preparing the decisions to be taken in that connection, the Permanent Repre-

<sup>1</sup> OJ C 89 of 16.4.1976.

<sup>2</sup> Point 2423.

<sup>3</sup> Points 1101 to 1109 and 2436.

representatives Committee was instructed to study ways of implementing the proposals put forward by the Commission, particularly as regards the coordination at operational level of the schemes proposed for Zaire, Zambia and Mozambique (the first two of these being ACP States).

### ACP-EEC trade arrangements

2340. On 28 April the Commission adopted a proposal to the Council for extending until 31 December 1976 the exceptional arrangements (involving a reduction of import charges) for *beef and veal* originating in the four producer ACP States.

At its meeting on 5 and 6 April, the Council also gave the Commission the necessary directives for negotiating the guaranteed price of ACP *sugar* (approximately 1.3 million tonnes) for 1976/77. The Commission and the Ministers of the sugar-producing ACP States began negotiations on 29 April to fix the price for the new marketing year pursuant to Protocol No 3 to the Lomé Convention.

## Other countries

### *Industrialized countries*

#### United States

2341. After visiting the Commission on 20 April, a delegation of *US Congressmen* moved on to Dublin for talks with *members of the European Parliament* as part of the regular six-monthly meetings between Parliament and the US Congress. In Brussels, the US delegation had talks with Mr Simonet, Vice-President of the Commission.

2342. The twelfth six-monthly top-level consultations between the Commission and the US

Government took place in Brussels on 29 and 30 April. The topics discussed included bilateral commercial matters—special steels<sup>1</sup> and automobiles<sup>2</sup>—the North-South Dialogue (Conference on International Economic Cooperation) and UNCTAD. The Commission delegation was led by Sir Christopher Soames and the US delegation by Mr Arthur A. Hartman, Assistant Secretary of State for European Affairs.

On the matter of special steels, a US delegation had stated to OECD on 6 April that the US Government intended to limit the import restrictions to three years, with a possibility of a review at an earlier date if the economic recovery permitted.

The discussions helped to provide a better understanding of commercial problems on both sides. The overriding aim was to prevent difficulties culminating in critical situations in any sectors.

2343. The United States will not impose restrictions on imports of non-rubber footwear as had been recommended by five members of the International Trade Commission. This decision was taken by President Ford on 16 April. Imports of these articles from the Community represented \$404 million in 1975.<sup>3</sup>

#### New Zealand

2344. In a report sent to the Council on 22 April on the application in 1975 of Protocol No 18 to the Act of Accession, the Commission concluded that imports of New Zealand dairy products to the United Kingdom increased while demand on other export markets fell considerably.

The special levy applying to cheese under this Protocol was reduced from 66.61 u.a./100 kg to

<sup>1</sup> Bull. EC 1-1976, point 2335 and 3-1976, point 2354.

<sup>2</sup> Bull. EC 7/8-1975, point 2352, 9-1975, point 2338 and 10-1975, point 2343.

<sup>3</sup> Bull. EC 3-1976, point 2353.

52.44 u.a./100 kg with effect from 10 May. Given the trend of the price of butter in the United Kingdom, the special levy on butter was not adjusted.

### Australia

2345. On 23 April bilateral consultations took place in Brussels at the request of the Australian Government under Article XXIII(1) of the GATT concerning the rules for imports of processed fruit and vegetable products laid down in the Council Regulation of 20 July 1975.<sup>1</sup> The Australian delegation contended that these rules are contrary to certain provisions of the GATT. The Commission delegation took the view that they are in accordance with the Community's international undertakings.

### *Developing countries in Asia and Latin America*

#### Pakistan

2346. On 26 April the Commission sent to the Council a recommendation for the conclusion of the commercial cooperation agreement negotiated between the European Economic Community and the Islamic Republic of Pakistan. The Council had authorized the Commission on 15 October 1974<sup>2</sup> to open the negotiations for the conclusion of the agreement which then began on 4 November 1974. The agreement was initialled in Islamabad on 16 March 1975.

#### Mexico

##### *Official visit by President Ortoli*

2347. Mr François-Xavier Ortoli, President of the Commission, paid an official visit to Mexico from 8 to 14 April at the invitation of the Mexican authorities. President Ortoli was received by

Mr Echeverria Alvarez, President of the United States of Mexico, and had talks with several members of the Mexican Government.

This visit was the first contact at this level since the agreement of 15 July 1975<sup>3</sup> came into force last November and highlights the political importance that the Commission attaches to relations with Mexico. The talks during the visit bore in particular on the prospects of new cooperation relationships between the Community and Mexico.

### *State-trading countries*

2348. The message delivered on 16 February<sup>4</sup> to the President of the Council of the European Communities by the Council for Mutual Economic Assistance (CMEA) was the subject of a debate in the European Parliament on 8 April.<sup>5</sup>

## Diplomatic relations

2349. On 6 April<sup>6</sup> the President of the Council and the President of the Commission received HE Mr Paul Ilamoko-Djel (*Chad*), HE Mr Atmono Suryo (*Indonesia*), HE Mr Cecil Beaumont Williams, OBE (*Barbados*) and HE Mr Kweku Bapruai Asanti (*Ghana*) who presented their credentials as Heads of their countries' Missions to the European Communities (EEC, ECSC, EAEC).

The new ambassadors succeed Mr Aladji Oueddo (*Chad*), Mr Franciscus Xaverius Seda (*Indonesia*), Mr J. Cameron Tudor, CMG (*Barbados*) and Mr Eric Christopher Djamson (*Ghana*) who have taken up other appointments.

<sup>1</sup> OJ L 198 of 29.7.1975.

<sup>2</sup> Bull. EC 10-1974, point 2336.

<sup>3</sup> OJ L 247 of 23.9.1975; Bull. EC 6-1975, point 2351 and 7/8-1975, point 2358.

<sup>4</sup> Bull. EC 2-1976, points 1201 to 1205.

<sup>5</sup> Point 2405.

<sup>6</sup> OJ C 90 of 21.4.1976.

# 4. Institutions and organs of the Communities

European Parliament

## European Parliament

### *Part-session in Luxembourg from 5 to 9 April*

2401. Most of the thirty or so items on Parliament's April agenda were overshadowed by the burning question of direct elections. The President of the Council, Mr Thorn, reported on the meeting of the European Council in Luxembourg on 1 and 2 April, which had not come to any decision on the question of direct elections. After an exhaustive debate Parliament took a position.

The House also devoted much time to the debate on social affairs, prompted by the presentation of the Commission's Social Report for 1975, and the discussion of relations with Comecon. Other major topics were France's withdrawal from the exchange rate system, European education policy, transport problems with Austria and Switzerland, promotion of coal liquefaction research, the Community's environment programme, the Euro-Arab dialogue and private storage of certain protein products in agriculture. The other matters on the agenda were of a minor technical nature.<sup>1</sup>

### **Outcome of the European Council meeting — direct elections (5 and 7 April)**

2402. Parliament's meeting began on 5 April with a suspension of the sitting. On a motion by all the groups, the Bureau retired to consider what Mr *Fellermaier* (S/D), in substantiating the motion, had called the 'pitiful result' of the European Council meeting. Only two days earlier, the European Council had failed to take a decision on the direct election of Parliament. Before it moved on to the agenda, the House wanted public opinion to know of its dismay. On 6 April, a statement<sup>2</sup> to this effect was handed to the Council meeting of Foreign Ministers by a delegation from Parliament and made public.

To an almost full House, the President of the Council, Mr Gaston *Thorn*, reported on the results of the European Council meeting and the previous day's conversation with the Parliamentary delegation. Before tackling the tensely awaited subject of direct elections, he talked about the other matters which the Council had dealt with: the economic and monetary situation and the Tindemans Report. After an exchange of views on both subjects, questions of detail had been referred to the specialist Ministers (Economic and Financial and Foreign Affairs) for further review.

On the Tindemans Report, Mr Thorn stressed that the preparatory work for the decisions would be completed by the end of 1976. All in all the report had been favourably received, since it was realistic while at the same time outlining future prospects. On the economic and monetary side, the European Council had considered guidelines for a programme. The Council President felt that the reason for the bitter disappointment was that too much was generally expected of meetings of the Heads of Government. The European Council was not the exclusive steering mechanism of the Community and decisions were not to be expected from its deliberations every time.

This general observation led Mr Thorn to the question of elections. He regretted that the European Council had still not managed to settle the key issue of seat allocation among the Member States. Not all the Member States could support the compromise proposal by President Gis-

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

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

The complete texts of the Resolutions passed by Parliament are reproduced in OJ C 100 of 3.5.1976 and the verbatim report is contained in OJ Annex No 202.

<sup>2</sup> Point 2502.

card d'Estaing to retain the present distribution for the first elections (i.e., 198 seats: Germany, France, Italy and the United Kingdom 36 each, Belgium and the Netherlands 14 each; Denmark and Ireland 10 each, Luxembourg 6). Italy and the United Kingdom felt that this solution made it impossible to secure a balanced representation of parties and population groups.

Nevertheless all the Member States expressed their determination to adhere to the first date set; May-June 1978. Agreement was also reached on the election day and the title of the directly elected Parliament. To allow for the electoral traditions of the Member States, for example the United Kingdom which votes on a Thursday, the European polls will start on a Thursday and end on a Sunday. The title 'European Parliament' would continue to be used, even though legal instruments would refer to the 'Assembly' in keeping with the Treaties.

In conclusion, Mr Thorn assured the House that a procedure would be developed for the Council to consult Parliament on all arrangements for holding direct elections. He promised to do his utmost until the end of his term as President in July to ensure that the Council could settle the outstanding questions. Mr Thorn called on the Member States' governments to take the necessary preliminary decisions and assured the House that he would personally make every effort for agreement and that he had a real hope of success.

Mr *Haferkamp*, Vice-President of the Commission, spoke about the economic and monetary policy results as seen by the Commission. He pointed out that even though the Council had not reached any conclusions, it had based its deliberations on the Commission's thinking. The Commission felt that the divergent movement of national economies must be halted and that more discipline must be applied in monetary policy, credit and budget policy and in curbing costs.

The groups were at one in their indignation that the Heads of Government had not honoured

their own commitment of December 1975 to take a decision on direct elections in the spring of 1976. The European Council came under heavy fire. As President of the Council, Mr *Thorn* was repeatedly assured that his own attitude could certainly be appreciated, but that his optimism for the future was not shared.

The speakers for the Socialists, Christian Democrats, Liberals and Conservatives were unanimous in their criticism of the European Council. Mr *Stewart* (S/UK) said it was no longer to be feared that this non-Treaty institution of the Heads of State or Government might supplant the Community institutions, since it had proved its inefficacy. Mr *Bertrand* (C-D/D) maintained that this turn of events would detract from the credibility of the Heads of Government. They apparently no longer had even the strength to give further promptings which might be set out in a final communiqué. Mr *Bangemann* (L/D) also spoke in this vein. Mr *Normanton* (C/UK) felt that the outcome of the Council's last meeting damaged the Community's standing in the world.

Nor did the Commission escape reproach. Mr *Fellermaier* (S/D) urged it, as the guardian of the Treaties and the dynamo of the Community, to speak a more lucid language with Parliament.

Mr *de la Malène* (DEP/F) warned against a 'retreat to the fore' through overhasty further development of the institutions, while the Community was not advancing on all fronts. He also felt that meetings of Heads of Governments had to be more thoroughly prepared either by ministerial meetings or by a secretariat, otherwise it would be better for them not to meet at all.

Although he regretted the result, Mr *Fabbrini* (COM/I) was not surprised, since for his own part he had always been convinced that the European Council would be ineffective. Mrs *Goutmann* (COM/F) confirmed the opposition of the French Communists to direct elections.



Parliament's rapporteur on direct elections, Mr *Patijn* (S/NL), was strongly critical of the French President's proposal to retain the present number of seats in the House. He emphasized that if some countries were faced with problems over the proportions of seat allocation, they should suggest a better, not a worse, distribution. He confirmed that Parliament was open to any solution which did not reduce any country's present seat allocation and maintained representation in line with population, but it must ensure that Parliament could operate effectively. These principles had been expressed in practical terms in Parliament's draft Convention which provided for a complement of 355.

The debate was closed with a Resolution<sup>1</sup> passed by an overwhelming majority. Only six members voted against and two abstained. The Resolution confirmed Mr *Patijn*'s principles laid down in the draft Convention and urged the Council to base its decision on these principles. In view of the delay in the decision on direct elections, the consultations between Parliament and the Council must immediately be engaged. Only a prompt decision could enable the Member States to make the necessary arrangements by May-June 1978.

### Social situation in 1975 — Social budget (6 April)

*1975 Social Report*<sup>2</sup>

2403. Outlining developments on the social situation in 1975,<sup>3</sup> Dr *Hillery*, Vice-President of the Commission with special responsibility for social policy, opened a general debate on the current and fundamental issues of European social policy.

He then outlined the Community's social policy action for 1976. He mentioned, in particular, further equality between men and women especially in the field of social security; action on vocational training; extension of social protection to all persons who were hitherto excluded and reintegration of the disabled.

Answering an oral question from Mr *Nyborg* (DEP/DK), who had asked what action the Commission was taking to stem unemployment in the Community, Dr *Hillery* said that the Commission was hoping for a slow miracle in the form of a gradual healing process. The Commission was aware of the limits to its scope for action which, however, it would apply more consistently. The instruments available to the Community were consultation and coordination, information and financial intervention from the Regional Fund and the Social Fund. The two Funds were applied in harness to create new jobs and opportunities for vocational training. Dr *Hillery* had to concede, however, that the EEC Treaty did not afford the Commission all that much scope for action, and this could clearly be seen from the high unemployment figures. All the same many steps could be taken effectively at national level.

### *Social budget*

The 'European social budget' is the comprehensive survey of social expenditure in the Community, containing estimates and details of financing; Mr *Albertsen* (S/DK) reported. The budget should serve as the basis for progressive approximation of social protection and for social policy in general. The Commission's Communication<sup>4</sup> consisted of a summary of action to follow up the first social budget and guidelines for drawing up the second.

In a Resolution, the House urged that regional disparities in social conditions be identified with the aid of statistics, so that imbalances within the Member States could be effectively eliminated.

<sup>1</sup> Point 2503.

<sup>2</sup> Report on the Development of the Social Situation in the Community in 1975 (published in conjunction with the Ninth General Report on the Activities of the European Communities in accordance with Article 122 of the EEC Treaty); see Bull. EC 3-1976, points 1201 to 1215.

<sup>3</sup> Points 1101 to 1106.

<sup>4</sup> Bull. EC 12-1975, point 2225.

The bleak picture drawn by Dr Hillery was filled out by later speakers with varying emphasis but for the most part in the same tone. They made suggestions for social policy activity over the year ahead, especially for overcoming the social effects of the economic crisis. Speaker after speaker pointed to Parliament's efforts to increase the social expenditure in the Community's 1976 Budget. The Commission's report showed quite clearly how great the need was.

Speakers on all sides called for stronger measures especially to eliminate unemployment among the young, which had climbed to some 40 %. No one could passively look on while school-leavers and graduates had no prospects of jobs; the younger generation must be able to believe in its future. Much greater care was also called for over the problem of redundancies among working women who were always the first victims of an economic crisis.

Mr *Albertsen* (S/DK) contended that the unsatisfactory social situation should be taken as a starting point for reforms such as earlier retirement, shorter working hours and longer annual holidays. Mr *Vandewiele* (C-D/B) urged more intensive but more selective Community action. Mrs *Kruchow* (L/DK) called for fairness in social matters and pointed to the structural disparities in social security contributions in the Member States which were highlighted in the social budget. Mrs *Kellett-Bowman* (C/UK) concurred. Mrs *Carettoni-Romagnoli* (COM/I) described the social budget drawn up by the Commission as a total failure.

In his final comments, Dr *Hillery* agreed that solving the present social policy problems required an economic consensus and a new balance between the two sides of industry and the governments; the second European Social Conference, which the Commission was now preparing, would be a good springboard.

### Action programme for education

(8 April)

2404. The Community's education policy was the subject of a general debate on the basis of a motion for a Resolution tabled by Mr *Broeksz* (S/NL) and others and a question from the European Progressive Democrats Group. The House was glad that the Education Ministers, meeting in the Council on 10 December 1975, had for the first time decided on an action programme for cooperation in education.<sup>1</sup> The points contained in the decision include the creation of an Education Committee, made up of Member States' and Commission representatives, studies, research projects and exchange of information between experts and administrators. Parliament considered that these measures must be backed up by efforts to bring education systems more closely into line, the promotion of mobility of pupils and students and an appraisal of curricula in individual Member States. Action was also required concerning the relationship between education and work. There could be no talk of equal opportunity as long as restrictions were applied on admissions to universities and colleges.

### External relations

#### *Relations between the EEC and Comecon*

(8 April)

2405. Mr *Jahn* (C-D/D), Mr *Memmel* (C-D/D), Mr *Burgbacher* (C-D/D), Mr *Artzinger* (C-D/D), Mr *Springorum* (C-D/D) and Mr *Vandewiele* (C-D/B) tabled a question to the Council concerning the proposals transmitted on 16 February 1976 by Mr *Gerhard Weiss*, Deputy Chairman of the Council of State of the German Democratic Republic on behalf of the Council for Mutual Economic Assistance.<sup>2</sup> They wanted accurate information

<sup>1</sup> Bull. EC 12-1975, points 1101 to 1102.

<sup>2</sup> Bull. EC 2-1976, points 1201 to 1205.

and warned that Comecon had deliberately chosen this approach (the proposals were handed to the President of the Council, the Luxembourg Prime Minister, Mr Thorn, in Luxembourg) in order to avoid having to recognize the Community. They stressed that the Commission must represent the Community in any talks or negotiations with Comecon.

Two inter-group questions to the Council and Commission from Mr *Dykes* (C/UK), Mr *Klepsch* (C-D/D), Mr *Durieux* (L/F) and Mr *Kaspereit* (DEP/F) concerned details of existing and future relations between the EEC and the Soviet Union in the light of recent world political developments. They asked about Soviet influence on international economic and monetary conditions and world markets, the scope for expanding trade relations between the EEC and the USSR and the guarantee of fair conditions of competition for EEC companies in trade with countries such as the Soviet Union. The questioners did not rule out the possibility of the Soviet Union's export potential being raised by the supply of western know-how and pointed to the possible long-term disadvantages.

Replying for the Council President, Mr *Thorn*, the Luxembourg State Secretary, Mr *Berchem*, assured the members that the conditions of the Treaty, including those on briefing Parliament, would be applied to the letter. Furthermore, the Council would take its cue from the Commission's proposals. At the present time he could not take a position on the content, since the Council's viewpoint was not yet firm. Answering the question about how the Soviet Union could help to stabilize the world economy, Mr *Berchem* pointed out that the USSR was not represented in most of the international organizations, save for the UN Economic Commission for Europe.

For the Commission, Mr *Brunner* was against linking the question of expanding trade relations with the Eastern bloc with that of official recognition.

For him and the other Members of the Commission, Mr Brezhnev's statement that the Soviet Union wanted official relations with the Community sufficed by itself. The Commission would obtain a mandate from the Council based on material considerations. Mr *Brunner* said he was convinced that there would be no encroachment on the substance of the Community. The Community was not a world power, but it had a role to play. The USSR's undeniable interest in the Community provided the possibility to play it to the full.

#### *Euro-Arab dialogue* (7 April)

2406. Parliament hoped that after the stage of technical preparation, the Euro-Arab dialogue would embark on negotiations with tangible and equitable results in the economic, industrial, technological, energy and cultural spheres. It was emphasized that the success of the dialogue was linked to the solution of the political problems in the sense that it must be possible for all the States of the Middle East, including Israel, to live within secure and mutually accepted frontiers. The need for non-discrimination and the principles of the overall approach to Mediterranean policy were reaffirmed.<sup>1</sup>

#### EEC-Malta (5 April)

2407. Parliament approved the conclusion of a Protocol with Malta in accordance with a Commission Communication to the Council.<sup>2</sup> Since 5 December 1970, Malta has been related to the Community through an Association Agreement.

<sup>1</sup> See also point 2507.

<sup>2</sup> Bull. EC 1-1976, point 2322.

## Economic and monetary affairs

### *France's withdrawal from the currency snake* (7 April)

2408. Members of the Socialist group, Mr *Van der Hek* (NL), Mr *Carpentier* (F), Mr *Suck* (D), Mr *Delmotte* (B) and Mr *Giraud* (F) asked about the Commission's attitude to France's withdrawal from the European currency snake in March.<sup>1</sup>

They wanted precise details on whether the French Government had exhausted all the possibilities of assistance offered by the EEC Treaty and other agreements, before taking this decisive step, the consequences of which for the survival of what was left of the monetary snake and for a future Economic and Monetary Union were still unclear.

Mr *Haferkamp*, Vice-President of the Commission, replied that the French Government had not called on all the credit facilities available to the Member States, but had taken some short-term assistance from the European Monetary Cooperation Fund. Mr *Haferkamp* pointed out that France's move had once again confirmed that the currency snake would always be vulnerable, as long as the Member States had not made any headway towards integration of economic and monetary policies.

## Transport

### *Parliament calls for Community arrangements for transit traffic through Austria and Switzerland* (6 April)

2409. New and closer contacts were needed immediately between the Community, Austria and Switzerland, to enable these two countries to adjust in good time to impending transport policy changes in Community territory and so that their wishes can be fully considered in connection with a Community transport policy. This was one of Parliament's conclusions in an own-initiative re-

port on the problems of traffic between the Community, Austria and Switzerland. The report also recommended closer cooperation between the railways, efforts to link up motorway networks, better cooperation on tariffs and a conference on Rhine navigation. Special emphasis was laid on the need to improve frontier formalities applying to freight transport at the Austro-Italian border. Parliament also called for permanent cooperation throughout the entire Alpine region to improve transport infrastructure.

The debate was attended by a delegation from the two Chambers of the Swiss Parliament.

### *Action for failure to act in respect of the common transport policy?* (7 April)

2410. The possibility of Parliament bringing an action before the Court of Justice against the Council for failure to act was considered in Question Time. It arose from a question by Mr *Mursch* (C-D/D) who asked whether the decisions of principle not yet taken on initiating a Community transport policy, a binding stipulation in the EEC Treaty, should be referred to the European Council of Heads of Government.

## Energy

### *Liquefaction of coal* (5 April)

2411. Petroleum substitute from coal-producing fuels through the liquefaction of coal; the possibility had been recalled at the height of the energy crisis. As rapporteur for the Committee on Energy, Research and Technology, Mr *Burgbacher* (C-D/D) called for further development of this process because all the Community countries depended heavily on crude oil. Mr *Burgbacher*

<sup>1</sup> Bull. EC 3-1976, point 2206.

was convinced that coal would still be a major source of energy in the Community for the foreseeable future.

In the Resolution, the House urged financial support for research and development projects in coal liquefaction and for manufacturing light fuels from residual oils. The Commission should incorporate Parliament's suggestions in its future energy policy proposals. It should encourage coordinated cooperation with the industries in this sector to ensure optimum success.

### Protection of the environment

(8 April)

2412. The President of the Council, Mr *Berchem*, confirmed that the Council was determined to implement the Community's environment programme.

He was replying to a question from Mr *Bertrand* (C-D/D), Mr *Jahn* (C-D/D), Mr *Härzschel* (C-D/D), Mr *Lücker* (C-D/D), Mr *Memmel* (C-D/D) and Mr *Schwörer* (C-D/D) who asked why the experts, called in by the Council to appraise the Commission's proposed programme for the environment, were meeting only twice a month instead of four times. It was emphasized that the Community's environment policy, whether the government experts were prepared to collaborate or not, must be advanced without delays.

### Fisheries

#### *The Community and the International Conference on the Law of the Sea*

(8 April)

2413. Mr *Gibbons* (DEP/IRL) asked the Council and Commission about the Community standpoint in connection with the International Conference on the Law of the Sea, convened in New

York on 15 March. For the Council, President *Berchem* explained that this had not yet been finally established. Preliminary work and coordination between the Member States was now going on in New York. Mr *Brunner* described the Commission's view of the negotiations. The objective was for the Community as a whole to accede to the Convention on the Law of the Sea. If 200-mile zones were established, losses incurred must be borne on a Community basis, meaning that countries with less fishermen would have to show solidarity.

#### *The Faeroes*

(9 April)

2414. The non-Community customs treatment applied by the United Kingdom to imports of fishery products from The Faeroes (a self-governing community within the Kingdom of Denmark) is to be discontinued. Parliament endorsed the Commission's proposal.

### Agriculture

#### *Private storage for protein products rejected*

(6 April)

2415. Parliament rejected the Commission's proposal concerning aid for private storage of protein-rich products (soya, oil-cake). The Commission's measures were intended to counter any undesirable effects on imports of similar products which could result from the Council's decision to use skimmed-milk powder as cattle food.

The Committee on Agriculture held that the costs of such action were not justified, and that it would only serve to reassure soya exporters in non-Community countries, particularly in the USA, and Community producers who had to buy milk powder.

**Development aid**

(9 April)

*Sugar supplies for Palestinian refugees*

2416. Parliament approved the annual supply of 6 153 tonnes of sugar to the United Nations relief organization for Palestinian refugees (UNRWA) for the years 1975/76, 1976/77 and 1977/78 under the agreements with the Agency.

*Community participation in the International Fund for Agricultural Development**Dismay over the Council's attitude*

2417. Parliament expressed its dismay that the Council was still unable to agree on the matter of Community participation in the International Fund for Agricultural Development. The United States and the OPEC countries had already promised to do so. The House insisted on a Community decision by May at the latest.

*Supplies of skimmed-milk powder as food aid*

2418. Parliament felt that the 55 000 tonnes of skimmed-milk powder to be supplied under the EEC's 1976 food aid programme to the neediest countries in Asia, Africa, Latin America and to international organizations were not enough. It urged that the aid be increased to 200 000 tonnes, which the Council had also recommended in principle, so that the requests of the relief organizations (World Food Programme, Red Cross, UNICEF, UNRWA) could be met more fully.

**Finance***Parliament insists on its budgetary rights in respect of European specialist institutes*

(6 April)

2419. In connection with the financial provisions for the European Centre for the Develop-

ment of Vocational Training and the European Foundation for the Improvement of Living and Working Conditions, Parliament confirmed the inviolability of its budgetary authority. It insisted that the Commission should put relevant amendments into these financial provisions. Both institutes operated independently and enjoyed the most extensive legal capacity accorded to legal persons, but their financial resources came out of the Community budget. With its proposed amendments Parliament wanted to ensure that special technical activities of the institutes could not be removed from supervision by the budgetary authority (Council and Parliament).

**Protecting the rights of the individual against technical progress in automatic data-processing**  
(8 April)

2420. In an inter-group Resolution motion, Parliament called for greater protection of the rights of the individual citizen in connection with the collection of information by modern data-processing techniques as the basis for preparing Community legislation.

**Question Time**

(7 April)

2421. In Question Time questions were answered on the following topics: defence of the Community, EEC-China trade negotiations, combating terrorism, standstill of the common transport policy, freedom of establishment for architects, the Channel tunnel, the common policy for mutton and lamb, transport policy in sparsely populated regions, functions of embassies, the Commission's investigation of IBM, Community relief teams for natural disasters, payments by American aircraft companies to persons in the EEC, a foreign affairs secretariat, students' fees and freedom of movement, rent for the Berlaymont building in Brussels, operations of the Regional Fund, Rhodesia and South Africa, discrimination

against Irish-bred horses, uniform landing rights and the quality of wheat for breadmaking.

### Corrigendum

2422. Bulletin 2-1976, point 2418 should read:

Parliament approved an amended Commission proposal for a Directive to facilitate the effective exercise by lawyers of freedom to provide services.<sup>1</sup> The purpose of the amendments is to adapt the Commission's initial proposal presented in 1969 and approved by Parliament in 1972 to new rulings given by the Court of Justice<sup>2</sup> and to incorporate the legal provisions of the new Member States.

## Council

The European Council met in Luxembourg on 1 and 2 April. The Council held five meetings on general matters, agriculture, cooperation and development and social affairs.

### European Council (Luxembourg, 1 and 2 April)

2423. *President:* Mr Thorn, President of the Luxembourg Government.

*From the Commission:* Mr Ortoli, President, Mr Haferkamp, Vice-President.

*Economic, monetary and social situation:* The European Council asked the Council (Ministers of Economic and Financial Affairs) to examine the Commission's Communication on economic and monetary action<sup>3</sup> and to take the appropriate decisions or, if need be, report to the next meeting of the European Council. The European Council found that the Member States' governments should respect a certain discipline concerning money supply, budget deficits, production costs,

including incomes, and payment balances in order to attain a high degree of convergence of economic policies.

*Election of Parliament by direct universal suffrage:* The European Council confirmed the conclusions reached at its last meeting, particularly in respect of the date of the first election. The outstanding problems were reviewed but no decision was reached on the complement of the House.<sup>4</sup>

*European Union:* The European Council tentatively discussed the Tindemans Report.<sup>5</sup>

*Tribute to Jean Monnet:* The European Council passed a Resolution conferring the title of Honorary Citizen of Europe on Jean Monnet.<sup>6</sup>

*Rhodesia:* A declaration was issued on Rhodesia.<sup>7</sup>

*Lomé Convention:* The European Council adopted a declaration emphasizing the importance of the Lomé Convention,<sup>8</sup> which came into force on 1 April.

The discussions also touched on the situation in the countries bordering the Community, in particular developments in Spain, the position in southern Africa, conditions in the Lebanon and action to be taken on the Conference on Security and Cooperation in Europe.

As no concrete decisions had been forthcoming, the meeting of the European Council was generally considered disappointing by the public. The atmosphere of failure which was evident at the end of the meeting and which Mr Thorn did not attempt to hide stemmed above all from the fact that no decision had been taken on the specific issue of the number of seats for the directly el-

<sup>1</sup> OJ C 213 of 17.9.1975.

<sup>2</sup> The Reyners and Van Binsbergen cases; Bull. EC 6-1974, point 2477 and 12-1974, point 2443.

<sup>3</sup> Point 2204.

<sup>4</sup> Point 2501.

<sup>5</sup> Point 2504.

<sup>6</sup> Bull. EC 3-1976, Introductory Chapter.

<sup>7</sup> Point 2508.

<sup>8</sup> Point 2338.

ected European Parliament, even though ample preparations had been made. It would, however, be wrong to say that the Heads of Government left Luxembourg disappointed or frustrated. Hope for the future still remains and the European Council confirmed its role as a unique meeting place for the highest political authorities in the Community to discuss matters freely in the presence of the Commission.<sup>1</sup>

**389th meeting — General matters**  
(Luxembourg, 5 and 6 April)

*2424. President: Mr Thorn, Luxembourg Minister of Foreign Affairs.*

*From the Commission: Mr Ortoli, President, Mr Haferkamp, Mr Scarascia Mugnozza, Vice-Presidents, Mr Cheysson, Mr Lardinois, Mr Borschette, Members.*

*General survey of budgetary problems in connection with general Community policy:* In accordance with the directive from the European Council, the Council, attended by the Foreign Ministers and the Finance Ministers, surveyed budgetary problems in connection with general Community policy.<sup>2</sup>

*Southern Africa:* After a statement by the Commission, the Council discussed Community aid and Member States' bilateral aid to southern Africa. The objective is to contribute towards economic and political stability in that region.<sup>3</sup>

*200-mile economic fishing zones:* The Council discussed the problems for Community fisheries posed by the 200-mile economic zones. It took a hard look at the provisions in the Convention now being prepared within the framework of the Conference on the Law of the Sea, with a view to Community competences on this issue.

*Tropical products:* The Council determined the Community offer relating to tropical products under the GATT multilateral trade negotiations.<sup>4</sup>

*Mediterranean policy:* The Council approved the results of the negotiations successfully conducted by the Commission with the three Maghreb countries—Algeria, Morocco and Tunisia—for the conclusion of comprehensive cooperation agreements.<sup>5</sup>

*Portugal:* The Council endorsed the supplementary directives enabling the Commission to carry on the negotiations with Portugal to develop the cooperation established by the 1972 Agreements.<sup>6</sup>

*Export credit:* The Council briefly discussed questions involving the harmonization of export credit terms.

On the departure of Mr *Giorgio Bombassei Frascani de Vettor*, Italy's Permanent Representative to the European Communities, the Council paid tribute to his work over many years for the European cause.

**390th meeting — Agriculture**  
(Luxembourg, 5 and 6 April)

*2425. President: Mr Hamilius, Luxembourg Minister of Agriculture.*

*From the Commission: Mr Lardinois, Member.*

*Agricultural prices:* The Council discussed technical aspects of the implementation of the decisions taken at the meeting of 2 to 6 March, fixing the prices for certain farm products and certain related measures.<sup>7</sup>

*Budgetary and financial implications of applying monetary compensatory amounts:* The Council took note of a Commission statement concerning its estimates of common agricultural policy expenditure in 1976, made in the light of the Council

<sup>1</sup> See also Mr Thorn's statement to the European Parliament on the results of the European Council, point 2402.

<sup>2</sup> Point 2447.

<sup>3</sup> Point 2339.

<sup>4</sup> Point 2304.

<sup>5</sup> Point 2332.

<sup>6</sup> Point 2336.

<sup>7</sup> Point 2242.



decisions on farm prices and related measures for 1976/77, recent market developments and exchange rate movements.

*Wine:* The Council signified its agreement on the amendment of the Regulation laying down general rules for the description and presentation of wines and grape musts. It also took note of statements by certain delegations and the Commission concerning conditions on the alcohol market.<sup>1</sup>

*Fisheries:* The Council briefly discussed in general terms the problems arising in the fisheries sector, particularly with regard to improving support mechanisms.<sup>2</sup>

*Potatoes:* It was decided to extend total suspension of autonomous CCT duties for new potatoes and ware potatoes.<sup>3</sup>

*Common wheat:* The Council approved the transfer of 100 000 tonnes of common wheat from the French to the Italian intervention agency.<sup>4</sup>

*Structural policy:* The Council formally adopted the Decision on the level of the interest rate subsidy provided for by the Directive on modernizing farms to be applied in Italy.<sup>5</sup>

The other points discussed by the Council were sugar, eggs and poultry, mutton and lamb, malt exports, New Zealand butter and preserved tomatoes.

### 391st meeting — Cooperation and development (Luxembourg, 8 April)

2426. *President:* Mr Thorn, Luxembourg Minister of Foreign Affairs.

*From the Commission:* Mr Cheysson, Member.

*North-South dialogue:* The Council discussed a number of subjects relating to cooperation and development arising from the forthcoming meeting of the CIEC and the fourth session of UNC-TAD in Nairobi.<sup>6</sup>

*Community contribution to IFAD:* The Council was still unable to reach unanimous agreement on the principle of Community participation in the International Fund for Agricultural Development.

*Harmonizing and coordinating cooperation and development policies within the Community:* The Council broadly discussed the implementation of the Resolution of 16 July 1974 to harmonize and coordinate cooperation and development policies within the Community.<sup>6</sup>

*Emergency aid for Mozambique:* It was decided to grant emergency aid of 70 000 u.a. for Mozambique, recently devastated by a natural disaster.<sup>7</sup>

The Council also considered financial and technical assistance for non-associated developing countries and food aid, including the multiannual programming.

### 392nd meeting — Social affairs (Luxembourg, 30 April)

2427. *President:* Mr Berg, Luxembourg Minister of Labour and Social Security.

*From the Commission:* Dr Hillery, Vice-President.

*Employment and the unemployed:* The Council broadly discussed the situation and prospects as regards employment and the unemployed in the Community as a whole and in the individual Member States.<sup>8</sup>

*World Tripartite Conference:* The Council discussed the position to be adopted at the World Tripartite Conference on employment, income distribution, social progress and international division

<sup>1</sup> Point 2251.

<sup>2</sup> Point 2253.

<sup>3</sup> Point 2252.

<sup>4</sup> Point 2248.

<sup>5</sup> Point 2254.

<sup>6</sup> Point 2315.

<sup>7</sup> Point 2318.

<sup>8</sup> Point 2213.

of labour, organized under the aegis of the International Labour Office.<sup>1</sup>

*European social budget:* The Council agreed to the preparation of the second European social budget on the guidelines adopted by the Commission.<sup>1</sup>

*Social security for migrant workers:* The Council adopted the Regulation amending Regulations EEC 1408/71 and 574/72 on application of social security schemes to employed persons and their families moving within the Community.<sup>1</sup>

*Survey of the earnings of agricultural workers:* The Council adopted the Regulation on the organization of a survey of the earnings of permanent farmworkers.<sup>1</sup>

### 393rd meeting — Agriculture (Luxembourg, 29 April)

2428. *President:* Mr Hamilius, Luxembourg Minister of Agriculture.

*From the Commission:* Mr Lardinois, Member.

*Agri-monetary matters:* At this special emergency meeting, the Council dealt in detail with various problems in operating the agricultural policy caused by the monetary situation. A new rate of exchange was fixed for the lira in agriculture.

The Council also noted that the monetary compensatory amounts hitherto applied by Italy and the United Kingdom to imports from other Member States will henceforth be granted by the exporting countries.<sup>2</sup>

*Potatoes:* The Council agreed the total suspension of CCT duties for new potatoes.<sup>3</sup>

*Common wheat:* The Council agreed to transfer immediately to the Italian intervention agency 200 000 tonnes of common wheat held by the intervention agencies of the other Member States. This is in addition to the transfers of 100 000 tonnes previously approved by the Council.<sup>4</sup>

## Commission

### Activities

2429. The Commission held three meetings in April. The main items dealt with were the depreciation of the lira and the pound and the effects on the common agricultural policy, the economic and monetary situation in the Community, the trend of employment and preparations for the session of UNCTAD.

*Financing the common agricultural policy:* The Commission spent a good deal of time discussing agricultural matters. The depreciation of the lira and the pound is creating a difficult situation for the EAGGF; compensatory amounts for the United Kingdom, Ireland and Italy are now running at about 20 % and for certain products are as high as 28 %. Additional EAGGF expenditure resulting from the depreciation of the lira and the pound since the beginning of the year could, if no action is taken, run to some 500 million u.a.

Faced with these difficulties, the Commission called a special meeting of the Council of Agriculture Ministers and proposed a package of measures consisting mainly in devaluing the green lira (which means an increase in Italian farm prices expressed in lire) and making the system of monetary compensatory amounts more flexible, thus reducing the size of the payments for the countries where the exchange rate differentials are the widest. The Commission's aim is to cut additional EAGGF expenditure by half.<sup>2</sup>

*Economic and monetary situation:* The Commission noted the positive guidelines worked out at the meeting of Finance Ministers on 26 April and particularly the general determination of the gov-

<sup>1</sup> Point 2213.

<sup>2</sup> Point 2243.

<sup>3</sup> Point 2252.

<sup>4</sup> Points 2248 and 2425.

ernments to bring their economic policies more closely into line. Here the Commission intends to pick out certain priority sectors, in line with the ideas expressed by the Heads of Government (for instance, the principles to be applied for the 1977 national budgets) and in May draw up detailed action proposals which will be put to the Council (Ministers of Economic and Financial Affairs).

*Common rules for the accounts of groups of companies:* The Commission adopted a proposal for a Directive laying down common rules for group accounts. Under this Directive, groups, which notably include multinational companies, would have to publish comprehensive information so that the true situation of the group itself can be assessed.<sup>1</sup>

*National guarantees against rises in costs:* The Commission adopted a proposal to abolish national schemes providing guarantees against cost increases for exports to non-Community countries. At the moment these schemes exist only in France, the United Kingdom and Italy.

*UNCTAD IV:* In preparing for the Nairobi Conference the Commission discussed a number of major topics on which the Community should be able to put constructive and negotiable proposals to the developing countries. They concern commodities, the problem of debts and the transfer of technology.

#### Relations with workers' and employers' organizations

2430. In April various meetings were organized for workers' and employers' organizations. The topics were:

(i) vocational training, with the Fédération européenne du bâtiment et du bois dans le CEE (European Federation for Building and Timber in the EEC), which had drawn up an action programme;

(ii) employment of women, with the European Trade Union Confederation (ETUC) which had

drawn up a resolution on the subject;

(iii) the freight haulage market, again with the ETUC;

(iv) unemployment among young people, working conditions and trade union rights with the Comité syndical européen des enseignants (European Teachers Trade Union Committee), which prepared working papers on these subjects.

## Court of Justice

### New cases

*Case 33/76* — (1) Rewe-Zentralfinanz AG, Cologne and (2) Rewe-Zentral AG, Cologne, v Landwirtschaftskammer für das Saarland, Saarbrücken

2431. Following Cases 39/73<sup>2</sup> and 4/75<sup>3</sup> in which the Court ruled that administrative charges for health inspections of imported fruit were illegal, certain German importers attempted to recover the charges in question, regardless of the fact that the administrative acts under which they had been levied, could no longer be challenged.

In dealing with one of these cases, the Federal Administrative Court referred the following very controversial matter to the Court of Justice on 6 April for a preliminary ruling: If a Member State fails to comply with the prohibition on charges of equivalent effect, may a private individual, on the basis of Community law, request the retraction of the national administrative act or at least a refund of the sum improperly obtained from him, even where according to national law the administrative act has become final owing to the fact that it has not been challenged within the time prescribed? The Federal Administrative

<sup>1</sup> Point 2108.

<sup>2</sup> Bull. EC 10-1973, point 2445.

<sup>3</sup> Bull. EC 7/8-1975, point 2446.

Court also wishes to know whether the right to a refund may extend to payment of interest.

*Case 34/76 — Commission official v Commission*

2432. Following Case 126/75<sup>1</sup> for the annulment of the Commission's implied decision rejecting his request for reinstatement after taking leave on personal grounds, a Commission official brought a further action before the Court of Justice on 21 April to annul all appointments made by the Commission to Grade A4 or career bracket A5/4 between 8 April 1975 and the date on which the present proceedings were instituted on the ground that such appointments were an infringement of his right to be reinstated.

*Case 35/76 — Dr G. Gomez, Rome, v Ministero delle Finanze italiano*

2433. The Pretura di Susa requested the Court of Justice on 22 April 1976 to give a preliminary ruling on whether a health inspection carried out at the frontier on imported animals for slaughter and butchers' meat constitutes a measure having an effect equivalent to a quantitative restriction and from what date. If so, the court wished to know whether such a health inspection is still justified on grounds of public health<sup>2</sup> in view of the adoption of directives on animal health problems affecting intra-Community trade in bovine animals and swine and fresh meat.<sup>3</sup> If the answer is negative, does a charge for health inspections on imports constitute a charge having an effect equivalent to a customs duty contrary to Article 9 *et seq.* of the EEC Treaty or is it a tax prohibited by Article 95 of the EEC Treaty?

The Court was requested to give preliminary rulings on similar questions in Cases 29/72,<sup>4</sup> 4/75<sup>5</sup> and 87/75.<sup>6</sup>

*Case 36/76 — Amministrazione delle Finanze dello Stato v S.r.l. Foral, Rome*

*Case 37/76 — Amministrazione delle Finanze dello Stato v SpA D & C*

2434. The Supreme Court of Cassation (Corte suprema di cassazione) requested the Court of Justice on 26 April for two preliminary rulings on the interpretation of Regulations 84/66 amending the nomenclature of certain pork products,<sup>7</sup> and 85/63 on the fixing of sluice-gate prices and supplementary amounts, and laying down transitional provisions in respect of cuts, preparations and preserves of pork<sup>8</sup> in so far as they determine the levy on sausages (heading No ex 16.01 of the Common Customs Tariff).

*Case 38/76 — Industriemetal LUMA GmbH, Düsseldorf, v Hauptzollamt, Duisburg*

2435. The Düsseldorf Finance Court asked the Court of Justice on 30 April for a preliminary ruling on the interpretation of the Common Customs Tariff concerning, in particular, products covered by heading No 73.02 (ferro-alloys) read together with note 1(c) to Chapter 73.

## Judgments

*Case 29/75 — Kaukhof Aktiengesellschaft, Cologne, v Commission*

2436. On 17 March 1975 a German chain-store organization applied to the Court of Justice for annulment of the Commission Decision of 20 January 1975 authorizing the Federal Republic of Germany not to apply Community treatment to preparations and preserves of beans in pod, falling within subheading No 20.02 ex G of the

<sup>1</sup> Bull. EC 12-1975, point 2430.

<sup>2</sup> Article 36 of the EEC Treaty.

<sup>3</sup> OJ 121 of 29.7.1964.

<sup>4</sup> Bull. EC 12-1972, Part Two, point 156.

<sup>5</sup> Bull. EC 7/8-1975, point 2446.

<sup>6</sup> Bull. EC 2-1976, point 2444.

<sup>7</sup> OJ 119 of 30.6.1966.

<sup>8</sup> OJ 123 of 9.8.1963.

Common Customs Tariff, originating in the People's Republic of China, and in free circulation in the other Member States,<sup>1</sup> to the extent that it applied to goods in respect of which applications for import licences had been submitted to the German authorities when the decision entered into force.

In its Judgment of 6 April the Court held that the action was well founded.

*Case 34/75 — Sirdar Ltd of Bective Mills, Alverthorpe, Wakefield, v Commission*

2437. By its decision of 5 March 1975, under the procedure laid down in Article 15(6) of Regulation 17<sup>2</sup> (first Regulation implementing Articles 85 and 86 of the EEC Treaty), the Commission had informed the applicant and Mulliez, a French firm, that after initial examination it considered that the agreement on trademarks concluded by the two undertakings came within the scope of Article 85(1) of the Treaty.

On 28 March 1975 the Court of Justice received an application for annulment of the decision on grounds of non-compliance with the procedural rules laid down in Regulations 17<sup>2</sup> and 99/63<sup>3</sup> on the hearings provided for in Article 19(1) and (2) of Regulation 17.

On 7 April the Court ordered the case to be removed from the Court record.

*Case 43/75 — Miss G. Defrenne, Ganshoren, v SA Sabena, Brussels*

2438. The Brussels Labour Court, dealing with a case involving discrimination between male and female flying personnel employed by Sabena, asked the Court of Justice on 2 May 1975 for a preliminary ruling on whether Article 119 of the EEC Treaty (the principle that men and women should receive equal pay for equal work) was directly applicable, and if so, from what date.

By its judgment of 8 April the Court held that this provision had been directly applicable from 1

January 1962 in the case of the original Member States of the EEC and from 1 January 1973 in the case of the new Member States. The Court pointed out, however, that the various effects of Article 119 could not be invoked retrospectively except where proceedings had already been instituted.

*Case 48/75 — The Procureur du Roi, Liège, v Mr J. Royer, Lisieux*

2439. A French national was convicted in the Belgian Courts and deported from Belgium on grounds of being an illegal immigrant. He returned to Belgium and was again deported on the grounds that his presence was considered a hazard to public policy and that he had not complied with the registration formalities required by the Belgian authorities.

The Liège Court of first instance requested the Court of Justice on 29 May 1975 for a preliminary ruling on whether such deportation was in conformity with Community law, and in particular with the provisions on the free movement of persons, i.e., Articles 48, 53, 56 and 62 of the EEC Treaty and Directive 64/221 on the coordination of special measures concerning the movement and residence of foreign nationals which are justified on the grounds of public policy, public security or public health<sup>4</sup> and Regulation (EEC) No 1612/68 on freedom of movement for workers within the Community.<sup>5</sup>

In its Judgment of 8 April the Court ruled that a national of a Member State is entitled to enter the territory of another Member State and remain there irrespective of whether any residence permit is issued by the host State. Mere failure to comply with formalities does not in itself constitute behaviour threatening public policy and pub-

<sup>1</sup> OJ L 23 of 30.1.1975.

<sup>2</sup> OJ 13 of 21.3.1962.

<sup>3</sup> OJ 127 of 20.8.1963.

<sup>4</sup> OJ 56 of 4.4.1964.

<sup>5</sup> OJ L 257 of 19.10.1968.

lic security and is incapable, alone, of justifying deportation or temporary detention which can be implemented, save in a justified emergency, only after the person concerned has been able to exhaust all the remedies available to him under Articles 8 and 9 of the above directive.

*Case 106/75* — Firma Merkur Aussenhandel GmbH, Hamburg, v Hauptzollamt Hamburg-Jonas

2440. In dealing with an action concerning the grant of export refunds and monetary compensatory amounts in respect of exports of cereals, the Hamburg Finance Court asked the Court of Justice on 3 October 1975 for a number of preliminary rulings. They concerned in particular the delimitation of tariff headings Nos 11.02 EI(a) 1 (rolled barley grains) and 11.02 EI(b) 1 (flaked barley grains) and whether the refunds and monetary compensatory amounts are payable where the exported product differs from that shown on the export licence.

In its Judgment of 8 April the Court gave a ruling on the above tariff headings and replied in the affirmative to the second question stating that where on the date in question no refund rate is fixed for the product actually exported, no entitlement to a refund accrues.

*Case 112/75* — Direction générale de la Sécurité sociale, Nancy, v (1) Mr A. Hirardin, Mont-Saint-Martin, and (2) Caisse régionale d'assurance maladie du Nord-Est, Nancy

2441. In dealing with an action concerning the recognition, for pension purposes, of the wage-earning activities of a Belgian national in Algeria before independence, the Cour d'Appel of Nancy asked the Court of Justice on 25 November 1975 for a preliminary ruling whether the French decree<sup>1</sup> of 4 September 1962 laying down the conditions to be fulfilled by aliens in order to qualify for the same benefits as French nationals (e.g., proof of devotion to France) is compatible with

Regulation No 3<sup>2</sup> on social security for migrant workers, and in particular with Articles 2, 3, 8 and 12 thereof.

Confirming its Judgment in Case 6/75,<sup>3</sup> the Court, in its Judgment of 8 April, held that the principle of equality of treatment for workers, embodied in Articles 48 to 51 of the EEC Treaty, implies that provisions of national law whereby a worker resident in France and who is a national of another Member State is denied the benefits accorded to French nationals with regard to recognition, for the purpose of calculating an old-age pension of periods of insurance completed in Algeria are not effective against such a worker.

*Case 27/76 R* — (1) United Brands Company, Boston, and (2) United Brands Continental BV, Rotterdam, v Commission

2442. In an action to annul a Commission decision imposing a fine on an American firm for abuse of a dominant position, the Court was requested for a stay of execution in respect of certain provisions of the decision.

The Court granted the stay of execution by Order of 5 April.

## European Investment Bank

### Loans issued

2443. The European Investment Bank has placed an issue of seven-year notes for 75 million (Euro) guilders through an international banking syndicate.

The notes, which carry an 8% coupon, payable annually, were issued at 99.75%. They are reimbursable at par on 15 April 1983.

<sup>1</sup> OJ of the Republic of France, p. 8678.

<sup>2</sup> OJ 30 of 16.12.1958.

<sup>3</sup> Bull. EC 6-1975, point 2444.

## Loans granted

### *United Kingdom*

2444. A loan equivalent to £17.3 million (29.4 million units of account) has been granted to the British Gas Corporation by the European Investment Bank to help finance a pipeline across southern England which will carry North Sea natural gas towards the south-west.

The loan is for eight years at an interest rate of 9% and it brings to £85.1 million the total finance provided by the EIB for major gas transmission projects in the United Kingdom.

The new pipeline — to be known as the 'Southern Feeder' — will deliver natural gas from the southern sector of the North Sea which is landed at east coast terminals. It will run over 320 km from Wisbech in Cambridgeshire, passing near Oxford and Southampton, to Dorset, where it will link up with the existing system.

2445. The Bank has granted a loan equivalent to £11.6 million (19.7 million units of account) to the British Railways Board to help finance construction of the prototype Advanced Passenger Trains, a revolutionary design of train capable of running at speeds of up to 250 kph on existing track. The loan is for eight years at an interest rate of 9%.

Several years of research and the thorough testing of an experimental train have gone into the design of the APT project, which represents a breakthrough in the concept of high speed rail travel.

While high speed trains normally depend on the costly laying of new track which eliminates severe curves, the Advanced Passenger Train does not require this thanks to its suspension system developed by British Rail engineers.

This gives not only high speeds but low energy consumption and running costs, very little noise and, through an associated system which tilts carriages inwards on bends, high passenger comfort.

The first three APTs will be electric.

They will be brought into passenger service in 1978 on the west coast main line between London and Glasgow.

The initial cost of the three trains — in the region of £25 million — is considerable because it includes the cost of setting up a production line, the preparation of thousands of production drawings and maintenance facilities.

### *Portugal*

2446. Two loans totalling 50 million units of account have been granted as the first instalment of the exceptional emergency aid of 150 million u.a. offered to Portugal by the EEC in the form of long-term credit from the EIB.

Drawn from the Bank's own resources, the loans benefit from a 3% rebate paid directly from the Community budget, which brings the interest rate down in each case from 9.5%, the Bank's present rate for loans of over eight years, to a net rate of 6.5%.

A loan of 35 million u.a. has been granted for fifteen years to the Companhia portuguesa de electricidade (CPE), the country's main electricity enterprise. It will be used to help finance construction of a new thermal power station near Setubal, plus the erection of 400 kV transmission lines linking it, via transformer stations, to the existing grid, and also a continuation of these lines to the border to interconnect with the Spanish 400 kV transmission network, which in turn joins up with the rest of the European system. The power station will be oil-fired, with two 250 MW turbine generators, and it should start to come on stream in 1978. The interconnection with the Spanish transmission system will give the Companhia portuguesa de electricidade extra security of supplies in the event of any serious breakdowns in domestic production facilities. The project will cost the equivalent of around 185 million u.a. It forms part of a much larger programme of invest-

ments in power supplies; works already under way or which are due to be started within the next two years are designed to add a further 3 000 MW to the country's generating capacity. A high priority is given to these investments by the Portuguese Government which expects electricity consumption in the country to almost double over the next decade.

The second loan, 15 million u.a., has been granted for eleven years to Banco de Fomento Nacional, the Portuguese development bank. It takes the form of a 'global' loan from which allocations will be made, with the EIB's approval in each case, to help finance small and medium-scale industrial and also tourism projects. A major part of industrial employment depends on a successful small business sector.

## Financing Community activities

### Joint Council meeting

2447. The first joint Council meeting (Ministers of Foreign Affairs and Ministers of Finance) requested by the Heads of Government<sup>1</sup> was held in Luxembourg on 5 April.

At the close of the meeting, the President drew up the following summary of some of the proceedings, which broadly reflects the lines taken during the discussions. However, these conclusions were not formally adopted by the Council.

#### President's conclusions

1. In conjunction with the Commission the Council undertook an overall assessment of budgetary problems in the context of general Community policy.

2. This examination should be regarded as a general guideline and is without prejudice to Article 203 of the EEC Treaty which lays down a number of rules and delineates the respective

spheres of responsibility of the various Community institutions.

3. The Council expressed the desire to achieve a more consistent relationship between:

- (i) Community policies on both internal development and foreign commitments,
- (ii) and their transposition into budgetary terms.

4. On account of its economic and social position, the need to preserve an equitable balance between progress on internal development and on foreign policy commitments, together with budgetary and economic restrictions in the Member States, the Community was constrained to make its own budgetary policy subject to criteria of strict consistency and judicious selection of priority measures.

5. The Community institutions would in particular endeavour to bring their financial efforts to bear on measures which:

- (i) might best contribute to the achievement of Community integration objectives and in particular to reducing the divergences between the economies of the Member States;
- (ii) by implementation at Community rather than national level might replace or complement national budgetary efforts in the interests of economy and efficiency;
- (iii) involved efforts going further than national measures alone could do;
- (iv) contributed to the adaptation of structures on a scale greater than that appertaining in the individual Member States.

The outcome of these efforts should be to produce a better balanced utilization of the total resources made available to the Community.

6. In the present economic state of affairs the Community, like the Member States, must apply a policy of strict budgetary discipline.

<sup>1</sup> Bull. EC 11-1975, point 1104.



It is accordingly of the essence that increases in all operational expenditure should be strictly in line with those of the national budget average. The choice to be made with regard to new measures or to the extension of existing measures must take into account the relevant priorities and the objectives referred to above.

7. In agriculture, the institutions should be concerned with efficiency and budgetary economy.

In accordance with the conclusions of the stock-taking of the common agricultural policy, the Council reaffirms its desire to bring this expenditure under control and to give most careful consideration to the cost of all new measures, taking as a basis the financial estimates which the Commission includes with its proposals.

The Council would also like to see periodic reviews of the agricultural estimates, on the Commission's initiative.

8. The Council agrees that structural aid mechanisms under the Community budget — particularly the Social Fund, the Regional Fund and the EAGGF Guidance Section — should be used in coordination with one another, in order to reduce the disparities between the various regions of the Community and to encourage a closer alignment of the economies of the Member States.

9. The Council noted the prime importance, in the present economic situation, of the need to strengthen social and regional projects and took due note of the intentions expressed by the Commission, with particular reference to measures to encourage the employment of young people.

10. The Council noted the Commission's intention of proposing a number of new research, energy and industrial projects.

Some of these projects are, moreover, of a priority nature for the coming financial year.

11. Once it has received the European Parliament's Opinion, the Council will examine the

Commission proposal for setting up a European Export Bank. Without prejudice to the outcome of this examination, it does not consider it necessary to earmark an amount for this purpose in the 1977 Budget.

12. The Council confirms the importance which the Community attaches to the development of cooperation with the countries with which it has concluded, or is currently negotiating, special agreements.

It will ensure the optimum use of the various types of financial and technical cooperation, taking into account the provisions laid down by the Board of Governors of the EIB.

The Council noted that the EIB's new external commitments<sup>1</sup> would not exceed 800 million u.a. by the end of the decade.

As for the budgetary aspects, the Council has set the overall total of appropriations to be earmarked for financial and technical cooperation with these countries at... It will, as soon as possible, finalize directives for negotiations which are currently under way or envisaged.

Budgetary charges other than those accounted for by the Bank's operations will appear in the Community Budget and will be expressed exclusively in ECU.

13. Pursuant to the Resolution of 16 July 1974 endorsing the principle of Community financial and technical aid to non-associated developing countries, an appropriation has been entered for this purpose in the 1976 Budget.

The Council has taken note of the Commission's intention of proposing an increase in these appropriations for 1977.

14. Token entry: Possible contribution to the IFAD.

<sup>1</sup> With regard to: Greece, Turkey, Portugal, Yugoslavia, Arab Republic of Egypt, Syria, Lebanon, Jordan, Israel and Cyprus.

15. The Council expressed a favourable opinion on maintaining the food aid programme at its present level [at least].

16. The Council invites the Permanent Representatives Committee to expedite work in preparation for the approval of the Directive providing for the standardization of the basis for assessing VAT. Bearing in mind the priority aim of the implementation of the own resources system in full, the Council will take a decision in sufficient time for this system to become fully operational as from 1 January 1978.

17. The Council agrees that it is vital for all aspects of the Community's activities that the EUA be introduced as soon as possible. It will be applicable to the Community budget for the 1978 financial year at the latest. The Commission is called upon to submit the necessary proposals and recommendations forthwith.

18. The financial mechanism, the principle of which was decided upon by the European Council at its meeting in Dublin on 9 and 10 March 1975, will be adopted by the Council at its next meeting.

### General budget for 1977

#### *Establishing the maximum rate of increase in non-compulsory expenditure*

2448. The Treaties<sup>1</sup> provide that the Commission, after consulting the Economic Policy Committee, must fix each year the maximum rate of increase in total non-compulsory expenditure in relation to expenditure of the same type for the current financial year.

In a Decision adopted on 14 April the Commission established a maximum rate of increase in non-compulsory expenditure of 17.3 % for the 1977 budget. This is the arithmetic mean of the growth of Community gross domestic product in money terms in 1975 (+11.3 %) and the increase in the budgets of the Member States (+23.3 %).

### ECSC loans

2449. In April the Commission floated a \$175 million public issue on the American capital market comprising \$75 million of eight-year notes and \$100 million of twenty-year bonds.

The notes were issued at 99.50 % and carry an interest rate of 8.625 % and the bonds were issued at 99 % and carry an interest rate of 9 %.

Application has been made to list the notes and the bonds on the New York Stock Exchange.

This issue brings the total of loans contracted by the ECSC as at 30 April to the equivalent of 3 573.3 million European units of account.

<sup>1</sup> Article 78(8) of the ECSC Treaty, Article 203(8) of the EEC Treaty.

# 5. Institutional questions — European policy

## Election of the European Parliament by direct universal suffrage

2501. The European Council, meeting in Luxembourg on 1 and 2 April, devoted much of its proceedings to the problem of the election of the European Parliament by direct universal suffrage. The Heads of State or Government confirmed the conclusions they reached at their last meeting in December 1975<sup>1</sup> and that the elections would be held for the first time in May-June 1978.

The European Council agreed that polling should take place over a weekend, meaning between Thursday morning and Sunday evening; the count will not start until Sunday night. This solution was adopted to respect the different national traditions; while the continental countries generally vote on a Sunday, polling day in the United Kingdom is traditionally a Thursday.

Regarding the British and Danish reservations concerning participation in the first elections in 1978, Mr Wilson, without making a formal commitment, declared that the British Government would do all it could to ensure that the British members of the European Parliament were elected on the same date as their Community colleagues. The Danish Prime Minister, Mr Jørgensen, said he would ask the Folketing to ratify the choice of the date for the first elections. The Danish Government stipulated, however, that the Folketing might designate the Danish representatives in the European Parliament in 1978, with the understanding that the country would elect its representatives by direct universal suffrage in the second elections.

As regards Parliament's title, the European Council agreed not to change the title of 'Assembly' which appears in the Treaties, but confirmed the current usage whereby this institution is called 'European Parliament'.

The European Council did not find an answer to the question—referred to it by the Council (Min-

isters of Foreign Affairs)<sup>2</sup>—of Parliament's complement of seats and how the seats were to be allocated between the Member States. No agreement could be reached on any of the proposals put forward<sup>3</sup> or on the compromise proposed by the French President, Mr Giscard d'Estaing, which would have retained the present complement and seat allocation. The European Council therefore referred the matter to the Council of Foreign Ministers requesting them to try and reach an agreement. Otherwise the European Council would take a decision at its July meeting.

2502. Parliament did not hide its disappointment over the outcome. The Bureau took a position on 5 April in the following statement handed to the Council the following day by a Parliamentary delegation:

'The European Parliament had firmly hoped that in spite of the various technical problems anticipated in different countries, a final decision would be taken at the European Council in Luxembourg on the election of the European Parliament by direct universal suffrage with regard to the outstanding questions, and in particular the allocation of seats among the Member States.

Our reasons for this hope were threefold:

1. The European Council is fully familiar with the problems involved; it has stated its position on several occasions and has already decided unanimously in favour of holding elections by direct universal suffrage in 1978.
2. The proposal put forward by the European Parliament (Patijn report) provided a basis for discussion which everyone considered reasonable and which could of course be adapted if necessary.
3. The European Council had to pronounce on the three main items on the agenda if it was not

<sup>1</sup> Bull. EC 11-1975, point 1104.

<sup>2</sup> Bull. EC 3-1976, point 2426.

<sup>3</sup> Bull. EC 3-1976, point 2405 and Table 7.

to seriously compromise its own credibility, which had hitherto remained intact.

The fact that it nevertheless did fail is extremely serious.

1. Its failure to reach a final decision on direct elections calls into question the institutional development laid down in the Treaties, accepted by all the Member States and supported by an overwhelming majority of the peoples of Europe.
2. The fact that the issue involved, though extremely important, is purely institutional and not directly affected by considerations of national competition calls further into question the European Council's ability to provide a solution to the other difficult economic, monetary and social problems which it is having to face as a result of the current crisis.
3. Ultimately therefore doubt is cast even on the ability of the European Council to effectively fulfil its mandate, namely to devote itself to the major problems which the ordinary Councils of Ministers prove unable to solve.

If this impression were confirmed, the conclusion would be that, in spite of the political stature and the greater independence of its members, the European Council, meeting more frequently, will experience the same difficulties as the ordinary Councils of Ministers and the structural weaknesses will eventually prevail over the qualities of these individuals.

In conclusion, the European Council, meeting in Luxembourg, in spite of the gallant efforts of its President, Mr Gaston Thorn, and the political eminence of its members, will leave the European Parliament and the peoples of Europe with nothing but a feeling of profound disappointment.

They call upon the Council of Foreign Ministers, which has been instructed to deal with the remaining differences of opinion, to make every effort to settle as soon as possible the outstanding problems in the hope that the European Council

itself will take this to heart and, at the July Summit, succeed in rekindling our hopes.<sup>1</sup>

2503. The results of the meeting of the European Council were also the subject of a major debate in the House during the sitting of 7 April.<sup>1</sup>

At the close, the following Resolution was adopted concerning the election of Parliament by direct universal suffrage:

'The European Parliament,

— recalling the draft Convention on elections by direct universal suffrage to the European Parliament which it adopted on 14 January 1975,<sup>2</sup>

— recalling the resolution on direct elections to the European Parliament which it adopted on 11 March 1976,<sup>3</sup>

— recalling that at its meeting of 10 December 1974, the European Council itself decided that elections by direct universal suffrage should be held in 1978,

1. Regrets the failure of the European Council to respond to its resolution of 11 March 1976, which called upon it to take on 1 and 2 April 1976 the final decision to hold direct elections on the basis of the draft convention;

2. Nevertheless welcomes the decision of the European Council to confirm that elections by direct universal suffrage should be held in May or June 1978;

3. Emphasizes strongly its opinion that the final decision on the draft convention should now be taken in the shortest possible time in order to enable suitable arrangements to be made in Member States for elections to be held in May or June 1978;

4. Affirms its opinion that the principles adopted in the draft convention as the basis for determining the number and distribution of seats re-

<sup>1</sup> For the debate, see point 2402.

<sup>2</sup> OJ C 32 of 11.2.1975.

<sup>3</sup> OJ C 79 of 5.4.1976.

main valid and strongly urges the Council of Ministers to base their decision upon them;

5. Urges that, in view of the delay in arriving at a decision on the draft convention, the European Parliament should now be consulted under the concertation procedure as discussions in the Council of Ministers proceed.'

## European Union

2504. At the meeting of the European Council in Luxembourg on 1 and 2 April, the Heads of Government held a preliminary exchange of views on the report by the Belgian Prime Minister, Mr *Tindemans*, concerning European Union.<sup>1</sup> After the meeting, the President of the Council, Mr *Thorn*, told the press that not one delegation had criticized either the substance or the approach of the Tindemans Report; in point of fact everyone had appreciated its realism.

The Foreign Ministers and the Commission were asked to consider the report in detail and prepare the decisions which the European Council will have to take before the end of 1976. They were instructed to draw up practical proposals for all possible decisions which might be taken by the European Council, assuming that the Foreign Ministers themselves are unable to take the decisions. The European Council agreed unanimously to complete the examination of the Tindemans report by the end of 1976 at the latest.

On the appointment of the next President of the Commission, Mr *Thorn* confirmed that the formula proposed in the Tindemans report had been warmly received in the European Council. Mr *Tindemans* had proposed that the appointment should be made by the European Council at its second meeting in 1976; the person chosen would then be presented to the European Parliament and would participate with the Member States in appointing the other Members of the Commission.

## Political cooperation

2505. The matters dealt with in April in the political cooperation context had mainly to do with the problems arising in South Africa and the cooperation of the Nine within the United Nations.

## Euro-Arab dialogue

2506. The Euro-Arab dialogue was also discussed on a number of occasions by the Heads of Political Departments and Ministers in preparation for the first meeting of the General Commission of the Euro-Arab dialogue, scheduled for 18 to 20 May in Luxembourg. Several working parties are preparing the positions of the Nine, work in which the Commission is taking an active part.

2507. At the sitting of 7 April, the European Parliament adopted the following Resolution on the *present state of the Euro-Arab dialogue*.<sup>2</sup>

'The European Parliament,

— convinced that constructive cooperation between the European Community and the Arab world is in the interests of both sides inasmuch as peace—particularly in the Middle East—can thereby be brought about and steadily consolidated,

— in view of the exchange of views conducted thus far within the framework of the Euro-Arab dialogue and its proposed continuation at the higher political level of the "General Commission",

1. Notes with satisfaction that the participants in the Euro-Arab dialogue have succeeded, at the preparatory technical stage, in setting up the or-

<sup>1</sup> Supplement 1/76 — Bull. EC.

<sup>2</sup> For the debate, see point 2406.

ganizational infrastructure needed if the dialogue is to be fashioned into an instrument for cooperation and the balancing of interests;

2. Hopes that the continued dialogue will now usher in negotiations producing concrete and well-balanced results in the fields of finance, agriculture and industry, technology and energy and cultural affairs;

3. Affirms that the success of the dialogue depends on a solution being found to the political problems which will permit an effective contribution to peace, allowing all the States of the Middle East—including the State of Israel—to live within secure frontiers recognized by all parties;

4. Hopes that in the context of the Euro-Arab dialogue particular attention will be paid to the principle of non-discrimination and that actual or threatened boycott measures will not be tolerated;

5. Calls upon the European Community organs engaged in the Euro-Arab dialogue to ensure that the principles and content of the common commercial policy of the European Communities and the existing formulations of a common overall Mediterranean policy are not watered down but, rather, strengthened.'

The Nine vigorously support the objectives laid down by the British Government on 22 March and the efforts it is making to achieve them.

They appeal solemnly to the Rhodesian minority, which at present is opposing a system of majority rule, to accept a rapid and peaceful transition to such a system.

They confirm that they will continue to apply strictly the Security Council decisions concerning Rhodesia.'

## Declaration by the European Council on Rhodesia

2508. Meeting in Luxembourg on 1 and 2 April, the European Council adopted the following declaration on Rhodesia:

'The Nine countries of the European Community reaffirm the principles set out in the ministerial statement of 23 February 1976<sup>1</sup> and in particular the right of the Rhodesian people to self-determination and independence. They therefore deplore the fact that recent events have made a peaceful transfer of power to the majority more difficult in Rhodesia.

<sup>1</sup> Bull. EC 2-1976, point 2502.



**3<sub>RD</sub> PART**

**DOCUMENTATION**





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*Bildung und Ausbildung Sozialstatistik  
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