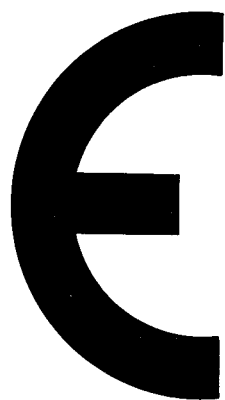


Bulletin

OF THE EUROPEAN COMMUNITIES

Commission

A large, bold, black stylized letter 'E' logo, which is the symbol for the European Communities. It is positioned on the left side of the cover.

No 9 1983

Volume 16

The Bulletin of the European Communities reports on the activities of the Commission and the other Community institutions. It is edited by the Secretariat-General of the Commission (rue de la Loi 200, B-1049 Brussels) and published eleven times a year (one issue covers July and August) in the official Community languages Spanish and Portuguese.

Reproduction is authorized provided the source is acknowledged.

The following reference system is used: the first digit indicates the part number, the second digit the chapter number and the subsequent digit or digits the point number. Citations should therefore read as follows: Bull. EC 1-1979, point 1.1.3 or 2.2.36.

Supplements to the Bulletin are published in a separate series at irregular intervals. They contain official Commission material (e.g. communications to the Council, programmes, reports and proposals). The Supplements do not appear in Spanish and Portuguese.



Bulletin

OF THE EUROPEAN COMMUNITIES

ECSC — EEC — EAEC
Commission of the European Communities
Secretariat-General
Brussels

No 9
1983
Volume 16

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PART ONE

SPECIAL FEATURES

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

ECU = European currency unit

BFR = Belgische frank / Franc belge

DKR = Dansk krone

DM = Deutsche Mark

DR = Greek drachma

FF = Franc français

HFL = Nederlandse gulden (Hollandse florijn)

IRL = Irish pound / punt

LFR = Franc luxembourgeois

LIT = Lira italiana

UKL = Pound sterling

USD = United States dollar

1. Parliament's resolution on the preliminary draft Treaty establishing the European Union

1.1.1. On 14 September Parliament adopted by a large majority the resolution concerning the substance of the preliminary draft Treaty establishing the European union.¹

The inspiration behind the resolution was Mr Altiero Spinelli and the members of the 'Crocodile Club'. In his concern at the shortcomings of the Community's existing institutional structure, Mr Spinelli wrote a letter in June 1980 to all the Members of Parliament. In it he asked whether Parliament ought not, when faced with the institutional difficulties whose outcome could determine the Community's future, to take on a leading and driving role. To this end, he proposed the creation of an *ad hoc* working party on the necessary institutional reforms.

On 9 July 1980 nine Members of Parliament from varying political groups and of differing nationalities met in the 'Crocodile' restaurant in Strasbourg. They agreed to set up an informal working party.

On 19 November 1980 the 'Crocodile Club' tabled a motion for a resolution recommending that Parliament set up an *ad hoc* working party with the task of preparing proposals for institutional reform which Parliament felt it was its duty to submit in view of the legitimacy conferred on it by its direct and democratic election by the peoples of the Community.

The motion for a resolution was signed by 179 Members of Parliament.

After its major institutional debate in July 1981,² Parliament decided that, for the second half of its term of office, it would set up a Standing Committee on Institutional Affairs.

The newly formed Committee met for the first time on 27 and 28 January 1982. Mr Ferri (*Soc/I*) was elected Chairman. Mr Spinelli (*Com/I*) was elected coordinating rapporteur for all work on the European Union. The Committee also appointed six rapporteurs for the various chapters of the draft Treaty: Mr De Gucht (*Lib/B*) on

legal structure, Mr Moreau (*Soc/F*) on the economy, Mr Pfennig (*EEP/D*) on policy for society, Mr Prag (*ED/UK*) on international relations, Mr Junot (*EPD/F*), who was replaced after his resignation from Parliament by Mr Seeler (*Soc/D*), on finances and Mr Zecchino (*EPP/I*) on the institutions.

The first document produced by the Committee was a white paper containing all the texts relating to the Community institutions from 1950 to 1982.

In June 1982 the Committee submitted to Parliament a report setting out the initial guidelines for the reform of the Treaties and the achievement of the European Union. This report was debated and adopted by Parliament at its July 1982 part-session.³

In the light of these guidelines, the Committee on Institutional Affairs presented a report concerning the substance of the preliminary draft Treaty establishing the European Union. The debate on this report lasted two days.⁴ The resolution was passed by 202 votes in favour and 37 against, with 71 abstentions.

On the basis of this resolution, the Committee on Institutional Affairs, with the aid of a panel of legal experts,⁵ is drawing up the preliminary draft Treaty, which it intends to present to Parliament at its February 1984 part-session.

The text of the resolution and extracts from the speech by Mr Thorn, President of the Commission, are given below.

¹ OJ C 277, 17.10.1983.

² Bull. EC 7/8-1981, points 2.3.4 to 2.3.9.

³ Bull. EC 7/8-1982, point 2.4.3.

⁴ Points 2.4.8 and 2.4.9.

⁵ Comprising Professors Capotorti (Rome, former Advocate-General of the Court of Justice of the European Communities), Jacobs (London), Jacqué (Strasbourg) and Hilf (Bielefeld).

Text of the resolution

1.1.2. 'In a world of change and crisis it is becoming increasingly essential for the European Community to assert its identity:

- (i) so that it can make its voice heard between the two great powers, the USSR and the USA,
- (ii) so that it constitutes a transforming force in the unequal and explosive relations that currently exist between North and South,
- (iii) so that it constitutes an original political, economic and social model of democracy in which its citizens can develop fully.

The forthcoming decisions to be taken by the Community, the prospects of a revival foreseen through the reform of certain existing Community policies and the implementation of new policies represent the best means of tackling these objectives in the immediate future.

The draft Treaty outlined below thus constitutes an institutional basis on which to implement those policies.

- Conscious of the growing mutual interdependence of the nations of Western Europe, both among themselves and in their relations with the rest of the world,
- aware of the world's susceptibility to economic, social and political crises much more profound and long-casting than those of the period in which the Communities began,
- deeply conscious of the continuing threat to world peace and security,
- deeply perturbed at the damage to the environment which is assuming alarming proportions,
- convinced that many of the problems which arise are too great and their effects too widespread to be solved by uncoordinated efforts of individual nations,
- aware of the great economic, political and security advantages of progress towards economic and political union,

1. Instructs its Committee on Institutional Affairs to draw up and submit for its approval before the end of 1983 a preliminary draft Treaty establishing the European Union (hereinafter referred to as "the Treaty") on the basis of the following principles and guidelines:

Preamble

2. The European Union shall be constituted between the Member States of the European Communities.

3. The aim of the Union shall be to help its peoples to develop the solidarity which binds them and to retain their historical identity, their dignity and their freedom within the framework of freely-accepted common laws and institutions whose aim is progress and peace.

4. The citizens of the Member States shall also be citizens of the Union. They shall take part in the political life of the Union in the forms laid down by the Treaty, enjoy the rights granted by the Union and be subject to its laws as to their own national laws.

5. The territory of the Union shall consist of the territories of the Member States as defined in the Treaties, conventions and protocols establishing the European Communities, including the maritime, submarine and air space, account being taken of obligations under international law.

6. Being the continuation of the work to unite the democratic nations of Europe, of which the European Communities, the European Monetary System, European Political Cooperation and other related organs represent the first achievements, the Union shall be based on:

- the acceptance of the positive results of their experiences;
- the awareness of their limitations and inadequacies;
- the desire to bring coherence into these various achievements;
- the re-defining of common objectives and the means of attaining them;
- the need for more democratic and more efficient institutions.

7. The evolutionary nature of European unification already provided for in the preambles to the Community Treaties requires a flexible and gradual approach, laid down in the Treaty, which will provide for transitional periods and ensure that all further development will be based on the consent of its citizens and the Member States.

8. The Union and its Member States consider the underlying principles of European society to be pluralist democracy, the rule of law, freedom, the exercise and protection of fundamental civil, economic, social and political rights, the preservation of the natural bases of life and cultural values, the fulfilment of resulting obligations, and the principle of resolving international disputes through the intermediary of international organizations and negotiations; respect for these principles is necessary for the existence of the Union and for membership thereof.

9. *Civil and political rights:* The Union and the Member States undertake to protect the dignity of

the individual and to respect and grant to any person coming within their jurisdiction the rights and freedoms that shall be contained in the Treaty and those stemming from the common principles embodied in the Constitutions of the Member States, the European Convention for the Protection of Human Rights and Fundamental Freedoms.

10. *Economic, social and cultural rights:* The Union and the Member States undertake to maintain and develop, within the limits of their respective competences, the rights and principles that shall be contained in the Treaty and those stemming from the Constitutions of the Member States, the European Social Charter.

11. During the first five years of its existence, the union shall take a decision on the ratification of the abovementioned Convention, Charter and Covenants.

12. The aim of the Union shall be to contribute, according to the principle of subsidiarity:

- towards the stable economic development of its peoples, without discrimination between nationals and undertakings of the Member States, by strengthening the capacity of its Member States, its citizens and their undertakings to adapt their structures and activities to present-day economic change;
- towards the elaboration and carrying out of the structural and conjunctural policies of the union with the aim of achieving, together with balanced expansion throughout the union, the progressive removal of the existing disequilibria between the various areas and regions;
- towards putting the Member States into a position where they can respond jointly and in solidarity to the technological, financial, monetary and other challenges with which they are all confronted;
- towards promoting the human and harmonious development of society by endeavouring to attain full employment, roughly comparable living conditions in all the regions, and a high level of social justice, to achieve ecologically acceptable relations with the environment and to support and strengthen the scientific and cultural development of its peoples;
- towards the harmonious and equitable development of all the peoples of the world to enable them to escape from under-development and hunger and to exercise their full political, economic and social rights;
- towards promoting, by its international action, security, peace, cooperation, disarmament and freedom of movement for people and ideas;

- towards enabling local and regional authorities to participate—in an appropriate manner—in the unification of Europe;
- towards the measures necessary to create and develop a European public spirit;

13. Any democratic European State may become a member of the Union; the details of accession shall be set out in a treaty between the Union and the applicant country.

The legal structure of the Union

14. To achieve these objectives, the Union shall act either by common action or by cooperation between the Member States. The Treaty shall set out the fields within which each method applies and their implementing procedures.

These fields may be widened by the procedures laid down in the Treaty, but any extension of cooperation may not encroach on the fields covered by common action.

15. The Union shall only act to undertake those tasks which can be executed more effectively in common than by the Member States acting separately, or those whose execution requires a contribution from the Union because their dimension or effects extend beyond national frontiers (principle of subsidiarity).

16. The institutions of the Union shall be as follows:

- the European Parliament,
- the Council of the Union,
- the Commission,
- the Court of Justice,
- the European Council.

17. Where the Union acts within the context of cooperation, decisions shall be taken by the European Council; they shall be implemented by the Member States.

18. Where the Union takes common action, it shall adopt laws, implementing regulations, executive decisions and judicial acts and conclude international treaties.

Acts arising from common action shall be directly applicable and binding upon the citizens and their Member States as soon as they have been published or notified by the institutions of the Union.

19. In the fields of Union competence, the law of the Union shall take precedence over that of the Member States; national courts must apply the law of the Union.

20. In certain fields specified by the Treaty, the institutions of the Union shall have sole power to act (exclusive competence). In these fields, national authorities may not legislate, or may only do so within the limits of framework-laws of the Union. Until the Union has legislated, national regulations shall continue to apply as laws of the Union.

In certain other fields, also specified by the Treaty, the latter shall recognize that the Union has a competence, but the Member States shall continue to act so long as the Union has not taken action (concurrent competence). A law which initiates common action in a field where the Union has hitherto not taken action must be approved by a qualified majority of each branch of the legislative authority.

Some sectors, specified in the Treaty and administered in accordance with the method of cooperation between the Member States, shall be acknowledged as capable of becoming the subject of common action. In such cases, the European Council, with the consent of the European Parliament by a simple majority, shall have power to decide to introduce a concurrent or exclusive competence of the Union (potential competence).

21. The Treaty establishing the Union,¹ as well as those parts of the Treaties establishing the Communities² which have not been modified by the Treaty and which concern the objectives and the institutions of the Communities, may only be amended by the procedure for revising the Treaty.

The measures which, although included in the Treaties, only deal with the achievement of these objectives, may only be amended by the procedure of organic laws.

The regulations, directives, decisions and jurisprudence of the European Communities, together with the decisions taken in the context of the European Monetary System and European Political Cooperation, shall be binding as laws, implementing regulations, decisions or jurisprudence of the Union and shall remain in force until such time as they have been amended by laws, regulations, decisions or jurisprudence of the Union.

22. The law shall lay down the framework, principles and objectives of common action by the Union and, where necessary, further details while respecting its general nature; as far as possible, it shall leave room for decentralized decisions and participation.

Budgetary laws shall lay down in detail the annual revenue and expenditure of the Union.

Organic laws shall, where stipulated by the Treaty, lay down the organization of the institutions and other organs of the Union, having regard to the powers and competences accorded to them.

Laws shall be adopted in compliance with the Treaty. The adoption of organic laws shall require approval by a qualified majority.

Priority for framework legislation over comprehensive legislation

Wherever possible, the Union should enact framework legislation which leaves the national legislative authority room for manoeuvre when taking a decision on content, rather than legislation which covers every possible eventuality.

23. The regulations and decisions required in order to implement the Treaty and the laws duly adopted under paragraph 22 above shall be determined by the Commission, in accordance with the criteria and limits laid down in the law. They must, however, be formally notified to the legislative authority.

24. The law of the Union shall be directly applicable in the Member States; without prejudice to the executive powers conferred on the Commission, national, regional and local authorities shall be responsible for implementing it. The Commission shall oversee this implementation. An organic law shall govern the extent and nature of this supervision.

25. A law of the Union may provide that its entry into force shall be linked to transitional periods which shall be limited in time and accompanied by appropriate measures.

The Union may also establish specific transitional measures or periods to cope with individual problems faced by certain Member States, regions or undertakings; however, such specific measures may be designed solely to facilitate the subsequent application of the law in the State, region or undertaking in question.

The Union and the Member States shall cooperate in good faith in the implementation of the law of the Union and its administrative execution. The organs of the Union and the Member States shall guarantee the proper application of the law in its entirety.

Obligation of the organs of the Union to respect the law and the Treaties

The organs of the Union shall be obliged to respect the law and the Treaties.

¹ The word 'Treaty' means the Treaty establishing the European Union and all the Conventions and Protocols annexed thereto.

² The word 'Treaties' means the Treaties establishing the three Communities and the Conventions and Protocols annexed thereto, as well as the other Treaties relating to the Communities.

Respect of diversity in unity

In the implementation of the law of the Union, the institutions of the Union shall be guided by the principle that matters which are essentially different must be dealt with according to their individual features.

Distribution of tasks

The traditional distribution of tasks shall be maintained for the implementation of the law of the Union. Its application is principally a matter for the Member States. Its application shall involve the individual citizen as closely as possible.

Where the Union acts in an administrative capacity, the Commission shall act on its behalf.

The Union must ensure that, wherever possible, the hearing of those concerned by its measures is encouraged and extended. This is particularly true in the case of decisions by the competent authorities concerning investment using the financial resources of the Union (EAGGF, Regional Fund, Social Fund, etc.).

The principle that those directly affected should be heard must apply:

- (i) wherever the Union itself acts in an administrative capacity,
- (ii) in all appropriate cases where the Union issues binding provisions to national or subordinate authorities for its administrative action in connection with the implementation of the law of the Union.

As a basic principle, hearings should be made accessible to pressure groups concerned and the general public. National or conventional administrative boundaries shall be ignored when the effect of measures is determined.

26. in the case of serious and persistent infringement of democratic principles or fundamental rights—established by the Court of Justice at the request of the Parliament or of the Commission—the European Council, on receiving the endorsement of the legislative and executive bodies, shall take measures:

- (i) suspending the application of part or the whole of the Treaty mechanisms to the State in question and its nationals;
- (ii) which may go as far as suspending participation in the institutions of the Union by the State in question and its nationals who are members of the institutions of the Union.

27. The same procedure may apply in cases of serious and persistent infringement of the provisions of the Treaty.

28. In addition to the development of the law of the Union based on the Treaty and common action

of the Union, the latter, in accordance with the method of cooperation, shall proceed with the harmonization of national legislation with a view to forming a homogeneous judicial area within the Union.

The Commission and the Parliament may submit recommendations along these lines to the European Council.

The development of European citizenship beyond the Treaty and the fight against international forms of crime including terrorism shall in particular be the subject of cooperation within the framework of the European Council.

The economy

29. Starting from the Community patrimony and experience in the economic field deriving from the three Treaties establishing the European Communities, the Union shall have, in particular, the tasks, competences and powers set out below.

Internal market

30. The Union shall have exclusive competence to achieve, safeguard and extend the free movement of persons, services, goods and capital within its territory.

31. This liberalization process, based on the Community patrimony, shall take place according to detailed and binding programmes and timetables drawn up by the legislative authority after consultation of the Economic and Social Committee; the Commission shall be empowered independently to adopt the rules for implementing these programmes.

For persons and goods, free movement shall be completed at the latest within two years of the entry into force of this Treaty; this shall include the complete abolition of checks on passenger transport at the internal frontiers of the Community. The free movement of services, including banking and all forms of insurance, shall be completed over a transitional period of 5 years and that of capital gradually over a transitional period of 10 years.

Competition

32. The Union shall have exclusive competence as regards competition policy to complete, safeguard and extend the competition policy laid down in the Treaties and the action taken pursuant thereto.

However:

(a) The Commission's power to authorize concentrations of undertakings pursuant to Article 66 of the ECSC Treaty may be extended by law to other sectors of an oligopolistic nature;

(b) the competition policy of the Union shall take account of the need to strengthen and restructure the Union's economy and industry, particularly with regard to the profound disturbances which may be caused by international competition.

The Union shall have the competences laid down in Articles 85 to 94 of the EEC Treaty and Articles 65 to 67 of the ECSC Treaty for the drawing up and monitoring of rules on competition. This shall include the power to lay a statutory requirement of authorization for concentrations of undertakings.

Equality of opportunity in the field of competition shall prohibit any discrimination between private sector and public undertakings.

The legal framework of undertakings

33. The Union shall harmonize the legal framework of undertakings; it shall adopt by law:

(a) an optional statute for "European undertakings", and

(b) measures to approximate and harmonize national legislation (especially in respect of industrial property and taxation) as required for the proper operation of a common policy.

Conjunctural policy

34. The Union shall have concurrent competence with the Member States in respect of conjunctural policy. It shall, in particular, promote greater coordination between the objectives and measures of the Member States in the economic field, thereby paving the way for the convergence of economic policy within the Union, and also aiming at the progressive reduction of existing disequilibria between the various areas and regions of the Union.

35. The law of the Union shall lay down the criteria on the basis of which the Commission shall define the economic policy guidelines, objectives and, possibly, measures applying to the Member States of the Union, in particular in the budgetary, monetary and credit fields.

36. The Commission shall also be empowered by law to monitor national action to achieve these objectives. The Union may take its monetary, budgetary or financial aid to individual Member States conditional on compliance with the decisions taken under the previous paragraph.

37. A law of the Union may lay down the conditions under which the Commission, in

conjunction with the Member States, shall utilize the budgetary or financial mechanisms of the Union to influence the economic situation.

The European Monetary System

38. The European Monetary System shall be integrated into the institutional and decision-making framework of the Union; all the Member States shall participate, possibly with adjustments to allow for certain special circumstances in accordance with paragraph 25 above.

39. On the basis of existing cooperation in respect of balance of payments and the EMS, the Union shall have concurrent competence with the Member States for the gradual and irreversible achievement of full monetary union.

40. The legislative authority of the Union shall decide on:

(a) the establishment and the statute of the European Monetary Fund, in particular defining the extent of its autonomy necessary to stabilize the value of money, and the forms of its responsibility to the institutions of the Union;

(b) the actual transfer to the European Monetary Fund of part of the reserves of the Member States;

(c) the progressive conversion of the ECU into a reserve and payment currency and its wider use;

(d) the procedures for attaining monetary union in successive stages.

41. The Union shall have concurrent competence for European monetary and credit policies, with the particular objective of coordinating the use of capital market resources by the creation of a European capital market committee and the establishment of a European bank supervisory authority;

42. During the first five years of the Union, the European Council may refer the decisions set out above back to the legislative authority for fresh consideration or block them.

Financial mechanisms

43. On a proposal from the Commission, the legislative authority shall rationalize, expand and, where appropriate, amend the financial mechanisms and instruments required for its economic policy. Overall political control of these mechanisms and instruments shall be exercised by the legislative authority of the Union, and accounting control by the Court of Auditors.

Sectoral policies

44. Where harmonization of the general framework of economic activity seems inadequate to

meet the particular need for the organization, coordination or development of specific sectors, the Union shall carry out policies appropriate to the special circumstances in those areas, notably to promote decisions concerning investment and innovation by undertakings subject to competition and by establishing reliable framework conditions in this area. In such cases, the legislative and financial competence of the Union shall be concurrent with that of the Member States.

45. The sectors concerned are in particular:

- agriculture and fisheries,
- transport,
- telecommunications,
- research and development,
- industry,
- energy.

Agriculture and fisheries

46. In the field of agriculture and fisheries, the Union shall have concurrent competence which has already been exercised to some degree under the common agricultural policy pursued to date in the Community.

The objectives of the common agricultural policy as set out in Article 39 of the EEC Treaty shall be embodied in the Treaty as objectives of the Union.

The other articles of the EEC Treaty concerning agriculture and fisheries, and regulations adopted pursuant to those articles, shall become laws and implementing regulations of the Union but may be amended in accordance with paragraphs 21 and 22 above.

Transport

47. The Union shall pursue a global policy in the various sectors of the transport sector (road, rail, inland waterways, shipping and air) in order, through the harmonious development of the transport system, to contribute as far as possible to the intergration of the Member States. In so doing, it shall endeavour to ensure the optimum operation of the economy, guarantee the social security of workers, ensure the rational use of energy and safeguard the environment.

In the transport field the Union shall exercise concurrent competence. On the basis of joint action, the Union shall:

- (i) end all forms of discrimination in the carriage of goods and persons between Member States;
- (ii) harmonize the basic terms of competition between the various modes of transport;
- (iii) dismantle obstacles to transfrontier traffic;

(iv) develop the capacity of transport routes so as to make the transport network commensurate with European needs;

(v) take any other measure it sees fit if the above goals can thereby be reached more readily than by measures taken by the individual Member States.

Telecommunications

48. The Union shall have concurrent competence in respect of telecommunications which it shall exercise in particular, under the principle of subsidiarity, in respect of advanced technology sectors, research and development and public procurement policy.

It shall take common action to produce, over as short a period as possible, a telecommunications network with common standards (including in particular harmonization of tariffs, technical standards and costs).

In areas not covered by common action by the Union, the Member States shall pursue an active cooperation policy.

Research and development

49. Starting from the Community patrimony, and to prevent the overlapping of programmes, the employment of large numbers of staff and, consequently, the squandering of material resources and dispersion of intellects, the Union shall have concurrent competence in the entire field of research and development. It may coordinate and direct national activities on the basis of common strategies, encourage cooperation between undertakings, provide financial assistance for projects of common interest and itself undertake research in Union establishments.

In this context, the Union may establish, in particular, mechanisms for "development-contracts", contribute to the financing of appropriate operations and thereby take over part of the risk.

The European Council may confer on the Union certain competences in the field of space.

Industry

50. The legislative authority of the Union shall be able to request the Commission to draw up industrial development strategies as guidelines for coordinating policies and actions by the Member States in certain industries of particular significance to the economic and political security of the Union.

It shall consult the Economic and Social Committee about these strategies.

51. The Commission shall act in particular by:
- (i) recommendations addressed to the undertakings, Member States and local authorities involved,
 - (ii) cooperation schemes submitted to the European Council,
 - (iii) action of a legislative or financial nature on the basis of decisions taken by the legislative authority.

52. To this end, the Commission shall submit to the legislative authority periodic overall reports on these problems and how to approach them.

Energy

53. The competences of the ECSC and EAEC in respect of energy shall be assumed by the Union. The articles of these Treaties and the regulations adopted in pursuance of them shall become the laws and implementing regulations of the Union and may be amended only by legislation and regulations adopted by the Union.

54. The Union shall have concurrent competence with the Member States in respect of overall energy policy in order to guarantee all its citizens:

- (i) security of supplies,
- (ii) stability of the market within the Union by means of stockpiles which may be drawn on without discrimination in cases of need,
- (iii) a harmonized pricing policy—where prices are regulated in one form or another—compatible with fair competitive practices;
- (iv) a sustained research effort to reduce the cost of energy, to promote exploitation of available resources and to develop alternative and renewable energy sources,
- (v) the establishment of common technical standards of efficiency, safety and environmental control,
- (vi) reasonable and effective encouragement and support of European sources of energy, as far as possible without causing costs to rise.

Other forms of cooperation

55. The Union shall leave open the possibility for European or international ventures undertaken by certain Member States outside the legal framework of the Treaty (for example, Ariane, Airbus, CERN, etc.) where such action does not replace a competence of the Union; if the common interest and the principle of subsidiarity justify it, these ventures may be subsequently integrated in a common policy of the Union.

56. In certain special sectors where combined and exclusive action by the Union seems desirable,

on a proposal from the Commission, specialized European agencies could be established by the legislative authority which will define and supervise their activities.

Policy for society

57. In order to permit the humane and harmonious development of European society, remove obstacles to individual development and the free movement and integration of its citizens and maintain social consensus, the Union shall pursue an adequate policy for society that builds on Community achievements in the fields of social, regional, educational, cultural, environmental and consumer policies and equal opportunities for women.

Social policy

58. Starting from the Community patrimony, the Union shall exercise concurrent competence in the field policy and health, in matters relating to:

- (i) employment,
- (ii) law on labour and working conditions,
- (iii) equality between men and women,
- (iv) vocational training and further training,
- (v) social security,
- (vi) protection against occupational accidents and diseases,
- (vii) work hygiene,
- (viii) trade union rights and collective negotiations between employers and employees,
- (ix) forms of worker participation in decisions affecting their working life.

59. To fulfil this task, the Union shall in particular have concurrent competence for drawing up rules and effecting expenditure in the following areas:

- to eliminate any discrimination at work and the allocation of social security benefits between employees of the Member States of the Union and their families on grounds of their origin in a different Member State;
- to encourage integration into the legal and social system of the country of residence, where residence is transferred to a different Member State;
- to eliminate any discrimination whatsoever and devise a policy of active support for equal opportunities for men and women;
- to approximate social security and assistance rules drawn up to cover maternity, children's allowances, sickness, disability, old age, unemployment and death.

- to maintain social and pension insurance rights in transfers between Member States;
- to determine the extent of equal treatment for persons from non-Union countries;
- to devise comparable outline conditions for the preservation and creation of jobs and access thereto;
- to promote qualified, practical and work-related vocational training leading to a career, with Union-wide validity of diplomas and qualifications;
- to prevent accidents at work and occupational diseases;
- to approximate the rules governing research into and the manufacture, efficacy and marketing of pharmaceutical products;
- to guard against the risks of addiction;
- to coordinate mutual aid for disasters and epidemics;
- to create outline conditions for the social dialogue and Union-wide wage contracts and collective agreements between employers' and employees' organizations;
- to devise rules for the participation of employees in decisions at work and for the organization of undertakings.

Consumer policy

60. Starting from the Community patrimony, the Union shall exercise concurrent competence in the field of consumer policy.

Its task shall be to provide consumer protection in the common market. This may include Union rules on:

- a) the protection of consumer health and safety;
- b) the protection of consumers' economic interests;
- c) the improvement of the consumers' legal position in the event of damage.

In addition, the Union may promote consumer education, information and consultation at Union level.

Regional policy

61. Starting from the Community patrimony, the Union shall exercise concurrent competence in the field of regional policy.

Its task shall be to reduce the disparity between the various regions and the under-development of less-favoured regions, whilst taking into account national programmes. Its objective shall be a

comprehensive structural policy based on specific investment promotion and infrastructure projects. Appropriate living, working and market conditions shall be created in the less-favoured regions in order to put an end to the concentration of migration towards the traditional industrial centres and to inject new life into the Union's peripheral areas by helping them to assume responsibility for their own development.

The correction and prevention of regional imbalances shall also be included among the priority objectives of all common policies.

62. To this end, the Union shall develop a European framework for regional planning policies and adopt special programmes to promote transfrontier regional cooperation.

63. To promote regional development, it shall draw up its own integrated programmes in collaboration with the people concerned and their representatives at regional, municipal and local level, making funds available as directly as possible to the regions concerned.

64. The Union shall base its regional policy on a concept of additionality determined not solely by quantitative criteria, but also by the development of specific Union policies which, while respecting national public expenditure targets and complementing national public expenditure targets and complementing national regional policies, shall be distinguishable from the latter and shall conform to specific Union objectives.

Environmental policy

65. Starting from the Community patrimony, the Union shall exercise concurrent competences in the field of the environment. Its task shall be to prevent or redress loss or damage which:

- is of the same nature throughout the Union, or
- occurs in more than one Member State, or
- originates or terminates in the Union.

The subject matter and objectives of the Community action programme for the protection of the environment shall also apply to the Union's environmental policy.

Here, the Union shall adopt rules for the preventive protection of the environment. The Union shall also have the power to ensure the elimination of any damage which may occur and to impose sanctions with the aid of the law of the Union, where possible, on the basis of the "polluter pays" principle.

66. The Union shall take action to safeguard the rational use of existing raw materials and of renewable raw materials and recycling waste.

67. The Union may represent the Member States in international organizations or in connection with international agreements in the field of environmental protection.

68. The Union shall pursue a concurrent policy concerning animal protection insofar as this is necessary throughout the Union for commercial, competitive or moral reasons.

Education and research

69. In the field of education and research, the Union's task shall be:

(a) to create a context that will help inculcate in the public an awareness of the Union's own identity;

(b) to ensure a minimum standard of training creating the opportunity for free choice of career, job or training establishment anywhere in the Union;

(c) to promote scientific research of Union-wide importance

70. To this end, the Union shall have concurrent competence to adopt the following regulations:

(a) the Union-wide validity of diplomas, examination certificates and other qualifications and the equal recognition of school, study and training periods;

(b) to promote the development of common or comparable training programmes through training establishments and in the school and higher education system through the ministries or universities of the Member States;

(c) to promote scientific research of Union-wide importance directly through the Union's own research establishments as well as indirectly.

Cultural policy

71. It shall be the Union's task to strengthen and develop Community action in the cultural sector with all due respect for freedom of expression, pluralism and national values. It may:

- present the development of cultural life within the Union both in the Member States and elsewhere and promote cultural exchanges;

- promote cultural understanding between citizens of the Union;

- use every appropriate means to enable the citizens of the Union to learn and become fluent in at least two languages of member countries other than their own

- improve the situation of persons working in the Union in the cultural sector.

To this end, the Union may cooperate with the Council of Europe and make use of such organs as

the European University Institute and the European Foundation, which shall be within the Union framework. The Union may also promote a European youth exchange programme.

72. The Union may enact rules to approximate the law of copyright and the free movement of cultural goods.

Information policy

73. The Union's task shall be to encourage comprehensive Union-wide exchange of information and access to information for its citizens.

It shall, therefore, have competence to guarantee, through a variety of organizational forms, a comprehensive supply of information and as much competition as possible. Obstacles to the circulation of information throughout the Union must be eliminated by means of appropriate regulations of the Union.

74. The Union may promote cooperation between radio and television companies for the purpose of Union-wide programmes.

75. The detailed description of the tasks of the Union given most frequently as a guide in Articles 29 to 74 shall be neither fixed nor restrictive. It shall be finalized in the draft Treaty referred to in Article 1.

International relations of the Union

Principles and objectives

76. The Union shall direct its efforts in international relations towards the achievement of peace through the peaceful settlement of conflicts, respect for human rights, détente, the deterrence of aggression, the mutual, balanced and verifiable reduction of military forces and armaments, the raising of living standards in the Third World and the expansion and improvement of international economic and monetary relations in general and trade in particular, as well as the strengthening of international organization.

To this end, the Union shall assume responsibilities:

- in matters, policies and areas in which all or several of the Member States of the Union have a clear, direct interest;

- in fields where the Member States acting individually cannot act as effectively as the Union acting jointly;

- in fields where a common external policy is necessary in order for the Union to pursue its internal policy objectives;

- in fields where a Union policy or Union action would effectively supplement foreign policies carried out within the competence of the Member States.

77. The Union's external policy shall be guided by the following principles:

- (i) awareness of the deadly danger of war, and the overriding need to avoid conflicts wherever they may threaten and to resolve those conflicts which arise;
- (ii) awareness also of the need for the Union to be able to safeguard effectively its legitimate interests;
- (iii) recognition of the close connection between the economic and political aspects of external policy, and in particular of the dangers of protectionism;
- (iv) recognition of its close political and economic interdependence and involvement with the Third World and of the fact that an effective development policy is not only important for the developing countries but is a safeguard of prosperity for the industrialized world and of peace for the world as a whole;
- (v) recognition that a genuine and lasting peace can be achieved not least through the recognition and attainment of the right of self-determination for those peoples of Europe who do not yet belong to our Community;
- (vi) awareness of the growing need to discuss security issues together and in certain fields to evolve common security views and concepts;
- (vii) acceptance that many aspects of security policy are in the long run inseparable from the rest of external policy;
- (viii) determination that the Union's external policies, in all their aspects, should form a coherent whole;
- (ix) determination that these actions shall be subject to democratic control and supervision;
- (x) determination that the Union's external relations and policies shall provide active support for the attainment of the aims of the UN.

External relations of an economic nature

78. The Union shall have exclusive competence in all those areas in which exclusive competence is allotted to the European Communities under the existing Treaties.

79. In the areas of export credit policies and the negotiation of trade and cooperation agreements in which the exclusive competence provided for in the existing Treaties has not been implemented, these competences shall be assumed progressively over a period of not more than five years

according to procedures and time limits established by the legislative authority on a proposal from the Commission.

80. Development policy shall, over a transitional period of 10 years, become subject to a common policy within the framework of which all development aid to, and trade with, developing countries will be dealt with on the basis of the principles and responsibilities set out in paragraphs 76 and 77 above; as long as separate development programmes by the Union and its Member States continue, the Union shall be responsible for coordinating them while respecting existing Treaties, Conventions, and other international legal obligations.

81. The Union shall be responsible for the external policy aspects of common internal policies.

82. In the exercise of its competences in the field of external economic relations, the Union shall be represented by the Commission in its relations with third countries and international organizations; the Commission shall act on behalf of the Union; the Council of the Union may issue guidelines for its actions.

Where the exercise of the Union's competences involves the signature of conventions or agreements with third countries or international organizations, these shall be negotiated and concluded by the Commission on the basis of guidelines furnished by the Council of the Union.

The Commission shall report to the European Parliament before the opening of the negotiations; during the course of negotiations, the Commission shall inform confidentially the appropriate parliamentary committees. Such conventions and agreements shall require ratification by the Council of the Union and the European Parliament by an absolute majority in order to enter into force.

83. The Commission shall include an outline of its policies in this field in the programme it presents to the Parliament.

Diplomatic and political relations

84. •The Union shall also have competence for the political aspects of external relations, It shall deal with them and take whatever decisions may prove necessary through the method of cooperation. It shall ensure consistent and united action by the Member States of the Union in international affairs.

- The European Council, acting unanimously, on a proposal from the Commission, the Council of the Union, the Parliament, or one or more Member States, may transfer a particular matter or matters to the field of common action.

- Where a matter has been made subject to common action, a decision to return it to the method of cooperation or to national competence shall require a unanimous vote of the European Council; however, if the matter is of a transitory nature, obligation to common action shall cease with the end of the matter.

85. The Union shall define common standpoints in international organizations and negotiations in accordance with the principles set out in paragraph 75 above and may decide on specific common action in pursuance of agreed aims;

- it may formulate proposals for resolving conflicts in the world.

86. In matters on which the Union has agreed to follow common action:

- The Council of the Union shall act by an absolute majority. A Member State, in order to defend a vital national interest relevant to the subject under discussion, may request that voting be postponed, giving its reasons, such reasons to be published, and asking that the subject be re-examined in order to take due account of this interest.

- In order to reach agreement on a specific policy or subject, the Council of the Union may exceptionally, and by unanimous vote, grant exemptions from the provisions of such policy or subject to one or more Member States (in accordance with the provisions of paragraph 25 above).

- Agreements and treaties shall be negotiated by the Commission on the basis of a mandate defined by the Council of the Union in accordance with the procedures set out above. They shall be ratified by the Council and the Parliament by an absolute majority. Council and Commission shall report periodically to the Parliament on the progress and prospects of negotiations.

- The Commission shall have the task of carrying out the policies agreed by the Council of the Union and act as spokesman of the Union.

87. In all matters in which the interests of more than one Member State are involved, but where no common action has been introduced, Member States shall cooperate through the European Council and shall consult each other before taking action. However, in cases where immediate action is necessary, a Member State may simply inform the European Council before taking action.

88. In areas subject to cooperation, the European Council may ask its President, the President of the Council of the Union, or the Commission to act as spokesman of the Union.

Security

89. The Union has competence for the political and economic aspects of security.

In addition, the European Council, acting unanimously, may attribute to the Union responsibilities for specific fields of security policy, such as disarmament, arms procurement, sales of arms to third countries, defence policy or any other matter relating to security.

Representation abroad

90. The Commission may, with the approval of the Council of the Union, establish representations in third countries.

They shall be responsible for all matters subject to common action and, in collaboration with the representative of the Member State holding the presidency of the Council of the Union, shall also coordinate the diplomatic activity of the Member States in all fields subject to cooperation.

91. In countries where there is no representation by the Commission, the Union shall be represented, wherever possible, by the representative of the Member State currently holding the presidency of the Council of the Union or else by the representative of another Member State.

The finances of the Union

Principles

92. The Union shall have its own financial system distinct from that of its Member States and managed by its institutions pursuant to the provisions of the Treaty and relevant law.

93. The Union shall use its own revenue to finance responsibilities transferred from the Member States. Where responsibilities are transferred from Member States to the Union, the means required to perform them shall also be transferred, so that in principle the overall financial burden on the taxpayer is not increased.

94. Revenue shall be collected and expenditure effected on the basis of a budget duly approved by the budgetary authority.

95. The Union shall be competent to enact, as far as necessary for the economic integration of the Union, framework laws for fiscal harmonization (concerning, for example, the taxes levied on income, consumption, added value, trading profits, petroleum and on exchange, cheque and stock exchange business).

Resources

96. The finances of the Union at the time when it is established shall be those of the European Communities. The Union shall receive a fixed percentage of the basis for assessing value-added tax, established on the basis of the financial programme provided in paragraph 104 below.

97. The Union may, by organic law, modify existing sources of revenue or create new ones and by law authorize the Commission to issue loans.

98. In principle, the tax authorities of the Member States shall be entrusted with the collection of the Union's revenue; the Union shall pay them compensation in respect thereof. However, the Union may by legislation set up its own revenue-collecting authorities.

99. The revenue collected by the Member States for the Union shall not pass through the national budgets or treasuries but shall be paid direct to the Union as soon as it is collected.

100. In tax documents sent to the public, the amount payable to the Union shall be indicated.

101. An organic law shall introduce into the financial system of the Union a particular form of financial equalization applicable to both revenue and expenditure and designed to alleviate excessive imbalances of economic development between different regions. This financial equalization shall be carried out primarily through the expenditure side of the finances of the Union.

Expenditure

102. The Union shall ensure that its expenditure is effective by means of systematic cost-benefit analyses and periodic revision of the activities and policies which it is pursuing. The Commission shall regularly report on them to the budgetary authority.

103. All expenditure by the Union shall be subject to the same budgetary procedure without distinction between compulsory and non-compulsory expenditure.

104. The expenditure of the Union shall be directly related to policies and common actions, and shall be tailored to precise financial forecasts attached each year to every policy or action as well as to the availability of resources.

Financial programmes

105. After each occasion when Parliament is elected and a new Commission appointed, the Commission shall propose a revision of the distribution of tasks and financing costs between

the Union and the Member States for the legislative period.

106. In this connection, the legislative authority shall adopt a multiannual financial programme containing estimates of revenue and expenditure. The programme shall be revised annually and be used as a guide in the preparation of the budget of the Union.

Budget

107. The Union shall adopt the procedure for the adoption of the budget and the implementing Financial Regulation by organic law.

108. All revenue and expenditure of the institutions of the Union for the financial year (calendar year) shall be consolidated in the budget and shall be subject to a single decision-making procedure. Compensation for receipts and expenditure shall not be admissible. The revenue of the Union shall not be earmarked for specific purposes.

Borrowing and lending operations shall be entered in the budget in a form to be laid down by the Financial Regulation. In the course of any one financial year, borrowing and lending operations shall be permissible up to the level laid down in the budget. In principle, only investment may be financed with borrowed funds. As a general rule, the budgetary authority shall take a decision on any exception to this principle, especially in periods of economic crisis, when it adopts the budget.

109. The budgets of all the institutions of the Union other than the Commission shall include only administrative expenditure. These budgets shall be proposed and managed by each of those institutions.

110. The Commission shall prepare the draft budget and forward it to the budgetary authority.

111. Within the time-limits laid down by the Financial Regulation:

- on first reading the Council of the Union may propose amendments by a simple majority; it shall forward them to the Parliament;
- on first reading the Parliament may modify by an absolute majority the amendments proposed by the Council and adopt other amendments by a simple majority;
- on second reading the Council may amend by a qualified majority the amendments made by the Parliament; it may refer the whole draft budget with the Parliament's amendments back to the Commission and request it to submit a new draft;
- on second reading the Parliament may only reject amendments adopted by the Council by a qualified majority; at the end of this procedure,

the Parliament shall adopt the budget by an absolute majority.

112. The absence of a decision by one of the two branches of the budgetary authority within the time limit laid down by the Financial Regulation is equivalent to its consent to the draft in question.

113. The Commission may oppose amendments made by the Council or the Parliament on first reading. These amendments shall be maintained only if on second reading they are adopted once again by the relevant branch of the budgetary authority by a qualified majority.

If the Commission opposes decisions causing expenditure by the Council or the Parliament outside the annual budgetary procedure, these decisions shall likewise be maintained only if they are adopted once again by the same majority of the relevant branch of the budgetary authority.

114. When the budgetary procedure has been duly completed, the President of Parliament shall declare the budget adopted.

115. If the budget is not adopted within the time limit laid down, the provisional twelfths procedure shall apply, calculated on the basis of the previous year's budget including all supplementary and amending budgets. This arrangement shall end after six months. Thereafter, the Commission shall only effect expenditure required to fulfil the legal or contractual obligations of the Union.

Implementation and control of the budget

116. The Union's budget shall be implemented by the Commission on its own responsibility. It shall be bound by it. The Commission may prepare and the budgetary authority may adopt, in accordance with the procedures laid down in the Financial Regulation, supplementary and amending budgets in the course of the financial year; the Financial Regulation shall also establish the procedures for transfers.

117. Verification of the implementation of the budget shall be the responsibility of the Court of Auditors, acting independently, with powers of investigation laid down by law with regard both to the Union's institutions and organs and to the relevant authorities of the Member States.

118. The Parliament shall grant the Commission a discharge.

Revenue and expenditure account

119. At the conclusion of a financial year, the Commission shall submit the revenue and expenditure account to the budgetary authority. If the financial year should end with a surplus, this

shall be added to revenue for the following financial year or used for the early settlement of borrowings; should the financial year end with a deficit, it and the interest incurred shall be entered as expenditure for the following year.

The institutions of the Union

Basic principles

120. The institutions of the Union shall be based on the following principles concerning their composition and powers:

- participation by the Member States,
- democratic legitimacy,
- separation of powers,
- operational efficiency.

The European Parliament

121. The Parliament shall be elected by direct universal suffrage in a free and secret vote by the citizens of the Union every five years. Its Members shall not be bound by any instructions and shall not receive a binding mandate.

122. The rules governing the election of the Parliament shall be set out in an appropriate organic law.

123. Except where specified in the Treaty, Parliament shall vote by a majority of votes cast, abstentions not counted (simple majority).

Where specified in the Treaty, the Parliament shall vote either:

- (a) by a majority of its Members (absolute majority),
- (b) by a majority of its Members, and of two-thirds of votes cast, abstentions not counted; in the second reading of the budget the two-thirds shall be replaced by three-fifths (qualified majority).

The Parliament shall adopt its own Rules of Procedure by an absolute majority; the Rules of Procedure shall determine the quorum.

The Council of the Union

124. The Council shall consist of representations of Member States. Each representation shall be appointed by the government concerned and chaired by a Minister who is permanently and specifically responsible for Union affairs. Meetings in which the Council is acting as a legislature shall be open to the press and to the public.

125. The votes of the representatives shall be weighted as provided for in the Community Treaties.

126. Except where specified in the Treaty, the Council shall vote by a majority of the weighted votes cast, abstentions not counted (simple majority). Where specified in the Treaty, the Council shall vote either:

- by a majority of the weighted votes cast, abstentions not counted, comprising at least half the representations (absolute majority);
- by a majority of two-thirds of the weighted votes cast, abstentions not counted, comprising a majority of the representations; in the second reading of the budget, the two-thirds shall be replaced by three-fifths (qualified majority);
- unanimity of representations, abstentions not counted.

The Council shall adopt its Rules of Procedure by a majority of representations (one vote per representation).

127. During a transitional period of 10 years, in order to preserve a vital national interest recognized by the Commission and relevant to the subject under discussion, a national representation may ask that the vote be postponed stating its reasons, such reasons to be published, and asking that the subject be re-examined in order to take account of this interest. Within a period of one year after the entry into force of the Treaty, Parliament and the Council shall adopt the procedure to be followed.

Powers of the European Parliament and of the Council of the Union

128. The Parliament shall approve the political programme of the Commission and thereby allow the Commission to take office; it shall supervise the proceedings of the Commission; it shall have the power to adopt by a qualified majority a motion of censure requiring the Members of the Commission to resign.

129. The Parliament shall have the right to conduct inquiries. This right shall be governed by legislation.

130. The Parliament and the Council shall jointly exercise legislative power with the active participation of the Commission. This power shall be exercised in the following manner:

Initiative

1. The Commission shall have the right to present draft laws to the Parliament. The Parliament and the Council shall also enjoy a right

of initiative which can be exercised according to the conditions laid down in the following sub-paragraphs.

2. On a reasoned request of the Parliament or the Council, the Commission shall prepare and present a draft law conforming to this request; it can also decline to do so, giving its reasons.

3. In the case of the Commission declining, the Parliament or the Council may, in accordance with procedures laid down in their own rules, introduce a draft law conforming to their original request. The Commission must express its opinion on the draft.

Role of the Commission

4. Throughout the legislative procedure, the Commission may put forward amendments that must be discussed and voted on in priority. It also has the right to withdraw its own proposals.

First reading

5. All draft laws are forwarded to the Parliament for a first reading. It may by a simple majority (and within a six-month period) amend a draft law, approve it, or refer it back to the Commission with a reasoned opinion inviting the Commission to modify or to withdraw its proposal; in the case of organic laws, the Parliament may either amend them by an absolute majority or approve them by a qualified majority.

6. At the end of the first reading in Parliament, the Commission, whilst retaining the prerogatives foreseen in sub-paragraph (4) above, shall express its opinion on Parliament's draft as a whole; this draft and the opinion of the Commission shall be submitted to the Council.

7. The Council may (within a six-month period):

- (a) approve the draft without amendment, by an absolute majority, or,
- (b) reject it unanimously, or,
- (c) amend it by a simple majority.

In the first two cases the legislative procedure shall be concluded; in the third case, a conciliation procedure shall be opened.

8. However, if the Commission has explicitly given an unfavourable opinion to the draft adopted by Parliament, and also in the case of draft organic laws, the Council may (within a six-month period):

- (a) approve the draft without amendment, by a qualified majority,
- (b) reject it by a qualified majority,
- (c) amend it by a simple majority, or, in the case of organic laws, by an absolute majority.

In the first two cases the legislative procedure shall be concluded; in the third case a conciliation procedure shall be opened.

Conciliation committee

9. If the texts approved by the Parliament and the Council diverge, a conciliation committee shall be invited to propose a compromise solution (within a three-month period).

10. The composition and the procedures of the conciliation committee shall be laid down in a regulation adopted by the Parliament and the Council.

Second reading

11. The text drawn up by the conciliation committee shall be submitted for a second reading to the Parliament and the Council which shall vote on it without amendment by an absolute majority, or in the case of organic laws, by a qualified majority (within a three-month period).

12. If the conciliation committee fails to propose a compromise, Parliament in a second reading (and within a three-month period) may vote by an absolute majority only on amendments presented by the Commission to the draft adopted by the Council; Parliament may adopt this text by an absolute majority or, in the case of organic laws, a qualified majority.

13. The Council, in a second reading (and within a three-month period), may without amendment reject the text adopted by the Parliament by a qualified majority.

Deadlines

14. Throughout the legislative procedure, the absence of a decision on a text by the Parliament or the Council within the deadline laid down shall be considered to be equivalent to its approval.

15. Parliament and Council may by joint agreement change the deadlines foreseen above.

131. Furthermore, the Parliament and the Council shall:

- jointly determine the budget. The procedure for the adoption of the budget shall be determined by an appropriate organic law, whose underlying principles are set out in the section relating to finance;
- ratify treaties. International treaties shall be entered into by the Commission, on the basis of directives given by the Council after consulting the Parliament, and shall be ratified by the Parliament and the Council in accordance with the procedures laid down in the section relating to international relations.

The Commission

132. A new Commission shall take office within a six-month period following the election of the Parliament. The President of the Commission shall be appointed by the European Council; after consulting the European Council, he shall form the Commission which shall prepare its political programme.

Before it can take office the Commission must obtain the approval of the Parliament, both for itself and for the political programme which it shall submit as soon as possible after its designation.

133. The composition and organization of the Commission shall be set out in an appropriate organic law. (Until such a law is adopted, the rules in force when the Treaty establishing the Union enters into force shall remain applicable).

The Commission shall:

- (i) define the guidelines for Union action and introduce the measures needed to initiate that action;
- (ii) formulate draft laws;
- (iii) issue the regulations needed to implement the laws;
- (iv) prepare a draft budget;
- (v) implement the budget;
- (vi) represent the Union in external relations in accordance with paragraphs 84(d) and 88 above;
- (vii) ensure that the Treaty and laws of the Union are applied.

The Court of Justice

134. Half the Members of the Court of Justice shall be appointed by the Parliament and half by the Council of the Union.

135. The organization of the Court of Justice, the number of its Members, the conditions for their appointment and the duration of their term of office shall be set out in an appropriate organic law. (Until such a law is adopted, the rules in force when the Treaty enters into force shall remain applicable).

136. The Court of Justice shall be responsible for judicial review, subject to the same conditions as those laid down in the Community Treaties, with the following additional details and amendments which shall be specified by the law of the Union:

- (i) wider access for individuals by means of individual applications to the Court of Justice in cases where the rights and interests of a person have been adversely affected by any act concerning them;

- (ii) express jurisdiction of the Court in respect of the protection of fundamental rights;
- (iii) right of annulment by the Court of Justice where reference to the Court for a preliminary ruling is refused or where a preliminary ruling has been disregarded;
- (iv) equality of access and of review of their acts before the Court of Justice for all the institutions;
- (v) power of the Court of Justice to impose penalties in cases of failure by the Member States to fulfil obligations under the law of the Union;
- (vi) power of the Court to repeal an act of the Union within the context of an application for a preliminary ruling or for a declaration of illegality;
- (vii) jurisdiction of the Court of Justice in any dispute between the Member States in connection with the tasks and principles of the Union;

The European Council

137. The European Council shall consist of Heads of State or Government and the President of the Commission. The latter shall not participate in the work of the European Council concerning the nomination of the President of the Commission nor concerning recommendations to the Commission. The European Council shall represent the identity of the European Union.

138. The European Council shall:

- designate the President of the Commission;
- address communications to the institutions of the Union;
- take decisions for transforming potential competence into effective competence, after consulting the Parliament and the Commission;
- formulate recommendations and directives in matters of cooperation;
- perform the other tasks assigned to it by the Treaty.

Organs of the Union

139. The Union shall have the following organs:

- the Court of Auditors,
- the Economic and Social Committee,
- the European Investment Bank,
- the common autonomous Monetary Fund.

The Union may create other organs necessary for its functioning by means of an organic law.

The Court of Auditors

140. Half the Members of the Court of Auditors shall be appointed by the Parliament and half by the Council of the Union.

141. The organization of the Court of Auditors, the number of its Members, the conditions for their appointment and the duration of their term of office shall be laid down by organic law. (Until such a law is adopted, all the provisions in force when the Treaty enters into force shall remain applicable).

The Economic and Social Committee

142. The Economic and Social Committee shall be an organ which advises the Commission, the Parliament, the Council of the Union and the European Council; it may address to them opinions drawn up on its own initiative.

143. The Economic and Social Committee shall retain all the functions provided for in the Community Treaties.

144. The composition and the organization of the Committee shall be laid down in an organic law. The composition of the Committee shall take account of the need to ensure adequate representation of the various categories of economic and social activity.

145. The Committee shall adopt its own Rules of Procedure.

The European Investment Bank

146. The organization, functioning and aims of the European Investment Bank shall be laid down in an organic law. (Until such a law is adopted, the rules in force when the Treaty enters into force shall remain applicable)'.
*

1.1.3. Mr Gaston Thorn, President of the Commission, addressing Parliament on 13 September, made the following speech:¹

'...If this Assembly adopts the motion prepared by its Committee on Institutional Affairs, then Parliament, despite being the product of peoples from 10 different States and harbouring representatives with political views which are often highly divergent, will have shown that it is none the less able to agree on a coherent and comprehensive approach to Europe's future. In a short time it will

¹ Provisional translation. Final version to be published in OJ Annex I-300.

have succeeded where government representatives have, unfortunately, been failing for many years.

This will, then, be a lesson in dynamism and what I shall call true political realism...

I should now like, with your consent, to explain why we view the motion in a favourable light. I will also mention certain specific aspects of the resolution where we have reservations or feel that some caution should be exercised.

Firstly, the Commission, as it has already stated in a letter to Mr Ferri, Chairman of your Committee on Institutional Affairs, welcomes the fact that your approach has been to preserve the *acquis communautaire* and ensure that work on the construction of Europe will continue. It is our view that there must not be any backsliding and that the future should be built on the existing foundations.

I also welcome the fact that your motion for a resolution embodies the requirement for the Union to observe fundamental rights, even though it was impossible to list all of them and reference could only be made to the principles common to all our States and to a number of existing international instruments. It would indeed be difficult to imagine a Treaty on European Union which did not contain an explicit obligation to observe fundamental rights, with measures to ensure that this obligation cannot be shirked. When defining the basis for the Union it is right that the principles of individual rights by which it is inspired should be clearly stated.

I am perhaps rather more hesitant about the need, desirability and indeed possibility, at this stage, of imposing obligations on the Member States. I say this particularly in view of the varying approaches adopted by the Member States in respect of the international legal instruments mentioned in your resolution—but I feel sure we will be able to discuss this again at some later date.

The Commission also observes, once more with satisfaction, that, on a number of basic issues, the motion takes up positions similar to those which the Commission has itself adopted.

Here I have in mind a number of principles and ideas which appeared in the Report on European Union presented by the Commission in 1975: the principle of subsidiarity, the various types of competence (exclusive, concurrent and potential), legislative powers shared by Parliament and the Council, and the Commission's power to initiate legislation and its executive role...

The fact that the Council is both a legislative and executive body is certainly not the least of the many ills affecting the present Community. The Council is increasingly becoming bogged down in executive duties. This has impaired both its

legislative action and the effectiveness of its government function.

It is becoming increasingly essential for the Union to have a strong executive, or at least stronger than at present, with duties clearly separate from those of the legislating body and free of any interference from it...

In this regard, the Commission would like to emphasize the positive nature and clear significance of the amendment made to the motion now tabled compared with the draft the Commission had before it when it wrote to Mr Ferri giving its initial reaction. As the Commission hoped, your motion now rules out, in its very principles, any possible interference by the legislative bodies in the field covered by the executive body. There should be no mingling of the two roles. Relations between the institutions must be crystal clear. The ambiguity which is now causing so many problems in interinstitutional relations must be removed, particularly in Community affairs where there are no precedents and no means of comparison and in which everything is new. I should therefore like to congratulate your Community on this move.

The second institutional matter I should like to deal with is naturally the right to initiate legislation. As we are all aware, the existing Community system places all the legislative powers in the hands of the Council and dilutes this power by recognizing the Commission's exclusive right, hitherto, to initiate legislation. The Council's powers have hereby been limited and its action to some extent guided. Within this system Parliament's role has up to now been a mainly consultative one and with good reason you have, like the Commission, complained about this. The system proposed in your motion provides on the contrary for an extremely desirable division of legislative powers between the Council and Parliament. Within such a system it is logical to assume that it will no longer be quite as necessary for the Commission's right to initiate legislation to dilute the absolute powers of the Council. As a result, I can readily imagine that the right to initiate legislation, which has hitherto been the Commission's alone, should no longer be exclusive and no longer restrict the powers of the legislating body. Under such circumstances you are doubtless right in not ruling out the possibility for Parliament of having the right in future to put forward proposals as well, indeed in explicitly granting it the right to initiate legislation. It is even understandable—although I would say only just—that the Council be granted some right to initiate legislation, but subject to a number of restrictions which once again we will have to discuss at a later date. I have, in fact, a number of reservations and the Commission, as the guardian of our common interests, has some doubts on this

matter since the Commission must remain, and you are perfectly aware of this I am sure, the driving force behind the Community machine and not simply become the executor of legislation from varying sources and of differing inspiration. Let us beware of the risk of putting the right of initiative back in the hands of the States; the founding fathers of the Community wished this to be the exclusive province of the Community and not of the Member States. They knew what they were doing. The driving force behind the Community has to be the Community institutions, or one Community institution, since otherwise too many driving forces might well mean that there would be no driving force at all. The Commission's central role does not require any restriction of the decision-making powers of Parliament and the Council, whose ultimate task will be to decide the fate of the Commission's proposals. However, the Commission's role in this case presupposes that its power to initiate legislation should perhaps—and you have recognized this in your motion—take precedence over that of Parliament but particularly over that of the Council. This is why the Commission was pleased to note that, in a departure from the initial drafts, the present motion grants the right to initiate legislation first and foremost to the Commission, with Parliament and the Council exercising this right only if the Commission has refused to submit a proposal following a request from one of these two institutions. In addition, amendments originating from the Commission must under all circumstances be examined first, but I feel this is a point to which we shall have to return and look at in detail before drawing up the final Treaty.

A final word on the notion of vital interests. I note that the motion provides that, during a transitional period, a Member State may halt the legislative process and have a decision put off on the grounds that its vital interests are in danger.

It also provides for this facility on a permanent basis in the field of diplomatic and political relations.

With regard to the existing Community, the Commission, as you well know, has ceaselessly stigmatized the attitude of a number of Member States which feel that they are entitled to obstruct decisions in the Community interest by claiming—often, I would add, simply pretending—that vital national interest is at stake.

This attitude is not only contrary to the Treaties, it is also unjustified, unreasonable and often harmful. It is unjustified above all because, within the existing Community decision-making procedure, the Commission, because of its composition, attitudes and the guarantees with which it

surrounds itself before submitting proposals, ensures that national interests are duly considered and in principle makes it possible to arrive at measures acceptable to all the Member States.

It follows, therefore, that the possibility of a Member State being placed in a minority on a matter of truly vital significance to it is just academic theory. On the other hand, the fact that a number of Member States feel that they can use this academic argument or justify their attitude does have a very real and extremely harmful effect. This attitude is in fact one of claiming, or pretending, that interests which are in no way vital, or which are those of minority or pressure groups, are of vital significance. It leads to national interests taking precedence over Community or European interests. It detracts from the efficiency of the decision-making mechanism and often creates situations in which the common aspect of an agreement is quite clearly insufficient.

Admittedly, and, I would add, fortunately, the circumstances under which your motion for a resolution allows a State to invoke its vital interests are very different from those which typify present bad practices. In your motion, if I have correctly understood it, on the one hand a vital interest must under all circumstances be recognized as such by the Commission and, on the other, the fact that interests of this type had been invoked would not be allowed to hold up a decision indefinitely. An added point, with regard to diplomatic and political relations alone, is that this is quite clearly a field in which the Community, regrettably, has no competence at the present time. None the less, there is no doubt that allowing the right to invoke a vital national interest is a sop to present bad practices, which, I am forced to admit, unfortunately endure and have even spread, since in recent months we have seen that even those States which have explicitly rejected this attitude hitherto are now hinting that they too might have recourse to it. This practice is nevertheless incompatible with the Treaties. Embodying it in this Treaty, even to a restricted and carefully delineated extent, might well constitute a step back from the present legal situation. That is why the Commission must issue a warning to you, but I feel sure that you, like us, will be watchful on this matter in the interests of all the Member States or in other words of the Community.

I cannot conclude without mentioning present-day Europe's ability to take decisions. A Treaty establishing a united Europe cannot be conjured out of thin air, as you have yourselves stated. Institutional reform takes a long time. But while we are waiting for your plans to be achieved, the Community must continue to function. For some time now it has been at a dead-end, typified by a

virtually total stoppage of the decision-making system.

The painful experience of the mandate exercise is a striking example of this. The lack of a decision on TACs and quotas for fisheries, to take but one instance, together with the purely temporary decision on the quota system for steel are far from encouraging and should make us think. Future development of the Community, and even the continuation of Community action, can only be achieved if the Community regains its decision-making power, that is to say if a truly Community decision-making procedure is re-established with the Community's interests and efficacy as the principal considerations. The first step in this direction must be to make more systematic use of majority voting as provided in the Treaties.

I will tell you quite frankly that majority voting or majority procedures will not produce a more radical Community. On the contrary, they will simplify and speed up compromise solutions. Anyone who has not grasped this has no understanding of how the Community operates...

Secondly, far more use must be made of the provision for delegating management and executive duties to the Commission. I am not speaking now for my own institution but because, in the daily round, the Commission should naturally perform these duties without a unanimous decision by the 10 governments being sought on all occasions.

To my mind there is no doubt whatsoever that the systematic requirement, often to absurd lengths, that decisions be unanimous is a major obstacle to the proper functioning of the Community. I have explained this, and the Commission has stated it, so I shall not come back to it. I should merely like to assure you that the Commission will constantly remind the Council and the Member States of their responsibilities.

The decision-making process could be made much more effective if more management and executive powers were delegated to the Commission. This will be all the more true with the impending enlargement of the Community. Enlargement in itself is already raising a great many problems. The conflicts of interest will gradually increase as the Community inevitably becomes less cohesive. There will be an exponential growth in the number of blocked decisions; we stressed all of this five years ago when we presented our "Fresco".

While the Commission has always felt that it was vital to observe the voting procedures laid down in the Treaties, which means majority voting when the Treaties provide for it, it also considers that in a Community of Twelve the unanimity required by the Treaties in certain fields will have to be replaced by qualified majority voting.

This notion, put forward in 1978, was enlarged upon in the Commission's communication on the institutional implications of enlargement transmitted to the Council and to Parliament.

In its communication the Commission also proposed that the Treaties should be amended in order to have the Commission, as a rule, exercise administrative and executive functions. This is because in a Community of Twelve the danger of a snarl-up in the whole decision-making system would be even more acute than it is now. The Commission is convinced that these proposals are a vital contribution to improving the Community decision-making process, and hopes that they will shortly be supported by Parliament, and I take this occasion to request that support.

Although I have so far concentrated on the institutional aspects of your motion, it is obvious that the new institutional framework created by the Treaty on the Union will be only one means—a vital one, of course, but only one—of implementing and developing new policies. A number of principles applying to those policies are included in your draft. It is clear, however, that the Union will be called upon to take basic decisions on the content of its policies. The Treaty on the Union will be the departure point for new measures. In this, however, it must be constantly borne in mind how important it is to retain the basic lines of the Treaties so that business and industry will continue to have faith in the stability of the legal framework within which they have to operate. This is why I have stressed the principle of continuity. The outcome of this is that a number of the measures recommended in the economic chapter of the draft are likely to require a fair degree of fleshing out if they are to avoid clashes with consensus opinion in the Community. This is particularly true for the role which the monetary authorities and the two sides of industry are called upon to play, as well as the approach to be taken on industrial affairs.

With regard to a number of policies which will be explicitly provided for in the Treaty on the Union but which are not contained in the existing Treaties, it might be worthwhile enshrining them in law now by amending the existing Treaties in order to avoid the constant difficulties we have with the Council in implementing such policies. I am referring here in particular to research and development, industrial innovation, energy, the environment and regional policy. The Commission is now looking into possible ways of updating the Treaties in these fields.

In conclusion, you will doubtless agree with me in thinking that the nine months which stand between us and the European elections will be crucial. Crucial for the victory of the ideas which have

inspired your draft Treaty for Union. Once this has been adopted, you must expect both favorable and adverse reactions at all levels. The decisions to be taken in Athens on the future financing of the Community and new policies will be a pointer as to how far the Member States are prepared to go in the move towards European integration. In the election the voters will be able to show, through

the members they elect, the type of Europe they want and what policies they would like to see it adopt. Let us hope that the Union will fulfil their desires and give them further reason for hope.

It is now up to all of us, you and the Commission, to step up our efforts in order to obtain the best possible result...'

2. Agricultural structures

Commission's new policy proposals

1.2.1. The Commission decided on 28 September to put proposals to the Council for changes in the Community's agricultural structures policy,¹ to take effect in January 1984 when the three major socio-structural Directives of 1972² expire. The proposals also cover the 1975 Directive on measures to assist farming in the less-favoured areas³ and the 1977 programme for improving the processing and marketing of agricultural products.⁴

1.2.2. These changes have to be seen in the framework of the proposals for a more restrictive policy on prices and guarantees made by the Commission in July in connection with the rationalization of the common agricultural policy.⁵ They expressed the Commission's intention that in future greater emphasis be put on long-term structural action, as opposed to market intervention and price support, to alleviate social and income problems in agriculture. In time with these considerations, then, the Commission is now emphasizing the role it wishes to give to the EAGGF Guidance Section, which must be used to pursue the objectives of the common agricultural policy and must reflect solidarity between Member States.

1.2.3. Expenditure by the EAGGF under the new policy could amount to some 7 500 million ECU⁶ in the first five years, as compared with the 3 750 million ECU

allocated for 1980-84. To this must be added estimated expenditure of some 3 000 million ECU for improving agricultural structures under the integrated Mediterranean programmes.

Purpose of the proposed reforms

1.2.4. The reform of the agricultural structures policy reflects a number of objectives which the Commission wishes to be pursued in the coming decade.

While taking greater account of environmental protection constraints, the proposal aims:

- to provide help for a larger number of small-scale farmers who are likely to be the most affected by the current economic difficulties and the lower guaranteed prices for many agricultural products to be expected in the future;
- to improve farm structures and incomes in the mountainous and less-favoured areas of the Community, particularly in those Member States where the problems are most acute;

¹ COM(83)559 final.

² OJ L 36, 23.4.1972.

³ OJ L 128, 19.5.1975.

⁴ OJ L 51, 23.2.1977.

⁵ Supplement 4/83—Bull. EC; Bull. EC 7/8-1983, points 1.1.1 to 1.1.12.

⁶ Approximately 6 000 million ECU under the new policy proper, plus 1 500 million ECU to cover the continuing cost of existing regional and sectoral measures which are not affected by the present proposals.

- to ensure that the aid programmes for improving farm structures and incomes take due account of the need to control the output of surplus farm products and for the most efficient use of limited financial resources;
- to stimulate the processing and marketing of agricultural products;
- to develop non-agricultural activities in the rural areas, including forestry.

The measures envisaged

1.2.5. In the light of the experience it has gained in the use of the main instruments of current policy, taking account of the economic situation and the financial constraints on the farm sector, the Commission proposes a series of changes and improvements.

Socio-structural Directives

General measures to help farmers

1.2.6. Under the existing modernization Directive (Directive 72/159/EEC¹), aid is granted on a relatively selective basis to a limited number of farms which submit a six-year development plan with certain income objectives.

It is proposed that these conditions be relaxed (maximum income and the present ceilings on the size of the investment) so as to provide help to a much wider range of farmers throughout the Community. The aim is to help them raise their incomes through reducing costs, as well as to improve their living and working conditions.

In addition, special assistance is to be provided for the establishment of mutual aid services, farm replacement and farm management services and for the keeping of farm accounts. This should help improve efficiency and raise incomes without costly investments.

Last but not least, the educational and training provisions of the present policy (Directive 72/161/EEC¹) will be strengthened considerably. Special grants will be available to help adequately qualified young people enter farming. On the other hand, the existing provisions for encouraging older farmers to

cease activity (Directive 72/160/EEC¹), which have proved largely inapplicable and made a negligible contribution to the redistribution of agricultural land, will not be renewed.

Market-related measures

1.2.7. The existing modernization Directive bans investment aids in the eggs and poultry sector and sets certain limits on the extent of investment aids allowable in the pigmeat and dairy sectors. Apart from these provisions, the Directive takes no account of the market situation in agriculture

Under the new basic Regulation, it is proposed that all investment aids at both Community and national level be banned if they increase the output of products with market difficulties, particularly milk, with the exception, however, of certain products in some less-favoured areas. By contrast, investment aids for the purpose of qualitative improvement or the conversion of farm production in line with market requirements will be actively encouraged.

Directive on mountain and hill farming and farming in less-favoured areas

1.2.8. The problems of the less-favoured areas of the Community are to be tackled from a number of angles. First, the Commission proposes that the provisions of Directive 75/268/EEC be strengthened. Second, a framework is put forward within which the Council, acting on proposals from the Commission, can adopt specific measures that will help to resolve the particularly acute problems of these areas. Third, forestry development is to be encouraged where it can make a contribution to the solution of structural problems.

Regulation on marketing and processing aids

1.2.9. The existing Regulation on aid for improving the marketing and processing of agricultural products (Regulation (EEC) No 355/77²), which has proved very effective,

¹ OJ L 36, 23.4.1972.

² OJ L 51, 23.2.1977.

will be extended when it runs out at the end of 1984. New programmes, and the updating of existing programmes, should give priority to new products and new technologies, as well as specific measures to help certain parts of the Community.

*

1.2.10. The new measures also include a proposal to amend the 1980 Regulation on the stimulation of agricultural development in the less-favoured areas of the West of Ireland,¹ extending to those areas the specific provisions for Italy and Greece.

1.2.11. Although remaining in the framework of measures to help agriculture, the

changed structures policy should take account of the protection of the environment and the conservation of energy and natural resources. Furthermore, it cannot ignore the development of craft industries and tourism, for example in the less-favoured areas, or the importance of forestry.

In addition to specific forestry measures (operations on agricultural holdings, improvement of wood-processing facilities), the Commission intends to draw up a separate proposal to encourage the production and marketing of timber through the formation of producers' organizations.

¹ OJ L 180, 14.7.1980.

3. Preparations for the Athens European Council

1.3.1. The fourth special Council meeting was held on 20 September with Mr Grigorios Varfis in the chair.¹ Preparations had been made for it, as for previous meetings, by the *ad hoc* working parties and the single preparatory group.

1.3.2. The single preparatory group held its second meeting on 12 September, again with Mr Varfis in the chair. With the special Council meeting in mind, it discussed the two aspects of the Commission's proposals drawn up in preparation for the Athens European Council which had not yet been dealt with, i.e. new policies and financing.

The discussions on financing revealed a large majority, at this stage, in favour of increasing Community own resources.

With reference to the development of common policies other than the agricultural policy, the French, German and British delegations

presented memoranda relating respectively to the creation of a common industrial and research area, economic convergence and new policies. No real discussion took place, but it is important that new policies should have been included as a significant element in the negotiations.

The group also continued its discussion on changes in the common agricultural policy,² devoting itself largely to procedural matters and, notably, specifying a number of issues to be put to the *ad hoc* working party on agriculture. The group held a relatively short discussion on the structural Funds,³ primarily about the ERDF, to pinpoint matters to be put to the *ad hoc* working party on the

¹ Bull. EC 7/8-1983, point 2.4.3.

² Bull. EC 7/8-1983, points 1.1.2 to 1.1.12.

³ Bull. EC 7/8-1983, points 1.1.13 to 1.1.20.

structural Funds (technical examination of matters such as concentration of assistance, quota/non-quota assistance, and the working of indicative ranges).

1.3.3. In addition to memoranda from various delegations, the special Council meeting held on 20 September also had before it a communication from the Commission relating to the development of Community politics other than the common agricultural policy.¹

This communication, devoted to the improvement of the international competitiveness of European firms, recommends, with an eye to the Athens European Council, that a number of priority decisions should be taken with respect to economic and monetary policy, strengthening the internal market, energy and research policy and the development of advanced technologies.

The decisions in question would be selected from the numerous Commission proposals already transmitted to the Council. They would be, firstly, horizontal decisions on broad policy and, secondly, more specific decisions that would bear witness to the European Council's desire for progress, e.g. in the economic and monetary spheres and with regard to new technologies.

1.3.4. Much of the Council's time was devoted to hearing each delegation's views on Community financing. Some Member States considered the priority to be correction of budgetary imbalances, with the possibility of later developments once this problem was solved, whereas others put the emphasis on Community dynamism and the launching of common policies which would in themselves correct these imbalances.

In conclusion, the chair observed that while all the approaches outlined in Stuttgart should be explored, raising the VAT ceiling was the only system which the delegations viewed as capable of ensuring the availability of new own resources to the Community. He urged the delegations to look closely into the feasibility of a hybrid system, combining the modulation of part of revenue (VAT) with an adjustment mechanism for expenditure (Danish proposal for a convergence fund).

All the options—including the safety net proposed by the United Kingdom (an automatic mechanism combining the notions of a Member State's net transfer and its GDP)—are still open and will be considered again at the Athens meeting on 10-12 October.

With regard to new policies, all the delegations emphasized the very great importance they place on this aspect of the negotiations. The special Council meeting discussed at length the procedure to be followed, with a view to establishing a parallel relationship between the decisions to be taken by the European Council in December on reform of the CAP and budgetary matters on the one hand, and those to be taken on other common policies on the other. The meeting stressed the need to ensure that the decisions taken in Athens were not a mere litany of pious hopes but were feasible measures set within a logical framework. The meeting asked the Commission to bring forward a proposal on the priority decisions to be selected for inclusion in the Athens package.

To prevent its agenda becoming too crowded, the special Council meeting asked the Council, in its various regular compositions, to examine certain items. A number of informal meetings of Ministers took place in September for this purpose.²

1.3.5. In September the Commission put up several papers for the special Council meeting. First, it transmitted its second communication on the international competitiveness of European firms, at the request of the September meeting. This document indicates priorities on which decisions should be taken before or during the European Council in Athens: according to the ECU the status of a convertible currency; European standardization, opening up access to public contracts, cooperation between firms; scientific research and the development of advanced technologies (framework programme, Esprit programme,

¹ COM(83)547 final.

² Points 2.1.1, 2.1.38, 2.1.75 and 2.1.136.

telecommunications and biotechnology) and energy policy.

The Commission also sent two communications on biotechnology and telecommunications,¹ supplementing those transmitted to the Stuttgart European Council in June.

In agriculture, the Commission presented proposals for Regulations on the milk sector,² and on the introduction of a tax on consumption of oils and fats other than

butter,³ and its suggestions for changes in structures policy.⁴ These proposals are currently being examined, as regards the technical problems they pose, by the *ad hoc* working party on agriculture and the single preparatory group.

¹ Points 2.1.23 and 2.1.25.

² Point 2.1.80.

³ Point 2.1.95.

⁴ Points 1.2.1 to 2.2.10.





PART TWO

**ACTIVITIES
IN SEPTEMBER 1983**

1. Building the Community

Economic and monetary policy

Informal meeting of Ministers of Economic and Financial Affairs

2.1.1. On 11 and 12 September the Ministers of Economic and Financial Affairs of the Member States, meeting on the Greek island of Cephalonia under the chairmanship of the Greek Minister of Economic Affairs, Mr Gerasimos Arsenis, coordinated their positions prior to the IMF and World Bank meetings arranged for the end of the month.

They had detailed discussions on improvements to the international monetary system and access to IMF resources.

Annual meetings of IMF and World Bank

2.1.2. The annual meetings of the Boards of Governors of the International Monetary Fund and the World Bank took place in Washington from 27 to 30 September under the chairmanship of Mr Miguel Boyer, Spain's Minister of Economic Affairs, Finance and Trade.

Rapid implementation of the increase in the United States' quota subscription to the IMF, to which the US Administration is committed, as reaffirmed by President Ronald Reagan and Treasury Secretary Donald Regan, hinges on approval by Congress. This increase is crucial, since it amounts to USD 8 400 million. In any case, even before the increased quotas come into force, the IMF must rapidly find USD 6 000 million in order to continue its programmes.

The Community's position was stated by Mr Arsenis, the Greek Minister of Economic Affairs and current President of the Council. Mr François-Xavier Ortoli represented the Commission.

These annual meetings were preceded by a number of preparatory meetings of the Interim Committee of the Board of Governors of the IMF and of the World Bank/IMF Development Committee. At the same time, the Ministers and Central Bank Governors of the Group of Ten (now eleven since Switzer-

land became a full member)¹ held a meeting to define the conditions for improving the international monetary system.

IMF Interim Committee

2.1.3. The Interim Committee of the Board of Governors of the IMF, meeting on 25 September, considered that the emerging economic recovery should be consolidated by reasserting adequate control over fiscal and monetary policies—structural budget deficits in particular remained too high in a number of countries. Members were asked to resist protectionist tendencies. Concern was voiced that economic growth in developing countries in 1983 would again be less than the rate of population growth, but the debt situation necessitated continued adjustment and a coordinated approach by the financial institutions involved.

In this connection, the importance of the Fund's role was stressed and its efforts to arrange additional borrowing to cover the growing gap between the available resources and commitments were endorsed. The amount being sought is about SDR 6 000 million. There was concern that members accounting for less than 30% of total quotas had so far ratified the Eighth General Review of Quotas, and all members were asked to complete the necessary steps as a matter of urgency.

It was agreed, with some dissenters, that access in 1984 to the Fund's resources under the enlarged access policy would be subject to annual limits of 102% or 125% of quota depending on the seriousness of the balance-of-payments needs and the strength of the adjustment effort. Thereafter, the limits would be reviewed yearly. The Executive Directors were asked to draw up revised access limits under the special facilities. While the case for a further allocation of SDRs appeared to have strengthened, there was still a lack of broad support and the Committee agreed that the discussions should be pursued as a matter of urgency.

¹ Bull. EC 1-1983, point 2.1.4.

Development Committee

2.1.4. At the Development Committee meeting on 26 September, increases in available resources again constituted the most important topic, and there was agreement on the need for early action on a capital increase for the World Bank following and in line with the Eighth General Review of Quotas in the IMF. The Executive Directors were accordingly asked to work out the specifics of a selective capital increase of about USD 8 000 million.

There was no progress, however, on the negotiations on the Seventh Replenishment of the International Development Association (a World Bank affiliate). The United States was opposed to any replenishment in excess of USD 9 000 million, while other donor countries (including some Community countries) were prepared to go as far as a USD 16 000 million replenishment (as proposed by the World Bank management). The Committee noted the importance of encouraging direct private investment, and there was informal agreement on a capital increase of USD 750 million for the International Finance Corporation.

Group of Ten

2.1.5. The Ministers and Central Bank Governors of the Group of Ten countries¹ held a preliminary exchange of views on the way to implement the part of the Williamsburg Declaration referring to the definition of the conditions for improving the international monetary system.² They instructed their Deputies to meet within the next few weeks to identify areas in which progressive improvement might be sought and to report to them at their next meeting, to be held in early 1984.

Economic situation

2.1.6. On 15 September Parliament adopted a resolution on the setting up of a temporary special committee to draw up a report on the economic recovery of the European Community.³

European Monetary System

Extension of interest subsidies

2.1.7. On 28 September the Economic and Social Committee endorsed the Commission's proposal of 11 March⁴ for a Council Regulation extending for two years the interest subsidies arrangement set up on 3 August 1979⁵ in accordance with the resolution adopted by the European Council at its meeting on 4 and 5 December 1978.⁶

Community borrowing

2.1.8. On 20 September the Commission transmitted to the Council and Parliament its third general report on the Community's borrowing and lending activities, dealing with 1982.⁷ The report highlights a sharp increase in the level of Community borrowing and a 28% increase in lending; this latter increase was the result of funding by the EIB and by the increasingly important NCI; since April 1982⁸ the NCI has been financing productive investment by small and medium-sized firms—an indication of the increasingly specific use to which this instrument is being put.

Lending has grown sharply in the productive sector, increasing from 788 million ECU in 1981 to 1 655 million ECU in 1982. Small and medium-sized firms have been the main recipients. There has been a marked increase in ECSC loans in the energy sector and a sharp expansion of EIB lending to promote the efficient use of energy.

Monetary Committee

2.1.9. The Monetary Committee held its 294th meeting in Paris on 14 September, with Mr Camdessus in the chair. It examined in particular the economic and financial situation in Germany and also discussed international monetary relations.

¹ Bull. EC 1-1983, point 2.1.4.

² Bull. EC 5-1983, points 2.1.1, 3.4.2 and 3.4.3.

³ Point 2.4.12; OJ C 277, 17.10.1983.

⁴ OJ C 163, 22.6.1983; Bull. EC 5-1983, point 2.1.9.

⁵ OJ L 200, 8.8.1979; Bull. EC 7/8-1979, point 2.1.2.

⁶ Bull. EC 12-1978, points 1.1.1 to 1.1.12 and 2.1.1.

⁷ COM(83)527 final.

⁸ Bull. EC 4-1982, point 2.1.2.

Internal market and industrial affairs

Free movement of persons and freedom to provide services

Mutual recognition of diplomas and access to occupations

Pharmacists

2.1.10. On 16 September Parliament delivered its opinion¹ on a set of proposals, presented to the Council by the Commission in February 1981,² concerning the right of establishment of pharmacy graduates in the Community. It asked the Commission to make the necessary amendments to relieve Member States of the obligation to apply the provisions concerning mutual recognition of diplomas to self-employed pharmacists who wish to open new pharmacies or to purchase pharmacies which have been open to the public for less than two years.

Removal of technical barriers to trade

Industrial products

2.1.11. On 19 September the Council formally adopted a Directive aimed at protecting the public against the dangers of asbestos and products containing it which, in use, may release fibres and dust that are harmful to human health.³ The Council had signified its agreement⁴ to the Commission's proposal⁵ on 26 May.

This Directive, which amends for the fifth time⁶ the Directive of 27 July 1976,⁷ does not incorporate the Commission's proposal in its entirety. It relates to the following two measures: labelling of all products containing asbestos and the prohibition, with certain exemptions, of crocidolite and products containing it. Examination of the other parts of the Commission's proposal, concerning measures to restrict marketing and use in the case of fibres other than crocidolite, is to proceed without delay.

2.1.12. The Economic and Social Committee endorsed the Commission's proposals for two Council Directives—one relating to units of measurement,⁸ the other to the power take-offs of wheeled agricultural and forestry tractors and their protection.⁹

Small business. Business Cooperation Centre. Distributive trades

Small business

2.1.13. In the context of the European Year of Small and Medium-Sized Enterprises and Craft Industry, two colloquia were held during September. The first, which took place in Sophia Antipolis and Nice on 2 and 3 September, was devoted to the financing of small business, while the second, held in Galway on 29 and 30 September, examined 'Marketing in the EEC—problems and solutions: Improving the climate for smaller firms in the peripheral regions of Europe'.

Distributive trades

2.1.14. On 16 September Parliament adopted a resolution on the status of the mobile trades.¹⁰

Industry

Informal meeting of Industry Ministers

2.1.15. The Industry Ministers of the 10 Member States met in Athens on 24 September, with Mr Davignon participating, to prepare for the European Council in Athens, where the 'new' policies are to be accorded the place due to them as part of the

¹ OJ C 277, 17.10.1983.

² OJ C 35, 18.2.1981; OJ C 92, 23.4.1981; Bull. EC 2-1981, point 2.1.8.

³ OJ L 263, 24.9.1983.

⁴ Bull. EC 5-1983, point 2.1.16.

⁵ OJ C 78, 28.3.1980; Bull. EC 3-1980, point 2.1.8;

OJ C 273, 16.10.1982; Bull. EC 9-1982, point 2.1.3.

⁶ OJ L 147, 6.6.1983; Bull. EC 5-1983, point 2.1.22.

⁷ OJ L 262, 27.9.1976.

⁸ OJ C 155, 14.6.1983; Bull. EC 6-1983, point 2.1.19.

⁹ OJ C 164, 13.6.1983; Bull. EC 5-1983, point 2.1.24.

¹⁰ Point 2.4.12; OJ C 277, 17.10.1983.

reorganization of the Community's finances. The Ten recognized the importance of the Esprit programme¹ and concentrated their discussions on proposals for a joint effort in the field of new technologies: telecommunications, information technology, biotechnology.

Steel

Extension of production quota arrangements

2.1.16. On 7 September the Commission amended² Article 14d of its Decision of 28 July 1983 extending the system of monitoring and production quotas³ so as to specify the percentage reduction in an undertaking's reference production on the basis of which the Commission may make an adjustment to its production quotas.

2.1.17. On 30 September the Commission also amended⁴ Article 14 and 14a of its Decision of 28 July,³ concerning respectively the allocation of additional quotas to undertakings suffering from exceptional difficulties arising from the quota system and the adjustment of the reference production figures following changes in relation to production potential. From now on, only undertakings which have received aid to cover operating losses will be automatically barred from receiving additional quotas.

Abatement rates

2.1.18. The Commission has set the abatement rates for steel production during the fourth quarter of 1983⁵ under its Decision of 28 July.³

The rates of abatement are:

Category Ia:	43
Category Ib:	37
Category Ic:	18
Category Id:	+ 36
Category II:	50
Category III:	37
Category IV:	39
Category V:	40
Category VI:	41

The rates of abatement for the establishment of the part of the production quotas which may be delivered in the common market are:

Category Ia:	45
Category Ib:	34
Category Ic:	25
Category Id:	+ 36
Category II:	52
Category III:	47
Category IV:	41
Category V:	47
Category VI:	48

Forward programme for steel

2.1.19. On 14 September the Commission approved at the first reading the forward programme for steel for the fourth quarter of 1983,⁶ together with the abatement rates to be complied with by undertakings setting their production quotas for the main categories of steel during that quarter. The Commission does not expect any significant improvement in the situation before the end of the year, hence the abatement rates which it has set are very close to those for the third quarter and are even more severe in the case of some product categories. It should be noted, however, that the establishment of a 3% 'reserve' of quotas under the new quota system makes comparison with preceding quarters difficult. The ECSC Consultative Committee⁷ was asked to give its opinion on the forward programme before final adoption by the Commission.

The provisional estimates for crude steel production in the current quarter give a figure of 24 to 25 million tonnes, or between 1 and

¹ Bull. EC 5-1983, point 2.1.34; Supplement 5/83 — Bull. EC.

² OJ L 250, 10.9.1983.

³ OJ L 208, 31.7.1983; Bull. EC 7/8-1983, point 2.1.17.

⁴ OJ L 269, 1.10.1983.

⁵ OJ L 254, 15.9.1983.

⁶ OJ C 269, 7.10.1983.

⁷ Point 2.4.29.

2 million tonnes less than expected. The effects of overproduction in the second quarter are likely to be reflected in the final production figures for the third quarter.

Actual crude steel production in past quarters and the forecasts for the third and fourth quarters are set out (in millions of tonnes) in the table below.

	Realized outturn							Forecast	
	IV/81	I/82	II/82	III/82	IV/82	I/83	II/83	III/83	IV/83
Real consumption	27.72	28.16	28.27	22.04	21.37	25.16	25.66	22.30	22.80
Stock change	- 0.82	+ 2.09	0	- 1	- 1.50	- 1.20	+ 0.20	+ 0.30	+ 0.10
Imports	2.47	3.28	3.16	2.41	2.21	2.55	3.03	2.30	2.50
Exports	7.42	5.28	6.14	5.59	5.99	5.23	5.52	5.70	5.60
Production	31.85	32.25	31.25	24.22	23.65	26.64	28.35	26.00	26.00

International relations

2.1.20. The Community authorities again considered the American measures on specialty steels¹ and the matter of the Steel Arrangement with the United States.²

Shipbuilding

2.1.21. The fifth report on the state of the shipbuilding industry (as at the beginning of 1983), which the Commission sent to the Council on 15 September,³ comes to the conclusion that the crisis has worsened in recent months and that no improvement is likely in the near future.

The deterioration is partly attributable to the persistence of the general economic depression and growing overcapacity in the sea transport sector, but there are other factors which are causing additional difficulties for the Community's shipyards in particular. For example, certain non-member countries are making rapid inroads into the market. In spite of the depression they are extending their production capacity appreciably while charging very low prices, thanks especially to very low labour costs. As a result, the Community's shipyards are losing even more business.

The order books and the employment situation in the Community's shipyards therefore reflect the deterioration in their position. Many yards are threatened with shutdowns before long, and plans for the laying-off of workers proliferate.

The Community's shipbuilding industry will therefore have to continue with and intensify its efforts to adapt to the market, especially by improving its competitiveness. At the same time, efforts should be made to ensure that the non-European countries which are partly responsible for the crisis take a fair share of the burden.

Electronics and information technology

2.1.22. At its September session the Economic and Social Committee gave its opinion⁴ on the first European Strategic Programme for Research and Development in Information Technology (Esprit).⁵

Telecommunications

2.1.23. On 29 September, further to its report to the European Council for its Stuttgart meeting in June,⁶ the Commission transmitted to the Council a communication on telecommunications.⁷ In its June report the Commission set out the urgent problems in the industry and stressed the need for

¹ Points 2.2.15 and 2.2.16.

² Point 2.2.7.

³ COM(83)483 final.

⁴ Point 2.4.23.

⁵ Bull. EC 5-1983, point 2.1.34; Supplement 5/83 — Bull. EC.

⁶ Bull. EC 6-1983, point 2.1.41.

⁷ COM(83)573 final.

a Community policy. The communication pinpoints certain areas where action can be taken with a view to formulating such a policy.

2.1.24. On 16 September¹ Parliament passed a resolution calling for the introduction of reduced rates for telephone calls within the Community at weekends, on public holidays and after 8 p.m.

Biotechnology

2.1.25. On 29 September, further to its report to the European Council for its Stuttgart meeting in June,² the Commission transmitted to the Council a communication on biotechnology in the Community.³ In its June report the Commission defined a number of priority objectives for remedying the present weaknesses in this area. In the communication the Commission puts forward precise and detailed proposals for Community action, setting forth the scientific and technological objectives and the other measures considered necessary.

Industrial innovation and the information market

Industrial innovation

2.1.26. The Standing Technological Conference of European Local Authorities (STCELA), which seeks to ensure that local authorities in the Member States derive maximum advantage from the new technologies while improving the quality of their services, has now been established in Belgian law. The STCELA, which was set up with encouragement of the Commission in 1978,⁴ has examined over the years a variety of topics of concern to local authorities, e.g. centralized procurement, management of toxic waste, treatment of household refuse, vehicle management and energy saving.

Customs union

Customs procedures with economic impact

Customs processing

2.1.27. On 26 September, after 10 years of discussions,⁵ the Council adopted a Regulation on processing prior to customs⁶ to stop certain types of economic activity from being moved outside the Community.

The new measures completes the Community legislation on customs procedures with economic impact. It will henceforth be possible to process goods from non-member countries within the Community under customs supervision and to pay duty not on the imported goods but on the processed products. Such a procedure is economically attractive in cases where a lower rate of duty is charged on the processed products, so the new Regulation, by deferring application of the Common Customs Tariff, should provide an incentive to carry out on Community territory a number of activities which might otherwise be undertaken elsewhere.

Common Customs Tariff

Annual updating

2.1.28. On 21 September the Commission sent the Council its proposal for the 1984 version of the Common Customs Tariff,⁷ formally amending the CCT annexed to regulation (EEC) No 950/68 of 28 June 1968.⁸

The 1984 tariff will not be very different from the current (1983) version; the only changes are:

¹ OJ C 277, 17.10.1983.

² Bull. EC 6-1983, point 2.1.42.

³ COM(83)672 final.

⁴ Bull. EC 9-1978, point 2.1.89.

⁵ OJ C 37, 4.6.1973.

⁶ OJ L 272, 5.10.1983.

⁷ COM(83) 504 final.

⁸ OJ L 172, 22.7.1968.

- another instalment of the tariff cuts agreed during the Tokyo Round of GATT trade negotiations, which ended in 1979 (this is the fifth stage of the overall eight-step reduction, but only the third tariff cut to apply to textiles, and the second for kraft paper and kraft board);
- an increase in the duty-free tariff quota for ferro-silicon to 12 000 tonnes;
- a number of additions to the list of ECSC products;
- technical amendments to the nomenclature and notes;
- tariff changes pursuant to agricultural Regulations.

Economic tariff matters

Tariff quotas

2.1.29. In September the Council adopted a regulation opening, allocating and providing for the administration of a Community tariff quota for aubergines (CCT subheading 07.01 T) originating in Cyprus (1983).¹

Competition

Twelfth Report on Competition Policy

2.1.30. On 29 September the Economic and Social Committee delivered its opinion² on the Twelfth report on Competition Policy,³ prepared by the Commission in conjunction with the General Report on the Activities of the Communities in 1982.

General rules applying to undertakings

Draft Commission Regulation on the exemption of motor vehicle distribution agreements

2.1.31. On 29 September the Economic and Social Committee gave its opinion⁴ on the draft Commission regulation relating to motor vehicle distribution.⁵

Restrictive practices, mergers and dominant positions: specific cases

Distribution

2.1.32. The Commission has had to take action in two cases concerning restrictions on parallel imports of pharmaceuticals.

- In the first case the German companies Hoechst and Boehringer-Mannheim (BM) had taken measures affecting parallel imports of the antidiabetic Euglucon. Hoechst and BM manufacture and distribute this substance in Germany. Until 1982 the preparation was on sale in Germany as Euglucon 5, and since then it has been available there as Euglucon N, which is an improved form but equivalent in its effects. Registration procedures for Euglucon N have not yet been completed in other countries, and Euglucon 5 is still on sale there. For some time now the firm Eurim Pharm has been importing Euglucon 5 and selling it in Germany at a price 15% below that recommended by Hoechst and BM.

Hoechst and BM jointly announced that they were withdrawing Euglucon 5 from sale in Germany and replacing it by Euglucon N. Their announcement did not mention that Euglucon 5 would continue to be manufactured and distributed in other countries. This was liable to influence German doctors' prescribing habits in favour of the new variant Euglucon N, and thus to affect the sale of Euglucon 5 legitimately imported from other Member States. The Commission felt this might infringe the Community's competition rules, and initiated inquiries. As a result Hoechst and BM sent German doctors a circular making it clear that while they were distributing only Euglucon N in Germany because of its therapeutic advantages, Euglucon 5 was still on sale abroad and that imported Euglucon 5 could be prescribed by doctors in Germany and obtained from pharmacists there.

¹ OJ L 261, 22.9.1983.

² Point 2.4.2.1.

³ Bull. EC 4-1983, point 2.1.37.

⁴ Point 2.4.25.

⁵ OJ C 165, 14.6.1983; Bull. EC 6-1983, point 2.1.59.

• The second case involved restrictions on parallel imports imposed at the retail stage by pharmacists. The case began with uncertainties about reimbursements by sickness insurance funds in respects of imported pharmaceuticals. This prompted some regional pharmacists' associations to send a circular to their members recommending that they exercise caution in ordering imported pharmaceuticals. This applied to Euglucon 5 and other pharmaceuticals legitimately imported from other Member States.

The Commission took the view that this recommendation by an association of undertakings could be considered discrimination against the sale of an imported product and consequently incompatible with Article 85(1) of the EEC Treaty. The pharmacists' associations and their central organization ABDA then issued a fresh circular stating expressly that in Germany pharmaceuticals offered by importers could be distributed, prescribed by doctors and sold by pharmacists without restriction. The lower prices charged by importers can thus be passed on to consumers and sickness insurance organizations.

The Commission will continue to give particular attention to cases in which it has grounds to believe that the distribution of imported pharmaceuticals at lower prices is being obstructed or hindered by means incompatible with the Community's competition rules.

State aids

Stricter controls against infringements

2.1.33. The Commission has decided to tighten up its monitoring of State aids and to introduce penalties for aid granted illegally. The Commission has noted a growing number of cases of failure to notify, of delay in notifying and of granting assistance before the Commission takes its final decision (which infringe Article 93(3) of the EEC Treaty). In addition, cases of failure to comply with a Commission decision requiring withdrawal of a scheme of assistance considered incompatible with Community rules are increasingly frequent.

The Commission has accordingly decided to use all the means in its power to make the Member States fulfil their obligations. The Commission will henceforth require that aid granted illegally be recovered from the recipients and it will make the Member States responsible for doing so; the Commission's action is based on a judgment given by the Court of Justice on 12 July 1973.¹ Where aid is granted illegally in the agricultural sector, the Commission will refuse to pay EAGGF advances or will deduct the appropriate amounts from sums to be allocated to Member States where illegal national measures directly impinge on Community measures.

As soon as the Commission learns that an illegal situation has arisen or is likely to arise, it will publish a notice in the Official Journal specifically warning the potential recipients that the aid is still uncertain. The Commission will notify the Member States of its decision, which will also be published in the Official Journal.

Industry aids

Textiles

Netherlands

2.1.34. By letter dated 1 July the Dutch Government notified the Commission of its intention to assist certain sectors of the textile and clothing industry. The Commission asked for more information, which it received on 8 August.

The proposed programme would include an outline scheme for the cotton, rayon, linen and jute industry, the wool industry, and the ribbon, tape, belting and webbing industry, involving grants of up to 20% of the cost of investment in plant and machinery; they would enable the applicant to expand his product range in type or quality, or to finance investment in R&D equipment.

There would be a similar outline scheme for the ready-made clothing and knitwear industry for investment related to automation plant and machinery; a fund for joint R&D

¹ Case 70/72 *Commission v Germany* [1973] ECR 813.

projects by firms in the clothing industry; and loans for firms from the national Investment Bank, to be partially guaranteed by the State. A firm wishing to qualify under the programme would itself have to meet 25% of the total financial requirements. The programme would run for five years, applications having to be submitted by the end of June 1985.

Having examined the proposed programme, the Commission considered that certain features met its criteria for aids to the textile and clothing industry. Thus, the tests in Article 92(3) of the EEC Treaty for granting exemption from the rules on incompatibility of assistance were satisfied with respect to the general objectives of the programme, the investment and business measures covered, the eligibility thresholds and the monitoring criteria.

However, the Commission considered that the programme did not satisfy certain other tests, namely that:

- the recipients must make a substantial contribution;
- the aid must not lead to capacity increases;
- the aid must be granted selectively according to the sensitivity of the various subsectors;
- there must be no other aids additional or alternative to those under the sectoral programme.

The Commission accordingly gave notice to the Dutch Government, to the other Member States and to other interested parties to submit their comments. Under Article 93(3) of the Treaty the measures in question may not be put into effect until the Commission has taken a final decision.

France

2.1.35. In response to an action brought by the Commission in July under the second paragraph of Article 169 of the EEC Treaty,¹ the Court of Justice on 20 September ordered the French Government to suspend from 21 September all its aids to the textile industry whereby the State took over part of firms' social security contributions. The Court considered that the French Government had

put itself in the wrong by introducing its scheme of assistance immediately without notifying the Commission in advance and without awaiting the Commission's authorization. The Court also decided—contrary to the argument of the French Government—that the conditions for prescribing interim measures under Article 186 of the Treaty were satisfied. It thus upheld the Commission's view that interim measures should be taken urgently to avoid, pending the outcome of the main proceedings, serious and irreparable damage resulting from the continuation of the disputed practices.

Finally, the Court specified that from the date on which the order was notified the French Government had to suspend all renewal of agreements between the State and employers concerning the taking-over of contributions. Furthermore, within one month of that date, the French Government would have to suspend performance of agreements which had been renewed.

The French Government consequently decided to suspend the aids at issue and to seek an accommodation with the Commission whereby the scheme could be made compatible with common market rules.

State monopolies of a commercial character

Italy

2.1.36. Pursuant to Act No 198² of 13 May 1983, which amended previous legislation on the manufactured tobacco and match monopolies to bring them into line with Article 37 of the EEC Treaty, the Italian Government promulgated on 26 July a Decree on the importation and wholesale distribution of tobacco manufactured in other Member States.³ This amplifies the Decree of 3 February 1982⁴ by taking into account

¹ Bull. EC 7/8-1983, point 2.1.44a.

² Bull. EC 5-1983, point 2.1.51.

³ *Gazzetta Ufficiale della Repubblica Italiana* No 224, 17.8.1983.

⁴ *Gazzetta Ufficiale della Repubblica Italiana* No 42, 12.2.1982; Twelfth Report on Competition Policy, point 216.

the new arrangements for levying tax on manufactured tobacco from other Member States which were introduced by the Act.

Financial institutions and taxation

Taxation

Indirect taxes

Value-added tax

2.1.37. On 22 September the Commission sent to the Council, Parliament and the Economic and Social Committee its first report on the application of the common system of value-added tax, which describes the situation as at 1 January this year.¹ This report, submitted in accordance with Article 34 of the Sixth Council Directive of 17 May 1977,² examines the difficulties encountered in applying the common system since the Directive was adopted.

The difficulties encountered arise either from certain optional provisions in the Directive or from the right to opt for taxation authorized by the Directive or from the interpretation of the Directive or from problems held over by the Directive.

Employment, education and social policy

Employment

Informal meeting of Ministers of Labour

2.1.38. At an informal meeting in Athens on 29 and 30 September, the Ministers of Labour and Social Affairs confirmed their position *vis-à-vis* the proposal for a resolution on measures to reduce unemployment among young people under 25 which the Commission put before the Council and Parliament in April.³ They also discussed the draft

recommendation on the reduction and reorganization of working time.⁴

Reduction and reorganization of working time

2.1.39. On 23 September the Commission sent the Council a draft recommendation on the reduction and reorganization of working time⁵ which is the outcome of consultations held at various levels over the past few months. The Commission memorandum on this subject presented in December 1982,⁶ the conclusions of the March and June meetings of the European Council,⁷ the special part-session held by Parliament⁸ and a series of meetings with the two sides of industry have all served to confirm the Commission's view that the reduction and reorganization of working time are inextricably linked.

The Commission remains convinced that policies to foster economic growth via investment stimulation, industrial restructuring and action to improve flexibility in the labour market are in the front line of the strategy to combat unemployment. These policies must, however, be accompanied by specific employment measures, including a positive policy on working time.

This policy should aim to improve the distribution of the available volume of work while at the same time permitting the necessary transformations in the apparatus of production. The measures involved would support the efforts undertaken with a view to reviving economic activity and increasing the volume of durable employment and would help to improve the competitiveness of firms.

¹ COM(83) 426 final.

² OJ L 145, 13.6.1977.

³ OJ C 149, 8.6.1983; Bull. EC 4-1983, points 1.1.11 to 1.1.21.

⁴ OJ C 128, 19.5.1982; Bull. EC 4-1982, points 1.2.1 to 1.2.8; point 000.

⁵ OJ C 290, 26.10.1983; COM(83)543 final.

⁶ Bull. EC 12-1982, point 2.1.55.

⁷ Bull. EC 3-1983, point 1.5.3; Bull. EC 6-1983, point 1.5.11.

⁸ Bull. EC 4-1983, points 1.1.1 to 1.1.10.

Accordingly, the Commission advocates the adoption of the following main objectives by the Member States:

- to reorganize and reduce individual working time sufficiently to support the positive development of employment under conditions which safeguard both competitiveness and basic social rights; so as to help improve employment, reductions in individual working time, which may involve reductions in hours worked daily, weekly or annually or in the duration of working life, should take account of the need to avoid increases in unit production costs, promote more efficient and flexible use of capital goods and maximize the margin for enlarging the work force while protecting the interests of the low paid; it is incumbent on the two sides of industry to draw up agreements at national, industry or firm level leading to a wider distribution of available work;

- to limit the systematic use of overtime more strictly and provide that time worked beyond normal hours should increasingly be rewarded by compensatory time off rather than additional remuneration.

The draft recommendation proposes that ceilings on overtime be lowered in proportion to the reductions in individual working time. It is recommended that the two sides of industry consider negotiating lower ceilings for overtime which would come into effect at times of particularly high unemployment.

Financial instruments

European Social Fund

2.1.40. The common position on the reform of the European Social Fund agreed by the Council on 2 June¹ was discussed at a conciliation meeting with Parliament on 19 September. Although progress was made on a number of points, Parliament decided not to deliver its opinion so that discussions could continue.

2.1.41. On 30 September the Commission approved the third batch of applications for assistance from the ESF for 1983. These applications had been approved by the

Fund Committee and involved the following amounts:

- 241.46 million ECU under Article 4 to help textile workers, women and young workers affected by employment difficulties:

<i>Million ECU</i>	
Operations	Amounts
Textiles	3.029
Young people	
— training aids	193.211
— employment aids	32.407
— special job-creation programme	0.967
Women	11.853

- 25.76 million ECU under Article 5 for operations to train handicapped persons;
- 2.03 million ECU for pilot projects.

Measures for ECSC workers

2.1.42. In September, acting under Article 56(2)(b) of the ECSC Treaty, the Commission decided to contribute 27.5 million ECU towards redeployment expenses for 12 851 workers affected by closures or cutbacks in steel plants and coalmines in Belgium, the Federal Republic of Germany, France, Ireland and the United Kingdom.

Education and vocational training

Cooperation in the field of education

2.1.43. The Education Committee met on 22 and 23 September and examined the measures proposed by the Commission to implement the resolution on the introduction of new information technology in education adopted on 19 September by the Council and the Ministers of Education meeting within the Council.² These include the integration of new information technology into the school curriculum, the organization of exchanges and visits with priority given to teacher

¹ Bull. EC 6-1983, point 2.1.78.

² OJ C 256, 24.9.1983; Bull. EC 6-1983, points 2.1.74 and 2.1.82.

trainers, studies on the transferability of software, teaching programmes and hardware and the development of a system for exchanging information and experience acquired from pilot schemes.

2.1.44. The Committee took note of the evaluation of certain pilot schemes concerning the design and production of teaching materials to facilitate and improve tuition of the language and culture of origin for immigrant workers' children.

2.1.45. The Committee also examined the Solemn Declaration on European Union signed by the Heads of State and Government at Stuttgart on 19 June,¹ in particular the points concerning Community cooperation in education.

2.1.46. Lastly, the Commission informed the Education Committee of Parliament's request that the Member States be asked to communicate any measures taken or proposed to introduce the teaching of human rights in the various education systems.²

New technology

2.1.47. On 19 September the Council formally adopted the resolution on new information technology in education³ which the Council and the Ministers of Education meeting within the Council had approved in June.⁴

Vocational training

2.1.48. On 20 September the Commission transmitted a communication to the Council embodying a proposal for a Decision on the comparability of vocational training qualifications between the Member States.⁵ This represents a first step towards achieving the objectives set out in the eighth of the general principles for implementing a common vocational training policy, established by the Council Decision of 2 April 1963,⁶ and a positive contribution to full freedom of movement for skilled workers within the Community.

The communication invites the Council to approve a methodology and procedure for

establishing the comparability of vocational training qualifications, which have been successfully tested with specific groups of occupations at skilled worker level, and the designation within each Member State of a national coordination office to be responsible for the dissemination of information on the comparability of vocational training qualification to all interested parties.

2.1.49. On 19 and 20 September the Advisory Committee for Vocational Training met to discuss the vocational training of disabled people and the question of illiteracy in the European Community, on the basis of working papers prepared by Commission departments.

Living and working conditions and social protection

Equality between men and women

2.1.50. On 13 September the first meeting of a group of equal opportunities advisers was held. This group is composed of experts in education and vocational training whose task is to foster integrated national programmes on education and training.

2.1.51. Parliament's Committee of Inquiry into the Situation of Women in Europe held a meeting on 21 and 22 September. Among other things, the Committee discussed reports on the situation of women in Greece, vocational training and immigrant women, and called for amendments to items of the draft budget for 1984 that directly affected the situation of women.

2.1.52. A high-level European colloquium on positive action to promote equal treatment for men and women, organized jointly by the Greek Ministry of Labour and the

¹ Bull. EC 6-1983, point 1.6.1 (par. 3.3).

² Bull. EC 7/8-1983, point 2.4.13.

³ OJ C 256, 24.9.1983.

⁴ Bull. EC 6-1983, point 2.1.82.

⁵ OJ C 264, 4.10.1983; COM(83)482 final.

⁶ OJ 63, 20.4.1963.

Commission, was held in Athens from 27 to 29 September. This colloquium was in keeping with the new Community action programme on the promotion of equal opportunities for women (1982-85)¹ and, apart from the Commission delegation, was attended by several ministers, members of the European Parliament (including Mrs Veil and Mrs Cinciari-Rodano), representatives of the relevant ministries in each Member State, members of the committees on the employment of women, the Chairman of the Advisory Committee on Equal Opportunities for Women and Men and delegations from ETUC and UNICE.

Mr Ivor Richard presented the conclusions of the colloquium. He underlined its importance in stimulating the awareness of those in a position to make policy decisions. He emphasized the need to pursue action in favour of equal treatment, despite the economic crisis, and the advisability of a Commission initiative to set up a flexible Community framework for the promotion of positive action in a more systematic and general manner.

Labour law and industrial relations

2.1.53. Parliament held its first debate on the amended proposal for a Directive on workers' information and consultation rights in undertakings with complex structures, in particular transnational undertakings.² The new version was criticized for conflicting reasons by right-wing groups—particularly the United Kingdom Conservatives—and by the communists. Members noted, however, that the Commission had taken over most of the amendments proposed by Parliament in December.³ It had not accepted Parliament's suggestions on the election of workers' representatives by secret ballot, believing that such a provision would necessitate changes in current laws and practices in the Member States. While regretting that all Parliament's amendments could not be taken into account, speakers representing the centrist and socialist groups were satisfied that progress had been achieved and called for the rapid adoption of the Directive by the Council.

Health and safety

Public health

2.1.54. On 15 and 16 September, as part of its activities in the field of health education, the Commission convened a third meeting of national experts who examined the current situation in the Member States with regard to the teaching of dietetics in schools.

Discussions centred on standard health-education schemes for schoolchildren in a number of countries as well as teacher-training problems and the assessment of health-education projects. The preliminary findings of a survey on school meals in the Member States were presented.

Health and safety at work

2.1.55. On 19 September the Council formally adopted the Directive on the protection of workers from the risks to exposure to asbestos at work,⁴ which it had approved last June.⁵

Health and safety (ECSC)

2.1.56. On 7 and 8 September the Commission of the European Communities and the Mines Safety and Health Commission held a series of briefing sessions for officials of Community mineworkers' unions at the premises of the European Foundation for the Improvement of Living and Working Conditions in Dublin.

The main topics dealt with concerned health (dust and noise) and human factors in industrial accidents and their implications with regard to the introduction of an accident prevention policy.

Special attention was paid to the development of Community research, which receives substantial financial backing from the ECSC.

¹ OJ C 22, 19.1.1982; Supplement 1/82 — Bull. EC.

² OJ C 217, 12.8.1983; Bull. EC 6-1983, points 1.3.1 to 1.3.7; Supplement 2/83 — Bull. EC.

³ Bull. EC 10-1982, point 2.4.14; Bull. EC 12-1982, point 2.4.6.

⁴ OJ L 263, 24.9.1983.

⁵ Bull. EC 6-1983, point 2.1.95.

The participants took note of the progress of the safety campaign organized in Ireland with the support of the Safety and Health Commission and they paid two visits to mines.

Regional policy

Coordination and programmes

Regional Policy Committee

2.1.57. The Regional Policy Committee met on 29 September with Mr Bernard Attali in the chair. The meeting was entirely devoted to the further preparation of the second periodic report on the social and economic situation of the regions of the Community.

Financial instruments

European Regional Development Fund

Revision of the Fund Regulation

2.1.58. On 19 September the Commission sent the Council a proposal for a Decision enabling grant aid from the European Regional Development Fund for infrastructure investment projects to exceed the 70% limit for the period 1981-83.¹

Because the proposal for the revision of the ERDF Regulation has not yet been approved by the Council,² the Commission feels it necessary to request the Council to grant this derogation in the mean time, in accordance with the ERDF Regulation of 18 March 1975.³

Eighth Annual Report

2.1.59. On 30 September the Commission adopted the draft of its Eighth Annual Report to the Council on the activities of the European Regional Development Fund.⁴ The Report, covering 1982, is also to be sent to Parliament and the Economic and Social Committee.

ERDF aid: third 1983 allocation

2.1.60. On 28 September the Commission approved the third allocation of ERDF grants for 1983, totalling 289.48 million ECU. This contribution goes to 420 investment projects in all the Member States (except France and Luxembourg) costing a total of 1 538.14 million ECU.

The Fund Committee had delivered a favourable opinion on these projects on 12 July.⁵ The Regional Policy Committee had been consulted on 7 and 8 July on infrastructure projects costing more than 10 million ECU.⁶

The aid granted under this allocation is divided among the Member States as shown in Table 1.

The total of 289.48 million ECU was distributed as follows:

- 270.42 million ECU to 351 infrastructure projects, of which 172.33 million ECU for 22 projects costing more than 10 million ECU each, and 98.09 million ECU for 329 projects costing less than 10 million ECU each. The total cost of infrastructure investment projects receiving assistance from the Fund amounts to 1 278.19 million ECU;
- 19.06 million ECU for 69 projects in industrial (including small business) and service activities, of which 2.37 million ECU for 4 projects costing more than 10 million ECU each, and 16.69 million ECU for 65 projects costing less than 10 million ECU each. The total cost of the industrial and services investment projects receiving assistance from the Fund amounts to 259.95 million ECU; 4 690 jobs will be created or preserved by these investments.

¹ COM(83)530 final/2.

² Bull. EC 7/8-1983, point 2.1.81.

³ OJ L 73, 21.3.1975.

⁴ COM(83)566/2.

⁵ Bull. EC 7/8-1983, point 2.1.82.

⁶ Bull. EC 7/8-1983, point 2.1.80.

Table 1 — Grants from the ERDF (third 1983 allocation)

	Number of grant decisions	Number of projects	Investment assisted (million ECU) ¹	Assistance granted (million ECU) ¹
Belgium	2	5	12.89	1.24
Denmark	5	49	45.96	14.91
Germany (FR)	15	39	176.25	6.94
Greece	16	57	313.61	100.33
France	—	—	—	—
Ireland	9	28	437.84	49.05
Italy	5	61	25.05	9.26
Luxembourg	—	—	—	—
Netherlands	3	3	14.19	4.09
United Kingdom	42	178	512.35	103.66
Total	97	420	1 538.14	289.48

¹ Converted at January 1983 rates.

The number of projects assisted since the Fund was set up now stands at 18 725 and the total assistance granted at 9 073 million ECU.

Emergency relief to disaster victims

2.1.61. On 13 September the Commission decided to grant emergency relief of 75 000 ECU to the province of Bolzano, damaged by torrential rains, in addition to the relief of 425 000 ECU already granted to the province of Sondrio on 22 June;¹ this brings the total relief for this disaster to 500 000 ECU for the whole of the region affected. The Commission also allocated emergency relief of 500 000 ECU to the Federal Republic of Germany after the April and May floods in Hessen, Rhineland-Palatinate, Baden-Württemberg, North Rhine-Westphalia and Saarland; in June the Commission had already granted emergency relief of 275 000 ECU to Luxembourg,² which had been struck by the same disaster. It also granted emergency relief of 1 500 000 ECU to help the most deprived who had suffered from the floods of April, May and June in 39 French departments; and relief of 100 000 ECU to the people of the Basque country in France devastated by

floods in August, which accompanied the decision to grant emergency relief of 500 000 ECU to the Basque country in Spain for the same reasons.

2.1.62. On 15 September Parliament adopted resolutions on:

- the consequences of the drought in Isère;
- emergency aid following the violent storms and floods in the Basque country;
- the consequences of the floods in the Basque country in France and Spain and in the north of Burgos and Santander provinces.³

Environment and consumers

Environment

2.1.63. On 29 September the Economic and Social Committee adopted an own-initiative opinion on the implementation of environmental job-creating measures.⁴

¹ Bull. EC 6-1983, point 2.1.107.

² Bull. EC 6-1983, point 2.1.106.

³ Point 2.4.12; OJ C 277, 17.10.1983.

⁴ Point 2.4.22.

Prevention and reduction of pollution and nuisances

Freshwater and marine pollution

Emergency action to combat oil pollution

2.1.64. On 27 September the Commission transmitted to the Council a proposal for a Directive on the drawing up of contingency plans to combat accidental oil spills at sea.¹

This proposal comes under the Action programme adopted by the Council on 26 June 1978.² It seeks to coordinate the contingency plans drawn up by Member States; the Commission is required to be informed of these plans under the Community information system established by the Council on 3 December 1981.³

To this end, the Commission's proposal seeks to prompt the Member States to take steps designed:

- to organize contingency plans at national and Community level;
- to prepare simulation exercises;
- to assess the effectiveness of the plans in the event of a major accident; and
- to exchange information on the contingency plans within the existing Advisory Committee.⁴

Bonn Agreement

2.1.65. At a Diplomatic Conference in Bonn on 13 September the Commission signed, on behalf of the Community, the Agreement for Cooperation in Dealing with Pollution of the North Sea by Oil and Other Harmful Substances.⁵ This Agreement updates the 1969 Agreement, extends the geographical area to which the latter applies, strengthens cooperation between the Contracting Parties, which now include the Community as such, and enlarges the scope of the Agreement to cover action to combat harmful substances other than oil.

Barcelona Convention

2.1.66. On 16 September the Commission sent the Council a proposal for a Decision⁶ designed to complete the procedures necessary

for the conclusion of a fourth Protocol to the Barcelona Convention⁷ of 1976, concerning specially protected areas of the Mediterranean Sea. The three Protocols relating to the Mediterranean already concluded concern, respectively, prevention of pollution by dumping from ships and aircraft,⁸ cooperation in combating pollution by oil and other harmful substances in cases of emergency⁹ and protection against from land-based sources.¹⁰

The Community signed the Protocol on specially protected areas on 31 March 1983.¹¹ The aim of the Protocol is to conserve natural resources and to maintain the diversity of the endemic species in certain areas of the Mediterranean. To this end, it makes provision for the adoption of rules and measures to be decided upon at a later date by the Contracting Parties. It is possible that these measures may affect certain Council Directives on the environment.

Cadmium discharges

2.1.67. On 26 September the Council adopted the Directive concerning limit values and quality objectives for cadmium discharges into the aquatic environment of the Community,¹² which it approved in June.¹³

Air pollution

Nitrogen dioxide emissions

2.1.68. On 13 September the Commission sent to the Council a proposal for a Directive designed to combat air pollution through the setting up of air quality standards for nitrogen

¹ OJ C 273, 12.10.1983; COM(83) 520 final.

² OJ C 162, 8.7.1978; Bull. EC 6-1978, point 2.1.61.

³ OJ L 353, 10.12.1981; Bull. EC 12-1981, point 2.1.81.

⁴ OJ L 188, 22.7.1980; Bull. EC 6-1980, point 2.1.75.

⁵ Bull. EC 4-1983, point 2.1.84; Bull. EC 7/8-1983, point 2.1.87.

⁶ OJ C 259, 28.9.1983; COM(83) 518 final.

⁷ Sixteenth General Report, point 354.

⁸ OJ L 240, 19.9.1977.

⁹ OJ L 162, 19.6.1981.

¹⁰ OJ L 67, 12.3.1983.

¹¹ Bull. EC 3-1983, point 2.1.76.

¹² OJ L 291, 26.9.1983.

¹³ Bull. EC 6-1983, point 2.1.113.

dioxide in order to provide better protection for human health and contribute towards the preservation of the environment.¹

This proposal, which provides for the setting of limit and guide values for concentrations of nitrogen dioxide, concerns the atmosphere outside the workplace and buildings. It forms part of the priority measures contained in the Communities' action programmes on the environment.²

Acid rain

2.1.69. An assessment of the scientific, technical and economic aspects of the problem of acid rain,³ which appears to be one of the possible causes of damage to forests in Europe, was the focal point of the discussions in Karlsruhe from 19 to 21 October at a symposium organized jointly by the Commission and the JRC's Karlsruhe Establishment.⁴ The aims of the symposium were to arrive at a consensus on the origins of the phenomenon, to take stock of the present state of technologies for reducing emissions and to determine the requirements as regards further research. It emerged from the symposium that considerable effort is needed to reduce emissions, in particular of sulphur and nitrogen oxides, and that urgent joint action must be taken to ward off the threat of acid rain to human health and the environment.

Noise

2.1.70. On 16 September Parliament gave a favourable opinion⁵ on the Commission proposal of January 1982 for a Council Directive concerning airborne noise emitted by household appliances.⁶

Protection and rational use of land, the environment and natural resources

Land

Protecting forests against fire

2.1.71. On 15 September Parliament adopted a resolution emphasizing the urgent need to step up measures to combat forest fires, particularly in the Mediterranean areas where the damage is greatest.⁷

Flora and fauna

Endangered species

2.1.72. On 30 September, in accordance with a resolution adopted by the fourth meeting of the Conference⁷ of the Parties to the Washington Convention on International Trade in Endangered Species of Wild Fauna and Flora, the Commission proposed⁸ that the Council extend the scope of its Regulation of 3 December 1982 on the implementation of the Convention in the Community.⁹

Consumers

Physical protection

Cosmetics

2.1.73. The Commission continued its efforts to protect consumers with regard to cosmetics; on 22 September it amended¹⁰ for the fourth time¹¹ Council Directive 76/768/EEC of 27 July 1976 on the approximation of the laws of the Member States relating to cosmetic products¹² to adapt it to technical progress. Under this amendment two new preservatives may be used in cosmetics, subject to certain restrictions and conditions: 4,4-dimethyl-1,3-oxazolidine and 1,2-dibromo-2,4-dicyanobutane.

2.1.74. On 27 September the Commission adopted a third Directive on the approximation of the laws of the Member States relating to methods of analysis necessary for checking the composition of cosmetic products.¹³ The

¹ OJ C 258, 27.9.1983; COM(83) 498 final.

² OJ C 112, 20.12.1973; OJ C 139, 13.6.1977; OJ C 46, 17.2.1983.

³ Bull. EC 6-1983, point 2.1.122.

⁴ Point 2.1.161.

⁵ OJ C 277, 17.10.1983.

⁶ OJ C 181, 19.7.1982; Bull. EC 1-1982, point 2.1.39.

⁷ Bull. EC 4-1983, point 2.1.92.

⁸ OJ C 272, 11.10.1983; COM(83) 557 final.

⁹ OJ L 384, 31.12.1982; Bull. EC 12-1982, point 2.1.105.

¹⁰ OJ L 275, 8.10.1983.

¹¹ OJ L 188, 13.7.1983.

¹² OJ L 262, 27.9.1976.

¹³ OJ L 291, 24.10.1983.

methods in question were developed by the Commission in cooperation with experts from government and industry.

Agriculture

Proposals for rationalizing the common agricultural policy

2.1.75. After sending a general communication on this matter to the Council in July,¹ the Commission put up proposals for a Regulation on milk and milk products,² the introduction of a tax on the consumption of food oils and fats other than butter, irrespective of their origin,³ and changes in the policy on agricultural structures.⁴

Council

2.1.76. At its meeting on 26-27 September the Council resumed⁵ work on the adjustment of the Community rules on Mediterranean products, fruit and vegetables and olive oil, but little progress in the alignment of the various standpoints was achieved. The link between this work and the current review of the common agricultural policy was stressed.⁶

As it wound up its discussions, the Council agreed to take up the matter again at its next meeting.

2.1.77. Other items on the agenda included the proposal for an amendment of the general rules for the aid scheme for dried grapes and dried figs for 1983/84,⁷ which the Council again considered, without reaching agreement. It discussed various ways and means of introducing transitional measures pending the adoption of a definitive scheme.

The Council also continued its work on three proposals for Directives recommending amendments to the Community lists of less-favoured areas within the meaning of Directive 75/268/EEC in Italy, the United Kingdom and the Netherlands,⁸ and on the proposal to implement at Community level a number of coordinated and joint agricultural research projects between 1 January 1984 and 31 December 1988.⁹ No agreement on

the amounts to be allocated to this five-year programme has yet been reached.

2.1.78. As decided at its meeting on 16 and 17 May when it discussed farm prices for 1983/84, the Council, subject to Parliament's opinion, endorsed four proposals for Regulations on structural matters,¹⁰ one concerning the development of agricultural advisory services in Greece, one amending Regulation (EEC) No 1054/81 establishing a common measure for the development of beef cattle production in Ireland and Northern Ireland, a third establishing a common measure to speed up collective irrigation schemes in Greece, and a fourth setting up a special emergency measure to assist livestock production in Italy. These Regulations will be formally adopted simultaneously once Parliament has delivered its opinion.

Informal meeting of Agriculture Ministers

2.1.79. On 7 September the Ministers of Agriculture held an informal meeting in Athens to discuss new directions in structures policy, on which the Commission presented proposals at the end of the month.⁴

Market organizations

Adjustments to basic Regulations

Milk and milk products

2.1.80. On 14 September the Commission sent the Council the first three detailed proposals for implementing a system of production thresholds in the milk sector.¹¹

¹ Bull. EC 7/8-1983, points 1.1.2 *et seq.*

² Point 2.1.80 to 2.1.84.

³ Point 2.1.95.

⁴ Point 1.2.1 *et seq.*

⁵ Bull. EC 6-1983, point 2.1.136.

⁶ Point 1.3.1 *et seq.*

⁷ OJ C 94, 8.4.1983; Bull. EC 3-1983, point 2.1.119.

⁸ OJ C 206, 2.8.1983; OJ C 224, 22.8.1983.

⁹ OJ C 27, 2.2.1983; Bull. EC 12-1982, point 2.1.128; Bull. EC 6-1983, point 2.1.147.

¹⁰ Bull. EC 7/8-1983, point 2.1.144.

¹¹ COM(83) 548 final.

These proposals link up with earlier ones made in July on the rationalization of the common agricultural policy.¹ They concern the introduction of an additional levy on quantities produced in excess of an annual reference quantity, the introduction of a special levy on milk from intensive production units and amendments to the basic Regulation² to incorporate these new concepts and to suspend, periodically, buying in of skimmed-milk powder.

Parallel measures include provisions on the consumption of butter and processed milk.³

At producer level

2.1.81. The additional levy will amount to 75% of the target price for milk and will be payable by undertakings or groupings whose purchases of milk, cream and butter exceed the reference quantity (101% of the quantity bought in 1981); it will be passed on by them to farmers (and only such farmers) whose deliveries exceed the quantity delivered during a reference period corresponding to that used for fixing the reference quantity for the purchaser.

This measure should stabilize milk deliveries without affecting the incomes of small dairy farmers. Failing implementation of this measure, the effect of the provisions approved in May 1982⁴ would be to bring down the price of milk by 12% in 1984/85 in order to offset the additional expenditure generated by the excess beyond the guarantee threshold in 1983. If the additional levy system were not introduced, milk deliveries would exceed the reference quantity (1981 + 1%) by 8 million tonnes.

In terms of farmers' incomes, the proposed additional levy will be far less damaging than a drop—albeit by only 2%—in the common price for milk in 1984/85.

2.1.82. The special levy, put at 4% of the target price, will be payable by any milk producer delivering more than 60 000 kg of milk a year, and producing 15 000 kg of milk annually per ha of fodder area. This levy is charged in addition to the existing co-responsibility levy.

2.1.83. Lastly, amendment of the basic Regulation should enable the Commission to restore sound production in this sector. The fact that no one will be exempt from the levy and that intervention buying of skimmed-milk powder will be suspended for several months of the year should stem the tide of milk production fairly rapidly.

At consumer level

2.1.84. The four proposals on consumption of milk and milk products concern the cessation of aid for direct butter consumption, the extension of aid towards the use of butter, the introduction of special aid for concentrated milk and the increase of butterfat consumption by raising the fat content of milk.⁵

Gradual phasing out of the scheme for direct consumption of butter. This measure has had little impact at consumer level (it is estimated that it yielded an increase in consumption of 20 000 to 30 000 tonnes/year out of an internal total of 1 692 000 tonnes/year in 1981 and will be phased out in two stages, by 50% on 1 April 1984 and the rest on 1 April 1985.

Use of butter. The Commission proposes that the aid scheme for butter used in the manufacture of pastry products and ice cream should be extended to butter used for other foodstuffs.

Aid for concentrated milk used as animal feed. The purpose of this measure is to reduce the quantities delivered for intervention by instituting aid for the use of whole concentrated milk for feeding calves and skimmed concentrated milk for other livestock. Aid for concentrated milk would be adjusted to take account of the situation on the butter market; initially it could increase milk consumption by about 440 000 tonnes.

¹ Supplement 4/83—Bull. EC; Bull. EC 7/8-1983, points 1.1.6 and 1.1.7.

² OJ L 148, 28.6.1968.

³ Point 2.1.84; see also the reference to oils and fats other than butter at point...

⁴ Bull. EC 5-1982, point 2.1.76; Bull. EC 5-1983, point 2.1.93.

⁵ OJ C 289, 25.10.1983; COM(83) 611 final.

Oils and fats. The fourth measure proposed by the Commission consists in increasing the fat content of standardized whole milk and semi-skimmed milk. This should increase consumption by 20 000 tonnes of butter equivalent.

Prices and specific measures

Fresh fruit and vegetables

2.1.85. The Commission sent the Council and Parliament the sixth annual report¹ on the estimated clearings and new plantations of certain types of fruit trees (apples, pears, peaches and oranges) in the Community, covering 1980/81. The report shows that areas contracted by 4 500 hectares — a little under 1% of the total area of commercial orchards. Since 1977, areas planted with pear trees have declined steadily whereas those planted with apples, peaches and oranges have remained fairly stable. The largest acreages for the first three species are in Italy (50%), France (30%), Germany (8%), the Netherlands (5.3%) and the United Kingdom (5.2%).

2.1.86. On 7 September the Commission fixed the reference prices for sweet oranges, mandarins, tangerines and clementines for 1983/84 and the Community offer prices applicable for these products *vis-à-vis* Greece.² On the same day it fixed the minimum purchasing price for oranges delivered to industry and the amount of the financial compensation after processing.²

Wine

2.1.87. On 9 September the Commission sent the Council a proposal for a list to be drawn up of quality sparkling wines produced in specified regions for which, on account of their fragile nature and properties, the duration of the preparation process may be six months instead of nine months (sparkling wines produced in southern Italy).³

2.1.88. On 26 September the Commission sent the Council two other proposals for Regulations, one to amend the rules for the description and presentation of wines and grape musts, making it compulsory to indicate

the ingredients used during preparation and the actual alcoholic strength, and one concerning special wines, for which it is proposed that, in the interests of fair competition, indications likely to mislead consumers should be prohibited.⁴

2.1.89. On 9 September the Commission laid down detailed rules and instituted the application of additional measures applicable to holders of long-term storage contracts for table wine for the 1982/83 wine-growing year.⁵ These additional measures, known as the 'special price support guarantee', allow distillation of 100% of the quantity provided for in the basic Regulation,⁶ i.e. 18% of the quantity of table wine produced during the 1982/83 marketing year by each long-term storage contract holder, and a four-month extension of storage contracts for the quantity of wine under contract in excess of this threshold.

Milk and milk products

2.1.90. On 23 September the Commission sent the Council a proposal for a Regulation increasing by 10% the volume of imports into the Community of Emmental cheese from Finland,⁷ following the agreement signed by Finland and the Community on the development of trade.

2.1.91. At its September part-session Parliament adopted a resolution on the sale of Christmas butter at reduced prices.⁸

Beef/veal

2.1.92. On 26 September the Council fixed the Community import quota for high-quality fresh, chilled or frozen beef and veal for 1984 at 29 800 tonnes, in accordance with the Community's commitment under GATT.⁹ The CCT duty for the quota is 20%.

¹ COM(83)515 final.

² OJ L 248, 8.9.1983.

³ COM(83)467 final.

⁴ COM(83)529 final.

⁵ OJ L 250, 10.9.1983.

⁶ OJ L 54, 5.3.1979.

⁷ COM(83)549 final.

⁸ Point 2.4.12; OJ C 277, 17.10.1983.

⁹ OJ L 267, 29.9.1983.

2.1.93. Because of high prices and heavy demand on the markets, the Commission authorized Greece to extend until 31 December the suspension of customs duties on beef/veal imported from other member countries.¹

Processed fruit and vegetables

2.1.94. On 28 September the Economic and Social Committee adopted an opinion² on a series of proposals for measures concerning products processed from fruit and vegetables.³

Oils and fats

2.1.95. Among its various proposals for the rationalization of the CAP, the Commission adopted on 30 September a proposal for a Regulation introducing a tax of 7.5 ECU per 100 kg on vegetable oils and animal fats other than butter with the exception of those intended for use other than for food or feed.⁴ This is to supplement the measures to control production of butterfats through co-responsibility levies.⁵ It is designed to reduce the imbalance between butterfats and other oils and fats. The scheme should come into force on 1 January 1984 and apply to all relevant products, whether produced in the Community or imported. Revenue from the tax is estimated at 524 million ECU for one year, in addition to which there would be a saving of 56 million ECU on aid to olive oil consumption. The tax would help to finance expenditure under the common organization of the oils and fats market.

The impact of this tax on consumer prices should be 3-8%, depending on the type or quality of the oil or margarine in question. On average it would represent a cost of 0.8 ECU per month for a family of four.

The tax would reduce the disparity between the price of butter and that of other oils and fats, also reducing the cost of aid for the use of butter in the food industry (pastry products, ice cream). It would not affect competitive relations between imported products and Community products, nor would it significantly reduce Community consumption or, consequently, imports. The proposed measures constitute a corollary to the meas-

ures proposed for stabilizing the butter market.⁶

Hops

2.1.96. On 16 September Parliament expressed a favourable opinion⁷ on the proposal for a Regulation fixing the amount of aid to producers for the 1982 crop.⁸ It urged the Commission to approach exporting non-member countries to discourage them from extending their acreages under hops.

Structures

New measures and amendments to Directives

Review of policy on agricultural structures

2.1.97. At the end of September the Commission adopted and on 7 October sent to the Council several proposals for the revision of the 1972 socio-structural directives (72/159, 72/160, 72/161), the 1975 Directive on mountain and hill farming and farming in certain less-favoured areas (75/268), and the 1977 Regulation on the improvement of conditions under which fruit and vegetables are processed and marketed (355/77).⁹

*

2.1.98. On 12 September Parliament adopted a resolution⁷ on the implementation of the 1975 Directive on mountain and hill farming and farming in certain less-favoured areas,¹⁰ on the basis of the 1980 Report of the Court of Auditors.¹¹

¹ OJ L 264, 27.9.1983.

² Point 2.4.26.

³ OJ C 94, 8.4.1983; Bull. EC 3-1983, point 2.1.119.

⁴ OJ C 289, 25.10.1983.

⁵ OJ L 131, 26.5.1977; OJ L 90, 4.4.1981; OJ L 140, 20.5.1982.

⁶ Points 2.1.80 to 2.1.84.

⁷ OJ C 277, 17.10.1983.

⁸ OJ C 221, 18.8.1983; Bull. EC 7/8-1983, point 2.1.135.

⁹ Point 1.2.1 et seq.; COM(83)559 final.

¹⁰ OJ L 128, 19.5.1975.

¹¹ OJ C 358, 31.12.1980.

Forestry

2.1.99. On 15 September Parliament passed a resolution on the urgent need to improve measures to combat forest fires.¹

Coordination of agricultural research

2.1.100. On 22 September the Commission sent a report² to the Council on the implementation of joint research programmes and programmes for the coordination of agricultural research during the first three years following the adoption of the programmes in 1978.³ A fresh proposal for a five-year (1984-88) programme is now being considered by the Council.⁴

Agricultural legislation

Veterinary legislation

2.1.101. Because of the continuing threat of classical swine fever, the Council adopted on 31 August a Decision concerning certain protective measures against this disease.⁵ For a period varying according to the likelihood of a spread of the disease, Member States must prohibit the entry into their territory of live pigs from certain areas considered as being at risk in the Netherlands, the Federal Republic of Germany, Belgium and Italy.

As part of its efforts to control the disease, the Commission approved on 20 September a plan submitted by Greece for the accelerated eradication of classical swine fever.⁶

2.1.102. On 27 September the Commission adopted its first Decision on health controls and the health certificate required for imports of live cattle and pigs from Canada.⁷

2.1.103. The Commission sent four other proposals on veterinary matters to the Council. The first is a proposal for a Directive on health inspection problems affecting intra-Community trade and imports from third countries of semen of domestic animals of the bovine and porcine species.⁸ In view of the risk of livestock disease propagation, the Commission is anxious to set up a harmonized system for trade in bovine and porcine semen.

The second proposal⁹ amends the 1964 Directive¹⁰ as regards brucellosis, and more specifically the buffered brucella antigen test, the micro-agglutination test and the milk ring test as applied to samples of milk from bulk tanks. Since progress has been made, in terms of both diagnosis and prophylaxis, in the campaign against bovine brucellosis, the purpose of the proposal is to ensure complete harmonization of the techniques used to control the disease.

The third proposal¹¹ is for an extension of the validity of the provisions of subparagraphs C and E of Article 7(1) of the 1964 Directive.¹² Under this Directive, Member States are entitled to exemption from the brucellosis rules for trade in certain bovine animals. It is proposed that this possibility be extended for a two-year period (to end 1985). This date will coincide with the end of Community-financed programmes for accelerated eradication of brucellosis, tuberculosis and leucosis.

Lastly, the fourth Directive concerns a financial contribution to the Foot-and-Mouth Institute at Ankara.¹³ This contribution is to be used for financing purchases of equipment for the production of foot-and-mouth vaccine to be used by the Turkish authorities to step up their campaign against the disease. The protection of the Community against foot-and-mouth disease should thereby be reinforced.

Competition

2.1.104. In September the Commission informed the Council that it wished to reinforce its policy of supervision of State

¹ OJ C 277, 17.10.1983.

² COM(83)471 final.

³ OJ L 316, 10.11.1978; Twelfth General Report, point 405.

⁴ OJ C 27, 2.2.1983; Bull. EC 12-1982, point 2.1.128.

⁵ OJ L 249, 9.9.1983.

⁶ OJ L 264, 27.9.1983.

⁷ OJ L 273, 6.10.1983.

⁸ OJ C 267, 6.10.1983; COM(83)512 final.

⁹ OJ C 255, 23.9.1983; COM(83)496 final.

¹⁰ Directive 64/432/EEC: OJ 121, 29.7.1964.

¹¹ COM(83)503 final.

¹² OJ 121, 29.7.1964.

¹³ COM(83)553 final.

aids in agriculture.¹ This reflects the Commission's view that national aids should remain exceptional and be confined to activities strictly relevant to the attainment of the CAP objectives. The Commission intends to make increasing use of its powers to require Member States to recover aids paid illegally to individuals. It will take account of the effects that such aids can have on the operation of the CAP and the Community budget when the EAGGF accounts are cleared. The Commission also tightened up its arrangements for supervision of aids in industry.²

2.1.105. Under Articles 92 to 94 of the EEC Treaty the Commission decided to make no comment on the introduction of the following draft measures, notified by:

United Kingdom

Isle of Man: Variation of the Farm Improvement Scheme (aid to investments for building grain storage facilities) and of the Horticultural Improvement Scheme (aids to processing undertakings).

2.1.106. The Commission decided to close the Article 93(2) procedure concerning two cases of aids granted in France in the form of reduced-interest advance payments to equalization funds in the pigmeat sector, since the French authorities had notified the Commission that the scheme was to be discontinued.

European Agricultural Guidance and Guarantee Fund

1982 Financial Report

2.1.107. On 12 and 23 September the Commission sent the Twelfth Financial Report on the Activities of the EAGGF (covering 1982) to the Council.³ This report concerns expenditure incurred under the common policy on agricultural markets and prices, the common policy for the improvement of agricultural structures and the supply of agricultural products as food aid from the Community.

2.1.108. Expenditure under the Guarantee Section totalled 12 405.6 million ECU in 1982, compared with 10 980.2 million ECU in 1981 (11 314.9 million ECU in 1980), thus falling short of the original appropriations of 13 703.1 million ECU.

Compared with 1981, total expenditure in 1982 showed an increase of 13%. The rise was particularly apparent in the oils and fats, wine, sugar, fruit and vegetables and tobacco sectors. By contrast, expenditure in the cereals and beef/veal sectors was lower in 1982 than in 1981, while expenditure on milk and milk products remained steady.

The breakdown of expenditure by economic sector shows that, in relation to total expenditure, the share taken up by intervention buying was 59.3% in 1982 (53.2% in 1981), the main item being price compensating aids, followed by storage intervention; refunds accounted for 40.7% of total expenditure in 1982 (46.8% in 1981).

2.1.109. In the Guidance Section, 1982 showed an increase in expenditure on measures to assist less-favoured areas.

2.1.110. Expenditure on indirect measures totalled 393 million ECU, mainly in France (120 million ECU), Ireland (70 million ECU), the Federal Republic of Germany (59 million ECU), the United Kingdom (51 million ECU) and Italy (34 million ECU).

Of these measures, the 1975 Directive on mountain and hill farming and farming in certain less-favoured areas⁴ has become the most important in financial terms: 144.5 million ECU has been paid to Member States under this Directive. The 1972 Directive on modernization of farms⁵ has given rise to expenditure totalling 86.8 million ECU, while the 1977 Regulation introducing milk non-marketing and dairy herd conversion

¹ COM(83)567 final.

² Point 2.1.33.

³ COM(83)499 final (EAGGF Guidance Section); COM(83)531 final (EAGGF Guarantee Section and Food Aid Financing).

⁴ OJ L 128, 19.5.1975.

⁵ OJ L 96, 23.4.1972.

premiums¹ has generated expenditure totalling 58 million ECU.

2.1.111. Under direct measures, Italy has received more than half the aid granted (200 million ECU out of 390 million), followed by France (75.5 million ECU), the Federal Republic of Germany (37 million ECU), the United Kingdom (21 million ECU), Ireland (20 million ECU) and Greece (16 million ECU).

A breakdown of appropriations shows that the scheme to improve the conditions under which agricultural products are processed and marketed² was still the most important in 1982: 208 million ECU was spent on 542 individual projects.

For the three direct measures to assist farming in the Mediterranean,³ appropriation commitments totalled 130.8 million ECU for 202 projects.

2.1.112. Community food aid operations in 1982 cost a total of 536.9 million ECU (600.9 million ECU in 1981). These operations consisted mainly in supplying milk products (267.5 million ECU in 1982, compared with 356.8 million ECU in 1981), cereals and rice (172.8 million ECU in 1982 compared with 167.4 million ECU in 1981).

Expenditure on food aid has thus remained higher since 1981 than in preceding years (313.8 million ECU in 1980, 259.1 million ECU in 1979), although there was a slight drop in 1982.

EAGGF Guidance Section

Reimbursement decisions

2.1.113. During the third quarter the Commission approved payments from the EAGGF Guidance Section totalling 178 million ECU, corresponding to expenditure by all the Member States in 1981 and 1982 and advance payments to Ireland and France for expenditure in 1983 under Directive 78/628/EEC and Regulation (EEC) No 458/80.

The reimbursements concerned the socio-structural Directives (72/159/EEC, 72/160/EEC and 72/161/EEC), the Directives

and Regulations to assist less-favoured areas (75/268/EEC, 78/627/EEC, 78/628/EEC, (EEC) No 1820/80 and (EEC) No 1054/81) and several Regulations and a Directive concerning the common market organizations ((EEC) No 1035/72, (EEC) No 1163/76, (EEC) No 3796/81, (EEC) No 458/80 and 82/400/EEC).

Fisheries

2.1.114. In an attempt to ease the way for the Council's talks aimed at working out a fisheries agreement acceptable to Greenland and the Community, the Commission adopted a communication setting out its views on what the agreement should contain.⁴

The Commission suggests the following principles as a basis: after consulting the Community, the Greenland authorities should set annual TACs on the basis of scientific data and establish fishing conditions with no discrimination between Greenland and other fishermen; the agreement should set annual quotas for Greenland reflecting Greenland and Community interests; and the duration of the agreement should be five years.

Resources

Internal resources

1983 TACs and quotas

2.1.115. On 29 September⁵ the Commission made a second amendment⁶ to its April proposal on TACs and fishing quotas for 1983⁷ in the light of the opinion of the Scientific and Technical Committee for Fisheries on Blackwater herring.

¹ OJ L 131, 26.5.1977.

² OJ L 51, 23.2.1977.

³ OJ L 166, 19.6.1978; OJ L 204, 28.7.1978; OJ L 38, 14.2.1979.

⁴ COM(83)593 final.

⁵ COM(83)561 final.

⁶ Bull. EC 6-1983, point 2.1.197.

⁷ Bull. EC 4-1983, point 1.4.1 *et seq.*

2.1.116. When the new fisheries policy was adopted in January,¹ the Council agreed that, pending a decision on the 1983 TACs and quotas, fishing operations by the Member States would continue on the basis of the TACs and quotas laid down for 1982, but in keeping with the normal seasonal cycles.²

In order to ensure compliance with the quantitative restrictions on catches of stocks subject to quotas, the Commission was to fix by regulation the date on which catches made by vessels of a Member State had exhausted the quota allocated; hence the Regulations adopted by the Commission concerning the stopping of fishing for saithe³ and herring⁴ by vessels flying the United Kingdom flag, fishing for shrimps by vessels flying the French flag⁵ and fishing for sole by vessels flying the Netherlands flag.⁶

National measures for the protection of local stocks

2.1.117. On 23 September the Commission approved the following three national measures, the provisions of which are in accordance with Article 19 of Regulation (EEC) No 171/83² since they relate to the management of local stocks:

- a draft UK by-law prescribing the minimum size for certain species (grey mullet, flounder, skate and ray) caught in the Kent and Essex Sea Fisheries District;
- a draft UK order on the issuing of licences for fishing for salmon and migratory trout using heave or haaf nets in the estuary of the River Ellen in north-west England;
- some of the provisions incorporated in a German measure, namely the order of 7 June on inshore fishing off Schleswig-Holstein, which applies only to German fishermen operating within the three-mile zone.

National conservation and management measures

2.1.118. On 6 September the Commission approved a UK definition of the UK vessels authorized to fish for herring from the

Mourne stock as from 5 September. This definition, which encompasses vessels no more than 40 feet in length, concides with the definition given in the Commission's proposals on TACs and quotas for 1983.⁷

2.1.119. On 15 September the Commission took note of two Danish orders, one laying down the periods for the ban on sprat fishing by certain categories of vessel in the Skagerrak and the Kattegat and the other establishing the monthly herring catch in tonnes reserved for Danish fishermen in certain zones of the Baltic during the third quarter of 1983. The Commission found that the first of the two measures was in line with the agreement between the Community, Norway and Sweden⁸ and with the Commission's proposals for implementing the agreement, while the second measure was in line with Article 5(2) of Regulation (EEC) No 170/83.²

2.1.120. On 16 September the Commission found that a Danish measure authorizing salmon fishing by local fishermen in West Greenland waters from 10 August, subject to a quota of 1 190 tonnes, was in line with the EEC-Canada Agreement⁹ and with the Commission's proposals for 1983,⁷ as well as with Regulations (EEC) Nos 198/83¹⁰ and 172/83.²

National technical measures going beyond the provisions of Regulation (EEC) No 171/83 applicable only to fishermen of the Member State concerned

2.1.121. On 14 September the Commission took note of a draft Danish order designed to implement the provisions of Regulation

¹ Bull. EC 1-1983, point 1.1.1 *et seq.*

² OJ L 24, 27.1.1983.

³ OJ L 249, 9.9.1983.

⁴ OJ L 263, 23.9.1983.

⁵ OJ L 259, 20.9.1983.

⁶ OJ L 262, 23.9.1983.

⁷ Bull. EC 4-1983, point 1.4.1 *et seq.*

⁸ Bull. EC 1-1983, point 2.1.91.

⁹ OJ L 379, 31.12.1981; Bull. EC 12-1981, point 2.1.138.

¹⁰ OJ L 25, 27.1.1983.

(EEC) No 171/83¹ in Greenland waters. With reference to Articles 3 and 2 of the draft, which govern attachments to nets and measurement of mesh sizes respectively, the Commission reminded the Danish authorities that, under Articles 7 and 6 of Regulation (EEC) No 171/83,¹ the Community is competent in this area. However, with regard to Article 2 of the draft, the Commission acknowledged that the measure in question did not exceed what was strictly necessary during the transitional period pending the introduction of Community rules on the subject.

2.1.122. On 22 September the Commission ruled that the German authorities should withdraw a series of orders given effect to the German Sea Fishing Conventions Act of 1971 in respect of the Baltic, on the grounds that the provisions they contain are already imposed directly by Regulations (EEC) Nos 171/83¹ and 2057/82.² On the same date the Commission found that some of the provisions incorporated in the German order of 7 June 1983 on inshore fishing off Schleswig-Holstein were not in line with or simply repeated unnecessarily the corresponding provisions of Regulation (EEC) No 171/83. However, the Commission did find that the provisions on the Baltic Sea contained in the German order duly implemented the rules of the Baltic Fisheries Convention.

External aspects

Bilateral relations

2.1.123. On 26 September the Commission presented a proposal³ to the Council for the conclusion of the fisheries agreement with Sao Tome and Principe initialled on 31 August.⁴

Multilateral relations

2.1.124. The Commission attended the second⁵ meeting of the Commission and Scientific Committee for the Conservation of Antarctic Marine Living Resources, which met in Hobart, Australia, from 29 August to 9 September.

Markets and structures

Structures

2.1.125. On 12 September, under the Council Decision of 25 July 1978 on inspection and surveillance in the maritime waters of Denmark and Ireland,⁶ the Commission decided to pay Ireland the sum of IRL 4 650 000: IRL 2 150 000 as the Community's provisional contribution towards expenditure incurred in 1982 and IRL 2 500 000 as an advance on expenditure to be incurred in 1983.

2.1.126. The Commission initiated the procedure laid down in Article 93(2) of the EEC Treaty in respect of a Sicilian bill to grant a subsidy to fishermen and shipowners in 1983. The amount of the subsidy ranges from LIT 370 000 to LIT 400 000 per gross registered tonne according to the total gross registered tonnage of the vessel involved. The sum of LIT 25 000 million has been set aside for the purpose. This bill is to replace the measure in respect of which the Article 93(2) procedure was initiated in April.⁷

Transport

Inland transport

Infrastructure

Investment

Support for projects of Community interest

2.1.127. On 12 September the Commission decided to grant financial aid amounting to 2.5 million ECU for the building of the Klidi to Axios section of the Evzoni-Volos road (in

¹ OJ L 24, 27.1.1983.

² OJ L 220, 29.7.1982.

³ OJ C 281, 18.10.1983; COM(83)397 final.

⁴ Bull. EC 7/8-1983, point 2.1.162.

⁵ Bull. EC 6-9182, point 2.1.136.

⁶ OJ L 211, 1.8.1978.

⁷ Bull. EC 4-1983, point 2.1.136.

Greece) and 7 million ECU for the building of the Domodossola marshalling and customs clearance yard (in Italy).¹ These two decisions were taken under the Council Regulation of 30 December 1982 on the granting of limited support in the field of transport infrastructure.²

Experimental programme

2.1.128. On 29 September the Economic and Social Committee adopted an opinion endorsing the experimental transport infrastructure programme which the Commission had laid before the Council in December 1982.³ Deploring the fact that hitherto the Council had authorized annual infrastructure programmes only, on the basis of budget appropriations, the Committee called for multiannual financing and approval of an experimental programme. It also urged that projects be part-financed by the Community (e.g. through the Regional Fund or loan guarantees).

Costs

2.1.129. The Inland Waterways Working Party of the Committee on Infrastructure Charging, which held a meeting with Commission representatives on 19 and 20 September, reached agreement on the method to be used in calculating the marginal cost of the use of inland waterways.

Approximation of structures

Improving the situation of the railways

2.1.130. On 8 September the Commission addressed to the French Government a favourable opinion⁴ on changes to be made in the mandate of performance (*cahier des charges*) to the French national railways.

The Commission considers that the proposed measures are adequate to ensure the implementation of Community legislation aimed at improving the financial situation of the railways. Nevertheless, the Commission draws the French Government's attention to certain Community provisions which must be complied with when the mandate is carried

out, and to the general guidelines for inland transport policy over the years 1983-85 set out in the communication sent to the Council in February.⁵

Technical aspects

2.1.131. On 12 September the Commission sent the Council a proposal for a recommendation to the national railway undertakings on technical matters concerning operation (increase in the supply of trains for complete train loads, the urgent equipping of selected international routes, etc.) and internal barriers to the crossing of frontiers (technical inspection of wagons, administrative checks, etc.) affecting the international carriage of goods.⁶

This proposal is part of the action programme on railway cooperation which the Commission transmitted to the Council on 11 May 1982.⁷ The aim is to smooth the movement of goods by rail and reduce idle time at frontiers, in so far as the cause of these delays lies with the railways themselves.

Harmonization of social legislation in road transport

2.1.132. On 12 September the Commission sent the Council the tenth report⁸ on the implementation of the Regulation of 25 March 1969 on the harmonization of certain social legislation relating to road transport.⁹ In the report, which covers operations in 1980, the Commission stresses that the number of infringements of the social provisions remains relatively high, and reminds those concerned that the aim should be to find a better balance between the need for road safety and social progress on the one hand and the need for the rational and

¹ OJ L 259, 20.9.1983; OJ L 260, 21.9.1983.

² OJ L 376, 31.12.1982; Bull. EC 12-1982, point 2.1.155.

³ Bull. EC 12-1982, point 2.1.156.

⁴ OJ L 264, 27.9.1983.

⁵ OJ C 154, 13.6.1983; Bull. EC 2-1983, point 2.1.128.

⁶ OJ C 254, 22.9.1983.

⁷ Bull. EC 5-1982, point 2.1.137.

⁸ COM(83)484 final.

⁹ OJ L 77, 29.3.1969; OJ C 73, 17.3.1979 (consolidated version).

economically efficient organization of road haulage on the other. The Commission has therefore already begun revising the current Regulations¹ in order to ensure compliance with their main provisions and sufficiently flexible application of the rules to make it possible to take special situations into account.

Operations of the market

Access to the market

2.1.133. On 16 September Parliament delivered an opinion² endorsing the proposal³ for an amendment to the 1965 Directive concerning the standardization of certain rules relating to authorizations for the carriage of goods by road between Member States.⁴ The purpose of the proposal is to introduce multilateral authorizations for removals to replace the present system of bilateral authorizations.

Parliament agrees that the measure will simplify the administrative procedures involved in carrying out removals in the Community and that the introduction of multilateral authorizations restricted to removals is possible as this is an area in which road transport does not compete with other forms of transport. Parliament would also like removals operations to be freed of quotas and hence excluded from the scope of the 1962 Directive.⁵

Rates

2.1.134. On 29 September the Economic and Social Committee delivered a favourable opinion on the proposal for a Regulation on the formation of rates for the carriage of goods by road between Member States.⁶ The Committee welcomed the Commission's aim of establishing a common framework for rate formation, feeling that this could be a significant step towards a common transport policy. Most members of the Committee were in favour of reference rates, but a minority preferred a compulsory tariff. An intermediate solution was proposed: the introduction of minimum rates and obligatory notification of rates below the minimum (with reasons given).

Relations with non-Community countries

2.1.135. A Commission delegation headed by Mr Giorgios Kontogeorgis visited Yugoslavia on 26 and 27 September for talks with Mr Luka Reljić, Federal Secretary for Market and Consumer Affairs, and Mr Mustafa Nazmi, Chairman of the Federal Transport Committee. The visit was designed to promote cooperation in transport and tourism as provided for in the EEC-Yugoslavia Cooperation Agreement;⁷ it helped emphasize the importance of Yugoslavia as a transit country for Community traffic. Matters of common interest such as transport infrastructure development in Yugoslavia, promotion of combined transport, liberalization of passenger transport, railway cooperation, road transit taxes and the simplification and speeding up of frontier formalities were discussed.

It was agreed that Commission and Yugoslav government officials meet informally once or twice a year to seek ways of implementing the Cooperation Agreement.

Mr Kontogeorgis explained the measures recently introduced by the Community to encourage tourism and emphasized the need for cooperation in this field.

Energy

Informal meeting of Ministers

2.1.136. At the invitation of Mr Kouloubis, the Greek Minister of Energy and President of the Council, the Ministers of Energy and the Commission, represented by Mr Davignon, held an informal meeting in Athens on 23 September. This provided an opportunity for a wide-ranging exchange of views on:

- the Community's role in energy policy;

¹ OJ L 77, 29.3.1969; OJ L 164, 27.7.1970.

² OJ C 277, 17.10.1983.

³ OJ C 307, 24.11.1982; Bull. EC 11-1982, point 2.1.120.

⁴ OJ 88, 24.5.1965.

⁵ OJ 70, 6.8.1962.

⁶ OJ C 265, 9.10.1982; Bull. EC 9-1982, point 2.1.88.

⁷ OJ L 41, 14.2.1983.

- the part to be played by energy policy in the new Community policies being considered at the special Council meetings preparing the ground for the European Council in Athens;
- the Commission proposals before the Council, notably: energy and energy research in the Community (a five-year programme of action and means of financing it);¹ a balanced solid fuels policy;² financial incentives in support of certain categories of investment in the rational use of energy;³ and energy demonstration projects.⁴

The meeting gave Ministers a chance to hold a wide-ranging exchange of views and then to agree the general approach to be adopted and to propose a work programme for the formal Council meeting of Energy Ministers scheduled for 4 November.

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2.1.137. Between 18 and 23 September the Twelfth World Energy Conference was held in New Delhi; the Community was represented by a delegation from the Commission and Parliament—which adopted a resolution on the Conference in July⁵—together with 485 experts from the Member States.

Although there appeared to be no fundamental differences on the objective—to strive to become as self-sufficient in energy as possible—the industrialized countries emphasized nuclear power, coal and hydro-electricity, whereas the developing countries stressed their underexploited potential for generating hydroelectricity.

Specific problems

Oil and gas

2.1.138. On 30 September the Commission reported⁶ to Parliament and the Council on the application, up to 31 December 1982, of the Council Regulation of 9 November 1973 on the support of Community projects in the hydrocarbons sector.⁷ The latest Council Decision to grant support to such projects was adopted on 28 July 1982⁸ and supplemented on 21 December 1982.⁹

Significant results have been achieved during the nine years in which the Community has been running its programme to support oil and gas exploration, production, storage and transportation projects. Between 1973 and 31 December 1982 the Commission published eight invitations to submit projects under the programme. A total of 460 projects were submitted to the Commission by 110 undertakings, and the Council granted financial support totalling 275 million ECU towards the cost of 281 of these projects. The Community's contribution covered 35% of the cost, subsidies being repayable by the undertakings if results prove commercially exploitable. The areas where support has been granted cover all aspects of advanced oil technology: geophysical prospecting, drilling techniques for deep-sea production or production in difficult areas (e.g. the Arctic), transportation by pipeline, sub-area reservoirs and so on. Over the last few years, particular emphasis has been placed on enhanced recovery methods and the production of oil from fields not yet exploited because of the lack of suitable production methods.

Solid fuels

Coal market

2.1.139. On 12 September the Commission produced an updated version¹⁰ of the report sent to the Council in March on 'The Community coal market in 1982 and the outlook for 1983'.¹¹ It revised the earlier forecasts downwards, particularly those for the Community's supplies. In spite of this, producers' stock are expected to swell to

¹ Bull. EC 6-1983, points 1.2.5 to 1.2.20.

² Bull. EC 6-1983, points 1.2.16 and 2.1.236.

³ OJ C 188, 14.7.1983; Bull. EC 6-1983, point 2.1.233; OJ C 209, 5.8.1983; Bull. EC 7/8-1983, point 2.1.185.

⁴ Bull. EC 6-1983, points 2.1.238.

⁵ OJ C 242, 12.9.1983; Bull. EC 7/8-1983, point 2.4.12.

⁶ COM(83)571.

⁷ OJ L 312, 13.11.1973.

⁸ Bull. EC 7/8-1982, point 2.1.169.

⁹ Bull. EC 12-1982, point 2.1.168.

¹⁰ COM(83)532 final/2.

¹¹ OJ C 147, 6.6.1983; Bull. EC 3-1983, point 2.1.161.

56 million tonnes by the end of the year. The paper was also sent to the ECSC Consultative Committee for consultation.

Nuclear energy

2.1.140. The Commission published the results of a public opinion poll on attitudes to nuclear energy.¹ It showed that the public:

- is evenly divided for and against nuclear power;
- continues to be concerned about nuclear safety;
- has misconceptions about some basic safety aspects of nuclear installations.

2.1.141. On 28 September the Economic and Social Committee adopted an opinion² on the Commission's proposal to the Council to amend Chapter VI (Supplies) of Title Two of the Euratom Treaty.³

Research and development

Development of the common policy

2.1.142. The Economic and Social Committee gave a favourable opinion in September on the Commission's communication on structures and procedures for the common science and technology policy.⁴

Coordination of national policies

2.1.143. At its meeting in Brussels on 15 and 16 September the Scientific and Technical Research Committee (Crest) examined the Commission proposal on an R&D programme in the field of non-nuclear energy (1983-87).⁵

It found the programme extremely interesting and in keeping with the objectives of the Commission's framework programme for Community R&D activities.⁶ It hoped that an early decision would be taken to avoid the irreparable damage that would be caused by too long an interval between the second energy R&D programme just completed and the launching of the proposed programme.

It agreed that the appropriations proposed by the Commission seemed adequate but did not make a formal statement on the funds needed to implement the programme.

2.1.144. Crest also welcomed the Commission proposals on R&D programmes in the fields of basic technological research and the applications of new technologies.⁷

These proposals should enable European industry to play a more appropriate role in the Community R&D strategy.

Once again, Crest made no statement on the budget appropriations needed.

Cooperation with non-member countries

Cooperation with the United States in controlled thermonuclear fusion

2.1.145. On 19 September the Council gave the Commission a brief to negotiate a cooperation agreement between the Community (Euratom) and the United States in the field of controlled thermonuclear fusion.⁸ The Community's fusion programme, which includes all Member State activities in this field, leads the world in research into magnetically confined fusion. The purpose of the agreement is to strengthen cooperation between laboratories associated with the Community fusion programme and American laboratories working in the same field.

COST projects

2.1.146. On 22 September, within the framework of European cooperation in the field of scientific and technical research

¹ Public opinion in the European Community: energy. Document XVII/202/83.

² Point 2.4.24.

³ OJ C 330, 16.12.1982; Bull. EC 12-1982, points 1.5.1 to 1.5.5 and 2.1.171.

⁴ OJ C 113, 27.4.1983; Bull. EC 3-1983, point 2.1.167.

⁵ OJ C 218, 13.8.1983; Bull. EC 6-1983, point 2.1.262.

⁶ OJ C 208, 4.8.1983.

⁷ OJ C 230, 27.8.1983; Bull. EC 6-1983, point 2.1.271.

⁸ Bull. EC 6-1983, point 2.1.252.

(COST), the representatives of the Netherlands, the United Kingdom and Finland signed a Memorandum of understanding relating to COST project A 1: systems of socio-technologies and industrial safety.

The main objective of this COST programme is to research and develop new solutions to the man-machine interface design, thereby assessing operational risks for systems involving humans and equipment with specific emphasis on the field of human error.

A number of collaborative research programmes will be undertaken which will allow:

- the development of the application of ergonomics principles to new technology in high-risk industries;
- the assessment and management of potential risks in the control, by human operators, of complex technological equipment;
- the development of standards for increased safety in high-risk industries.

Multiannual programmes

Energy

Thermonuclear fusion

2.1.147. At the eleventh European Conference on Controlled Thermonuclear Fusion and Plasma Physics held in Aachen from 5 to 9 September, the results presented by the laboratories working on the Community's fusion programme demonstrated the progress made in the past year, especially in plasma heating and confinement, monitoring of impurities and non-inductive current drive. Local laser measurement of the magnetic field inside the Textor Tokamak, announced by the Euratom-KFA Jülich association, is a world first in the field of diagnostics.

2.1.148. As part of its thermonuclear fusion technology programme, the Joint Research Centre is studying structural materials (mainly steel) to be used for the construction of fusion reactors, with regard to their mechanical behaviour in the irradiation conditions which are to be expected when in operation.

The MC-40 light ion cyclotron has been installed at the Ispra Establishment of the JRC. This is a variable energy particle accelerator which can produce protons and alpha particles with an energy up to 38 MeV and deuterons with an energy up to 19 MeV. In this way simulation experiments can be conducted for the study of radiation damage induced by high-energy particles in structural materials. This machine is available free of charge for experiments prepared by laboratories in the European Fusion Association (the Community countries, Sweden and Switzerland).

A first important experiment, carried out in collaboration with KFA Jülich in the Federal Republic of Germany, has been successful. It dealt with alpha-particle (He) implantation in steel foil specimens.

Nuclear fission energy

2.1.149. Under the cooperation agreement between the Community (Euratom) and Canada (AECL) in the field of R&D on radioactive waste storage, a seminar was held near Oxford in the United Kingdom on 12 to 16 September.

The subject was geochemistry and the disposal of high-level radioactive waste in granite formations, and it demonstrated the importance of the role of colloidal species and the potential influence of micro-organisms on the migration of radionuclides in the geosphere.

2.1.150. Under the R&D programme on radioactive waste, the Commission organized a seminar at Geel, Belgium, on 28 and 29 September at which methods of storing low and medium-level radioactive waste were discussed.

Community activities in this field are being carried out by 13 research laboratories in the Member States, working in cooperation under shared cost contracts to establish the characteristics of the materials (cement, bitumen, synthetic resins) used for the conditioning of radioactive waste on the surface or at shallow depths.

2.1.151. Melting of mixed uranium-plutonium fast reactor fuels is a phenomenon

which has to be studied in order to ensure safe operation of fast-breeder reactors. A power-to-melt experiment (D 184 POTOM) was successfully performed in the Petten HFR on 8 September. This was the first time that mixed oxide fuel had been brought to melting in the HFR core, attaining temperatures in the range of 3 000°K.

This was the first experiment in a series to test fast reactor fuel under start-up conditions to assess the onset of melting for safety analyses and code verification. The main technical problem is the accurate measurement of local fission heat generation.

Non-nuclear energy

2.1.152. At its September session the Economic and Social Committee endorsed the proposal for a Council Decision adopting a research and development programme in the field of non-nuclear energy (1983-87).¹

Raw materials

Amendment of the R&D programme on raw materials

2.1.153. On 28 September the Commission sent the Council a proposal² to amend the raw materials programme adopted by the Council in May 1982.³

It is proposed that the programme on the recycling of urban and industrial waste,⁴ adopted by the Council on 12 November 1979 and due to end on 31 October 1983, be merged from 1 November 1983 to 31 December 1985 with the subprogramme on the recycling of non-ferrous metals.

This would make it possible to follow up the most promising R&D projects and complete the coordination activities in progress. The merging of these two subprogrammes is fully compatible with the objectives of the framework programme and no additional funds need be requested.

Support for industrial development

Technical steel research

2.1.154. A seminar on high-strength steels and their use in passenger vehicles was

organized jointly by the Commission and the Verein Deutscher Eisenhüttenleute in Stuttgart from 20 to 23 September.

The papers presented the results of research, mainly designed to promote high strength steels, carried out under the ECSC coordinated steel research programme.

These rephosphorized, low-alloy and dualphase steels have a high yield strength and their use in the motor industry can greatly reduce car body weight. A reasonable estimate for the potential use of high strength sheet in a car is 40%. The resultant saving in weight will help to reduce fuel consumption without jeopardizing passenger safety as the structural resistance will be improved.

This promotion campaign is continuing so as to optimize conditions of production and use (stamping, welding, corrosion resistance) for these steels.

At this seminar, attended by 220 people (about 90 steelmakers, 90 representatives of the motor industry and 40 research scientists), speakers praised the Commission's role in stimulating technical steel research, thereby helping the European steel industry to remain competitive.

Esprit programme

2.1.155. The Economic and Social Committee adopted an opinion in September⁵ on the European strategic programme for R&D in information technology.⁶

Telecommunications

2.1.156. On 29 September the Commission transmitted to the Council a communication on telecommunications⁷ in preparation for the European Council meeting in Athens.

¹ OJ C 218, 13.8.1983; Bull. EC 6-1983, point 2.1.262.

² OJ C 272, 11.10.1983; COM(83)540 final.

³ OJ L 174, 21.6.1982; Bull. EC 5-1982, point 2.1.151.

⁴ OJ L 293, 20.11.1979.

⁵ Point 2.4.23.

⁶ Bull. EC 5-1983, point 2.1.162; Supplement 5/83 — Bull. EC.

⁷ Point 2.1.23; COM(83)573 final.

Biotechnology

2.1.157. On 29 September the Commission sent the Council a communication on biotechnology in the Community,¹ again in preparation for the European Council meeting in Athens.

Biomolecular engineering programme

2.1.158. The Economic and Social Committee endorsed the proposal for a Council Decision adopting the second stage of the multiannual research and training programme in the field of biomolecular engineering (January 1984-March 1986).²

Agriculture and fisheries

2.1.159. The Commission sent the Council a report in September concerning common research programmes and programmes for the coordination of agricultural research (1979-83).³

Living and working conditions

Revision of the R&D programme on the environment

2.1.160. On 26 September the Commission sent the Council a proposal⁴ for the revision of the sectoral research and development programme in the field of environment (environmental protection and climatology) — indirect and concerted action (1981-85).⁵ This revision meets the need to step up Community research on increasingly acute problems such as acid rain and toxic waste and to extend to 1985 several Community/COST concerted action projects concerned with environmental protection.

The revision would require additional funds estimated at 12.5 million ECU for 1984-85 over and above the 42 million ECU initially allocated for 1981-85, and an extra staff of five.

*Symposium on acid rain*⁶

2.1.161. From 19 to 21 September the Commission, in cooperation with the Karlsruhe nuclear research centre (KFK), organized a scientific symposium on 'acid rain — a challenge for Europe'.

This symposium was attended by about 700 people including numerous well-known scientists from Europe, the United States and Canada. Its purpose was to evaluate the scientific, technical and economic aspect of acid rain in order to:

- seek a consensus on the origins, the effects on the environment (especially forests) and the socio-economic repercussions of acid fall-out now and in the future;
- to review the technologies available for reducing sulphur and nitrogen oxide emissions and possible ways of improving them;
- to identify research, development and demonstration requirements.

Although the sulphur cycle in the atmosphere is well known, there is still much to be learnt about the behaviour of nitrogen oxides (NO_x). A knowledge of the regional cycles of NO_x is of vital importance because NO_x emission as a result of human activities in Europe has increased substantially (unlike SO₂) and NO_x has a direct impact on the cycles of numerous atmospheric pollutants, such as ozone formation.

It is clear from a study of the various polluting gases and the breakdown products formed from them in the atmosphere that a reduction in emission does not automatically lead to an equivalent reduction in acid rain.

One of the vital points is to determine which primary polluting gases need to be reduced at source and to what extent in order to bring about an optimum reduction in breakdown products such as ozone or sulphuric acid.

¹ Point 2.1.25; COM(83)672 final (and Annex).

² OJ C 180, 7.7.1983; Bull. EC 6-1983, point 2.1.272.

³ Point 2.1.100 and COM(83)471 final.

⁴ COM(83)539 final.

⁵ OJ L 101, 11.4.1981; Bull. EC 3-1981, point 2.1.160.

⁶ 'Acid rain' is a catch-all term for a number of pollutants released by combustion processes. In addition to sulphur dioxide and nitrogen oxides, it contains heavy metals such as lead, mercury and cadmium, carbon monoxide and photochemical oxidants such as ozone, and the interactions between these substances appear to intensify the harmful effects.

Discussion of the possible impact of acid rain on plants showed that increasing physiologically detectable damage is being found in coniferous forests, although significant harm has not as yet been caused to agricultural crops.

2.1.162. On 12 and 13 September the Advisory Committee on Programme Management for the Environment examined the proposals received in response to the call published in the Official Journal of the European Communities¹ for the environmental R&D programme.² Of the 800 proposals received, the Committee was for financial reasons able to shortlist only 70 to which contracts and Community funds may be awarded.

Radiation protection

2.1.163. Under its radiation protection programme,³ the Commission has for 20 years been involved in research on the effects of dumping radionuclides at sea being conducted by ENEA (Comitato nazionale per la ricerca e per lo sviluppo dell'energia nucleare e delle energie alternative) at Fiascherino.

ENEA's new research centre at Santa Teresa (Centro Ricerche Energia Ambiente di Santa Teresa, Lerici, La Spezia, Italy) was officially opened on 26 September. Research is focused in particular on marine ecosystems in the Mediterranean, with the following aims:

- description and study of coastal marine ecosystems;
- study of the impact of electricity generating (nuclear and conventional power stations) on the marine environment.

The Commission's cooperation with this centre is not limited to a contribution to research costs but includes the secondment of scientists. A joint ENEA/Commission management committee is responsible for continuous evaluation of the results obtained.

Medical research

2.1.164. In view of ongoing discussions in Parliament regarding the public health and research aspects of the acquired immune

deficiency syndrome (AIDS), a consultation meeting with a limited number of experts was organized by the Commission on 12 September. The purpose of this meeting was to brief the Commission informally on the scope of the AIDS problem, and on ongoing research at national and international level. Within the Community 131 cases of AIDS and 34 deaths had been reported by 30 June 1983 (WHO — weekly epidemiological report).

There was overall agreement on the infectious character of AIDS, caused by an unknown virus which is not easily transmissible (blood to blood, microtrauma including multiple sexual contacts). No animal model has been created yet. The possibility that hepatitis-B vaccines might contain the possible agents of AIDS was rejected.

It was concluded that there is a need to strengthen the research in etiology through transdisciplinary research involving epidemiologists, virologists and immunologists. Research on prevention and treatment should be concentrated on:

- definition and diagnosis of AIDS and PRE-AIDS;
- formulation of guidelines, recommendations and opinions on handling patients and blood products;
- randomized controlled clinical trials;
- assistance in the methodology of epidemiological and clinical surveillance.

2.1.165. Community medical research is carried out by means of concerted action projects. Its aim is to improve the efficiency of the relevant R&D efforts in the Member States through the mobilization of the available research potential in national programmes and through their gradual coordination at Community level.

One typical example of the achievements of this programme is the replacement of body functions.

¹ OJ C 56, 1.3.1983.

² OJ L 101, 11.4.1981; Bull. EC 3-1981, point 2.1.160.

³ OJ L 78, 25.3.1980; Bull. EC 3-1980, point 2.1.111.

Under this heading a project is concerned with the replacement over weeks of the lung functions in cases of acute respiratory failure owing to severe virus infection, intoxication or other accidents. More than 50 000 persons are dying each year of lung failure in the Community. Iron lungs and respirators cannot help, and heart-lung machines cannot at present work much more than twenty hours without blood damage.

Mainly through an efficient pooling of the few existing experts with very different specializations, it has been possible to tackle the various complementary aspects of the problem and to introduce into clinical application a new concept of gas exchange in an extracorporeal blood circuit. This allows long-term treatment for more than three weeks without notable secondary effects.

Thus 90% mortality could be transformed into 80% survival.

Technical improvements obtained in this project open up new prospects for major advances in renal hemodialysis, in liver failure, etc. and for the construction of better and cheaper devices.

New JRC research programme

2.1.166. The Economic and Social Committee endorsed the proposal for a Decision adopting the new JRC research programme (1984-87).¹

¹ Bull. EC 6-1983, point 2.1.281.

2. Enlargement and external relations

Commercial policy

Implementing the common commercial policy

Import arrangements

Easing of restrictive measures

2.2.1. Under the Council Regulation of 4 December 1980 on import arrangements in respect of State-trading,¹ the Commission decided on the following measures:

Benelux-German Democratic Republic: opening of an additional quota for viscose fibres;²

Italy-People's Republic of China: opening of quotas for women's hand-embroidered silk or linen woven nightdresses;³

Italy-German Democratic Republic: change of quotas for textile products;

France-Albania/Bulgaria/Hungary/Poland/Romania/Czechoslovakia/German Democratic Republic/People's Republic of China/North Korea/Vietnam/Mongolia: removal of quantitative restrictions on the release for free circulation of plastic toys consisting of jointed triangles, which can be made to form different geometric shapes.⁴

¹ OJ L 353, 29.12.1980.

² OJ C 214, 10.8.1983.

³ OJ C 255, 23.9.1983.

⁴ OJ C 228, 25.8.1983.

Trade protection

First annual report on the Community's anti-dumping and anti-subsidy activities

2.2.2. On 16 September the Commission sent to the Council and Parliament a report on the Community's anti-dumping and anti-subsidy activities.¹ This is a new publication, produced at Parliament's request,² and will henceforth appear annually. This first report covers the three years (1980, 1981 and 1982) during which the current anti-dumping legislation³ and GATT codes on anti-dumping, subsidies and countervailing duties⁴ have been applied.

Europe's industries have had increasing recourse to this legislation to protect themselves against unfair trading practices. Fifty-eight proceedings were initiated in 1982 compared with 48 in 1981 and 25 in 1980. By virtue of their position in world trade, chemicals were the subject of many of these proceedings, just as mechanical engineering products were prominent in 1980 and 1981, and iron and steel products in 1982. Of the 131 proceedings initiated during this period in respect of a total of 32 countries, 21 concerned the United States, 13 Czechoslovakia, 12 the German Democratic Republic and 9 Brazil.

If a proceeding establishes that injury has been caused and that dumping has occurred, a definitive duty is imposed or a price undertaking accepted.

The Commission has often found that undertakings prove to be a more flexible means of eliminating the injury caused. Hence, in practice most proceedings are terminated by the acceptance of undertakings, though 28 definitive duties were imposed during the three-year period.

While a proceeding is in progress the Commission may impose provisional duties lasting for between four and six months whose aim is to provide the Community industry concerned with a respite until the conclusion of the proceeding.

In its report the Commission describes its efforts to reduce the average length of

proceedings,⁵ which dropped from 9.6 months in 1980 to 8.7 months in 1982; this corresponds more or less to the average length of proceedings in the case of the Community's major trading partners. A more important factor for those firms suffering injury is that the average time taken to impose provisional duties, where required, was reduced from 7.5 months in 1980 to 4.3 months in 1982.

The number of official reviews of decisions taken in this field has also increased in line with the number of anti-dumping duties imposed and price undertakings accepted. The Commission has acted quickly where it has become evident that undertakings have not been adhered to, and on two occasions it has immediately imposed anti-dumping duties pending a full review.

With the increased number of official decisions taken in this sector, a number of appeals have been made to the Court of Justice. Most of these cases have involved various aspects of the appellant's admissibility. In the only case in which the Court delivered judgment during the period 1980-82, it held that unrelated importers could not appeal against a Council regulation, on the grounds that the act in question was not of direct and individual concern to them.

Anti-dumping and anti-subsidy measures

2.2.3. In September the Commission published notices that it was initiating anti-dumping proceedings concerning imports of certain electronic scales originating in Japan,⁶ pentaerythritol originating in Spain⁷ and artificial corundum originating in the

¹ COM(83)519 final/2.

² OJ C 11, 18.1.1982; Bull. EC 12-1981, point 2.3.11.

³ Council Regulation (EEC) 3017/79 of 20 December 1979 and Commission recommendation 3018/79/ECSC of 21 December 1979; OJ L 339, 31.12.1979.

⁴ OJ L 71, 17.3.1980.

⁵ Bull. EC 6-1982, point 1.5.2; Bull. EC 2-1983, point 1.3.1.

⁶ OJ C 236, 3.9.1983.

⁷ OJ C 244, 13.9.1983.

People's Republic of China, Czechoslovakia, Spain and Yugoslavia.¹

2.2.4. The Commission decided² to accept undertakings given in connection with the anti-dumping proceeding concerning imports of certain outboard motor originating in Japan.³

2.2.5. The Commission terminated the anti-dumping proceeding which it had initiated in September 1982⁴ concerning imports of xanthan gum originating in the United States of America.⁵

Protective measures

2.2.6. The Commission decided to adopt temporarily (until 31 December 1984) quantitative restrictions on the release into free circulation in Benelux of iron or steel sections, coming from the German Democratic Republic, which had not been further worked than cold-formed or cold-finished, and to open an annual import quota.⁶

Sectoral commercial policy measures

Iron and steel products

Arrangements with the United States on steel

2.2.7. The application of the overall arrangement for voluntary restraint on Community exports of iron and steel products to the United States, which was concluded in October 1982⁷ for the period 1 November 1982 to 31 December 1985, was examined by the Community institutions this month.

On 19 September the Council made a thorough examination of the problems raised by several delegations regarding the internal allocation of the possibilities for exporting iron and steel products to the United States; under the Arrangement, the Commission issues export licences to the Member States, which, in turn, allocate them among firms.

The Commission received several complaints concerning the restriction by the United States of Community exports. The breakdown of US imports was no longer one third from the Community, one third from Japan and one third from other countries as in 1981 but

a quarter from the Community, a quarter from Japan and a half from other countries. The Community had not deliberately curbed its exports by 24% merely to see them replaced by imports from other countries, a situation which casts doubt upon one of the basic aspects of the Arrangement.

American measures concerning specialty steels

2.2.8. The decision of the United States authorities, on 5 July,⁸ to protect the US specialty steels industry under Section 201 of the Trade Act 1974 has continued to be a source of Community concern.⁹ These measures, it will be remembered, came on top of the anti-dumping and countervailing duties imposed in June by the United States on exports from certain Member States of the Community.

Textiles

Agreements and arrangements with non-member countries

MFA countries

2.2.9. In the course of consultations between the Community and Thailand held in Bangkok, agreement was reached on the introduction this year of three new regional limits on imports of certain textile products from Thailand. The products in question are: imports into the United Kingdom of women's overcoats and men's suits, and imports into Ireland of women's knitted suits.¹⁰

A further limit, which will come into force next year, was also agreed for imports into Ireland of women's underwear.

¹ OJ C 261, 30.9.1983.

² OJ L 247, 7.9.1983.

³ OJ L 152, 10.6.1983.

⁴ OJ C 253, 28.9.1982.

⁵ OJ L 268, 30.9.1983.

⁶ OJ C 247, 15.9.1983.

⁷ OJ L 307, 1.11.1982; Bull. EC 7/8-1982, points 1.1.2 to 1.1.3; Bull. EC 10-1982; points 1.3.1 to 1.3.4.

⁸ Bull. EC 7/8-1983, points 2.2.22, 2.2.23 and 2.2.38 to 2.2.42.

⁹ Points 2.2.15 and 2.2.16.

¹⁰ OJ L 261, 22.9.1983.

2.2.10. Consultations with Indonesia concerning imports into the Community of synthetic cloth proved inconclusive. Regional limits on imports of synthetic cloth into France, Italy and the United Kingdom have been established until the end of the year.¹

Mediterranean preferential countries

2.2.11. The renewal of the arrangement on cotton yarns between the Community and Turkey² was the subject of consultations in Brussels on 15 September. These talks permitted an initial exchange of views on the terms of a possible renewal; a second meeting will be held in October.

2.2.12. Consultations also took place with Morocco and Tunisia, on 23 and 29 September respectively, in order to settle a number of issues arising from the implementation of the arrangement on textiles.

Relations with industrialized countries

Quadripartite meeting (Ottawa)

2.2.13. A further quadripartite meeting³ of Trade Ministers, chaired by the Canadian Minister of State for International Trade, Mr Gerald Regan, was attended in Ottawa by the United States Representative for Trade Negotiations, Mr William E. Brock, the Japanese Minister of International Trade and Industry, Mr Sosuke Uno, and Mr Haferkamp, Vice-President of the Commission.

The Ottawa meeting provided the Ministers with an opportunity to discuss means of safeguarding and consolidating the international trade system and make significant progress in this field. The issues raised included the speedier reduction of customs tariffs, the consolidation of the various codes negotiated during the Tokyo Round and progress towards a solution for the problem of safeguards. The meeting also gave the Ministers the chance to discuss bilateral trade issues.

Switzerland

Head of Swiss Federal Department of Public Economy visits Commission

2.2.14. In response to an invitation Mr Kurt Furgler, member of the Swiss Federal Council and Head of the Federal Department of Public Economy, paid an official visit to the Commission on 22 September.

He had talks with Mr Thorn, Mr Haferkamp, Mr Natali and Mr Davignon. The talks concerned relations between Switzerland and the Community, in particular the stepping-up of cooperation, especially in the field of research, the consolidation of the internal market and enlargement.

United States

American measures concerning specialty steels

2.2.15. On 7 September a Community delegation and a United States delegation led by Ambassador Peter Murphy met in Geneva for consultations under Article XIX of the General Agreement on Tariffs and Trade concerning the recent United States restrictions on imports of specialty steels.³ This meeting, which was a follow-up to the initial consultations held on 28 July,⁴ resulted in some progress in the current negotiations.

The United States expressed its readiness to comply with GATT rules, which allow for compensation—estimated at USD 500 million—to the extent that US measures have an adverse impact on Community exports. The United States said that its analysis of the impact of the measures, undertaken in response to Community claims of substantial export losses, would be completed as soon as possible. The United States administration would also pursue its analysis of the Community's specific requests for exemption of certain products from the restrictions, in addition to the compensation.

¹ OJ L 258, 17.9.1983.

² Bull. EC 7/8-1983, points 2.2.29 and 2.2.31.

³ Bull. EC 7/8-1983, point 2.2.38.

⁴ Bull. EC 7/8-1983, point 2.2.41.

2.2.16. The Council adopted the following conclusions on 19 September:

'The Council took note of the readiness of the US Administration as expressed in the consultation of 7 September to comply fully with the GATT rules in regard to compensation in the speciality steel sector to the extent that US measures have an adverse impact on Community exports, and of its commitment to finding a mutually satisfactory solution to this issue.

The Council, however, underlined the importance of reaching a mutually satisfactory solution within the shortest possible time frame in accordance with Article XIX, in order to compensate injury to the Communities' economic and industrial interests caused by the US measures.

The Council approved the intention of the Commission to use every means to limit the injury caused, in particular:

- by seeking that the quotas on certain specialty steel products be administered in a manner which takes full account of the needs and interests of Community exporters;
- by continuing to press for exemptions to the relief measures; and
- by supporting any action seeking to review the double jeopardy caused by additional anti-dumping and countervailing duties.'

2.2.17. On 19 September the Council also made a thorough examination of the problems raised by several delegations regarding the internal allocation of the possibilities for exporting certain products under the voluntary restraint arrangement with the United States on steel.¹

Unitary taxation

2.2.18. At the Council meeting of 19 September the United Kingdom delegation referred to the harmful practice being adopted by certain States in the United States of taxing subsidiaries of foreign firms on the basis of the worldwide profits of the parent company (unitary taxation). The Council therefore requested the Community authorities to look into this matter without delay.

Sale of dairy products to Egypt

2.2.19. At the request of the Commission, the GATT International Dairy Products Council held an extraordinary meeting in Geneva on 12 September to examine the

effects of United States exports of butter and cheese to Egypt. The Community reiterated its view that they amounted to a subsidized commercial transaction contrary to the rules of GATT.² The United States, whose dairy exports worldwide as well as to Egypt had always been negligible, had effectively closed the Egyptian market for 1983-84 to the Community, Egypt's traditional supplier (in 1982 Egypt purchased 20 000 tonnes of cheese and 2 000 tonnes of butter from the Community). To achieve this, the United States had offered Egypt special sales terms including a three-year interest-free loan and repayment in Egyptian pounds. This meant that the purchase price for Egypt would fall below both the world price and the minimum price set for the products concerned by the International Dairy Products Council. Although the United States had acknowledged that the operation was a commercial one and not food aid, it contested the price argument.

2.2.20. At the International Dairy Products Council's regular meeting on 29 September the Commission presented information and calculations showing that the United States was not respecting the minimum price set by the Council. In the Community's view, any repetition of such measures would damage its traditional interests and destabilize world prices in this sector.

The United States refused to accept the price argument, however, and vetoed the resolution moved by the Community calling on the United States not to repeat such action.

As it is bound by the rule of consensus, the International Dairy Products Council can do no more than publish an official report stating the positions of all the parties. As a result, the situation is one of legal stalemate. The Commission representative reserved his institution's position since the Commission is to decide on other measures to be taken in the framework of GATT, notably regarding the relevant provisions of the Code on Subsidies.³

¹ Point 2.2.7.

² Bull. EC 7/8-1983, points 2.2.47 and 2.2.48.

³ Bull. EC 7/8-1983, point 2.2.43.

Japan

2.2.21. A delegation of Commission officials visited Japan from 15 to 22 September and had talks in the various government departments. These talks provided an opportunity for examining the implementation by the Japanese authorities of the reform of the system of standards and testing and certification procedures (cars, pharmaceuticals and agri-foodstuffs, food additives, electrical appliances, etc.) and the trend in Japanese exports of certain sensitive products.

During the talks, the Commission drew the attention of the Japanese authorities to the deterioration in the balance of trade between Japan and the Community and pressed for speedy action to bring about a fundamental and lasting change in this situation. On the Japanese side, it was confirmed that measures were in preparation in an interdepartmental committee, but the work was not sufficiently advanced for any indication to be given as to the exact nature of the macroeconomic measures to open up the market or promote imports being considered.

Relations with other countries and regions

Mediterranean countries

Cyprus

2.2.22 The Commission recommended to the Council on 8 September¹ that it conclude on behalf of the Community the new EEC-Cyprus Financial Protocol, which was initialled in July.²

Yugoslavia

2.2.23. A Community delegation led by Mr Giorgios Kontogeorgis visited Yugoslavia from 26 to 27 September to discuss questions of common interest (including transport and tourism) with the Yugoslav authorities.

Lebanon

2.2.24. A statement on the situation in Lebanon was issued by the 10 Foreign Ministers in Athens on 12 September,³ and a resolution on the same subject was passed by Parliament on the same day.⁴

2.2.25. In response to appeals by the International Red Cross and the Government of Lebanon, the Commission decided on 21 September to grant emergency aid (amounting to 500 000 ECU) for the supply of food, medical and other provisions to those injured or displaced as a result of the fighting in Lebanon (250 000 ECU will be given to the ICRC and the same amount to the Commission Delegation in Beirut to use in cooperation with local non-governmental organizations).

Asia

India

2.2.26. Mr Narasimha Rao, India's Minister of External Affairs, paid an official visit to the Commission on 19 and 20 September. In addition to being received by the President of the Commission, Mr Thorn, Mr Rao held discussions with Mr Haferkamp, Mr Davignon and Mr Andriessen on topics ranging from multilateral issues (prospects for the global negotiations, follow-up to UNCTAD VI, etc.) to closer cooperation on energy questions and regional cooperation in South Asia.

Latin America

Latin American Economic System

2.2.27. The Council of Ministers of the Latin American Economic System, at its annual meeting in Caracas on 22 September, adopted a decision expressing its political will to reopen the dialogue between the

¹ OJ C 255, 23.9.1983; COM(83) 513 final.

² Bull. EC 7/8-1983, point 2.2.52.

³ Point 2.4.1.

⁴ Point 2.4.12; OJ C 277, 17.10.1983.

Community and GRULA,¹ which was suspended at the time of the South Atlantic crisis.

Central America

2.2.28. The Commission hosted a special conference of the Inter-American Development Bank (IDB) in Brussels on 13 and 14 September. The purpose of this meeting, attended by all the IDB member countries and a large number of international agencies, was to coordinate efforts to solve the pressing economic and financial problems of Costa Rica, El Salvador, Guatemala, Honduras, Nicaragua and Panama.

Development

North-South relations

2.2.29. During the general debate opening the thirty-eighth session of the United Nations General Assembly in New York, Mr Ioannis Kharalabopoulos, the Greek Foreign Minister and President of the Council, spoke on behalf of the Community.² He reiterated the Community's commitment to cooperation between developed countries and the Third World in a general context marked both by interdependence between economies and by the links between different economic sectors. After running through the Community's contributions to the main negotiations of late, in particular the sixth United Nations Conference on Trade and Development,³ he noted that the North-South Dialogue was an ongoing process and that the Community saw the recession too as a challenge to the promotion of international cooperation and to the improvement of living conditions throughout the world.

2.2.30. In September the Commission drew up a paper assessing the results of the Sixth United Nations Conference on Trade and Development.¹ This paper, which was approved by a Council working group, noted that although there were shortcomings in the results of the Conference the overall picture in the circumstances contained much that was positive.

Food aid, emergency aid

Food aid

Emergency aid

2.2.31. The Commission authorized the granting of the following aid:

- (i) 650 000 ECU for the purchase of 700 tonnes of vegetable oil to be distributed by UNRWA in Lebanon;
- (ii) 180 000 ECU for the purchase of 300 tonnes of pulses for those affected by the weather that has damaged both food and cash crops in Sao Tome;
- (iii) 240 000 ECU for the purchase of 400 tonnes of red beans, to be distributed by Catholic Relief Services to refugees and displaced persons in El Salvador;
- (iv) 1 162 500 ECU for the purchase of 775 tonnes of fish and 780 000 ECU for the purchase of 1 300 tonnes of pulses for distribution under the World Food Programme to refugees and displaced persons from Kampuchea at the Thai border.

Emergency aid

2.2.32. The Commission decided in September to grant the following emergency aid under Article 950 of the budget:

- 500 000 ECU for the League of Red Cross Societies to provide temporary housing for some 600 of the families affected worst by the flooding in the Basque region of Spain;
- 500 000 ECU to help the victims of events in Lebanon.⁴

Commodities and world agreements

Coffee

2.2.33. On 26 September the Council decided to notify the provisional application by the

¹ Group of Latin American Heads of Mission to the Communities.

² Point 3.4.1.

³ Bull. EC 7/8-1983, points 2.2.61 to 2.2.64.

⁴ Point 2.2.24.

Community and its Member States, as importing members, of the International Coffee Agreement 1983,¹ as soon as it entered into force on 1 October.

This notification was lodged with the Secretary-General of the United Nations in New York on 30 September.

The fourth Agreement, like its predecessor,² aims to correct the effects of imbalances between coffee production and consumption worldwide and to guarantee producers an adequate income by means of remunerative prices. It incorporates most of the economic provisions of the third Agreement, such as a system of export quotas, the amount and allocation of which are to be negotiated annually.

Sugar

2.2.34. The second session³ of the United Nations Sugar Conference took place in Geneva from 12 to 30 September.

Despite negotiations, the four exporters (Australia, Brazil, Cuba and the Community) failed to reconcile their differences, particularly on the machinery for regulating trade.

The Chairman's consultative group⁴ will meet in London from 7 to 11 November to try and end the deadlock; unless differences within the group can be ironed out, there will be no point in convening the final session of the Conference, due to be held in February.

Aid to non-associated developing countries

General guidelines concerning aid for 1984

2.2.35. On 20 September the Commission transmitted to the Council and Parliament its proposals on the general guidelines for 1984 concerning financial and technical aid to non-associated developing countries.⁵

The document also includes a summary of the basic objectives of this type of cooperation and of the experience gained to date.

The proposed guidelines are virtually identical to those of previous years. Likewise, the list

of eligible countries is the same as that proposed for 1983⁶ (including China, if there is a favourable outcome to the Council's current discussions on the 1983 programme).

The need for a special effort to be made for some countries, such as Bolivia, Indonesia, Thailand, is still being stressed, in order to take account of their specific circumstances or the Community's particular obligations.

Sixth report on the implementation of aid

2.2.36. On 19 September the Commission transmitted to the Council and Parliament the sixth report on the implementation of the programme of financial and technical assistance to non-associated developing countries.⁷ In the report, the Commission refers to the main developments that took place in 1982, in particular the special effort made in favour of Central America.

Implementation continues to be satisfactory overall. Commitments and disbursements fell slightly compared with 1981, but the pace quickened significantly for the early months of this year.

Financing decisions

2.2.37. Following a favourable opinion from the Committee on Aid to Non-associated Developing Countries at its meeting on 20 September, the Commission took the following financing decisions, the cost of which is to be charged to the 1983 appropriation of Article 930 of the Community budget:

Dominican Republic/Haiti: installation of a radar hurricane warning system (autonomous project)—total cost 2 200 000 ECU; EEC contribution: 1 500 000 ECU.

¹ Bull. EC 6-1983, point 2.2.58.

² Tenth General Report, point 462.

³ Bull. EC 5-1983, point 2.2.38.

⁴ Bull. EC 5-1983, point 2.2.38; Bull. EC 7/8-1983, point 2.2.79.

⁵ COM(83) 534 final.

⁶ OJ C 276, 19.10.1982; Bull. EC 9-1982, point 2.2.19.

⁷ COM(83) 535 final.

Thailand: training for agricultural cooperatives (autonomous project)—total cost: 7 880 000 ECU; EEC contribution: 5 440 000 ECU.

Relations with non-governmental organizations

2.2.38. Between 1 January and 30 September 327 admissible projects totalling 35 600 000 ECU were submitted to the Commission by the 120 NGOs.

To date, total grant aid of 12 000 000 ECU has been committed for 107 projects.

2.2.39. In addition, 24 campaigns to increase public awareness in Europe regarding development issues have been cofinanced at a cost of 1 341 950 ECU.

ACP States and OCT

ACP-EEC Convention

Negotiations for a new convention

2.2.40. On 19 September the Council completed its work on defining the mandate to be given to the Commission for the forthcoming negotiations for renewal of the ACP-EEC Convention of 31 October 1979, which is due to expire on 28 February 1985.

The Commission drew up its guidelines on the subject in March this year.¹

2.2.41. The mandate is aimed at giving, in the successor convention to Lomé I and II, a new impetus to relations between the Community and the ACP States. The adjustments to be made will be dictated by experience, changes in the situation of the Community and the ACP States and the desire to make external aid and its instruments more effective.

The ultimate goal is more self-reliant and self-sustained development of the ACP States' economies, which will be backed by the Community, with special attention being paid to the least-developed ACP States and the poorest sections of the population. A dialogue

on the development policies formulated by the ACP States is recommended as the method of realizing the Commission's general objectives and priorities and in order to increase the effectiveness of the various sectoral policies within the framework of coherent programmes.

Top priority will be given to agricultural and rural development and food security, but other areas of mutual interest, such as energy, mining and sea fisheries will not be overlooked.

Other points in the mandate relate to trade cooperation. Here it is proposed that the overall pattern of the present arrangements (virtually unlimited free access, specific provisions for agricultural products, the principle of non-reciprocity and the safeguard clause) should be maintained.

The Community proposes, for commodities, to support policies which would improve and rationalize ACP production and encourage increased processing of commodities in the ACP States themselves. It is intended to make adjustments to the Sysmin machinery in the light of current experience in order to make its operation more effective. Stabex, while still focusing largely on agricultural products, should be improved and strengthened so that it becomes a real tool for development; in other words, transfers should be used to help bring about economic recovery—or where the economic conditions are right, diversification—in the sector or sectors concerned.

As to the institutions of the future convention, the Community would in particular like to end the present duplication between the Consultative Assembly and the Joint Committee.

Another point to note is the Community's desire to broach the issue of human rights in the negotiations, since it regards respect for human dignity as one of the objectives that makes development important and meaningful.

¹ Bull. EC 3-1983, points 1.1.1 to 1.1.8.

The formal opening of the negotiations will take place in Luxembourg on 6 and 7 October.¹

2.2.42. On 16 September, Parliament also adopted a resolution on renewal of the ACP-EEC Convention.²

Institutions

2.2.43. The ACP-EEC Joint Committee and Consultative Assembly met in Berlin from 19 to 23 September.³

2.2.44. The forthcoming negotiations for the new ACP-EEC Convention dominated the meetings, particularly the discussion of the general report on ACP-EEC cooperation, presented by Mr Cavalevu, Ambassador of Fiji and current chairman of the ACP Committee of Ambassadors.

The ACP States showed a certain amount of pessimism regarding the implementation and results of cooperation; they urged that certain aspects should be improved, particularly the Stabex and sugar arrangements, and drew attention to the need to take greater account of the human dimension (people's needs, their environment, training, etc.) in cooperation activities and to the alarming financial situation of many ACP States.

The Commission made some clarifications with regard to Stabex and sugar. It rejected ACP criticisms that the cooperation suffered from a lack of joint management and recalled the essential role already devolved to the ACP States at the various stages of aid implementation. At the same time, it expressed doubts as to the usefulness of further jointly managed institutions. In this context, it again explained its intention regarding dialogues on sectoral development policies to be held with each ACP State or region, in the light of the initial experience of food strategies. It stressed the importance of regional cooperation between ACP States.

2.2.45. Concerning human rights, the Consultative Assembly endorsed the Penders resolution, which the Joint Committee had already passed in February in Kingston.⁴ This resolution establishes a positive relationship between human rights and development, but

the Consultative Assembly added a virtually contradictory amendment. Mr Edgard Pisani pointed to the subtlety needed in this approach and proposed that this subject, which is to be raised during the negotiations should be dealt with in a particular and to some extent separate manner. This message was well received.

2.2.46. The Assembly also adopted Mr Fuchs's resolution on industrial cooperation. The report and the speeches from the floor dwelt on the relationship between industry and other aspects of economic development and the place of the ACP economies in the world economy. A positive atmosphere prevailed during the debate on the promotion of private investment complementing public operations.

2.2.47. The assembly then adopted further resolutions, along the lines of earlier ones, on hunger in the world, cultural cooperation, ACP students and migrant workers, sugar and the issues of population, tourism, etc. It proposed that in the next ACP-EEC convention the existing duplication between the consultative Assembly and the Joint Committee should be ended by having a single Joint Assembly, with the same composition and the same number of meetings as the present Joint Committee. Further, it started new work on environment and on women and development.

2.2.48. There was heated discussion on the subject of southern Africa, marked by strong criticism of the visit by four MEPs to UNITA bases in Angola in July. Most MEPs showed their concern to distance Parliament from this purely personal initiative. However, the resolution that was adopted on southern Africa was not affected by the debate on the visit.

Stabex

2.2.49. On 14 September the Commission decided to pay 23 advances, totalling

¹ There will be a chapter on this event in Part One of the next Bulletin.

² OJ C 277, 17.10.1983.

³ Bull. EC 11-1982, points 2.2.69 and 2.2.70.

⁴ Bull. EC 2-1983, point 2.2.40.

27 093 558 ECU, under the system for the stabilization of export earnings (Stabex) for 1982. The payments in question are currently being made.

In addition, appraisal of the other transfer requests indicates that total transfers for 1982 will be within the funds available for that year, i.e. 111 750 000 ECU. Completion of Stabex operations for year of application 1982 will include payment of the outstanding balance for the 23 cases referred to above, plus payment of the annual transfers for 13 other eligible transfer requests.

European Development Fund

2.2.50. In September the Commission decided on the allocation of fourth and fifth EDF resources totalling 26 246 115 ECU to finance projects and programmes administered by it in the following sectors:

	<i>(ECU)</i>
Road infrastructure and transport	1 570 000
Water engineering	2 570 000
Rural production	9 012 695
Agri-foodstuffs industry	979 832
Livestock	203 315
Energy	2 150 000
Economic infrastructure	1 000 000
Airports	5 970 000
Education and training	2 790 000
Total	26 246 115

International organizations and conferences

United Nations

General Assembly

Opening of the thirty-eighth session

2.2.51. The thirty-eighth session of the United Nations General Assembly, which opened in New York on 20 September, began with the traditional general debate, which reflected the underlying problems, not to say tension, in international relations.

Mr Ioannis Kharalabopoulos, the Greek Minister of Foreign Affairs, in his capacity as President of the Council and spokesman for political cooperation matters, outlined the Community's views on a large number of these political, economic and social problems.¹

Meetings called by Mrs Indira Gandhi

2.2.52. A few days after the General Assembly session opened, Mr Thorn took part in two meetings of Heads of State or Government in New York called by Mrs Indira Gandhi, the Indian Prime Minister, who was acting in accordance with the wish expressed by the non-aligned countries at their March summit meeting. The views exchanged at these meetings focused primarily on North-South relations.

2.2.53. While in New York Mr Thorn also had talks with the United Nations Secretary-General and with a number of political figures attending the session, namely the Austrian Chancellor, Mr Sinowatz, the Egyptian President, Mr Mubarak, the Canadian Prime Minister, Mr Trudeau, and the Foreign Ministers of Singapore, Canada, Thailand, Brazil, China and Finland.

Economic and Social Council

Economic Commission for Europe (ECE)

2.2.54. A special meeting of experts on trade barriers was held under the aegis of the Committee on the Development of Trade in Geneva from 5 to 7 September. The main purpose of the meeting was to pinpoint problems such as those set out in the ECE's 'Inventory of all kinds of obstacles to the development of trade'.

IMF and World Bank

2.2.55. The annual meetings of the Boards of Governors of the International Monetary Fund and the World Bank was held in Washington from 23 to 30 September.²

¹ Points 2.2.29 and 3.4.1.

² Point 2.1.2 *et seq.*

United Nations Conference on the Law of the Sea

2.2.56. The Preparatory Commission for the International Sea-Bed Authority and for the International Tribunal for the Law of the Sea held the second part¹ of its first meeting from 15 August to 9 September in Kingston, Jamaica.

During the meeting the structures of the Preparatory Commission, its rules of procedure and the procedures and directives concerning companies that have invested in sea-bed exploration were established.

The Community obtained the necessary guarantees that its observer status would become full-member status once it had satisfied the conditions for signing the Convention.

General Agreement on Tariffs and Trade (GATT)

Consultations under Article XIX

2.2.57. A further consultation meeting² under Article XIX of the GATT was held in Geneva on 7 September on US restrictions on imports of specialty steels.³

International Dairy Products Council

2.2.58. The GATT International Dairy Products Council met twice in September to examine the problems raised on the world market by sales of US dairy products to Egypt.⁴ The first (extraordinary) meeting was held on 12 September at the request of the Community; it was followed by a regular meeting on 29 September. A motion for a resolution proposed by the Community calling on the Americans not to repeat this kind of operation was vetoed by the United States.

Organization for Economic Cooperation and Development

Committee for Agriculture

2.2.59. The OECD's Committee for Agriculture held a special meeting on 21 and

22 September to discuss the problems of surpluses in the dairy sector.

The Committee noted that the present imbalance between supply and demand had led to butter, milk powder and cheese stocks being higher than ever before, both in terms of absolute volume and as a percentage of total production. It felt that this situation would continue to worsen even if the policies currently envisaged were implemented, since the most that could be expected from them was stabilization of production and not correction of the current imbalances.

In the light of this analysis, the Committee thought that governments and other authorities should press on with their efforts to implement measures currently envisaged and even adopt a bolder approach.

Conference on Security and Cooperation in Europe

2.2.60. The Madrid review meeting of the Conference on Security and Cooperation in Europe—the second follow-up meeting, after Belgrade,⁵ of the 35 States which signed the Helsinki Final Act in 1975⁶—was officially closed on 7 September after three years of work.⁷ Mr Ioannis Kharalabopoulos, the Greek Foreign Minister, made a speech on behalf of the Ten.⁸

The Community, which played an important role in drafting the Final Act, especially for basket two—on cooperation in the fields of economics, science and technology and the environment—is itself bound by the Madrid Final Act.

2.2.61. As regards the concluding document of the Madrid meeting, the Commission contributed to the drafting of the text on

¹ Bull. EC 4-1983, point 2.2.56.

² Bull. EC 7/8-1983, points 2.2.22 and 2.2.91.

³ Points 2.2.28 and 2.2.57.

⁴ Bull. EC 7/8-1983, points 2.2.47 and 2.2.48; point 2.2.19.

⁵ Bull. EC 10-1977, point 2.2.5; Bull. EC 3-1978, point 2.2.5.

⁶ Bull. EC 7/8-1975, points 1201 to 1204.

⁷ Bull. EC 11-1980, points 1.1.1 to 1.1.5.

⁸ Point 2.4.2.

basket two, which was in fact agreed back in 1981. The text on business contacts and facilities is a slight improvement on the Final Act while that on economic information, though not as concrete as the Community's initial proposal, does offer useful information on exchanges of trade and economic statistics. For the first time in the CSCE process,

reference is made to countertrade, which, despite the problems to which it may give rise, is recognized as being useful.

Other subjects covered include trade barriers, industrial cooperation, commercial arbitration, scientific and technical cooperation, the environment, and the problems of migrant workers.

3. Financing Community activities

Budgets

General budget

Draft supplementary and amending budget No 2/1983

Letter of amendment

2.3.1. After draft supplementary and amending budget No 2/1983 was established on 22 July,¹ the Council sent Parliament a letter of amendment giving the actual amounts to be entered in the budget as the VAT balances for 1982 and the adjustments to the balances for 1979, 1980 and 1981 (-190.88 million ECU instead of -204 million ECU) and the automatic changes this entails in the refunds to Greece.

The grand total for the draft budget thus becomes 24 992.27 million ECU and the 1983 VAT rate 0.993%.

Financial Regulation

2.3.2. On 12 September Parliament delivered its opinion² on the Commission proposal of 12 December 1980³ amending the Financial Regulation of 1977 applicable to the budget of the European Communities.⁴ It called for the opening of the conciliation procedure should the Council intend to

depart from the amendments it had requested. The Court of Auditors gave its opinion on the proposal in May 1981.⁵

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2.3.3. On 16 September Parliament passed a resolution on the need to rationalize the operation and financing of the various committees attached to the Commission.⁶

Financial operations

Community borrowing and lending operations in 1982

2.3.4. On 9 September the Commission approved its third annual report to the Council and Parliament, for 1982, on the borrowing and lending activities of the Community.⁷ The report covers all Euratom, NCI, ECSC and EIB operations.

¹ Bull. EC 7/8-1983, point 2.3.2.

² OJ C 277, 17.10.1983.

³ OJ C 119, 21.5.1981; Bull. EC 12-1980, point 2.3.72.

⁴ OJ L 356, 31.12.1977.

⁵ OJ C 232, 11.9.1981.

⁶ Point 2.4.12; OJ C 277, 17.10.1983.

⁷ COM(83) 527 final.

Loans granted from these various instruments totalled 5 274.8 million ECU in 1982, compared with 4 113 million ECU in 1981 and 4 156 million ECU in 1980. The increase was particularly high in the case of loans granted by the EIB and by the NCI, which has been financing the productive investment of small and medium-sized firms since April 1982.¹ Because of the substantial increase in the production sector (from 728 million ECU in 1981 to 1 655 million ECU in 1982), the total amount of loans granted under all Community instruments in 1982 was almost equally divided between the production, infrastructure and energy sectors. Italy received around 40% of the loans, the United Kingdom and France each around 15%, Greece 9% and Ireland 8%.

ECSC

Financial activities

2.3.5. On 16 September Parliament passed a resolution on the financial activities of the ECSC.²

Loans paid out

2.3.6. Acting under Article 54 of the ECSC Treaty, the Commission made the following loans in September, amounting to 77.54 million ECU:

Industrial loans

2.3.7. Industrial loans under Article 54 totalled 70.94 million ECU and went to the following projects:

France

Usinor, Paris: Conversion of the casting, relining and finishing bays at No 3 and No 4 blast furnaces and modernization of the trimming and sheet metal working lines at the Dunkirk plant; concentration and modernization of the pickling and cold-rolling installations at the Montataire plant.

Solmer, Paris: Relining and finishing of No 2 blast furnace at the Fos plant.

Groupement d'Electrozingage de Sainte Agathe, ESLA, Florange: Construction of an electrozinc plant at Florange-Sainte Agathe.

*Subsidized housing*³

2.3.8. Loans for the building of subsidized housing amounted to 6.94 million ECU, of which 6.60 million ECU was for steelworkers and 0.34 million ECU for mineworkers.

Euratom

Loans raised

2.3.9. In September the Commission made a private placing in Belgian francs for the equivalent of 21.78 million ECU.

EEC-NCI

Loans raised

2.3.10. The Commission made four public issues under the NCI in September:

- 70 million ECU issued at par with an interest rate of 11.25% for 10 years;
- USD 100 million, the equivalent of 117.73 million ECU, issued at par with an interest rate of 12% for 10 years;
- UKL 50 million, the equivalent of 87.7 million ECU, issued at 99.5% with an interest rate of 11.875% for 10 years;
- SFR 100 million, the equivalent of 54.28 million ECU, issued at par with an interest rate of 6% for 10 years.

¹ OJ L 116, 30.4.1982; Bull. EC 4-1982, point 2.1.2.

² OJ C 277, 17.10.1983.

³ Only payments made during the month are reported in this section. Decisions to grant loans were reported in the 'Employment, education and social policy' section at the time of the decision.

4. Institutional and political matters

European political cooperation

2.4.1. At their meeting in Athens on 12 September the Foreign Ministers of the Ten adopted the following statement on the situation in Lebanon:

'The situation in Lebanon is more critical than at any other time in the last 16 months. The number of innocent victims increases every day.

The international community must do all it can to help put an end to this tragedy before it leads to the disintegration of Lebanon.

The Ten appeal for an immediate ceasefire leading to the cessation of violence and pressure in Lebanon, and to national reconciliation.

They call upon all parties to respect the independence, sovereignty and territorial integrity of Lebanon and the authority of its government.

They stress the need for early progress towards the complete withdrawal of all foreign forces from Lebanon, except as the Lebanese Government may request otherwise.

They are ready to work for these objectives, jointly and individually.

They are convinced that the abnormal situation in Lebanon, so long as it continues, is a further obstacle to the achievement of a just and lasting settlement in the Middle East as a whole.'

At the same meeting, the Ministers discussed the situation in Poland, the Korean airliner incident, the Middle East and Central America.

2.4.2. At the closing session of the CSCE review meeting in Madrid on 7 September¹ the Greek Foreign Minister, Mr Kharalabopoulos, made a speech in his capacity as President of the Council on behalf of the 10 Member States in which he observed that the concluding document adopted by the meeting could be seen as a contribution to greater understanding between the peoples of the countries participating in the CSCE as it supplemented and improved on the provisions of the Helsinki Final Act. These improvements related in particular to the recognition of the right of workers to form trade unions, freedom of religion, the free flow of information, visitors' freedom of access to diplomatic and consular missions and the working conditions of journalists.

Mr Kharalabopoulos also stressed the importance to the Ten of the decision taken in Madrid to hold a conference on confidence- and security-building measures and disarmament in Europe to be attended by the 35 CSCE countries in Stockholm beginning on 17 January 1984.

2.4.3. Parliament adopted resolutions on the situation in Lebanon, the situation in Chad, the situation in Chile, the South Korean airliner shot down by a Soviet military aircraft and the death sentence passed on Mr Yermak Loukianov.²

European policy and relations between the institutions

European policy

Preparations for the Athens European Council

2.4.4. The fourth special meeting of the Council was held on 20 September, with Mr Grigorios Varfis in the chair.³ Preparations had been made—as with the three earlier meetings—by the *ad hoc* working parties and the single preparatory group. The main items of business were the financing of the Communities and new policies.⁴

European Union

2.4.5. On 14 September Parliament adopted by a very large majority a resolution setting out principles and guidelines for a preliminary draft Treaty establishing the European Union.⁵ The preliminary draft itself is to be tabled before the end of the year by Parliament's Committee on Institutional Affairs.

¹ Point 2.2.60.

² OJ C 277, 22.10.1983.

³ Bull. EC 7/8-1983, point 2.4.2.

⁴ Point 1.3.1.

⁵ Points 1.1.1 and 1.1.2; 2.4.8 and 2.4.9.

Greenland

2.4.6. At the invitation of the Council, which on 19 September had a further detailed discussion of Greenland's withdrawal from the Community,¹ the Commission sent it a communication to help it in its endeavours to work out a fisheries agreement between Greenland and the Community.² This paper amplifies the opinion on Greenland's status issued by the Commission in February.³

Institutions and organs of the Communities

Parliament⁴

Strasbourg: 12 to 16 September

2.4.7. Discussion of other issues was largely overshadowed at the September part-session by the two-day debate on the Spinelli report on the European Union, which was adopted by a large majority. There was also a wide-ranging debate on the 1984 budget and supplementary and amending budget No 2/83 which mainly focused on the method of calculating the reduction for the United Kingdom and the Federal Republic of Germany. On Thursday 15 September the Greek President, Mr Konstantinos Karamanlis, addressed the House.

A wide variety of issues were discussed during the part-session. Despite the outward appearance of serenity, under the surface Parliament seemed to be aware that it would have to contend with major conflicts over Community finances in the coming months.

European Union

2.4.8. In presenting his report, Mr Altiero Spinelli (*Com/I*) stressed how important it would be if, at a time when the economic horizon was far from unclouded, the preliminary draft Treaty submitted by the Commission on Institutional Affairs could be adopted with a minimum of amendments. He added that the preliminary draft was not a theoretic

cal construction but a realistic response based on the *acquis communautaire*; nor was it the expression of partisan ideology but a joint, coherent and constructive text.

Mr Derek Prag (*ED/UK*) stressed the need to renounce the artificial distinction between economic relations and political cooperation, thereby supporting the rapporteur's view that the Union should be granted exclusive jurisdiction on external trade and have a coordinating role on development policies which, in conjunction with the political and economic aspects of security, are the main instruments of external policy. Mr Jean Seitlinger (*EPPF*) went on to emphasize the importance of having joint diplomacy and security in order to counter the threats and harmful actions of a number of outside countries, such as the Soviet Union. In stating that he was not one of those who, afraid lest their ideals might not be achieved, give up hope, he was replying to Mr Christian de la Malène (*EPD/F*), who felt that the Spinelli motion for a resolution was riddled with shortcomings since it was utopian, untimely and might even endanger the construction of Europe. Mr Jørgen Bøgh (*Ind/DK*) not only had doubts about the whole idea: he was downright hostile to a planned European Union which he felt manifestly disregarded those Member States which, like Denmark, did not want to become members. Mr Derek

¹ Bull. EC 7/8-1983, point 2.4.4.

² Point 2.1.114; COM(83)593 final.

³ Bull. EC 1-1983, point 1.3.1 *et seq.*

⁴ This report was prepared from *Le point de la session* published by Parliament's Secretariat. The complete texts of the resolutions adopted by Parliament are reproduced in OJ C 277, 17.10.1983 and the report of the proceedings is contained in OJ Annex 1-300. The political groups of members are indicated in brackets by the following abbreviations: *Soc* = Socialists; *EPP* = European People's Party — Christian Democratic Group; *ED* = European Democratic Group; *Com* = Communists and Allies; *Lib* = Liberals and Democrats; *EPD* = European Progressive Democrats; *Ind* = Group for the Technical Coordination and Defense of Independent Groups and Members; *NA* = Non-affiliated. The countries of origin are indicated as follows: B = Belgium, DK = Denmark, D = Federal Republic of Germany, GR = Greece, F = France, IRL = Ireland, I = Italy, L = Luxembourg, NL = Netherlands, UK = United Kingdom.

Prag (*ED/UK*) was concerned that the preliminary draft should be accepted by all the Member States of the Community, including the United Kingdom and Denmark, and supported the maintenance of the right of veto. He even stated his opposition to the principle of qualified majority voting on joint action in new fields. Mr Enrico Berlinguer (*Com/I*) countered by stating that there was no conflict between supranationality and national interests since the former was the best guarantee that the latter would be upheld. He saw integration as a way of providing the working classes with a propitious context in which to unite their forces against those of capitalism, and he did not, therefore, feel that this preliminary draft Treaty was 'running away from' the harsh economic reality.

His opinion was shared by Mr Ernest Glinne (*Sod/B*), who felt that, at a time of severe economic and social difficulties and increased international tension, the present Community's growing inability to take decisions was harmful. Since promises should not be made if they could not be kept because of the institutional shortcomings, he felt that after the milestone of the Spinelli resolution had been reached, there should be a number of other stages before the Union could be achieved. Mr Ortensio Zecchino (*EPP/I*) outlined some of these stages in pointing out that the political Union, as defined in the resolution, was not a federation but also retained significant safeguards for national sovereignty and that there would be a 10-year transitional period during which a Member State could invoke its 'vital interest' to put off a vote. He stressed however that the draft was a 'major breakthrough' since the Union was based on the separation of powers, executive tasks being conferred on the Commission and legislative powers shared between Parliament and the Council. Mr Hans Seeler (*Sod/D*) also referred to further stages in the process of Union in asking that it should receive a fixed percentage of the VAT base and be able to modify existing revenue or create new sources of revenue and after a 10-year transitional period be empowered to enact framework laws on tax harmonization. Mr Gero Pfennig (*EPP/D*)

stated that the new Treaty at last offered an opportunity to update and expand the list of Community responsibilities—to include employment and vocational training policy, security of energy supplies, the environment and security policy—and to grant some powers to Parliament. In other words, as Mr Karel de Gucht (*Lib/B*) stated, the Union should be totally and primarily founded on law. This opinion was shared by Mr Jacques Moreau (*Sod/F*), who maintained that construction of the Community was a political goal and therefore resources and instruments should be provided so that a bold policy could be pursued in economic and monetary fields and on industry and trade. The Spinelli motion, stated Mr Paolo Barbi (*EPP/I*) in conclusion, represented the minimum level of integration required for the Community to withstand the challenge from America and Japan, an objective which would be unattainable if Europe clung to the vain illusion of national sovereignty.

In his speech¹ Mr Gaston Thorn, President of the Commission, made a broadly positive assessment of the Spinelli resolution, which he called a lesson in dynamism and political realism. The positive points on which he based this judgment were that the draft Treaty safeguarded the *acquis communautaire*, mentioned fundamental rights, reaffirmed the 'principle of subsidiarity', established joint legislative powers, instituted various types of competence, and enshrined the principle of penalties in the event of serious and repeated violation of the Treaty. But he had two reservations: the first related to the devolution to the Council of a share in the right to initiate legislation, with the attendant risk of giving the right of initiative back to the Member States, and the second related to the concept of 'vital interest', which Mr Thorn saw as a 'sop to present bad practices'.

Endorsing Mr Thorn's view that the Community's existing institutions and procedures did not allow it to overcome the obstacles in its path, Mr Pierre Pflimlin (*EPP/F*)

¹ Point 1.1.3.

presented the preliminary draft Treaty as a way of 'obtaining the support of Europeans for the great venture on which we are embarked' and as 'a matter of faith and determination'. With as much conviction, Mr Lucien Radoux (*Soc/B*) declared that the initiative taken by Parliament fulfilled a 'need for Europe' and that the virulence of a number of adverse reactions proved that 'the grand concept of the construction of Europe lived on'. This was also the view of Mr Nicolas Estgen (*Soc/L*), who felt that Parliament was writing an important page in the history of the European Community and was once more acting as the 'missionary of Europe'. Mr Hans Nord (*Lib/NL*), putting the Spinelli draft in a broader context, placed it alongside the programme for European recovery in the 1980s prepared by Mr Albert and Mr Ball, likening the two documents to two sides of the same coin since recovery could not take place without the necessary structures. In his speech Mr Yves Galland (*Lib/F*) considered that certain sections of the resolution were too detailed, while he felt that the content of new policies could not be laid down in a treaty. He also expressed grave reservation on the proposal to allow the Commission to define the vital interests of Member States.

This was also the thrust of Mr Henri Saby's speech (*Soc/F*), although he regretted that the governments had not allowed the full potential of the Treaties to be exploited—quoting energy and social policy in particular—and expressed fears that the same would be true of the Spinelli motion. For Mr Robert Chambeiron (*Com/F*) there was in the Treaties sufficient basis for Europe to give substance to its specific characteristics and identity, but the political will was lacking. He gave as examples the fate of the Vredeling Directive¹ and of any attempt to initiate a European social policy. Mrs Katharina Focke (*Soc/D*) stated that in order to overcome this inertia the Spinelli resolution ought to have bolstered the powers of Parliament in order to increase the democratic content of the Community, without making the Council into a sort of Upper Chamber. She also recommended, with respect to the Community legislative process, that the

respective roles of Parliament and the Council should be modelled on the existing budgetary procedure.

In response both to the fears and hesitations expressed in some quarters and to the desires and hopes declared in others, Mr Frans Andriessen, Member of the Commission, reminded Parliament that, when work began on building Europe in the fifties, times were even harder than they are today. He then presented the preliminary draft Treaty as an excellent compromise between pragmatism and idealism.

Winding up the debate, Mr Mauro Ferri (*Soc/I*), Chairman of the Committee on Institutional Affairs, urged the House to show courage and to take a broad political option without dwelling too long on those aspects or procedures they did not like. Referring to a number of points made in the Albert and Ball report on European economic recovery in the eighties, which had been mentioned by a number of speakers, he declared that efforts at economic recovery had to be accompanied by institutional reform.

2.4.9. In conclusion, Parliament adopted the resolution on the preliminary draft Treaty establishing the European Union, tabled by its Committee on Institutional Affairs, by 202 votes for and 37 against with 72 abstentions.² A number of amendments were made to the text without altering it in substance. Mr Altiero Spinelli (*Com/I*) said that the next step had to be to give a legal form to this preliminary draft. Drawing upon imagery from Hemingway's *The Old Man and The Sea*, he told Parliament that it had today caught the biggest fish of its existence but that it still had to land it. It should beware of sharks lest it return to harbour with only bare bones.

The principal amendments included:

- one by the Socialist Group intended to clarify the significance of the Treaty in the preamble to the resolution, namely that it

¹ OJ C 217, 12.8.1983; Bull. EC 6-1983, points 1.3.1 to 1.3.7.

² Points 1.1.1 and 1.1.2.

should constitute an institutional basis for the reform of existing policies and the implementation of new policies, for the purpose of enabling the European Community to assert its identity in the presence of the two great powers;

- the amendment by the Socialist Group granting preference to framework laws giving a certain leeway for decision-making to the national legislative authorities;
- the amendment by Mr Lucien Radoux (*Soc/B*) which, in the definition of the Union's competence to enact framework laws on tax harmonization, removed the ten-year transitional period originally planned;
- the amendment by the EPP Group stressing that free movement of persons and goods should be completed within a maximum of two years and should 'include the complete abolition of checks on passenger transport at the internal frontiers of the Community';
- the amendment by Mrs Anne-Marie Lizin (*Soc/B*) including respect for human rights as one of the main tasks of the Union in international relations;
- the amendment by the Italian Communists granting Parliament the right to conduct inquiries.

During the explanations of vote, Mr Ernest Glinne (*Soc/B*) declared that the majority of the Socialist Group would vote for the preliminary draft Treaty, whereas Mr Henri Saby (*Soc/F*) stated that the French Socialists were bowing to realities and would be abstaining. Mr Eggert Petersen (*Soc/DK*) was against a Union which abolished the right of veto. In his explanation Mr Martin Bangemann (*Lib/D*) stated that the Liberals would vote in favour of the Union, with the exception of Danish members of the group, even though Mrs Simone Veil (*Lib/F*) reiterated her formal opposition to the provisions allowing the Commission to determine when the vital interest of a Member State was at stake. Mr Paolo Barbi (*EPP/I*) announced that his group would unanimously vote in favour of the Union although Mr Rudolf Luster (*EPP/D*) added that he would have preferred a more far-reaching text.

Sir Henry Plumb (*ED/UK*), as the advocate and spokesman of the British Government, declared that his group would be abstaining in defence of the right of Member States to veto decisions, particularly in the budgetary field. Mr Derek Prag and Mr Stanley Johnson (*ED/UK*) did, however, express regret at having to abstain for reasons of party discipline alone, since they felt it was unrealistic to go on complaining that the Community worked imperfectly while rejecting every attempt to improve its decision-making process. Mr Brian Hord (*ED/UK*), on the other hand, stated his opposition to a Union which raised European ideals to lofty heights. Lastly, Mr Jens Bonde (*Ind/DK*) rejected the Union in the name of Denmark's continued existence, while Mrs Barbara Castle (*Soc/UK*) firmly asserted that one had to vote against a text which established a federation and robbed States of their sovereignty, in particular with respect to the economy.

Presentation of draft supplementary budget No 2/1983 and draft general budget for 1984

2.4.10. Mr Pottakis, speaking for the Council, devoted most of his speech to defining the broad lines of the 1984 budget after a lengthy introduction describing the general situation in the Community. He explained that this budget, in order to take account of present political requirements, must not weaken the common agricultural policy but control its expenditure and should include the refunds to the United Kingdom and Germany. Sensing Parliament's opposition to the entry of this item in the 1984 draft budget, he asked it to adopt a responsible attitude.

In her reply the general rapporteur for the 1984 budget, Mrs Christiane Scrivener (*Lib/F*), stated that she had noted in the preliminary draft budget for 1984 a lack of determination to pursue the construction of Europe since, for the first time, the Council had diverged from the estimates prepared by the Commission—and used those of national governments—to subtract 793 million ECU of potential resources from the volume

available. Paradoxically, the Council had nevertheless followed the Commission in setting EAGGF Guarantee Section expenditure at 16 500 million ECU, at the risk of causing again the same imbalances as in the present budget. Lastly, said Mrs Scrivener, the entry of the financial compensation for the United Kingdom and Germany in an item from which it can be used without further procedure showed the Council's determination not to treat the question of the Community's future as a single issue, unless it was trying to make these refunds Community measures.

Speaking as general rapporteur for supplementary and amending budget No 2/1983, Mr Robert Jackson (*ED/UK*) wondered if account had been taken of changes on the world cereals market and the impact they would have on the management savings of 20%. He also wondered whether a third supplementary and amending budget would not be necessary in 1983 because of the financial compensation for the United Kingdom and Germany. Mr Erwin Lange (*Soc/D*), Chairman of the Committee on budgets, then stated that the Commission and the Council were wrong in their estimate of current trends. He warned the Council that Parliament would be examining closely the revenue and expenditure proposed and asked to be rapidly informed of the follow-up to the Stuttgart European Council.¹

In winding up the debate Mr Christopher Tugendhat, Vice-President of the Commission, merely stated that the Commission had no intention of introducing a third supplementary and amending budget.

2.4.11. Parliament gave opinions on a number of Commission proposals including:

(i) two Directives, one concerning the coordination of provisions laid down by law, regulation or administrative action in respect of certain activities in the field of pharmacy and the other concerning the mutual recognition of diplomas, certificates and other evidence of formal qualifications in pharmacy including measures to facilitate the effective exercise of the right of establishment relating to certain activities in the field of pharmacy;

the draft Council decision setting up an Advisory Committee on Pharmaceutical Training was also examined;²

(ii) a Directive concerning airborne noise emitted by household appliances;³

(iii) two Regulations, the first on a Community tariff quota for imports of high-quality beef and veal and the second on a Community tariff quota for imports of frozen buffalo meat;⁴

(iv) a Regulation laying down the amount of aid to hop producers for the 1982 harvest;⁵

(v) a Directive amending Directive 65/269/EEC concerning the standardization of certain rules relating to authorizations for the carriage of goods by road between Member States;⁶

(vi) a Regulation amending the Financial Regulation of 21 December 1977⁷ applicable to the general budget of the European Communities.⁸

2.4.12. Parliament also passed resolutions and a decision concerning:

(i) the setting up of a temporary special committee to draw up a report on the economic recovery of the European Community: as Parliament wished to hold a debate on this topic at its January 1984 part-session, it decided to set up a temporary special committee composed of 42 members, the bureau of which would be composed of the seven chairmen of the parliamentary committees represented;

(ii) the introduction of reduced rates for intra-Community telephone calls at weekends, on official holidays and after 8 p.m. Parlia-

¹ Bull. EC 6-1983, points 1.5.5 to 1.5.7, 1.5.9 and 1.5.17.

² Point 2.1.10.

³ Point 2.1.70.

⁴ Point 2.1.92.

⁵ Point 2.1.96.

⁶ Point 2.1.133.

⁷ OJ L 356, 31.12.1977.

⁸ Point 2.3.2.

ment asked the Commission to propose a Directive introducing reduced rates for such calls and asked the Member States meanwhile to apply standard rates for such calls or, if this proved impossible, to reduce their cost by a third;

(iii) the consequences of the floods in the Basque country in France and Spain and in the north of Burgos and Santander provinces: Parliament took the view that the solidarity of the European Community should be demonstrated towards its French nationals and to Spain, which was making preparations for accession to the Community, and called on the Council and the Commission to act as a matter of urgency;

(iv) emergency aid following the violent storms and floods in the Basque country: Parliament requested the Commission to grant emergency aid to the stricken regions as provided for in the Community regulations.

(v) the status of the mobile trades: stressing the vital role of mobile tradesmen in the distribution network and believing that they should be able to compete on equal terms in relation to other forms of trade, Parliament asked the Council to adopt immediately the proposal for a Directive on consumer protection in respect of contracts negotiated away from business premises¹ and at the same time for the general ban on direct selling to be lifted in those countries in which such a ban still existed;

(vi) the consequences of the drought in Isère: considering the damage and loss of harvest caused by this drought to be significant, Parliament called upon the Commission to make available to the farmers concerned aid to supplement national and local aids;

(vii) the urgent need to improve measures to combat forest fires: welcoming the draft Commission Regulation dated 14 June 1983² establishing Community action designed to increase protection for forests in the EEC against fire and acid rain, Parliament wanted to see a new budget heading for protection of forests against fires included in the budget from 1984 onwards and asked the Commission to grant emergency aid to the fire-affected

Mediterranean regions as provided for in Community regulations in the event of natural disasters;

(viii) the application of Council Directive 75/268/EEC³ on mountain and hill farming in certain less-favoured areas: Parliament, noting that this Directive gave rise to varying interpretations, felt that its various objectives should be more closely defined in order that the limited resources available could be used more effectively; it urged the Commission to make use of its unlimited power to carry out checks while continuing to apply the Directive flexibly in order to take account of the differences in the situations existing in each region;

(ix) compliance with the principles of sound financial management in respect of sales of reduced-price Christmas butter: concerned that Community dependence on external sales should be reduced and considering that Christmas butter sales were a means of disposing of stocks while maintaining the economic value of the product, Parliament called on the Commission to provide for one packet of butter to be given away to each consumer purchasing two packets at normal market prices;

(x) the context of the future ACP-EEC Convention to follow Lomé II: after referring to its previous analyses and decisions,⁴ Parliament outlined all the fields which it felt should be covered by development policy; after congratulating the Commission on its Memorandum,⁵ whose exhaustive and overall approach and methods it had appreciated, it expressed the desire to be kept regularly informed of the course of negotiations and asked for the budgetization of the appropriations for the new ACP-EEC Convention;

¹ OJ C 22, 29.1.1977; OJ C 127, 1.6.1978.

² Bull. EC 6-1983, point 2.1.123.

³ OJ L 128, 19.5.1975.

⁴ OJ C 265, 13.10.1980; OJ C 182, 18.7.1982; OJ C 327, 15.12.1980; OJ C 260, 12.10.1981; OJ C 15, 20.1.1982; OJ C 39, 10.2.1982.

⁵ Bull. EC 9-1982, points 1.1.1 to 1.1.11 and 2.2.12.

(xi) the cost to the EEC budget and effectiveness of committees of a management, advisory and consultative nature: recalling its concern¹ at the increasing number of such consultative bodies—which the Commission felt to be necessary although it was unable to control their activities—Parliament called on the Commission to rationalize such consultative activities and to report to Parliament by 1 February 1984;

(xii) the financial activities of the ECSC: Parliament reiterated the need² for the Commission to develop a borrowing and lending programme based on regional priorities; restating the vital need to encourage in the best possible way the restructuring of the Community's steel industry,³ it asked the Commission to amend the social clause in order to take more account of regional problems.

2.4.13. In the field of political cooperation and human rights, Parliament passed the following resolutions:

(i) on the resumption of hostilities in Lebanon: deploring the attacks perpetrated against soldiers of the multinational peace-keeping force, whose sole aim in going to Lebanon was to help restore peace, and condemning the shelling of the Christian areas of the Lebanese capital and the mountains, Parliament urged all the Governments of the Member States to increase their active support for the Lebanese Government in its efforts to restore national sovereignty;

(ii) on the situation in Chad: deeply concerned at the threat to Africa from the Libyan intervention in Chad, which was disturbing the already unstable balance in that part of the world, Parliament asked that the Foreign Ministers be called to an emergency political cooperation meeting in order to express their support for the legal government of Chad;

(iii) on the situation in Chile: Parliament called on the Chilean Government to put an immediate end to its numerous violations of human rights and called on the Ministers of Foreign Affairs meeting in political cooperation to forward this resolution to the Chilean

authorities and to the President of the Latin American Parliament;

(iv) on the South Korean aircraft shot down by the Soviet air force: deeply indignant that the brutal destruction of a civil aircraft which caused the death of 269 civilians should be defended and supported by the Soviet authorities at every level, Parliament demanded that all legal obligations for compensation incurred by the Soviet Union be met in full and considered that Aeroflot should be isolated in the context of international civil aviation for a specific period of time; expressing deep regret at the attitude of the current Presidency of the Council, it instructed its President to forward its resolution to the Council, to the Commission and Foreign Ministers meeting in political cooperation and to the Governments of the Soviet Union and of South Korea;

(v) on the death sentence passed on Mr Yermak Loukianov: mindful of the need for human rights to be respected in all parts of the world and indignant at the death sentence passed in the Soviet Union on this Belgian citizen (previously detained for fifteen years in a psychiatric hospital), Parliament called on the Conference of Foreign Ministers to seek a suspension of the death sentence on Mr Loukianov and his immediate release.

Council

2.4.14. The Council held two regular meetings in September, and a special meeting in preparation for the Athens European Council. The table below lists the number, place and date of each meeting, the names of the Council President and Commission representatives and the main items of business. A more detailed account of specific items can be found in the sections of the Bulletin referred to in the footnotes.

¹ OJ C 125, 17.5.1982.

² OJ C 13, 17.1.1983.

³ OJ C 161, 20.6.1983.

Table 2 — Council meetings in September 1983

Number, place and date of meeting	Subject	President	Commission	Main items of business
871st Brussels 19 September	Foreign affairs	Mr Varfis	Mr Haferkamp, Mr Natali, Mr Davignon, Mr Pisani, Mr Burke, Mr Dalsager, Mr Richard	<i>Special steels.</i> Conclusion reached. ¹ <i>Application of US steel arrangement.</i> ² <i>Financial compensation for United Kingdom.</i> <i>US unitary taxation.</i> <i>Greenland.</i> ³ Discussed in detail. <i>New ACP-EEC Convention.</i> ⁴ Community position finalized. <i>Conciliation with Parliament on European Social Fund.</i> ⁵ <i>Adjustment of Community rules on Mediterranean products.</i> ⁶
872nd Brussels 26 and 27 September	Agriculture	Mr Simitis	Mr Dalsager	<i>Dried grapes and figs for 1983/84.</i> ⁶ <i>Amendment to Community list of less-favoured areas.</i> ⁶ <i>Joint research programmes and agricultural research coordination programmes.</i> ⁶ <i>Structures: implementation of Council decisions of 16 and 17 May.</i> ⁶

¹ Industrialized countries.² Commercial policy.³ European policy and relations between the institutions.⁴ Development.⁵ Employment, education and social policy.⁶ Agriculture.

Commission

Activities

2.4.15. The Commission devoted much of its proceedings this month to preparing for the European Council meeting to be held in Athens next December. It also made preparations for Parliament's part-session, in particular the Commission's contribution to the debate on Mr Spinelli's report on the substance of the preliminary draft Treaty establishing the European Union,¹ an initiative encouraged by the Commission from the outset.

Decisions, communications and proposals

2.4.16. With an eye to the Athens European Council, the Commission adopted a number of proposals intended to clarify and supplement some items in its July report on the common agricultural policy.² These were new socio-structural directives, new rules for the milk sector, and the introduction of a non-discriminatory tax on the consumption of animal and vegetable oils and fats other than butter. It also adopted a communication

¹ Points 1.1.1 *et seq.*² Supplement 4/83-Bull. EC.

listing Community measures which could improve the international competitiveness of European firms and two communications supplementing those already adopted in June on telecommunications and biotechnology.

The Commission approved the draft Council recommendation on the reduction and reorganization of working time—which it is suggested should be sufficiently substantial to support the positive development of employment.

The Commission adopted the forward programme for steel, together with the abatement rates to be applied by steel companies for the fourth quarter of 1983.

The Commission decided to step up its checks on State aids and to introduce sanctions where aid is granted illegally.

Lastly, it sent a report to Parliament, the first of its kind, on anti-dumping and anti-subsidy proceedings brought by the Community.

Relations with workers' and employers' organizations

2.4.17. The Commission briefed experts from the European Trade Union Committee on Textiles, Clothing and Leather on the Community research programme in the clothing industry.

During preliminary consultations, representatives of the European Trade Union Confederation considered the amended proposal for a Directive on procedures for informing and consulting employees¹ and a paper on positive action to promote equal opportunities for women in employment.

¹ Supplement 2/83—Bull. EC.

Court of Justice¹

2.4.18. New cases

Case	Subject	Basis
ECSC — Steel		
183/83 — Krupp Stahl AG v Commission	Decision imposing a fine on the applicant for setting up an undisclosed accounting system	Article 33 of the ECSC Treaty
208/83 — Klöckner-Werke AG v Commission	Decision notifying the applicant of steel production quotas	Article 33 of the ECSC Treaty
209/83 — SpA Ferriera Valsabbia v Commission ¹	Decision imposing a fine on the applicant for failure to adhere to its price list	Article 33 of the ECSC Treaty
210/83 — Badische Stahlwerke AG v Commission ²	Decision notifying the applicant of steel production quotas	Article 33 of the ECSC Treaty

¹ For more detailed information, see the texts published by the Court of Justice in the *Official Journal* and the *European Court Reports*, and the publications of its Information Office (e.g. the annual synopsis of the work of the Court or the information quarterly).

Case	Subject	Basis
211/83 — Krupp Stahl AG v Commission	Application of Article 14(b) of Decision 2177/83/ECSC where the allocation of additional quotas depends on a reduction in production capacity after 1 January 1980 under a restructuring programme, without regard to reductions occurring before that date	Article 33 of the ECSC Treaty
212/83 — Thyssen Stahl AG v Commission	Application of Article 14(b) of Decision 2177/83/ECSC where the allocation of additional quotas depends on a reduction in production capacity after 1 January 1980 under a restructuring programme, without regard to reductions occurring before that date	Article 33 of the ECSC Treaty
213/83 — Stahlwerke Peine-Salzgitter v Commission	Decision notifying the applicant of steel production quotas	Article 33 of the ECSC Treaty
Aids to the steel industry		
214/83 — Federal Republic of Germany v Commission	Annulment of Decisions 391/83/ECSC, 393/83/ECSC, 396/83/ECSC and 399/83/ECSC (aids which the Belgian, French, Italian and United Kingdom Governments propose to grant to the steel industry)	Article 33 of the ECSC Treaty
Budget		
216/83 — 'The Greens' Ecology Party v Council and Commission	Annulment of the draft general budget of the European Communities for 1984 and draft supplementary and amending budget No 2 for 1983 established by the Council on 22 July 1983, the corresponding preliminary draft budgets presented by the Commission and all other related decisions	Article 173 of the ECSC Treaty
Customs union		
185/83 — Interfacultair Instituut v Inspector of Customs and Excise ³	Has the Commission in its Decision 81/843/EEC correctly interpreted and applied the term 'of equivalent scientific value' contained in Article 3 of Regulation (EEC) No 1798/75?	Article 177 of the EEC Treaty
Freedom of establishment and freedom to provide services		
182/83 — R. Fearon & Co. Ltd v Irish Land Commission	Interpretation of Article 58 of the EEC Treaty as regards treating a body corporate as equivalent to a natural person in the context of a national law which requires a person who owns land to have resided on it for a certain period	Article 177 of the EEC Treaty

Case	Subject	Basis
Free movement of workers		
180/83 — H. Moser v Land Baden-Württemberg, represented by the President of the Oberschulamt (Secondary Education Board), Tübingen ⁴	Does the refusal of the competent German authority to allow a German national who is a member of a radical party to complete a period of training—organized on a contractual basis—needed to obtain a teaching diploma constitute discrimination within the meaning of Article 48(2) of the EEC Treaty?	Article 177 of the EEC Treaty
Social security		
184/83 — U. Hofmann v Barmer Ersatzkasse	Is a national law which grants mothers, and not fathers, a further period of leave on the expiry of maternity leave contrary to Directive 76/207/EEC (equal treatment for men and women)	Article 177 of the EEC Treaty
186/83 — A. Botzen and Others v Rotterdamsche Droogdok Maatschappij BV ⁵	Interpretation of the scope of Directive 77/187/EEC on the approximation of the laws of the Member States relating to the safeguarding of employees' rights in the event of transfers of undertakings, businesses or parts of businesses	Article 177 of the EEC Treaty
Social security for migrant workers		
181/83 — A. Weber v Bestuur van de Nieuwe Algemene Bedrijfsvereniging	Interpretation of Articles 46(2)(a) and 47(1)(a) and (b) of regulation (EEC) No 1408/71 as regards the method of calculating an invalidity pension	Article 177 of the EEC Treaty
191/83 — Felice Antonio Salzano v Bundesanstalt für Arbeit (Kindergeldkasse) represented by the Director of the Arbeitsamt, Munich	Interpretation of Article 76 of Regulation (EEC) No 1408/71 as regards entitlement to family allowances	Article 177 of the EEC Treaty
Competition		
193/83 — Windsurfing International Inc. v Commission	Commission Decision IV/29.395 of 11 July 1983 relating to a proceeding under Article 85 of the EEC Treaty	Article 173 of the EEC Treaty
Agriculture		
187/83 — Nordbutter GmbH & Co. KG v Federal Republic of Germany, represented by the Bundesamt für Ernährung und Forstwirtschaft ³	Validity of Article 5(3)(b) of Regulation (EEC) No 2793/77 (on detailed rules of application for granting special aid for skimmed milk for use as feed for animals other than young calves) in so far as it provides that a dairy is responsible for undertakings given by a farmer when it is unable to supervise the farmer's compliance therewith	Article 177 of the EEC Treaty

Case	Subject	Basis
190/83 — Bayerische Milchversorgungs GmbH v Federal Republic of Germany, represented by the Bundesamt für Ernährung und Fortwirtschaft ³	Validity of Article 5(3)(b) of Regulation (EEC) No 2793/77 (on detailed rules of application for granting special aid for skimmed milk for use as feed for animals other than young calves) in so far as it provides that a dairy is responsible for undertakings given by a farmer when it is unable to supervise the farmer's compliance therewith	Article 177 of the EEC Treaty
192/83 — Hellenic Republic v Commission ⁴	Annulment of Regulation (EEC) No 1615/83 amending Regulation (EEC) No 1602/82 fixing the coefficients to be applied to the production aid for tomato concentrates and prunes and to the minimum price for dried plums and of Regulation (EEC) No 1618/83 fixing for the 1983/84 marketing year the minimum price to be paid to producers and the amount of production aid for certain products processed from fruit and vegetables	Article 173 of the EEC Treaty
194 to 206/83 — Asteris AE and Others v Commission	Application for compensation for loss allegedly sustained as a result of the calculation of the production aid for tomato concentrates (Regulation (EEC) No 516/77 as amended by Regulation (EEC) No 1152/78 and Regulation (EEC) No 1962/81 as amended by Regulation (EEC) No 1602/82)	Article 215 of the EEC Treaty
Convention on Jurisdiction and Enforcement of Judgments in Civil and Commercial Matters		
178/83 — Firma P v Firma K ⁵	Interpretation of the first sentence of the second paragraph of Article 40 of the Brussels Convention (issue of an order for enforcement)	
Commercial policy		
218/83 — (1) Les Rapides Savoyards, (2) Diffusion Marketing International and (3) Roger Dejussel v Direction Générale des Douanes et Droits Indirects	Interpretation of the Agreement of 22 July 1972 between the European Economic Community and the Swiss Confederation (determination of customs value)	Article 177 of the EEC Treaty
Infringements		
189/83 — Commission v Kingdom of Belgium ³	Belgian Royal Decree of 27 June 1983 laying down new provisions concerning the packaging of margarine	Article 169 of the EEC Treaty
207/83 — Commission v United Kingdom ⁶	Obligation to indicate the origin of certain goods	Article 169 of the EEC Treaty

Case	Subject	Basis
215/83 — Commission v Kingdom of Belgium	Directive 75/129/EEC on the approximation of the laws of the Member States relating to collective redundancies	Article 169 of the EEC Treaty
217/83 — Commission v Kingdom of the Netherlands	Directive 78/1026/EEC concerning the right of establishment and freedom to provide services of veterinary surgeons	Article 169 of the EEC Treaty
219/83 — Commission v Netherlands	Directives 78/686/EEC and 78/687/EEC concerning the right of establishment of dentists	Article 169 of the EEC Treaty
Miscellaneous		
148/83 — K.M.H. Lang v Commission	Failure of the Commission to act against Denmark in respect of a failure by the Danish courts to apply Article 177 of the EEC Treaty in proceedings before a national court	Article 177 of the EEC Treaty

Disputes between the Community and its staff

v Parliament: 188/83¹

¹ OJ C 290, 26.10.1983.

² OJ C 276, 15.10.1983.

³ OJ C 265, 5.10.1983.

⁴ OJ C 247, 15.9.1983.

⁵ OJ C 262, 1.10.1983.

⁶ OJ C 275, 14.10.1983.

⁷ OJ C 244, 13.9.1983.

⁸ OJ C 272, 11.10.1983.

2.4.19. Judgments

Date and case	Held
Social security for migrant workers 15.9.1983, 279/82 — Leo Jerzak v Bundesknappschaft — Verwaltungsstelle Aachen ¹	The first sentence of Article 12(2) of Regulation (EEC) No 1408/71 must be interpreted to mean that it prohibits the reduction or the suspension of a benefit acquired solely under the legislation of a Member State, even if the benefits to be taken into account in assessing the reduction, as determined by the law of another Member State, have been determined pursuant to Article 57 of Regulation (EEC) No 1408/71 and even if the relevant institution of the first Member State bears a proportion of the costs of the benefits on the conditions laid down in Article 57(3)(c).

Date and case	Held
<p>Customs union</p> <p>27.9.1983, 216/82 — University of Hamburg v HZA Hamburg-Kehrwieder²</p>	<p>1. Any person or persons concerned by a decision adopted by the Commission pursuant to Article 4 of Regulation (EEC) No 3195/75 laying down provisions for the implementation of Council Regulation (EEC) No 1798/75 on the importation free of CCT duties of educational, scientific or cultural materials may plead the unlawfulness of that decision before the national court in proceedings against the fixing of customs duty with the result that the question of the validity of the decision may be referred to the Court in proceedings for a preliminary ruling.</p> <p>2. Consideration by the Court disclosed no factor of such a kind as to affect the validity of Commission Decision 78/851/EEC, supplementing the Decision of 23 May 1977, excluding the scientific instrument called a Packard 2425 Tri-Carb Spectrometer with teleprinter from exemption from CCT duties.</p>
<p>Freedom of establishment and freedom to provide services</p> <p>22.9.1983, 271/82 — Vicent Auer v (1) Ministère Public, (2) Ordre National des Vétérinaires de France, (3) Syndicat National des Vétérinaires Praticiens de France³</p>	<p>A veterinary surgeon from one Member State has been entitled to practise his profession in another Member State since 20 December 1980 on condition that his diploma satisfies Community requirements. This being so, a national council of veterinary surgeons cannot refuse to enrol a national of another Member State.</p>
<p>Agriculture</p> <p>21.9.1983, 205 to 215/82 — Deutsche Milchkontor GmbH and Others v Federal Republic of Germany</p> <p>22.9.1983, 311/82 — SA Roquette v Office National Interprofessionnel des Céréales</p>	<p>Definition of skimmed-milk powder — General principles of law applicable to the recovery of Community aid granted in error under national law</p> <p>Article 2(3) of Regulation (EEC) No 2012/74 laying down detailed rules for the application of Regulation (EEC) No 1132/74 as regards production refunds on starches must be interpreted to mean that the production refund granted on maize processed into starch must be equal to the difference between the threshold price and the supply price at the rate in force on the date on which the processing of the maize took place.</p>
<p>Administrative questions</p> <p>22.9.1983, 23/81 — Commission v SA Royale Belge and Others</p>	<p>The defendant was ordered to pay the capital and interest payable by the Commission to the survivors of an official killed in an accident.</p>

Date and case	Held
Infringements	
20.9.1983, 171/83R — Commission v France	Pending judgment in the main proceedings the French Republic is required: (a) to refrain from renewing any contracts made between the State and employers on the assumption of responsibility by the State for certain social security contributions in industrial undertakings in the textile and clothing industries; (b) within a period of one month from notification to suspend the performance of contracts which have already been renewed.
21.9.1983, 164/82 — Commission v Belgium	Order for removal from the Court Register (Directive 76/207/EEC — Equal treatment for men and women/access to employment)
21.9.1983, 339/82 — Commission v Ireland	Order for removal from the Court Register (Discrimination in connection with the purchase of agricultural land)
21.9.1983, 44/83 — Commission v Belgium	Order for removal from the Court Register (Public contracts)

Disputes between the Community and its staff

v Commission:

22.9.1983, 159/82 — Judgment for the applicant³

28.9.1983, 131/82 — Application dismissed

28.9.1983, 148/82 — Application dismissed

Orders for removal from the Court Register

21.9.1983, 157/82 — M. Verheezen v J. Muller²

21.9.1983, 54/83 — E. Trionfetti v Commission

¹ OJ C 290, 26.10.1983.

² OJ C 283, 20.10.1983.

³ OJ C 289, 25.10.1983.

Economic and Social Committee

210th plenary session¹

2.4.20. The Economic and Social Committee held its 210th plenary session on 28 and 29 September with Mr Ceyrac in the chair.

Two of the highlights of the session were a debate on competition policy, during which the Committee was addressed by Mr Frans Andriessen, Member of the Commission with

special responsibility for competition policy, and the adoption of an own-initiative opinion on job creation linked to environment policy.

Opinions

Twelfth Report on Competition Policy

2.4.21. in its opinion on the Twelfth Report on Competition Policy,¹ adopted unanimously

¹ Bull. EC 4-1983, points 2.1.37 to 2.1.46.

but for two abstentions, the Committee stressed that, at a time of grave economic difficulties, it was more than ever necessary to prevent distortions of competition and observed that the industries in which competition is keenest face up better to the present difficult economic climate.

The Committee expressed concern at the increase in aids granted by Member States since what started out as short-term measures all too often became structural long-term aids and gave rise to a 'featherbedding mentality'.

Mr Andriessen assured the Committee that the Commission shared its concern at the increase in State aids and welcomed the determination shown by the Committee in resisting the pressure from all quarters for a more protectionist approach to competition policy.

The Committee's stance on competition policy did not, however, prevent it from drawing the Commission's attention to the difficulties encountered by firms in overcoming certain handicaps that did not burden their competitors. In this regard, it called for the implementation of a commercial policy which might later develop into a common industrial policy along the lines of the common agricultural policy.

Lastly, the Committee asked to be kept as fully informed as possible of developments in the field of competition. It asked the Commission to include in its annual report on competition policy decisions taken by national courts in furtherance of Community antitrust law.

It also urged the Commission to make its views known, not just in the annual reports but also more frequently, by issuing notices on specific topics — a practice now in abeyance that ought to be revived.

Environment policy linked to job creation

2.4.22. The Committee made an urgent appeal to the Council and to the governments of Member States to link improvement of the environment with job creation. It adopted an own-initiative opinion by 41 votes to 2 with 8 abstentions, proposing that the various

Community policies and financial instruments should make a greater contribution to furthering this aim.

The Committee proposes that Community financial support be given to specific projects such as Europe-wide reafforestation, the development of clean technologies, the renewal of derelict urban and industrial areas, and the improvement of water distribution and purification systems.

Esprit programme

2.4.23. The European Community's plans to catch up with the Americans and Japanese in information technology (Esprit programme)¹ were given strong backing by the Committee in an opinion adopted *nem. con.* with one abstention.

The Committee pointed out, however, that the 1 500 million ECU scheduled for the first five-year phase—half of which was to be borne by the Community—should be considered a minimum in view of the ambitious goals of Esprit.

The Committee felt that long-term funding—extending over at least 10 years—until the programme's objectives were attained was the only way to bring about the desired success.

The Committee warned about the risk of seeing the results of joint research projects benefiting competitors outside the Community through European subsidiaries of international groups. It was also concerned at the danger that progress might be impeded by lack of training and stressed that more young people should be trained in science and technology.

Energy policy

2.4.24. After scrutinizing the proposed changes in the provisions of the Euratom Treaty on the supply of nuclear materials,² the Committee endorsed the broad lines of

¹ Bull. EC 5-1983, points 2.1.34 and 2.1.162; Supplement 5/83 — Bull. EC.

² OJ C 330, 16.12.1982; Bull. EC 12-1982, points 1.5.1 to 1.5.5.

the proposal by 69 votes to 5 with 12 abstentions. However, the Committee did not share the Commission's views with regard to giving the Supply Agency power to make a distinction between nuclear fuels for civil purposes only and those which might be used for both civil and military purposes.

A number of members of the Committee felt that this would introduce into Community law discrimination against certain Member States.

The Committee none the less approved the proposal since there was no other way of solving the problem.

Application of Article 85 of the Treaty to certain categories of motor vehicle distribution and servicing agreements

2.4.25. By 103 for and 7 against with 6 abstentions, the Committee endorsed the draft Commission Regulation¹ exempting from the provisions of Article 85(3) of the Treaty vertical distribution systems in the motor vehicles sector. The Committee felt that it was not desirable to impose a standard contract between manufacturers and dealers and the Regulation ought to go no further than defining a number of basic principles. On parallel imports the Committee considered that the Regulation should not lead to the acceptance of unauthorized dealers, which would destroy the basic principle of selective distribution. On the other hand, consumers ought to be able to place an order anywhere in the Community for a vehicle meeting the specifications legally required in the country of registration.

Lastly, the Committee insisted on the need to safeguard consumers' interests in the spare parts market with regard to availability, price, quality and guarantees and was therefore opposed to deliveries of spare parts being included in the Regulation.

2.4.26. The Committee also adopted opinions on the following:

- a proposal for a Council Regulation on interest subsidies for certain loans granted under the European Monetary System;²
- a proposal for a Council Directive on the approximation of the laws of the Member

States relating to the power take-offs of wheeled agricultural or forestry tractors and their protection;³

- a proposal for a Council Directive amending Directive 80/81/EEC on the approximation of the laws of the Member States relating to units of measurement;⁴
- a range of proposals on dried grapes and figs⁵ (in the Committee's view, the Commission's proposals for amendments to the existing regulations would not completely remove the flaws which have become apparent. The Committee reserved the right to deliver an opinion on the specific proposals the Commission would be presenting on this matter following the decisions taken at the Stuttgart European Council;
- a Commission communication to the Council on a transport infrastructure experimental programme;⁶
- a proposal for a Council Regulation on the formation of rates for the carriage of goods by road between Member States;⁷
- a proposal for a Decision on a multiannual research programme for the JRC (1984-87);⁸
- a communication on structures and procedures for the common policy in science and technology;⁹
- a proposal for non-nuclear energy research;¹⁰
- a proposal for a Decision adopting the second stage (1984-86) of the Community's multiannual research programme in the field of biomolecular engineering.¹¹

¹ OJ C 165, 24.6.1983; Bull. EC 6-1983, point 2.1.59.

² OJ C 163, 22.6.1983; Bull. EC 5-1983, point 2.1.9.

³ OJ C 164, 23.6.1983; Bull. EC 5-1983, point 2.1.24.

⁴ OJ C 155, 14.6.1983; Bull. EC 6-1983, point 2.1.19.

⁵ OJ C 94, 8.4.1983; Bull. EC 3-1983, point 2.1.119.

⁶ Bull. EC 12-1982, point 2.1.156.

⁷ OJ C 265, 9.10.1982; Bull. EC 9-1982, point 2.1.88.

⁸ OJ C 250, 19.9.1983; Bull. EC 6-1983, point 2.1.281.

⁹ OJ C 113, 27.4.1983; Bull. EC 3-1983, point 2.1.167.

¹⁰ OJ C 218, 13.8.1983; Bull. EC 6-1983, point 2.1.262.

¹¹ OJ C 180, 7.7.1983; Bull. EC 6-1983, point 2.1.272.

ECSC Consultative Committee

236th meeting

2.4.27. The ECSC Consultative Committee held its 236th ordinary meeting on 22 and 23 September in Luxembourg with Mr Rudolf Nickels in the chair. It concentrated on energy policy and support for solid fuels, the forward programme for steel for the fourth quarter and social measures related to the restructuring of the steel industry.

Energy policy and solid fuels

2.4.28. The Committee considered together the Commission communication on energy strategy and the five-year programme¹ and financial support for solid fuels.²

Divergent views were expressed regarding the impact of energy production on the environment: while some speakers voiced their approval of the proposed measures, others felt that for economic reasons environment policy and energy policy objectives were incompatible.

The Committee approved the Commission's objectives regarding solid fuels but criticized the details of the proposals, notably as regards aid for disposal of stocks and the ending of aid for coal consumption by power stations. The Committee was particularly concerned about the financing of the five-year modernization programme for this industry. It disapproved of the introduction of a tax on energy consumption and opposed its being applied to coal.

Forward programme for steel for the fourth quarter³

2.4.29. The Committee's discussion centred on the problem of steel imports from non-member countries. The general opinion was that restraint shown by producers must be matched by the same restraint on the part of importers. The Committee was also concerned about reduced demand for steel from the motor industry. The Commission representative pointed out that the industry's difficulties were due not only to imports but, above all, to production quotas being

exceeded. He noted that measures had been taken in respect of certain countries on which the Commission had imposed anti-dumping duties (Brazil, Argentina, Canada, Spain).

Restructuring of the steel industry

2.4.30. Mr Andriessen, for the Commission, reported on the restructuring of the steel industry.⁴ Reducing capacity was among the measures to be taken, in addition to setting quotas and price levels. Mr Andriessen noted that the Commission had taken account of reductions made before drawing up the aids code but it had not been able to select different reference years for different countries. That would have made the exercise more complicated and less clearly understandable.

Views differed on the subsidies and aids given by certain Member States. Whereas the German representatives criticized the Commission for authorizing further subsidies despite time limits for notification not being observed and for granting more in aids than had been indicated beforehand, other speakers justified these aids by reference to the effect which recipient firms have on the job market in some areas dependent on a single industry.

Mr Andriessen also pointed out that defining the aid and determining its amount was a very complicated problem and that it was impossible to establish a relationship between this amount and reduction of capacity. In Mr Andriessen's view, the Commission had kept to the timetable. Some Member States had had to complete their plan after the time limit, and it was fair that the Commission should take this into account. The Federal Republic of Germany had instituted proceedings in the Court of Justice seeking annulment of the authorizations granted by the Commission to the Belgian, French, Italian and British Governments to give aids to certain steel undertakings, linked to their making a reduction in capacity.⁵

¹ Bull. EC 6-1983, points 1.2.1 to 1.2.20.

² OJ C 232, 30.8.1983; Bull. EC 7/8-1983, point 2.1.188.

³ Point 2.1.19.

⁴ Bull. EC 6-1983, points 1.1.1 to 1.1.12.

⁵ Case 214/83 *Federal Republic of Germany v Commission*.

2.4.31. The Committee also discussed the social aspects of the restructuring of the steel industry, notably with reference to the Commission communication presented in June.¹

Naturally enough, unions and employers had widely differing views, but the discussion took place in a positive atmosphere and was not constrained by ideology. The positions taken by the Council, Parliament and the Economic and Social Committee confirmed the Commission's view that unemployment could be reduced by shortening working time.

It was proposed that a world labour conference be called to lay down general provisions to prevent measures taken from distorting competition. The potentially adverse consequences of early retirement were emphasized, however: it might, for instance, result in a shortage of highly qualified technical personnel.

At the end of the discussion the Committee adopted a resolution² supporting the Commission's request that an appropriation of 330 million ECU for social measures³ and 230 million ECU for Regional Fund non-quota measures be entered in the general budget. It stressed the need to stimulate production of capital goods in the Community by promoting new technologies and to seek ways of developing industrial programmes in the developing countries.

European investment Bank

Operations in September

2.4.32. Loans announced by the European Investment Bank in September for investments within the Community totalled 58.4 million ECU⁴ (50.7 million in Denmark and 7.7 million in the United Kingdom). Outside the Community the Bank lent 13.975 million ECU to ACP countries.

Community

Denmark

2.4.33. The EIB lent DKR 413.7 million, including 346.2 million in the energy sector

for investments aimed at developing the indigenous resources of the Member States or promoting more efficient use of energy and ways to save it and thus reduce the Community's dependence on oil imports:

DKR 320 million is to go towards financing a pipeline to convey crude from a North Sea oilfield to the west coast of Jutland. The equipment, to be provided by Dansk Olierør A/S (DORAS), includes a riser/pumping platform in the Gorm field, a 220-km subsea pipeline and a 110-km onland pipeline across Jutland. The project also includes facilities for injecting condensates into the landline from a gas treatment plant in west Jutland plus a terminal for receiving, stabilizing, storing and shipping crude oil and condensates. The nominal capacity of the pipeline will amount to around 15 000 tonnes a day initially, but there will be scope to step this up at a later stage to some 20 000 tonnes a day.

DKR 26.2 million was lent for the construction of a waste incineration plant which will provide heat to a district heating system in Nykøbing, on Falster Island. This incinerator, which will be equipped with filters to control smoke emissions, is in line with Community environmental objectives; it will also save energy: the heat from the incineration plant will reduce Denmark's dependence on imported oil by about 5 800 tonnes per annum. The work will cost an estimated DKR 52.4 million.

2.4.34. DKR 67 million has been lent for the construction and extension of warehousing facilities in Greenland: the project involves extensions to 10 warehouses, increasing their overall storage capacity by 76%, and the construction of a new staff block. The works are scheduled for completion towards the end of 1984, for an estimated cost of DKR 170

¹ Bull. EC 6-1983, point 2.1.79.

² OJ C 275, 14.10.1983.

³ Bull. EC 3-1983, point 2.1.53.

⁴ The conversion rates at 30 June used by the EIB in statistics for the third quarter were 1 ECU = BFR 45.41, DKR 8.14, DM 2.27, DR 75.33, FF 6.81, HFL 2.54, IRL 0.72, LIT 1 345, LFR 45.41, UKL 0.53, USD 0.89.

million. Warehouses of this kind are used for the storage of imported and export goods and can be found in nearly every town and settlement in Greenland, as a widely dispersed population and difficult climatic conditions make adequate warehousing facilities an essential part of economic life. This system of warehouses also benefits from a grant from the European Regional Development Fund.

United Kingdom

2.4.35. UKL 4.5 million was lent for infrastructure projects. A loan of UKL 2.5 million was provided for the development and modernization of Hull City's telephone system with the conversion by spring 1985 of two exchanges to digital technology, the extension of two other exchanges, expansion of the local distribution and junction networks, and extensions or improvements to seven telephone exchange buildings. Hull is the only area in the United Kingdom where the telephone network is not operated by British Telecom, although it is, of course, fully integrated into the national telephone system. The Hull network serves a population of around 370 000 people.

The EIB also lent UKL 2 million to the Western Isles Islands Council, Stornoway, for improvements to roads and other infrastructures aimed at improving conditions for the development of the Outer Hebrides. The work, which will cost UKL 11 million and should be completed by 1985, includes upgrading of single-lane stretches of the main arterial roads to double-lane standard and other road improvements; a 900-m causeway across the South Ford; a small vehicle ferry and ferry terminals at North Uist and Berneray; expansion of Stornoway water supply by developing a new source with a small dam and 9.3 km of transfer pipeline; and the development of a small industrial estate in Stornoway.

Outside the Community

2.4.36. Under the Lomé Convention the Bank lent 4 575 000 ECU from the risk capital which it manages on behalf of the Community to promote shipping between States in the South Pacific.

This aid, which is the first to be granted by the EIB in support of a project of regional interest in the Pacific, takes the form of six conditional loans to the ACP States concerned: Fiji 1.8 million ECU, Papua New Guinea 1.8 million ECU, Tonga 325 000 ECU, Samoa 325 000 ECU, Kiribati 200 000 ECU and Tuvalu 125 000 ECU. This is the first time also that the Bank has extended its operations to Kiribati and Tuvalu.

The loans will increase the capital of the regional shipping company, Pacific Forum Line, thereby helping it to acquire about 1 100 containers. This project is in line with the provisions of Annex XIX to the Lomé Convention, which attaches particular importance to promoting shipping as support for the economic progress of ACP island States.

2.4.37. A loan of 5 million ECU, also from risk capital resources, went to Madagascar for the development of shrimp fisheries; the proceeds of the loan will be credited to Pêcheries de Nossi-Bé, a company formed in 1969 with the State as its main shareholder, along with the SOCOTA company and various other private and public investors in Madagascar. The project involves the purchase of four shrimp trawlers and the refitting of six others currently in service, together with the enlargement and improvement of the company's workshops and coldstores.

The International Finance Corporation, part of the World Bank group, is also putting up funds for investment in this scheme, which should make an appreciable contribution to improving Madagascar's export earnings.

2.4.38. A loan of 400 000 ECU, also from risk capital resources, was granted to the State of Sefercam (Société d'exploitation du fer du Cameroun) to finance a feasibility study on the pre-reduction by gas of iron ore deposits in the region of Kribi on the south coast of Cameroon.

The EIB granted a loan of 4 million ECU from its own resources to help finance small and medium-scale ventures in industry, the agro-industrial sector, transport and tourism

in Botswana. The financing takes the form of a global loan—a line of credit—to the Botswana Development Corporation Ltd; BDC, in which the Government has the majority shareholding, in association with the International Finance Corporation, Deutsche

Finanzierungsgesellschaft für Beteiligungen in Entwicklungsländern GmbH and Nederlands Financieringsmaatschappij voor Ontwikkelingslanden NV, is to on-lend the loan for small and medium-scale investment projects selected with EIB approval.



PART THREE

DOCUMENTATION

1. ECU

Values in national currencies of one ECU

30 September 1983¹

Belgian franc and Luxembourg franc (convertible)	45.8906
Belgian franc and Luxembourg franc (financial)	46.5566
German mark	2.26145
Dutch guilder	2.52828
Pound sterling	0.574833
Danish krone	8.16621
French franc	6.86984
Italian lira	1 370.27
Irish pound	0.725517
Greek drachma	79.4578
United States dollar	0.859375
Swiss franc	1.82334
Spanish peseta	130.556
Swedish krona	6.71172
Norwegian krone	6.30609
Canadian dollar	1.05875
Portuguese escudo	106.563
Austrian schilling	15.9414
Finnish mark	4.85977
Japanese yen	202.426
Australian dollar	0.957841
New Zealand dollar	1.30624

¹ OJ C 262, 1.10.1983.

NB. Explanatory notes on the ECU and 'green' rates can be found in Bull. EC 7/8-1982, points 3.1.1 to 3.1.3.

Representative rates ('green' rates)

Conversion rates into national currencies for the ECU used in connection with the common agricultural policy

September 1983

National currency	Value in national currency of one ECU
Belgian franc and Luxembourg franc	44.9008
Danish krone	8.23400
German mark	2.65660 ¹ 2.52875 ² 2.54273 ³ 2.51457 ⁵ 2.57524 ¹⁰
Greek drachma	66.5526 ⁴ 77.2479 ⁷ 74.8027 ⁸ 71.5619 ¹⁰
French franc	6.55400 ³ 6.49211 ⁶ 6.62985 ⁸ 6.37174 ⁹ 6.19564 ¹⁰
Irish pound	0.725690
Italian lira	1 341.00
Dutch guilder	2.81318 ¹ 2.721492 2.73327 ³ 2.70981 ⁵ 2.75563 ¹⁰
Pound sterling	0.618655

¹ For seeds.

² For cereals.

³ For milk and milk products.

⁴ For olive oil.

⁵ For beef and veal, sheepmeat, sugar, eggs and poultrymeat and rice.

⁶ For beef and veal, sheepmeat, sugar, cereals, eggs and poultrymeat and rice.

⁷ For beef and veal, sheepmeat, sugar, cereals, eggs and poultrymeat, milk and milk products and rice.

⁸ For pigmeat and wine.

⁹ For olive oil and fish.

¹⁰ For other products.

2. Additional references in the Official Journal

3.2.1. This section lists the titles of legal instruments and notices of Community institutions or organs which have appeared in the Official Journal since the last Bulletin was published but relating to items appearing in earlier issues of the Bulletin; the references were not available when the Bulletin went to press.

The number of the Bulletin and the point to which this additional information refers is followed by the title shown on the cover of the Official Journal, the number of the issue and the date of publication.

Bull. EC 6-1983

Point 2.1.44

Commission Decision of 20 July 1983 concerning two aid schemes in favour of the textile and clothing sector in France funded by means of parafiscal charges

OJ L 268, 30.9.1983

Points 2.1.132 and 2.2.73

Exchange of letters between the Commission and the United Nations Environment Programme on the strengthening of cooperation between the two institutions

OJ C 248, 16.9.1983

Point 2.1.241

Proposal for a Council Decision adopting a research programme on reactor safety (1984-1987)
OJ C 250, 19.9.1983

Point 2.1.281

Proposal for a Council Decision adopting a research programme to be implemented by the Joint Research Centre for the European Atomic Energy Community and for the European Economic Community (1984-1987)

OJ C 250, 19.9.1983

Bull. EC 7/8-1983

Point 2.1.199

Proposal for a Council Decision adopting a concerted action research project of the European Economic Community on the effects of processing and distribution on the quality and distribution of food

OJ C 260, 29.9.1983

3. Infringement procedures

3.3.1. No infringement procedures were initiated in September for failure to communicate national implementing measures.

3.3.2. In September the Commission delivered 14 reasoned opinions concerning six Member States in the following cases:

- (i) restrictions on the importation of beer in bottles with mechanical sealing devices (Italy);
- (ii) conditions under which phytopharmacological products are registered (Italy);
- (iii) conditions under which vinegar of agricultural origin is marketed (Italy);
- (iv) tax arrangements applicables to Marsala dessert wine (Italy);

(v) differential taxation in relation to excise duties on sparkling wines (Italy);

(vi) differential taxation of wines and fruit wines (Denmark);

(vii) unjustified refusal on the part of the postal authorities to grant type approval for letter-franking machines imported from another Member State (France);

(viii) incorrect transposal of the Council Directive of 15 October 1968 on the abolition of restrictions on movement and residence within the Community for workers of Member States and their families¹ (Denmark);

¹ OJ L 257, 19.10.1968.

(ix) delay in implementing the Council Regulations (EEC) of 6 April 1976¹ and 17 May 1976² concerning the fruit and vegetables sector (Italy);

(x) shapes of packaging for imported margarine (Germany);

(xi) refusal to grant import licences for codeine (United Kingdom, Belgium);

(xii) exemption from VAT for services rendered by carriers to the Federal Postal Administration;

(xiii) compulsory sickness and invalidity insurance scheme (Belgium).

¹ OJ L 93, 8.4.1976.

² OJ L 135, 24.5.1976.

4. The Community at the United Nations

Extracts from the address given on behalf of the Community and the Member States by Mr Ioannis Kharalabopoulos, President of the Council, to the United Nations General Assembly on 27 September

3.4.1. ...The European Community was born of the desire of several States cherishing the same democratic values to base their relationship on new forms of solidarity, in order to face challenges which it would have been difficult to take up in isolation. This is why the 10 countries for which I speak today are fully committed to respect for the Charter and view the United Nations as a vehicle for creating a better and safer world. Through regular concertation on international problems and constant efforts to define a common policy, the Ten as individual States and as a Community intend to continue and strengthen the cooperation with the United Nations and its Secretary General.

Last year, speaking from this rostrum on behalf of the Ten, the Minister for Foreign Affairs of Denmark described the situation prevailing in the world in "sombre colours", as he said.

At the start of the twenty-eighth session of the General Assembly it must be admitted that this assessment remains unfortunately valid. How, it, might be asked, could the situation basically improve as long as Member States continue to violate the most fundamental principles of the Charter and to ignore the repeated appeals addressed to them by this Organization to refrain from the use or threat of use of force and to put an immediate end to the conflict in which they are engaged? It should not come as a surprise, therefore, that none of the old conflicts has been

resolved and that ominous signs of new tensions are looming on the horizon.

Relations between East and West have been gravely affected these last years by the Soviet invasion of Afghanistan and the situation in Poland, as well as by the continued Soviet military build-up. A further cause of aggravation has been the shooting down of the Korean airliner by a Soviet fighter. The Ten deeply deplore this act, which resulted in the loss of many innocent human lives. They have asked that the appropriate international instances undertake a thorough investigation of the circumstances of the incident. They welcome the decisions of the ICAO Council adopted in Montreal on 16 September. They support the proposals submitted to ICAO for ensuring greater safety of civilian aircraft in future, including the prohibition of the use of armed force.

Our countries, peoples and governments are ready to improve relations with the Soviet Union and her allies, provided they abide by the internationally accepted standards of behaviour, so that international confidence can be restored. Only then could there be a better understanding among the European peoples and an atmosphere conducive to the consolidation of peace and stability on our continent.

It is in this light that we have viewed and continue to view the situation in Poland. The Ten have taken note of the measures adopted by the Polish Government on 22 July 1983, some of which go in the right direction while others provide the authorities with the legal means to repress more effectively possible dissident activities. In a spirit of friendship towards the Polish people, the Ten hope that these steps will be followed by further

measures leading to reconciliation, dialogue and reform, in accordance with the aspirations of all the national and social elements of the population.

The successful conclusion of the CSCE negotiations in Madrid is a cause of satisfaction to the Ten. Our approach at the Conference was guided by the endeavour to promote respect for the Helsinki Final Act, to ensure its full implementation and to pursue the aims of the CSCE process through dialogue and cooperation. The presence of all our Foreign Ministers in Madrid bore testimony to this commitment. Although the concluding document does not represent the maximum that could have been achieved, it was substantial and balanced. We attach as great an importance to the human dimension of that document as to its provisions concerning the convening of a conference on disarmament in Europe. Which brings me to the wider issue of disarmament.

It is an issue of the utmost importance to the Ten and of increasing concern to public opinion, since it affects the survival of mankind. It also is a very complex problem. Experience has shown how difficult it is to achieve disarmament in an atmosphere of distrust, fear and prejudice. To preserve peace it is necessary not only to reduce armaments but to remove the causes of conflict as well.

This applies as much to Europe as to other parts of the world. The 10 countries of the European Community are making every effort to reduce the level of military forces in Europe while maintaining undiminished security for all States. Hence the importance they attach to the full range of ongoing or scheduled negotiations, particularly the talks between the United States and the Soviet Union in Geneva on strategic and intermediate nuclear forces. Given the size of the nuclear arsenal of these two countries, it is generally recognized that progress on nuclear disarmament is closely related to their agreeing on substantial and verifiable reductions.

The Ten, therefore, give full support to both the START and INF negotiations. It is our sincere wish that it will prove possible for the two major nuclear powers to come to an agreement in the near future. The objective of such an agreement should be to strike a balance at the lowest possible level.

While nuclear arms control negotiations are taking place in order to halt the vertical proliferation, the maintenance and strengthening of the present non-proliferation regime, which so far has been successful in halting the further spreading of nuclear weapons, is a very significant element in the disarmament equation.

However, we should not lose sight of the fact that the control of nuclear forces is only one side of the

coin. It is of the utmost importance to reduce the level of conventional armaments. The spectre of nuclear annihilation should not lead us to underestimate the terrible casualties and material destruction which these weapons can cause. Since 1945, this has been borne out by more than one hundred conventional wars.

This is one of the reasons why we look forward to the Conference on Disarmament in Europe, soon to be convened in Stockholm. Its first stage will be devoted to the negotiation and adoption of confidence- and security-building measures which will be militarily significant, binding, verifiable and applicable to the whole of Europe. The Ten reiterate their conviction that the building of confidence among States not only in Europe but worldwide plays a significant role in facilitating progress in arms control and disarmament.

At the same time, those members of the Ten participating in the negotiations on mutual and balanced force reductions, held in Vienna, remain firmly committed to reaching an effective agreement which would genuinely enhance stability and strengthen security in Europe and pave the way to other important developments in the field of disarmament.

The Ten also stand fully behind every substantial and realistic effort of the sole multilateral negotiating body, the Geneva Committee on Disarmament. They therefore strongly plead for intensifying current negotiations in the Committee. They underline the importance of early progress towards a comprehensive and reliably verifiable ban on all chemical weapons, in order to eliminate this whole category of weapons. The Ten also support the examination, at the Committee on Disarmament, of questions related to the prevention of an arms race in outer space.

Finally, the Ten consider the United Nations as an essential and most valuable forum for the worldwide discussion of disarmament and arms control matters. They believe that the dialogue aiming at security and peace for all peoples must be pursued vigorously.

Before concluding my remarks on this vital issue, I would like to stress our firm conviction that, in parallel with disarmament efforts, all States, big and small, powerful and weak, nuclear and non-nuclear, should adhere to the provisions of the Charter and international law in general, for the renunciation of force and the threat of force and for the settlement of disputes by peaceful means.

In this context we consider the adoption, last year, of the Manila Declaration by the United Nations General Assembly as a positive step. The Ten express the wish that the goals of the Declaration, which are of vital importance to international

peace, may be achieved through the joint efforts of all members of our Organization.

In the Middle East the consequences of the Israeli invasion of Lebanon, which the Ten have vigorously condemned, are still with us. The country has found itself in the throes of a conflict which could have led to its disintegration. The civilian population has suffered greatly in the crossfire of the warring factions and by the intervention of foreign elements. The Ten, who have always supported the independence, sovereignty and territorial integrity of Lebanon and the authority of its Government, welcome the ceasefire which was put into effect yesterday. They express the hope that the dialogue about to be initiated will lead to national reconciliation and ensure the unity of the country. They also stress the need for early progress towards the complete withdrawal of all foreign forces, with the exception of those whose presence would be required by the Lebanese Government. They themselves are ready to work for these objectives, jointly and individually.

A direct consequence of the stalemate in Lebanon is that no progress has been made towards the solution of the broader Arab-Israeli conflict. It is the view of the Ten that peace will not prevail unless the security and legitimate interests of all States and peoples are taken into account. To be more specific, a lasting peace can only be built on the right of all States in the region, including Israel, to a secure existence and on justice for all peoples, including the right of the Palestinian people to self-determination with all that this implies.

A way to peace was indicated by President Reagan's initiative of 1 September 1982, and the Arab Summit Meeting at Fez demonstrated a readiness for it. The Ten appeal to all the parties in the conflict to move forward from a readiness for peace, which all of them have expressed in the past, towards mutual recognition as partners in genuine negotiations on the basis, *inter alia*, of Security Council resolutions 242 and 338. These negotiations will have to embrace all the parties concerned, including the Palestinian people, and the PIO will have to be associated with them. The threat or use of force must be renounced by all.

In the interest of the search for peace, the Ten ask Israel to abandon its policy of gradual annexation and of unilaterally creating new facts in the occupied territories, in particular its settlement policy which is contrary to international law and a major and growing obstacle to peace efforts.

For their part, the Ten are closely associated with such efforts as demonstrated, among other things, by their continuing support of the peace-keeping role of the UN and the multinational forces.

Having a deep interest in the future of the area, they intend to maintain their contacts with all parties and to use their influence to encourage movements towards compromise and negotiated solutions.

Another aggravating factor in the Middle East is the continuing war between Iran and Iraq. The Ten strongly deplore the lack of progress towards the solution of this conflict, which constitutes a serious threat to the stability of the region and international security and entails heavy suffering for the two peoples involved. They urgently appeal to the two belligerents to spare the civilian population and to abide by all international conventions applicable in time of war. In this respect they welcome the report of the UN mission which visited areas subjected to attacks. On the other hand, the Ten deeply regret that none of the peace initiatives undertaken hitherto has succeeded in bringing the fighting to an end. They take this opportunity to call once more for a cease-fire, the cessation of all military operations and the withdrawal of forces to internationally recognized frontiers and for a just and honourable settlement, negotiated in accordance with the resolutions of the United Nations Security Council and acceptable to both parties. The Ten confirm their readiness, if requested by both parties, to participate in the efforts aiming at restoring peace in the area.

If in the Middle East the situation has deteriorated over the last 12 months, in a number of other international problems little or no progress has been registered.

In Afghanistan the Soviet occupation continues in spite of successive resolutions adopted by an overwhelming majority of the United Nations. The Ten remain deeply concerned by this continuing violation of the independence of a traditionally neutral and non-aligned country. They condemn the attacks committed against Afghan civilians by the Soviet forces, and remain gravely concerned at the plight of the Afghan refugees who have been driven from their homeland as a direct result of these actions. These persons represent the largest concentration of refugees in the world, and their suffering must not be forgotten.

The Ten stress the urgent need for the withdrawal of Soviet troops and a negotiated settlement which will permit Afghanistan's independence and non-aligned status to be restored, allow the Afghan people to exercise fully their right to self-determination and enable the Afghan refugees to return home in safety and honour. They follow with great interest the indirect contacts between Pakistan and Afghanistan held under the auspices of the United Nations with a view to finding a solution in accordance with the resolutions adopted by this Assembly. While recalling their

proposal of June 1981, the Ten are prepared to support any constructive initiative aimed at a satisfactory political solution. But the key requirement of any such solution remains the withdrawal of Soviet forces.

Kampuchea was invaded five years ago and is still occupied by Vietnamese troops, who not only suppress all resistance but also attack the camps of refugees and displaced persons in increasing frequency and intensity. All efforts to end this occupation with all its consequences for the present and the future have foundered on the refusal of Vietnam to comply with the relevant United Nations resolutions. The Ten wish to congratulate the ASEAN countries for their initiative to convene the International Conference on Kampuchea. They consider that the declaration adopted by the Conference, with whose principles they agree, constitutes a very good basis for a genuine political settlement. It calls, as we all know, for the total withdrawal of Vietnamese forces, the right of the Kampuchians to determine their own destiny through free elections supervised by the United Nations, the respect of the independence, neutrality and non-alignment of Kampuchea and the commitment of all States not to interfere in its internal affairs. The Ten regard the establishment of the coalition of Democratic Kampuchea, under the Presidency of Prince Norodom Sihanouk, as a significant step.

In Korea the stalemate persists, 30 years after the armistice agreement was signed. The Ten believe that the peaceful reunification of Korea should be pursued by means of dialogue and negotiations, based on the communiqué of 1972 between the South and the North.

The situation in Cyprus constitutes a potential danger for the peace and stability of the whole area. The Ten reaffirm their position as reflected in General Assembly resolutions 3212/74 and 3395/75, which call for the respect of the independence, sovereignty and territorial integrity of the Republic of Cyprus. They hope that no action will be undertaken which would run counter to these principles. They have consistently supported the efforts of the Secretary-General, under whose auspices intercommunal talks were established on a regular basis. They welcome his renewed personal involvement in the search for a just and viable solution.

In southern Africa, Namibia continues to be illegally occupied by South Africa in defiance of international law and United Nations resolutions. The Ten have firmly and repeatedly expressed their conviction that the people of Namibia must be allowed to determine their own future through free and fair elections held under the supervision and control of the United Nations in accordance with Security Council resolution 435. We reiterate

this conviction today and express our full support for the efforts of the Contact Group, thanks to which a settlement has been within reach for some time now. We also wish to express appreciation for the efforts of the front-line States.

The Ten also thank the Secretary-General for his efforts in fulfilling his mandate under Security Council resolution 532, and will continue supporting his contacts with the parties. They urge all parties concerned to facilitate the conclusion of the negotiations without further delay and to refrain from any action which could endanger an agreement.

I may add that the problem of Namibia should be viewed strictly as a problem of decolonization—in fact, the last remaining vestige of colonialism in Africa. The people of Namibia must be given an opportunity to exercise their right to self-determination without delay. Their independence has been denied them for far too long and should not be delayed further because of extraneous problems.

In South Africa itself, the country's black majority unfortunately continues to be the victim of blatant oppression. The Ten wish to reiterate their unequivocal and vigorous condemnation and rejection of the system of institutionalized racial discrimination known as "apartheid" and their determination to use, as in the past, their collective weight to influence South Africa, in order to help put an end to such an inhuman system and establish a society in which everybody without exception will enjoy equality, freedom and justice.

The Ten remain concerned with many aspects of the South African policies. In particular, they have condemned the homeland policy and the violation of human rights resulting from bannings and other similar measures.

In other parts of Africa, internal strife is sometimes an obstacle in the long and difficult road to economic and social development. Such strife is too often exacerbated by outside factors.

One such case is Chad. The Ten are gravely concerned by the external intervention to which this country fell victim and its consequences. They firmly support its independence, sovereignty and territorial integrity and are against any kind of interference in its internal affairs.

The Ten believe that this problem is an African affair and should consequently be settled by the Africans themselves, in order to avoid the escalation of the conflict into an international crisis. They underline the role which the Organization of African Unity could play in restoring peace. This, of course, should not preclude similar action by the competent organs of the United Nations, including the Security Council and the Secretary-General.

As I mentioned the OAU, I should like to pay tribute to that Organization, which is celebrating this year its 20th anniversary.

In the course of the past 20 years, it has proven a very important factor for political stability and progress in Africa and for world peace.

The 10 countries of the European Community are historically linked by close human, economic and cultural ties with Latin America. I wish to stress the importance we attach to further promoting these ties. A few months ago we celebrated the 200th anniversary of the birth of Simon Bolivar. We pay tribute to that great man and his struggle for the independence and freedom of the Latin American peoples. We also welcome the growing trend towards democracy in the subcontinent, while deploring the continuing and grave abuses of human rights and restrictions of political freedom in certain countries.

I would like now to turn to the serious situation in Central America, which could have repercussions extending well beyond the region itself. The endemic social inequalities, injustice and economic underdevelopment are at the root of the present crisis, which is aggravated by outside interference. In some countries violence and the violation of human rights have become a fact of everyday life.

Last June in Stuttgart the 10 Heads of State and Government clearly stated the principles for remedying this situation. They include non-interference, the inviolability of frontiers, the establishing of democratic conditions and the strict observance of human rights. The Ten are convinced that the problems of Central America cannot be solved by military means but only through a political settlement springing from the region itself.

The Ten are prepared to contribute, in whatever way they can, to this end. They fully support the Contadora initiative. They note that the Cancún Declaration of 17 July contains many useful suggestions. They also recall the support of the efforts of the Contadora Group by Security Council resolution 530, which was adopted unanimously.

The protection of human rights is a cause to which the Ten are deeply committed. Because their observance lies at the very foundation of all truly democratic societies, which are the best guarantee for international peace and stability.

We must acknowledge that during the last decades nations with different traditions, ideologies, cultures and political systems moved towards the adoption of common standards as well as of appropriate—though not altogether adequate—procedures for putting these standards into effect.

It is, however, a matter of deep regret to the Ten that 35 years after the adoption of the Universal Declaration of Human Rights its implementation is far from satisfactory. A growing number of serious and massive violations of these rights occur in various parts of the world. Many countries seem to have made arbitrary arrests, imprisonment, torture, disappearances, killings and political executions an integral part of their political system. Human beings are persecuted solely on ideological, religious or racial grounds, or even simply because they have the courage to defend the cause of human rights. Large numbers of political prisoners, including trade union activists, remain under detention and are denied the respect of their status, as well as their right to defence. Others are denied the right to leave their country or return to it. Faced with such serious abuses, the United Nations has a duty to secure compliance with the obligations of the Universal Declaration and to react promptly to all violations of human rights. The Ten stand ready to approach the governments of the countries where violations of this kind occur in order to alleviate human suffering.

All States should adhere to and implement legally binding international instruments on human rights, as well as accept appropriate measures for their enforcement. The Ten are taking an active part in the elaboration of new such instruments and in particular the draft convention against torture.

Moreover, it is their view that, together with civil and political rights, social and economic rights also need to be guaranteed as essential elements of an integral system of protection of the individual.

A major event this year has been the Summit of the non-aligned countries held in New Delhi last March. The movement of the non-aligned nations, with some hundred members, has become a powerful influence in international affairs. This is fully recognized by the Ten, who appreciate the important role which the movement plays.

One of the main preoccupations of the Third World is the present economic crisis and the measures that should be urgently taken to help developing countries overcome the difficult—and in some cases desperate—situation they find themselves in.

The world economy finds itself at a critical juncture. It shows some signs of recovery in a number of major industrialized countries, most notably the USA and Japan, whereas in Europe the prospects are less certain.

More specifically:

- Unemployment remains high and is on the increase, its effects being mostly on young and urban workers.

- Uncertainty for the future and the prospects of high public deficits are among the elements which maintain real interest rates at high levels, thereby diverting resources from productive investment to financial management; this reduces the prospects for a synchronized upturn in economic activity and an investment-led and sustainable recovery.
- Exchange rates continue to be volatile and this increases uncertainty and limits the room for a consistent economic policy.
- The global recession has left its mark on developing countries. Their debt has increased sharply, their development efforts have been undermined and their capacity to participate fully in the international economic system impaired. They face a severe reduction of their imports and are confronted with sluggish markets for their exports, unfavourable terms of trade and sharply higher debt-servicing costs.

It is with a clear understanding of these realities and a sense of deep commitment to the need for coordination and cooperation that the Community has participated during the past year in international negotiations with all our partners.

The difficulties that we have been experiencing over the past few years have made clear to all of us the extent to which our economies are interdependent. The OECD ministerial meeting in May 1983 highlighted this point very clearly. It recognized the powerful economic links between all parts of the world, which imply a collective responsibility to shape policies so as to strengthen the international trading, monetary and financial systems and to recreate the conditions for sustainable non-inflationary growth. The Williamsburg Summit in June 1983 adopted the same approach in recognizing that 'we must act together and that we must pursue a balanced set of policies that take into account and exploit relationships between growth, trade and finance, in order that recovery may spread to all countries, developed and developing countries alike'.

The open world trading system embodied in the General Agreement on Tariffs and Trade has served the world economy well during more than three decades. It ought therefore to be preserved and further strengthened. At the GATT ministerial meeting in November 1982 the European Community reaffirmed its commitment to resist protectionist pressures in the formulation and implementation of trade policy, a commitment which was further reinforced by consensus at UNCTAD VI. In this context, it has always been a principle for the Community that differential and more favourable treatment should be extended to less-developed countries.

The major event in the North/South dialogue this year has been the sixth session of UNCTAD which

the Community approached with a positive, constructive and pragmatic attitude, recognizing that the economic crisis threatens the smooth and effective functioning of the multilateral economic system as well as world prosperity. At Belgrade the Community, aware of the fact that there is a growing interdependence between developing and developed countries, declared that "there can be no lasting recovery without resumption of the development process and that there can be no new impetus to the development process without real recovery".

In our view—and despite the occasional disappointments and frustrations—the outcome of this Conference was important. We agreed on quite a number of resolutions which were adopted by consensus and which cover substantial issues of common interest. We succeeded—which is politically most important—in keeping the lines of communication open and the international dialogue alive.

In the field of commodities, the Community throughout has supported the agreement on the Common Fund. We therefore welcome the recent increase in the number of signatures and ratifications which, we hope, will lead to its early entry into force. At UNCTAD VI we also took an active part in the important decision to start work on compensatory financing of export earnings shortfalls.

In the field of trade, the Community supported the adoption of resolution 159/VI, which highlighted the importance of the open trading system, and agreed to follow policies that would facilitate structural adjustment based on a dynamic pattern of comparative advantage. Increased trade is especially vital for the developing countries. The scheme of the Generalized System of Preferences has improved the access to the EEC markets for all of them. The Community will—as was stated at UNCTAD VI—maintain and further develop its GSP scheme at least until 1990.

In monetary and financial affairs, UNCTAD VI adopted several resolutions. The Community joined in the consensus on a resolution on the crucial issue of the external debt of the developing countries. We declared we were ready to consider appropriate measures to alleviate the servicing of the debts of developing countries on a case-by-case basis and within the existing institutions. The Community supported the renewed commitment on Official Development Assistance targets especially *vis-à-vis* the [less and] least developed countries. We advocated the rapid replenishment of the International Development Agency resources to a substantial level and considered that an adequate level of funding of the development financial institutions is essential. The Community

also recognizes the importance of an adequate supply of liquidity for world economic growth. We stressed at Belgrade that a financially strong International Monetary Fund is in the interest of all, in order that this institution can fulfil its role of meeting its members' financing and adjustment needs.

As I said before, UNCTAD VI was this year the major event in North/South relations, but the global dialogue between industrialized and developing countries is an ongoing process. It is based on the recognition of increasing links between the different economic sectors such as growth, trade, finance, development and fight against the hunger in the world. In this spirit we continue to support the launching of global negotiations to cover all major issues in the field of the world economy. We hope that it will be possible to reach an early agreement on the launching of such negotiations. In this respect we have noted with interest the declarations of the Non-aligned Summit in New Delhi and the Group of 77 in Buenos Aires earlier this year.

In this context I would recall that the Community has over a long period developed an active partnership with the ACP countries, and we will soon be entering into negotiations for a new Convention.

Another basic feature of the development policy of the Community is to pay special attention to the specific and urgent needs of the [less and] least developed countries.

Finally I would like to refer briefly to the Convention on the Law of the Sea, which was opened for signature in December last year. The Community and its Member States believe that this Convention constitutes a major effort in the codification and progressive development of international law in various fields.

This Convention has been signed up to now by five Member States of the Community. Some concern persists with respect to the deep sea-bed mining regime of the Convention and should be dealt with in such a manner as to make the Convention universally acceptable. In fact we attach great importance to the work of the Preparatory Commission for the International Sea-Bed Authority and for the International Tribunal for the Law of the Sea.

I would like to express the hope that the Convention will become a useful instrument for the promotion of cooperation and stable relations between all countries in this field.

The international economic climate is still far from satisfactory but history teaches us that times of crises can be turned into times of fresh and

constructive initiatives. The economic crisis still confronting most of us presents a challenge:

- to promote international cooperation;
- to promote social welfare;
- to improve living conditions in the world;
- and to reestablish confidence in the workings of our international system by adapting to changing realities, accommodating diversity and promoting common aspirations.

We sincerely believe that despite the occasional disappointment and frustration at the lack of an emerging consensus, we have succeeded in keeping the lines of communications open and the international dialogue alive. There were clearly differences in experiences, in perceptions of the problems and in proposals for their effective solution. However, it is only through a process of continuous and frank exchange of views that we can better define and come to accept our common interests as well as our differences. We in the Community are hopeful that the international dialogue will lead to a better economic environment in the future.

In the midst of a world torn by discord and fraught with fear, the Secretary-General was led to sound the alarm with the report he submitted last year to this Assembly.

I wish to assure him that the members of the European Community have given both that report and the one of this year all the attention they deserve. They share his concern that the United Nations system of collective security often has not been used effectively and that frequent disregard has been shown for the provisions of the Charter.

At the same time the members of the European Community share the view that this weakness is not a result of institutional or structural deficiencies but a consequence of a lack of political will of the parties involved in disputes and confrontations.

While fully aware of the previous and ongoing discussions about the need to strengthen the United Nations, we believe that the political impulse of the report should be sustained. We share the view of the Secretary-General that his report should not be dealt with bureaucratically or as a matter of routine.

The large echo this report received, going far beyond the usual reaction, testifies to the soundness and correctness of its analyses and observations. As a partial remedy to this disquietening situation, the Secretary-General suggested a series of practical measures aimed at increasing the effectiveness of the Organization in preventing conflicts. It is encouraging that these suggestions have been thoroughly examined and discussed by the Security

Council, which is the organ primarily responsible for ensuring peace and security.

We, members of the European Community, believe that the principles of the Charter, which gives expression to the universality of our Organization, provide the framework for the peaceful settlement of disputes all over the world. It is in this positive spirit that the Ten have already initiated a dialogue with several third countries and some regional organizations or groups. They are ready to extend this dialogue so as to include any new partners who would wish it.

The principles which are the very *raison d'être* of the United Nations cannot continue to be violated

with impunity without leading to the further decline of our Organization, which would become totally irrelevant. Unchecked by the constraints of law, the world would become increasingly torn by violence and wars until the ultimate nuclear catastrophe becomes inevitable. It is our most pressing duty to do whatever lies in our power to prevent such an appalling development, by reversing the present trend.

We, therefore, appeal to all members of this Organization, without exception, to comply and ensure compliance with the obligations freely undertaken under the Charter. What is at stake is more than the survival of the United Nations. It is the survival of mankind itself...'

5. Annual meeting of the IMF and the World Bank

Statement by the President of the Council, Mr Gerasimos Arsenis, Minister of National Economy and Governor of the Bank and Fund for Greece, on behalf of the Member States of the European Communities to the IMF/World Bank Annual Meeting

3.5.1. '... Since last September the world economic environment has become more differentiated. On the one hand, evidence of an economic upturn has grown consistently firmer over the last months in some industrial countries, especially in the United States, where recovery seems to be quite significant, and there are also prospects for a further abatement of inflationary pressures. The emerging recovery should help slow, it not reverse, the rise in unemployment, which has reached tragically high levels in many countries. On the other hand, high interest rates are hampering the investment necessary for a sustainable recovery. True, nominal interest rates have declined considerably from their peaks of 1982, but real interest rates remain high by historical standards.

As far as the Community is concerned, recovery is expected to be rather modest, although the prospects are very different from one Member State to another.

At the same time developing countries exhibit an unsatisfactory growth record, which is attributable

to adverse external developments as well as to domestic factors. The Community is also concerned with the severe impact of these external developments on the payments situation of many developing countries, in particular, the effects of the past sharp deterioration in their terms of trade.

External indebtedness has continued to grow in a number of countries while debt servicing problems have been accentuated. This has been accompanied by a substantial slowdown in the growth of commercial bank lending to certain developing countries. Most of these countries have now recognized that adjustment of their own policies and performance is essential. We welcome the initiatives taken by the International Monetary Fund in providing and helping to mobilize support for these countries, conditional on effective measures of adjustment, and the efforts made by all parties concerned in bringing constructive solutions to individual cases of debt problems. We are also conscious that an orderly solution of debt problems will be greatly helped by an improving world economic environment.

This difficult situation, in both industrial and less developed countries, is further complicated by uncertainties over the future course of world interest rates, and by uncertainties linked to the volatility of the dollar, the recent rise of which has adversely affected the terms of trade of many countries. These developments are heavily influenced by financial policies in the United States.

All these difficulties may threaten the sustainability of the present recovery as well as its capacity to spread its benefits worldwide. The Community is endeavouring, in this context, to pursue policies designed to consolidate its incipient recovery.

The various manifestations of the present difficulties have once again brought to our attention the growing interdependence of our economies and thus the international dimension of national policies.

We are all aware of the fact that the restoration of sustained and noninflationary growth in the industrial countries is essential to complement and enhance the adjustment efforts of debtor countries. At the same time we cannot underrate the fact that debt servicing problems cause severe strains in the international financial system and that orderly solutions to these problems, and renewed growth in developing countries, will in turn strengthen the recovery in the industrial world.

It has been part of the European Community strategy to bring these issues to the attention of the world community and to underline the responsibility we all share in selecting our policies. In a period of increased uncertainty, the need for a coherent and harmonized approach to international economic policy is greater than ever.

Accordingly, we welcome the declaration by the Heads of State at the Williamsburg summit, and in particular the recognition that the principal industrial countries must act together to pursue a balanced set of monetary and budgetary policies in order that the recovery may spread throughout the globe. Where the underlying circumstances have improved, a priority aim of policy should be to strengthen recovery in a noninflationary way and to promote employment.

The cornerstones of international cooperation are effective policy coordination among industrial countries and adherence to our international commitments.

In designing our policies we should take a more global point of view by recognizing the greater interdependence among all economies; in particular, due consideration should be given to international repercussions of domestic economic policies. In the monetary field, the European Monetary System (EMS) has already demonstrated the potential benefits of such concerted efforts. It has encouraged more convergence in EEC member countries' economic policies and in the implementation of orderly adjustments. The introduction of the System has thus brought more monetary stability, and we hope that this stabilizing influence will spread to the exchange rates of other currencies that have close ties to EMS participants. The EEC Member States will, of course, play their full role in any discussions that may take place for

the improvement of the international monetary system more generally.

Coordinated policies should strive:

- to attain a more appropriate fiscal-monetary policy mix so as to counter inflation and permit a reduction in both nominal and real interest rates;
- to secure orderly conditions in exchange markets through the adoption of compatible economic policies, especially by key currency countries;
- to increase productive investment and to adopt positive adjustment policies that will foster the current recovery;
- to reverse protectionist trends, to relax restrictions, and to create conditions for the enhancement of world trade. In particular, it is necessary for developed countries to improve market access to the exports of developing countries. It is also necessary for the latter group to liberalize their own foreign trade as much as possible;
- to strengthen the ability of multilateral financial institutions to assist member countries;
- and to secure continuing and substantial official aid as well as other financial flows to developing countries and the LLDCs (least developed countries) in particular.

The Community remains firmly committed to an open multilateral trading system, and despite the present international difficulties it will continue to pursue a trade policy that ensures the openness of its markets.

The IMF has an important role to play in strengthening our efforts to ensure a world recovery and a return to economic stability through surveillance of exchange rate policies and as a source of temporary financing. This temporary financing should aim to promote adjustment and serve as a catalyst of complementary financial flows from other official and private sources.

In spite of the increased efforts toward adjustment, the balance of payments deficits of many countries remain substantial while the means of financing them have contracted, essentially owing to the reduction in commercial bank lending, particularly to the developing countries. Thus, many of these countries have been confronted with liquidity strains and this has been reflected in the decline in world liquidity.

The demand for Fund credits has increased sharply while the liquidity of the Fund has deteriorated. We in the Community recognize the importance of the Fund being adequately provided with resources at this time of unusual strains in the world economy. The forthcoming quota increase and the enlargement of the General Arrangements to

Borrow (GAB) will constitute a timely and needed strengthening of the resources available to the Fund. The Community Member States are taking all necessary steps to ensure that the revised GAB and the quota increase will come into effect in any event before the end of 1983, and we hope that other countries will do the same. We feel that the Fund should remain primarily quota-based, and that its revolving character should be preserved.

We are convinced that the successful implementation of Fund-supported adjustment programmes by countries that have been confronted with major disequilibria will progressively lead to a better balance of payments situation and smooth out the demand for Fund lending. Still, over the next years, there will clearly be a need to keep the adequacy of the Fund liquidity and the scale of Fund lending under close review. The Community urges all countries to assume their full responsibility in this context.

The countries of the Community contributed actively to the discussions which led to the conclusions of the Interim Committee regarding the continuation of the policy of enlarged access. Although current account imbalances have declined, the world payments situation still makes it appropriate to continue enlarged access for a further period. The conclusions reached take into account the liquidity position of the Fund. They also take into account the borrowing requirements of members and allow increased access depending on the seriousness of their balance of payments needs and on the strength of their adjustment effort.

Conditionality should continue to place adequate emphasis on the improvement of supply conditions and the strengthening of the productive base. The

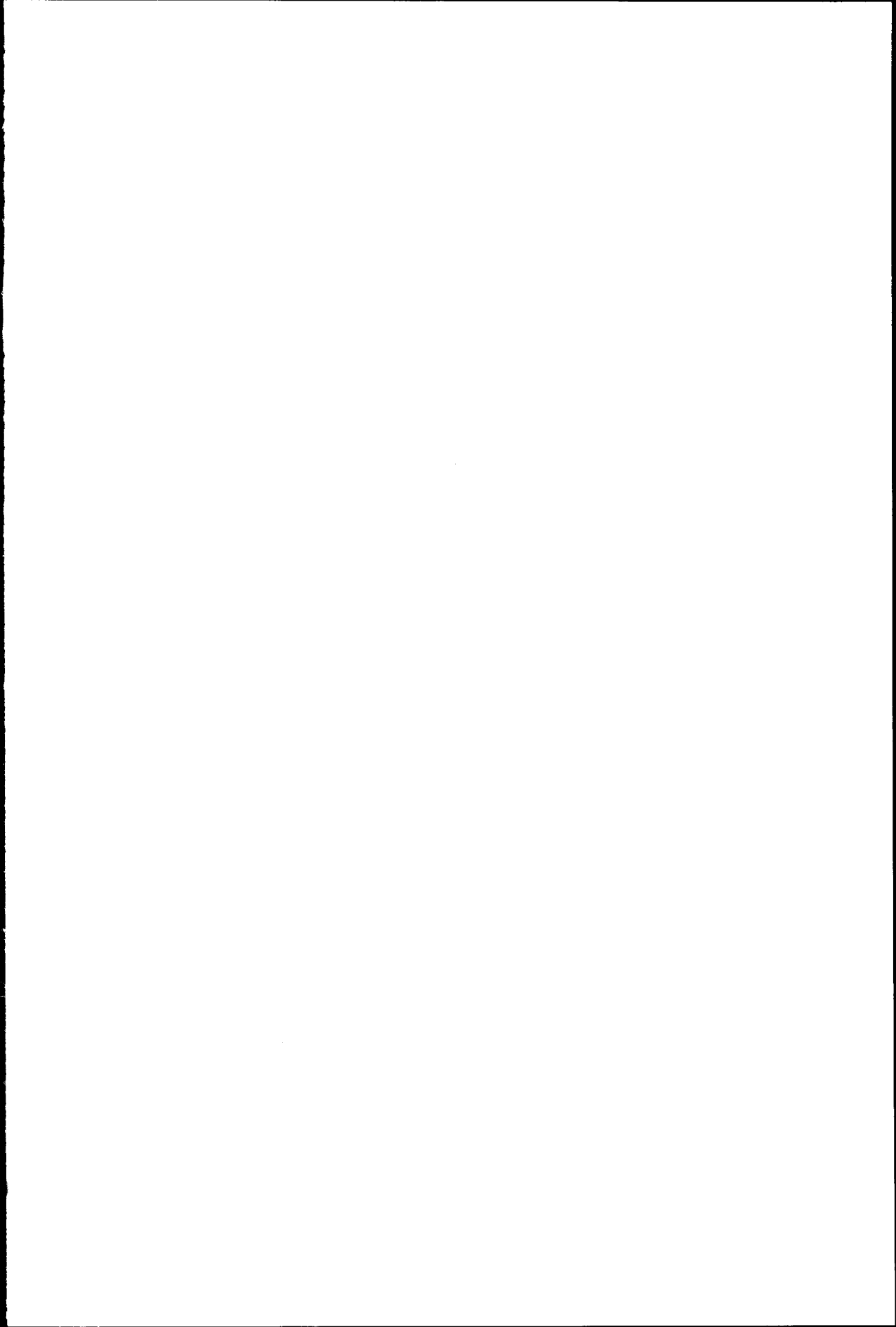
Fund should continue to take into account the economic and social priorities of the countries concerned. The Community endorses the current practice of the Fund as far as conditionality is concerned.

The Community will formulate its position on the advisability of an SDR allocation in the light of the present circumstances and of all relevant provisions of the Fund's Articles of Agreement. We are of the opinion that this is a matter of high priority.

The Community welcomes the steps taken by the Fund to strengthen its surveillance over members' exchange rate policies. It underlines the importance that it attaches to an active exercise of the surveillance function in order to promote sound and internationally compatible policies by member countries.

The Community favours the World Bank's continuing to engage actively in cofinancing with public and private institutions and to cooperate with the IMF, *inter alia*, in its structural adjustment programmes. The Community welcomes the Special Assistance Programme agreed by the World Bank in February 1983, and notes the intention of the Bank management to propose expansion of the Bank's programme beginning in 1985.

Member States of the Community have shown their support for the International Development Association by supplementing its resources in the past, and favour an adequate level of Seventh Replenishment to enable the Association satisfactorily to continue its action in support of the poorest countries. The Community therefore urges governments to make every effort to ensure that the IDA Replenishment becomes effective by 1 July 1984.'



Publications of the European Communities

Publications of the European Communities

9 — 1983

Introductory note

This catalogue includes the newly published monographs and series issued during the period to which it relates by the institutions of the European Communities, and also their current periodicals. Publications of which English versions have been issued are listed only in that language; otherwise another version, but only one, is included, in the following order of choice:

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IT: 1 - 12

which means that the Italian version is described in the Italian catalogue of January under No 12. This number is specific to each catalogue; it is a sequence number printed in consecutive order, opposite each entry in the classified list.

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The catalogue is divided into three parts, as follows:

Part I — The classified list provides a subject classification of the titles included under 20 headings each divided into subheadings (see below).

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Full entries for monographs and series appear only once; otherwise cross-references are given to the full entries identifying them by the sequence numbers already described. Periodical titles appear in the classified list only as cross-reference entries, full entries being found in Part II.

Part II — Periodicals presents full details of each current Community periodical, listed alphabetically.

Part III — The indexes of titles and series are listed alphabetically and cross-refer using the abovementioned

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Orders for priced publications should be directed to the Sales Offices listed on the last page.

All orders should quote the full title, as well as the ISBN or ISSN where such a number precedes the prices in the catalogue.

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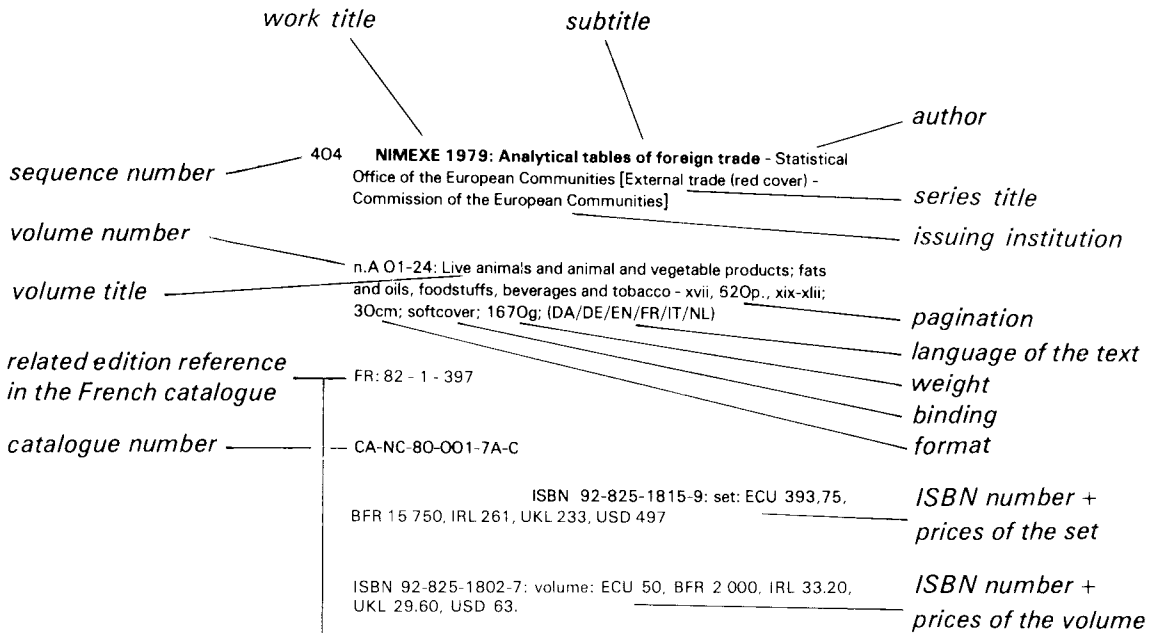
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FF	French franc	USD	US dollar



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CA-NC-80-001-7A-C ISBN 92-825-1815-9: ensemble: Écu 393,75, BFR 15 750, FF 2 266
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