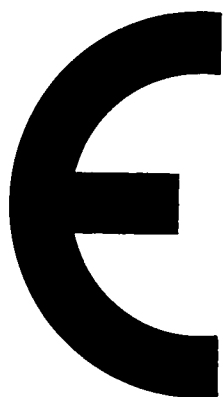


Bulletin

OF THE EUROPEAN COMMUNITIES

Commission



No 7/8 1984

Volume 17

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.

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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 7/8
1984
Volume 17

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PART ONE

SPECIAL FEATURES

Bulletin information service

Readers can obtain information on developments since this issue went to press (date of adoption of instruments by the Council, of opinions given by Parliament or the Economic and Social Committee, of publication in the Official Journal, etc.) by telephoning the document services of the Information Offices at the following numbers:

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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. Averting the danger of an abuse of a dominant position: The IBM case

1.1.1. Following a period of intense negotiations between IBM and a team of senior Commission officials, Mr Frans Andriessen, the Member of the Commission with special responsibility for competition policy, secured an undertaking from IBM (International Business Machines) that it would change its business practices in the Community. The Commission therefore decided to suspend the proceedings it had initiated against IBM for infringement of the Community competition rules.

The proceedings and the points at issue

The Commission inquiry

1.1.2. Proceedings were initiated in this case, which is one of the most extensive ever handled by the Commission departments, at the end of 1980 after investigations into IBM's behaviour within the common market. During the investigations, a number of competitors had filed complaints with the Commission.

In the formal statement of objections addressed to IBM in December 1980, the Commission alleged that IBM held a dominant position in the common market for the supply of key products for its most powerful range of computers, the IBM System/370, and that, in breach of Article 86 of the EEC Treaty, IBM had abused this position on four counts:

- by failing to supply other manufacturers in sufficient time with the technical information needed to permit competing products to be used with System/370 ('interface information');
- by not offering System/370 central processing units ('CPUs') without a main-memory capacity being included in the price ('memory bundling');

- by not offering System/370 CPUs without the basic software being included in the price ('software bundling');
- by discriminating between users of IBM software: IBM refused to supply certain software installation services ('Installation Productivity Options' = IPOs) to users of non-IBM CPUs.

IBM's reply and the reactions of the Commission and the other manufacturers

IBM's reply

1.1.3. In its written reply to the Commission's statement of objections, IBM denied both that it had a dominant position and that it had committed any of the alleged abuses. However, IBM had previously informed the Commission that it had taken steps to make IPOs available to all users of its software, and in its written reply it stated that it was in the process of unbundling all software.

Reactions of the Commission and the other manufacturers

1.1.4. Following a hearing which took place in February 1982, the Commission sent IBM a statement of the remedies proposed in the event of a decision confined to the issues of memory bundling and interface disclosure. IBM then suggested that discussions should take place with Commission officials with a view to resolving the matters still at issue in the case. Informal discussions got under way in April 1983, in parallel with the formal proceedings. These proceedings led to a second hearing, in June 1983, and to the preparation of a preliminary draft decision that was submitted to the Advisory Committee of Member States' experts in June 1984.

Towards the end of 1983, some of the major European computer manufacturers had expressed concern that IBM's practice on interface disclosure was also having an adverse effect on the European market in data-communication products (the interconnection and interaction of data-processing systems). Accordingly, the issue of 'Systems Network Architecture' (SNA) was included in the formal discussions on interface disclosure.

Following a period of protracted negotiation, and after Mr Andriessen had intervened personally, a solution acceptable to the Commission was finally reached.

Undertaking given by IBM¹

Details of the undertaking

1.1.5. IBM undertook; (i) to offer its System/370 CPUs in the Community either without main memory or with only such capacity as was strictly required for testing; (ii) to disclose sufficient interface information to enable competing companies in the Community to attach both hardware and software products of their own design to System/370; and (iii) to disclose adequate and timely information to competitors to enable them to interconnect their systems or networks with IBM's System/370 Network Architecture.

For hardware interfaces, information would be disclosed by IBM within four months of the date of announcement of the product concerned, or once the product became generally available, whichever was the earlier. For software interfaces, the information would be disclosed as soon as the interface was reasonably stable, but no later than when it became generally available.

In order to protect IBM's legitimate interests, the Commission accepted that IBM should not have to disclose information on unique interfaces between a subsystem of

two specific products, such interfaces being those most likely to reveal product design. This exception will not, however, exclude competition from suppliers who themselves offer both products as a subsystem.

Effects and duration of the undertaking

1.1.6. The undertaking will have the effect of substantially improving the position of both users and competitors on the markets for System/370 products in the Community. Interface information should be available earlier, and in some cases much earlier. By making a clear statement as to its future conduct, IBM also introduced an element of certainty that had been missing.

As a result, the structure of competition in the common market should be strengthened and made more effective. Users will be able to choose between different suppliers earlier. They will also be free to choose from a wider selection of products because other manufacturers will have the incentive to develop new products in the knowledge that the essential interface information will be made available.

In the increasingly important field of systems and network intercommunication, IBM's undertaking to disclose adequate and timely information about SNA represents a major improvement on present practice. By the same token, IBM's undertaking to abandon the practice of bundling substantial capacities of main memory will give users a choice and provide competitors with opportunities which have not existed for many years. IBM is also expected to give its backing to the OSI (Open Systems Interconnection) standard for network architecture, which allows machines based on different systems to communicate between themselves and which has been approved by 12 European manufacturers.

¹ The full text of IBM's undertaking will be published in Part Three ('Documentation') of a forthcoming issue of the *Bulletin*.

Rather than dictate to IBM by means of a law, these manufacturers have preferred to propose standards to regulate computer systems.

1.1.7. The undertaking is of indefinite duration, but IBM has the right to terminate it, subject to one year's notice, although this cannot take effect before 1 January 1990.

Suspension of the proceedings

1.1.8. The Commission hopes that the effect of IBM's undertaking will be to produce a substantial improvement in market conditions sufficient to enable it to dispense with a formal decision.

On the basis of the undertaking, Mr Andriessen informed IBM that the Commission had decided to suspend the formal proceedings. He emphasized, however, that the practical effects of IBM's undertaking would be kept under constant review and that the Commission reserved the right to reopen the proceedings or to initiate new proceedings, if such proved necessary. He made the following statement:

'On behalf of the Commission I have just accepted an undertaking from IBM to change its business practices in the common market. As a result, the Commission has agreed to suspend legal proceedings brought against IBM for infringements of EEC competition law.

The Commission had originally objected to four of IBM's business practices which we believed restricted competition in the most important part of the Community market for large computers.

Although IBM then told us it would stop two of these practices, it has always denied that it has broken Community law.

Nevertheless, after many months of negotiations, IBM has now also agreed to change the other two practices in a way which meets the main objectives of the Commission.

This settlement will bring new opportunities for competition in this sector, which becomes every day more important. The European industry has now a chance to increase its share in this market.

Improved competition benefits the consumer. As a result of this settlement, users of computer equipment throughout the European Community will have a wider and earlier choice of equipment to meet their future needs.'

1.1.9. In other words, the Commission acknowledged that IBM had given its undertaking in good faith and with a view to dispelling the Commission's concern but that this did not constitute any admission on IBM's part. On the basis of the goodwill expressed during the negotiations and reflected in the undertaking, it was satisfied with the settlement reached and expected that the new standards of behaviour in this important sector would prove to be of benefit to consumers and manufacturers alike.

2. First meeting of the second elected European Parliament

1.2.1. The European Parliament born of the second¹ elections by direct universal suffrage held its first part-session in Strasbourg from 24 to 27 July.²

The proceedings began with the address by Mrs Jacqueline Thome-Patenôtre, the oldest Member present in the absence of Mr Gazis, and statements by Mr Pierre Pflimlin, Parliament's new President, and Mr Frans Andriessen, the Member of the Commission with special responsibility for relations with Parliament.

Before that, the constitution of Parliament's political groups had been the occasion for some heated discussions and hard bargaining.

The Union Treaty — A great hope to fulfil

Address by Mrs Thome-Patenôtre

1.2.2. In the absence of Mr Nikolaos Gazis (GR), it fell to Mrs Jacqueline Thome-Patenôtre (F) as the oldest Member present to deliver the opening address.

Paying an immediate and stirring tribute to Mrs Louise Weiss, her predecessor in this inaugural function, Mrs Thome-Patenôtre spoke of women's action and commitment on behalf of Europe; whether in the chair for just a day or for much longer, they were always present when there was work to do in building Europe. In her capacity as international Vice-President of the European Movement she thanked those crusaders for Europe to whom they owed so much for an elected Parliament. Looking back on her life as a Member of Parliament and European activist, during which time she had made the acquaintance of the 'pioneers of Europe', she surveyed the progress that Europe had made despite the hazards on the route and stressed the need

to press on in order to meet the challenges of technological change and satisfy the hopes raised in the developing countries. Remarking that today European security must be assured within no less than without, she declared that a certain terrorism was aiming to destabilize democratic Europe and that was the first enemy. Pursuing her argument she condemned unilateralist pacifism; we were all pacifists but a certain pacifism which did not equate the defence of peace with the defence of freedom was playing into the hands of a power which forbade any public outcry within its territory and in the countries under its sway. Following her eloquent appeal for a common defence policy, Mrs Thome-Patenôtre called for a 'political Europe' to be secured by more systematic use of the 'qualified majority rule', by creating a permanent secretariat for the European Council and by practical measures to incarnate not only the Genscher-Colombo plan but also the great idea of the Treaty of European Union.³ For the immediate future she hoped that the House would be closely associated with the Member States' powers of proposal and decision, for example by sitting on the two *ad hoc* committees set up at Fontainebleau or in connection with the investiture of the new Commission.

Mrs Thome-Patenôtre concluded to the effect that it was high time to expand parliament's role for clearly it would one day have to legislate on certain issues to which only a European response could provide a solution. This address by the oldest Member was by and large warmly applauded.

¹ Bull. EC 6-1979, points 1.3.1 to 1.3.4; OJ C 203, 13.8.1979; OJ Annex No 244; Bull. EC 7/8-1979, point 1.1.1 *et seq.* and 2.3.4 to 2.3.7. Bull. EC 6-1984, point 1.2.1.

² For the election of Parliament's President, Vice-Presidents and Quaestors and the formation of the committees, see points 2.4.10 to 2.4.14.

³ Bull. EC 2-1984, point 1.1.1 *et seq.*

**'The European idea
is a revolutionary idea'**

*Statement by Mr Pierre Pflimlin,
President of Parliament*

1.2.3. Mr Pierre Pflimlin first pointed to a disease currently claiming a number of victims, Euro-pessimism. Recalling Europe's great assets, he urged it to use its talent for invention and innovation to win back its place among the frontrunners and regain the advance it had had in the last century. However, such new-found drive did not mean substituting European self-interest for national self-interest. The Europe we wanted was a Europe naturally concerned with its own interests but also fully aware of its responsibilities towards the other parts of the world.

Turning to the issue of security, he reminded the House that the aim common to the nations of Europe was to live in peace; Europe must be in a position to defend itself, regardless of whether this meant a defence of Europe or a European defence.

On the question of the current financial difficulties he declared that as a former finance minister he was in no way inclined to underestimate the scale of the financial problems. But looking at the amounts that separated the positions of the various sides, he found that compared with national budgets or with the gross domestic product of Member States, these amounts were indeed very small.

Much of the new President's speech was given over to institutional affairs. Paying tribute to his two predecessors, he reminded the House that they had done everything possible to enable Parliament to make full use of its budgetary prerogatives adding that the House could and must—not high-handedly, but with a sense of its responsibilities towards those who had elected it—endeavour to widen the scope of its competence. While hoping that disputes could

be avoided in relations with the other institutions, he recalled the promises made by the Stuttgart European Council,¹ to the effect Parliament would be consulted on the choice of the future President of the Commission. He also expressed the hope that relations with the Council would not be soured by any inherent distrust, but that the unity of Europe would be inspired instead by a determination to inject a greater sense of urgency into its proceedings. Much could be done within the compass of the Treaties. It was what was sometimes called the policy of little steps. But they could in fact also take great strides. Here, the President referred to a whole series of measures designed to complete the internal market, strengthen Europe's cultural identity and bring back majority voting within the Council — an issue of paramount importance in terms of enlargement.

Mr Pflimlin paid tribute to Mr Spinelli, the father of the draft Treaty on European Union, who had piloted it through the House with great patience, tenacity and skill. Recalling the initiative taken by the Fontainebleau European Council² in deciding to set up, on the lines of the 'Spaak Committee', a Committee assigned to explore all the avenues that could lead to an improved performance on the part of our institutions, or to institutional reform, the President declared that it would be hard to allow a committee made up of personal representatives of the Heads of State or Government to prepare institutional reforms if Parliament was not to be in some way associated with this research.

Mr Pflimlin concluded by quoting Robert Schuman: 'The European idea is a revolutionary idea'; yes indeed, he went on, the European idea was a revolutionary idea because its purpose was to bring about a fundamental change in the old relationships between the nations of Europe. Once again, on the day that I take the chair that you

¹ Bull. EC 6-1983 point 1.6.1 (paragraph 2.3.5).

² Bull. EC 6-1984, point 1.1.9 (paragraph 7).

have entrusted to me, my main concern is for our young people. Will we convince our young people that the unity of Europe is a great and beautiful idea?... It is that faith in Europe that we must awaken in young people. That faith I, for my part, thank God have never lost. May it inspire all our endeavours.'

**Parliament and the Commission:
united for action**

*Speech by Mr Frans Andriessen,
Member of the Commission*

1.2.4. Mr Andriessen said that Parliament — to whom it fell to play a role unprecedented in the history of Europe — needed a President with Mr Pflimlin's experience, wisdom and authority. He concluded his

tribute by welcoming, in the new President, a European, an ally and a friend, with whom the Commission had every hope of working in harmony.

The political groups in the House

**Composition of Parliament
at the opening sitting**

1.2.5. Though the bigger political Groups were constituted swiftly and uneventfully, the formation of the others occasioned much hard bargaining. At the opening sitting, the new Parliament presented the following political profile:¹

¹ *Editor's note:* the names of the old and new groups are given at the foot of the first page of the 'Parliament' section (point 2.4.8).

Political Group	B	DK	D	F	GR	IRL	I	LUX	NL	UK	Total
Soc	7	4	33	20	10		12	2	9	33	130
EPP	6	1	41	9 ¹	9	6	27	3	8		110
ED		4								46	50
Com		1		10	4		26				41
Lib	5	2		12 ¹		1	5	1	5		31
EDA (ex EPD)				20 ¹		8				1	29
Rainbow	4	4	7				3 ²		2		20
ER				10	1		5				16
NA	2						3 ³		1 ⁴	1	7
Total Number of seats	24	16	81	81	24	15	81	6	25	81	434

¹ The 41 French members elected on the United Opposition list (Union de l'Opposition pour l'Europe et la défense des libertés), which combines the UDF and RPR, are split, in the European Parliament, between three political groups: 9 seats in the EPP Group, 12 seats in the Liberal Group and 20 in the Group of the European Democratic Alliance.

² Mr Emilio Molinari (DP) (Proletarian Democrats)¹ and Mr Michele Columbo (Partito Sardo d'Azione — Sardinian Action Party)¹; the third is Mrs Luciana Castellina, member of the PdUP but elected on the Communist Party list.

³ These are the members of the Radical Party, namely Mr Marco Pannella, Mrs Emma Bonino and Mr Enzo Tortora, who have not been 'accepted' in the 'Rainbow' technical coordination group.

⁴ This is Mr Leendert van der Waal, member of the Religious Right.¹

¹ See Bull. EC 6-1984, point 1 2.4 (Table 2).

The new political line-up

1.2.6. Most of the groups have gained or lost, some in quite substantial numbers, though the overall political balance has not greatly changed.

Political group ¹	Members	Change from the previous Parliament
Soc	130	+ 5
EPP	110	- 7
ED	50	- 13
Com	41	- 7
Lib	31	- 7
EDA (ex EDP)	29	+ 7
ER	16	+ 16
Rainbow	20	+ 8
NA	7	- 3

¹ *Editor's note:* The names of the old and new groups are given at the foot of the first page of the 'Parliament' section (point 2.4.8).

The Rainbow Group is a federation of the Green — Alternative European Link, the

two Belgian green parties Ecolo and Agalev,¹ the 'Volksunie' regionalists¹ and the Danish anti-Community Movement,¹ but it has not yet formally accepted the accession of the three elected members of the Italian Radical Party. It can be compared with the Group for the Technical coordination and Defence of Independent Groups and Members in the previous Parliament.

Formal constitution of the Group of the European Right, a source of much controversy, became possible when the conditions of Article 26 of Parliament's Rules of Procedure were fulfilled: a minimum number of 21 Members shall be required to form a political group if all the Members come from a single Member State. The corresponding number shall be 15 if the Members come from two Member States and 10 if they come from three or more Member States.

¹ See Bull. EC 6-1984, point 1.2.4. (Table 2).



PART TWO
ACTIVITIES
IN JULY/AUGUST 1984

1. Building the Community

Economic and monetary policy

Council

2.1.1. At its meeting on 9 July the Council (economic and financial affairs)¹ approved a second tranche of borrowings/loans under NCI III.² It also conducted the second quarterly examination of the economic situation in the Community.³

Economic situation

2.1.2. The Council (economic and financial affairs), acting on the basis of a Commission communication and in the light of a statement by the Chairman of the Coordinating Group for Economic and Financial Policies, carried out the second quarterly review of the economic situation in the Community, in accordance with the 1974 Decision on the attainment of a high degree of convergence of the economic policies of the Member States.⁴

The Council endorsed the Commission's opinion that it was not necessary at this stage to adjust the economic policy guidelines for 1984 as adopted by the Council on 12 December 1983.⁵ It also took note of the quantitative guidelines advocated by the Commission for Member States' budgets for 1985.⁶

2.1.3. On 5 July the Economic and Social Committee delivered an own-initiative opinion on the economic situation in the Community (mid-1984).⁷

Economic Policy Committee

2.1.4. The Economic Policy Committee held its 146th and 147th meetings on 12 and 18 July. In its 'medium-term' composition, it continued its discussion of labour-market rigidities. In its full composition, it pressed ahead with its examination of the problems of profitability and employment, and held

an exchange of views on the contribution that could be made to convergence in the main areas of economic policy.

Community borrowings

Second tranche of NCI III

2.1.5. The Council has approved the Decision opening a second tranche of borrowings/loans totalling 1 400 million ECU under NCI III.⁸ It is to be applied in the same fields of activity as the first tranche.⁹

Six-monthly report

2.1.6. In accordance with the Decision of 19 April 1983 empowering it to contract loans under the New Community Instrument (NCI III),⁹ the Commission transmitted to the Council and to Parliament on 16 July its second¹⁰ six-monthly report on the rate of utilization of tranches.¹¹ The report shows that loan applications declared eligible by the Commission amount to just under 1 000 million ECU and will help finance investment totalling 2 500 million ECU.

Appraisal of the first tranche of NCI III brings to light two features that have become fundamental to its operation: the growing importance of global loans for small and medium-sized enterprises in industry and ancillary services, and the continuing high level of commitments.

¹ Point 2.4.18.

² Point 2.1.5.

³ Point 2.1.2.

⁴ OJ L 63, 5.3.1974.

⁵ OJ L 378, 31.12.1983; Bull. EC 12-1983, point 2.1.2.

⁶ Bull. EC 6-1984, point 2.1.3.

⁷ Point 2.4.40; OJ C 248, 17.9.1984.

⁸ The Decision was formally adopted on 23 July. OJ L 208, 3.8.1984.

⁹ OJ L 112, 28.4.1983; Bull. EC 4-1983, point 2.1.8.

¹⁰ First report; Bull. EC 1-1984, point 2.1.3.

¹¹ COM(84) 387 final.

Annual report

2.1.7. On 26 July the Commission transmitted to the Council and to Parliament its fourth annual report on the Community's borrowing and lending activities, dealing with 1983.¹

The report covers all Euratom, NCI, ECSC and EIB operations. In 1983 loans granted from these instruments totalled 6 612 million ECU (25% up on 1982); a total of 6 244 million ECU (27.2% up on 1982) was raised for structural investments.

Monetary Committee

2.1.8. The Monetary Committee held its 304th meeting in Brussels on 5 July, with Mr Camdessus in the chair. It examined the economic and monetary situation in Italy and discussed certain aspects of the problem of international indebtedness.

Internal market and industrial affairs

Strengthening the internal market

2.1.9. In July Parliament passed two resolutions on the Fontainebleau European Council calling for the creation of a People's Europe and the completion of the internal market.²

Simpler frontier formalities

2.1.10. On 31 July the Commission adopted a Regulation³ implementing the Council Regulation of 19 December 1983 introducing arrangements for movement within the Community of goods sent from one Member State for temporary use in one or more other Member States.

2.1.11. The Commission has sent the Council a proposal for a sixteenth VAT

Directive establishing joint procedures and rules for eliminating double taxation which still effects goods purchased by individuals in one Member State and imported into another,⁴ and a proposal for a seventeenth VAT Directive concerning exemption for the temporary importation of goods other than means of transport.⁵

Standardization

2.1.12. On 17 July the Council adopted conclusions concerning certain guidelines in respect of standardization. The Commission proposed a change of course for standardization policy in the communication it presented in September 1983 on the international competitiveness of European firms.⁶ During discussions in the Council agreement emerged in favour of a standardization policy that would allow the Community to make the most of its industrial area and afford industry a common technical environment.⁷ This quest for uniform standards has already found an echo in certain programmes, such as the Esprit programme⁸ and the Commission's recent papers on telecommunications.⁹ The new policy advocated by the Council will, through the system of references to standards, do a great deal to streamline Community legislative work. The principles of the standardization policy are:

- 'agreement by the Member States to keep a constant check on the technical regulations which are applied—whether *de jure* or *de facto*—on their territory so as to withdraw those which are obsolete or unnecessary;

¹ OJ L 239, 10.9.1984 (for details of the debate see points 2.4.17 and 2.4.15).

² Point 2.1.43.

³ Point 2.1.82.

⁴ Point 2.1.84.

⁵ Bull. EC 9-1983, point 1.3.5.

⁶ Bull. EC 10-1983, point 2.1.9.

⁷ OJ L 67, 9.3.1984; Bull. EC 2-1984, point 1.3.1. *et seq.*

⁸ Bull. EC 6-1983, point 2.1.41; Supplement 5/83 Bull. EC; Bull. EC 9-1983, point 2.1.23; Bull. EC 5-1984, point 1.4.1 *et seq.*

- agreement by the Member States to ensure the mutual recognition of the results of tests and the establishment, where necessary, of harmonized rules as regards the operation of certification bodies;
- agreement to early Community consultation at an appropriate level, in accordance with the objectives of Directive 189/83/EC¹ where major national regulatory initiatives or procedures might have adverse repercussions on the operation of the internal market;
- extension of the Community practice in matters of technical harmonization of entrusting the task of defining the technical characteristics of products to standards, preferably European but if necessary national, where the conditions necessary for this purpose, particularly as regards health protection and safety, are fulfilled;
- a very rapid strengthening of the capacity to standardize, preferably at European level, with a view to facilitating on the one hand harmonization of legislation by the Community and on the other industrial development, particularly in the field of new technologies, since this could in specific circumstances involve the Community in introducing new procedures to improve the drawing up of standards (e.g. standardization bureaux, *ad hoc* committees). The adoption of European standards would be submitted to the European standardization bodies for approval.

In high technology sectors particularly, subjects should be identified where common specifications and standards will make for efficient exploitation of the Community dimension and the opening of public works and supply contracts so that the decisions required in this connection may be taken.²

Free movement of persons and freedom to provide services

Franco-German agreement on gradual abolition of border checks

2.1.13. On 11 July France and the Federal Republic of Germany ratified an agreement on the gradual abolition of border checks,² which had been concluded at the Franco-German Summit at Rambouillet on 28-29 May. This agreement introduces a simplified checking procedure for travellers crossing the Franco-German frontier who are nationals of a Community country. Pro-

vided that travellers display a green sticker on the windscreen of their vehicle, indicating that they are Community nationals and have nothing to declare, the customs check will consist simply of a visual inspection of the slowly moving vehicle. Random spot checks may be made, but to keep traffic moving the motorists concerned will be directed to a special lane. The legal basis for the simplification of checks on persons is constituted by the resolution of the Council and the representatives of the Governments of the Member States meeting within the Council of 7 June.³

Mutual recognition of diplomas and access to occupations

2.1.14. Meeting on 3 and 4 July the Committee of Senior Officials on Public Health considered various matters related to application of the Directives on freedom of movement for doctors, nurses responsible for general care, dental practitioners and midwives.

The Committee took note of statistics on the numbers of doctors for the years 1960 and 1970 to 1981, compiled, with the Committee's help, by the Statistical Office of the Communities. Similar tables are being prepared for dental practitioners.

The Committee also held an exchange of views on legal arrangements made or being prepared in the Member States which might affect application of the Directives on the medical professions.

Tourism

Fire safety in hotels

2.1.15. At its July meeting the Economic and Social Committee gave a favourable

¹ OJ L 109, 26.4.1983; Bull. EC 3-1983, point 2.1.8.

² For full text of this agreement see point 3.5.1.

³ Bull. EC 6-1984, point 1.5.1 *et seq.*

opinion¹ on the proposal for a recommendation on fire safety in existing hotels, which the Commission transmitted to the Council in January.²

Free movement of goods

Removal of technical and administrative barriers to trade

Industrial products

2.1.16. On 3 July the Commission adapted to technical progress³ the Council Directive of 6 February 1970 on the approximation of the laws of the Member States relating to the permissible sound level and the exhaust system of motor vehicles.⁴

The adjustment relates to testing methods for the noise emitted by high-performance vehicles (above 140 kW) and vehicles with automatic transmission equipment with a manual override.

2.1.17. On 18 July the Commission adapted to technical progress⁵ the Council Directive of 27 July 1976 on the approximation of the laws of the Member States relating to clinical thermometers.⁶ New rules are introduced for the EEC pattern approval already employed. With the new certification procedure the glass used for prototypes can be examined thoroughly and the quality of the glass used for mass-produced thermometers monitored more closely.

Foodstuffs

2.1.18. The Council Directive of 15 July 1980⁷ on the approximation of the laws of the Member States relating to the exploitation and marketing of natural mineral waters came into force on 17 July.

This Directive specifies the treatments that water can undergo before bottling, lays down strict bacteriological standards for ensuring that the water is of satisfactory quality and stipulates the specific labelling

requirements that are necessary for consumer information.

2.1.19. At its July session the Economic and Social Committee delivered favourable opinions⁸ on two Commission proposals: one concerns emulsifiers, stabilizers, thickeners and gelling agents for use in foodstuffs,⁹ the other relates to coffee extracts and chicory extracts.¹⁰

Business law

Companies

2.1.20. On 3 July the Commission sent to the Council a proposal¹¹ for a Directive amending, as regards the revision of the amounts expressed in ECU, the Fourth Council Directive of 25 July 1978 on the annual accounts of certain types of companies.¹²

Amounts expressed in ECU are used in the 1978 Directive to help define the small and medium-sized companies which Member States may exempt from certain accounting and reporting requirements. Since the amounts were originally fixed in 1978, economic and monetary trends have eroded their value and created distortions in the scope of possible derogations between the Member States. The Commission's proposal is intended to neutralize these effects.

Economic and commercial law

Trade mark

2.1.21. On 9 August the Commission presented to the Council an amended pro-

¹ OJ C 248, 17.9.1984.

² OJ C 49, 21.1.1984; Bull. EC 1-1984, point 2.1.5.

³ OJ L 196, 26.7.1984.

⁴ OJ L 42, 23.2.1970 and OJ L 131, 18.5.1981.

⁵ OJ L 228, 25.8.1984.

⁶ OJ L 262, 27.9.1976; OJ L 91, 9.4.1983.

⁷ OJ L 229, 30.8.1980; Bull. EC 7/8-1980, point 2.1.15.

⁸ OJ L 248, 17.9.1984.

⁹ OJ C 20, 27.1.1984; Bull. EC 1-1984, point 2.1.11.

¹⁰ OJ C 90, 31.3.1984; Bull. EC 3-1984, point 2.1.16.

¹¹ COM(84) 361 final.

¹² OJ L 222, 14.8.1978; Bull. EC 6-1978, point 2.1.12.

posal¹ for a Regulation on the Community trade mark. Account is taken of the opinions given by the Economic and Social Committee² and Parliament³ on the initial 1980 proposal,⁴ and of the discussions within the Council.

The principal amendments concern opposition proceedings (Articles 7 and 34), the definition of the rights conferred by a trade mark, the likelihood of confusion and international exhaustion (Articles, 7, 8 and 11), the effects of a prohibition order (Article 74(3)), The prohibition of cumulative protection (Article 81) and the prohibition of the application of the law of Member States to Community trade marks (Article 82).

The Commission will shortly be presenting an amended proposal for a first Council Directive to approximate the laws of the Member States relating to trade marks.^Æ This proposal is the second line of approach to the objective of achieving a genuine internal market for products covered by a trade mark.

Industry

*Steel*⁵

Market situation

Crude steel production

2.1.22. In the second quarter⁶ the Member States produced a total of 30.389 million tonnes of crude steel.

This brought their output over the first six months of the year up to almost 60.8 million tonnes, 11.4 % up on the same period in 1983. In descending order, the increases were 31.9 % in the Netherlands, 29 % in Denmark, 22.4 % in Luxembourg, 16.3 % in Italy, 12.1 % in France, 12 % in France, 12 % in Belgium, 9 % in the Federal Republic of Germany and 0.4 % in the United Kingdom.

However, the 11.4 % growth rate within the Community lagged behind the 15.4 % achieved by 29 countries in the International Iron and Steel Institute, which produced 222 million tonnes of steel over the first six months of the year. The half-yearly production figures showed output up 29 % over the 1983 figures in the USA and up 11.5 % in Japan.

Generally, steel production in the Community is beginning to settle at around the levels advocated in the Commission's forward programmes.

The steelmakers' returns suggest that 9.85 million tonnes will have been produced in July, slightly less than in June (owing to seasonal factors) but much more than the 8.46 million tonnes produced in July 1983.

Consumption

2.1.23. After sinking last year to its lowest level since 1968, steel consumption in the Member States has now begun a modest and uncertain upturn. The low points seems to be past and consumption is expected to grow by 3 % over the year as a whole. However, the recovery has been far stronger in the other OECD countries with 16 % growth in the USA, 13 % in Canada and 9 % in Japan.

2.1.24. Foreign trade figures showed that net exports held steady at 10 million tonnes in 1983, compared with 9.6 million tonnes in 1982, well below the 16.9 million tonnes recorded in 1981 and the 12.9 million tonnes in 1980. Imports fell slightly in 1983 to 8.5 million tonnes, 2.8 % down on 1982 and 29 % down on 1981. EFTA accounted for 45 % of all the Community's steel imports,

¹ OJ C 230, 31.8.1984; COM(84) 470 final.

² OJ C 310, 30.11.1981.

³ OJ C 307, 14.11.1983.

⁴ Supplement 5/80 — Bull. EC; OJ C 351, 31.12.1980; Bull. EC 11-1980, point 1.5.1 *et seq.*

⁵ International relations are dealt with in the 'Commercial policy' section of the chapter on 'Enlargement and external relations'.

⁶ First quarter: Bull. EC 4-1984, point 2.1.19

up 23 % on the 1983 figure. The other main suppliers were Spain (down 12.4 % compared with 1983) and the CMEA countries (down 6.9 %). Some 21 % of the steel exported from the Community was bound for the EFTA countries and another 23 % for Asia. Exports to Spain were down 35.5 %, to the USA down 1.2 % and to the CMEA countries up 2 %.

Employment situation

2.1.25. The overall reduction in the workforce over the first six months of the year¹ masked wide variations from one Member State to another. Table 1 illustrates the changes in the size of the workforce.

Table 1 — *Steelworkers in the Community (December 1973-June 1984)*
(thousand workers)

	End 1973	End 1980	End 1983	End June 1984
Germany (FR)	228.4	197.4	163.7	156.1
France	151.7	104.9	90.7	85.7
Italy	89.7	99.6	87.1	85.4
Netherlands	23.3	21.0	19.2	18.6
Belgium	62.4	45.2	39.6	39.4
Luxembourg	23.2	14.9	12.9	12.6
United Kingdom	196.2	112.1	63.7	62.0
Ireland	0.7	0.5	0.7	0.7
Denmark	2.7	2.2	1.6	1.6
Total	778.3	597.8	479.2	462.1

Today most steelworkers who retire take early retirement in every Member State: the proportion is 97 % in the United Kingdom, 95 % in France, 93 % in Belgium and 85 % in Germany. It is lower in Luxembourg and Italy (both 77 %) and much more so in the Netherlands (66 %). The overall outcome is that in 1983 less than 1 % of the workers in the steel industry were over 60. Voluntary departures also held relatively stable at 11 % in 1983, compared with 15 % in 1980. Finally, roughly one third of the workers leaving the Community steel industry moved to industries not covered by the ECSC Treaty or leave for other reasons.

Production capacity

2.1.26. Crude steel production capacity in the West is expected to fall further to 650 million tonnes in 1984, from 661.5 million tonnes in 1983 and 667.3 million tonnes in 1982.

At the same time, the average capacity utilization rate is set to rise from 60 % in 1982 and 62 % in 1983 to some 68 % in 1984 (Table 2).

¹ Bull. EC 6-1984, point 2.1.19.

Table 2 — *Crude steel production capacity and capacity utilization rate*

	<i>(million tonnes, and %)</i>					
	Production capacity			Utilization rate		
	1982	1983	1984	1982	1983	1984
Community	198.4	193.0	191.0	56	57	60
Other West European countries	43.9	44.3	44.9	75	77	79
United States of America	139.8	136.5	122.7	48	56	71
Canada	19.2	20.1	20.3	62	64	72
Japan	157.8	156.7	156.0	63	62	66
Oceania	9.2	6.9	7.1	72	85	90
Other Western countries	99.0	104.0	108.0	70	68	71
Total	667.3	661.5	650.0	60	62	68

Forward programme for steel

Third quarter

2.1.27. The Commission adopted the forward programme for steel for the third quarter of 1984 on its second reading.¹

Crisis measures

Production quotas

2.1.28. On 11 July the Commission amended² its Decision of January 1984 on the extension of the system of monitoring and production quotas for certain products of undertakings in the steel industry.³

This amendment requires steelmakers to deduct all their sales to other steelmakers with no quota for the products in question from their own delivery quotas. This will close a loophole which had allowed steelmakers to pass goods on undeclared to other steelmakers who then delivered them on the common market, likewise without declaring them in their returns. In this way some steelmakers have been selling more than their quotas permit on the common market.

As the practice spread in the course of 1983, particularly for sales of reinforcing bars, the Commission was forced to take steps to combat it.

2.1.29. On 1 August, having secured the Council's assent on 23 July and consulted the ECSC Consultative Committee, the Commission made a second amendment to the abovementioned Decision to take powers to grant the Irish steel industry higher quotas.⁴ These increases are to be made in stages. The Council will be notified of the changes quarter by quarter. The Commission will keep a close watch to ensure, in particular, that the Irish steel industry ab-

ides by the pricing rules and keeps to its present pattern of sales to the Community.

2.1.30. The Commission fixed the original rates of abatement for the third quarter of 1984 on 30 May.⁵ On 23 July it revised them to allow for the upswing in demand for certain categories of product, which had been reported by all the sectors concerned (see Tables 3 and 4).⁶

Table 3 — *Definitive rates of abatement for the establishment of production quotas, third quarter 1984*

Product	Production	Part of the quota which may be delivered in the common market
Category Ia	45	50
Category Ib	38	40
Category Ic	16	26
(Category Ic)	(+ 20)	(+ 20)
Category II	48	53
(Category III)	(50)	(58)
(Category IV)	(35)	(37)
Category V	46	49
Category VI	42	44

¹ OJ C 205, 4.8.1984; Bull. EC 6-1983, points 2.1.14 to 2.1.19.

² OJ L 194, 24.7.1984.

³ OJ L 29, 1.2.1984.

⁴ OJ L 210, 7.8.1984.

⁵ OJ L 148, 5.6.1984; Bull. EC 5-1984, point 2.1.23.

⁶ OJ L 195, 25.7.1984.

Table 4 — *Production quotas*

	<i>(thousand tonnes)</i>				
	First quarter 1984	Second quarter 1984	Third quarter 1984 (original)	Third quarter 1984 (revised)	Difference
Hot-rolled coil	4 070	4 213	3 784	3 924	+ 140
Uncoated sheet	3 520	3 687	3 352	3 462	+ 110
Galvanized sheet	852	905	852	892	+ 40
Other coated sheet	757	814	688	688	—
Reversing-mill plate	1 134	1 179	1 134	1 175	+ 41
Heavy sections	1 176	1 176	1 014	1 014	—
Wire rod	2 485	2 753	2 485	2 485	—
Reinforcing bars	1 836	1 836	1 646	1 706	+ 60
Merchant bars	2 176	2 212	2 034	2 069	+ 35

2.1.31. On 23 July the Commission decided to start talks with all parties concerned on the updating of the minimum prices laid down for hot-rolled and cold-rolled flat products in Decision No 3715/83/ECSC of 23 December 1983.¹

The 15-20 ECU a tonne increase contemplated is further evidence that prices are becoming firmer and of the Commission's resolve to set prices ensuring steelmakers enough revenue to carry through their restructuring plans and to compete without aid.

The Council and the ECSC Consultative Committee will be consulted before the decision is taken on these revised prices, which should be effective before the end of the year.

Production certificate and accompanying document

2.1.32. On 23 July the Commission sent a proposal amending² Commission Decision No 3717/83/ECSC³ of 23 December 1983 introducing, for steel undertakings and steel dealers, a production certificate and an accompanying document for deliveries of certain products to the Council (for assent) and to the ECSC Consultative Committee for an opinion.

The object of the proposed amendment is to fill some of the gaps in the statistics on

intra-Community trade. Besides providing irrefutable proof of the origin of the products the production certificates will also provide a means of ascertaining the real volume of trade, since they will indicate the tonnage imported and will be passed on to the authorities responsible for compiling trade statistics.

Ferromanganese

2.1.33. The ferromanganese market is facing problems of profitability and overcapacity.

At the moment the market can absorb 700 000 tonnes or so of ferromanganese a year, while Community production capacity is something like 1.3 million tonnes.

To help the industry restructure, on 23 July the Commission, acting under Article 46 of the ECSC Treaty, approved a system allowing ferromanganese manufacturers to impose voluntary restraint on deliveries over a reference period.

For the voluntary restraint arrangements sought by the makers to be made permanent, the Commission has set a number of conditions explained in a letter sent to

¹ OJ L 373, 31.12.1983; Bull. EC 12-1983, point 2.1.13.

² COM(84)402 final.

³ COM(84)392.

all ferromanganese producers: makers must send in their restructuring plans by 30 September; they must respect the freedom to sell to any buyer on the Community market; and they must abide by the price rules laid down in Article 60 of the ECSC Treaty. The Commission will give its decision on the restructuring programmes by 31 December 1984. If the Commission approves the programmes, the voluntary restraint scheme will continue until the end of 1985. If not, or if the makers fail to submit their plans in time, the makers will lose the advantages of this scheme.

Restructuring

Steel industry social measures

2.1.34. On 23 July the Council agreed in principle to the transfer of 62.5 million ECU from the general budget to the ECSC budget to finance social measures in connection with the restructuring of the Community steel regions in 1983 and 1984.¹ It also gave the Commission the task of contacting each of the Member States concerned to work out the technical aspects of the conditions required for formal adoption of the transfer decision.

Information technology

Esprit programme

2.1.35. In July the Commission drew up a list of 90 new transnational cooperation projects as part of the Esprit pre-competitive R&D programme.² These projects were selected by independent experts from among the 441 proposals submitted in response to the call for proposals published in March.³

The total financial requirement for all the initial proposals would have been in the region of 1 900 million ECU, compared with the 1 500 million ECU allocated for the first five years of the Esprit programme (1984-88).

The 1984 contracts will very shortly be signed with the participants in each project. These projects accord with one of the basic principles of the Esprit programme, i.e. that of ensuring a form of cooperation between industry, research laboratories and university institutes that transcends the internal frontiers of the Community: on average four partners are involved in each project, but in some cases the contracts for 1984 include as many as 10 partners. It should also be pointed out that all projects fulfil the basic requirements of the Esprit programme, namely that an equal burden be borne by industry and the Community and that each project involve the participation of a least two industrial partners, who should not be from the same Member State.

The projects cover the five major areas of activity of the Esprit strategic programme, but marked interest for the field of micro-electronics is particularly evident.

2.1.36. Following up the call for proposals for the five areas of precompetitive R&D activity,³ on 14 July⁴ the Commission published a first call for proposals for infrastructure projects under the Esprit programme.

Interinstitutional systems

2.1.37. On 8 August the Commission sent the Council a proposal⁵ on the coordination of the activities of the Community institutions and Member States with a view to setting up a Community interinstitutional information system (Insis). The proposal relates to several fields: electronic text transmission, electronic message systems, written or vocal (with storage of messages), access to Community data bases, teleconference systems. Pilot projects will be launched in order to establish the system, which is scheduled to become operational in 1990.

¹ OJ C 119, 4.5.1983; Bull. EC 3-1983, point 2.1.53; Bull. EC 4-983, point 2.3.7.

² OJ L 67, 9.3.1984; Bull. EC 2-1984, point 1.3.1 *et seq.*

³ OJ C 80, 21.3.1984; Bull. EC 3-1984, point 2.1.26.

⁴ OJ C 187, 14.7.1984.

⁵ OJ C 247, 15.9.1984; COM(84) 380 final.

The development and implementation of the system, in which all Member States will participate, will be financed by the Member States and by a contribution from the Community budget of about 8 million ECU a year for the pilot phase and for the launching of the operational phase.

2.1.38 On 2 August in response to the opinions given by Parliament¹ and the Economic and Social Committee² in July, the Commission amended³ its proposal on the implementation of a long-term programme for the use of computerized telecommunications for Community information systems concerned with imports/exports and the management and financial control of agricultural market organizations (Caddia).⁴

Industrial innovation and the information market

Specialized information

Five-year programmes

2.1.39. The Scientific and Technical Information and Documentation Committee (STIDC) held its 45th meeting at the end of June.⁵

The STIDC examined the priority activities to be pursued as part of the five-year programme for the development of the specialized information market proposed by the Commission⁶ and expressed a favourable opinion on the preparation of a project for application of the Videotex system in agriculture in Ireland, the recruitment of experts to assist the Commission in the context of the Apollo programme⁷ and a system for monitoring Docdel experiments (electronic document delivery).⁸

The following projects were also approved: Videogreece (application of the Videotex system in agriculture in Greece); Promote (new market study concerning a group of users); Eniofac (study involving an inventory and estimation of factual data and of

environment observation systems located in various Member States).

Finally, it discussed the proposal made by the European Parliament in a resolution last March to create a Community library⁹ and the United Nations proposal to create a world information network.

*Apollo programme*¹⁰

2.1.40. A major boost has been given to the electronic information market by a series of agreements on Apollo, a new European satellite communications system.

Apollo will be a high-speed digital transmission system for long data messages, in particular full text documents and graphics. In particular, it will overcome the unsuitability of relatively narrow-band terrestrial data networks, such as Euronet, and the unavailability of high-capacity digital networks (ISDN—integrated service digital networks) at international level.

The Apollo system will form the kernel of electronic information services where there are typically few suppliers and many, widely distributed users. A prime application is as a return channel for documents which have been located after an on-line bibliographical search of Euronet Diane services. Other commercial applications are envisaged, for example remote printing of newspapers, multidestination distribution of technical specifications, spare part lists (e.g. for cars), and computer data file transfer.

Apollo will provide an essential infrastructure for the Docdel experiments.¹¹ It will cover the entire area of Western Europe which is served by the 'parent' satellite,

¹ OJ C 172, 2.7.1985.

² OJ C 248, 17.9.1984.

³ OJ C 215, 16.8.1984; COM(84)467 final.

⁴ OJ C 112, 25.4.1984; Bull. EC 3-1984, point 2.1.28.

⁵ Bull. EC 3-1984, point 2.1.33.

⁶ OJ C 328, 2.12.1983; Bull. EC 11-1983, point 2.1.35.

⁷ Point 2.1.40.

⁸ Bull. EC 1-1984, point 2.1.24.

⁹ OJ C 117, 30.4.1984; Bull. EC 3-1984, point 2.4.22.

¹⁰ Apollo: Article procurement with on-line ordering.

¹¹ Bull. EC 1-1984, point 2.1.24.

ECS-2 (European Communication Satellite: flight unit 2), to be launched by ESA later this year. The services created by Apollo will start functioning in 1986. An important innovation at the users' end will be the provision of receive-only earth stations, which are cheaper than transmit-receive earth stations by a factor of more than 10. Between 20 and 35 receive-only earth stations will be installed during the initial trial period from 1986 onwards.

The Apollo Working Group, which met for the first time on 4 July in Luxembourg, brings together representatives from Eutelstat, national post and telecommunications administrations, the European Conference of PTT Administrations, the European Space Agency and the Commission, on whose initiative Apollo was created. The Commission will organize the first trial of Apollo, together with document delivery services in Europe.

Electronic document delivery and electronic publishing

2.1.41. A conference held jointly by the Commission and ICSU AB (the UN's International Council of Scientific Unions Abstracting Board) on 13 and 14 June in Luxembourg gave full support to the accelerated development of a new generation of electronic information systems.

Over 150 representatives from publishing, printing, telecommunications, computer equipment manufacturers, software houses, library and document services and national administrations were presented with plans for the 10 experiments in electronic document delivery and electronic publishing which are being co-financed by the Commission over the period 1984-85 (Docdel).¹

These experiments will be supplemented by full-scale demonstration projects in the field and will be executed by consortia of publishers, computer services bureaux and software specialists. Each experiment will create a new and comprehensive system, which

will emulate the full publishing cycle by electronics means.

These electronic document delivery systems will, in particular, complement the service provided by bibliographic data bases.

Customs union

Simplification of customs formalities

2.1.42. On 16 July the Commission proposed to the Council and the Member States² that they should, at one and the same time and with immediate effect, accept the June 1982 Recommendation of the Customs Cooperation Council and the February 1983 Resolution of the Economic Commission for Europe's Inland Transport Committee, both of which concern the establishment of links between customs transit procedures.

Simpler frontier formalities

2.1.43. On 31 July the Commission adopted a Regulation³ implementing the Council Regulation of 19 December 1983 introducing arrangements for movement within the Community of goods sent from one Member State for temporary use in one or more other Member States.⁴ This Regulation specifies the layout and instructions for use of the Community movement carnet established by the 1983 Council Regulation,⁴ explains the tasks of the various customs offices involved during a movement operation and lays down the necessary arrangements for administrative cooperation between Member States when irregularities occur.

¹ Bull. EC 1-1984, point 2.1.24.

² COM(84) 385 final.

³ OJ L 222, 20.8.1984.

⁴ OJ L 2, 4.1.1984; Bull. EC 12-1983, point 2.1.25.

General legislation

Definition of the customs territory of the Community

2.1.44. On 23 July, on a proposal from the Commission,¹ the Council adopted a Regulation² replacing the Regulation of 27 September 1968,³ which defined the Community's customs territory. Some of the provisions of the latter Regulation—for example those relating to free zones or the continental shelf—no longer reflected the current state of Community law. The new Regulation should also eliminate possible distortions of treatment between Community economic operators with regard to the customs arrangements applying to the maritime area of the Community's customs territory.

Customs procedures with economic impact

Temporary importation

2.1.45. At its July meeting the Economic and Social Committee gave a favourable reception⁴ to the proposal for a Council Regulation on the temporary importation of means of transport, which was sent by the Commission to the Council in December 1983.⁵

Common Customs Tariff

Nomenclature

2.1.46. On 16 July, on a proposal from the Commission,⁶ the Council adopted a Regulation⁷ amending that of 16 January 1969 on measures to be taken for the uniform application of the Common Customs tariff nomenclature.⁸ The new Regulation specifies the terms of reference of the Committee on CCT Nomenclature and, with the aim of simplification and uniformity, introduces some changes in the Commit-

tee's operating procedures in order to increase its effectiveness.

2.1.47. On 4 and 19 July the Commission adopted three Regulations intended to ensure that the CCT nomenclature is applied uniformly. They relate to:

- (i) the classification of goods falling within CCT subheading 84.53 B (an electronic machine known as a 'pocket computer');⁹
- (ii) the classification of goods falling within CCT subheading 85.21 D II ('micro-computer');⁹
- (iii) the analytical procedure to be used for determining the dry matter, fatty matter and sugar content of certain ordinary bakers' wares falling within CCT heading 19.07.¹⁰

Economic tariff measures

Tariff quotas

2.1.48. In July the Council adopted three Regulations increasing the volumes of the Community tariff quotas opened in 1984 for:

- (i) certain grades of ferro-chromium falling within CCT subheading ex 73.02 E.I;¹¹
- (ii) newsprint falling within CCT subheading 48.01 A;²
- (iii) yarn spun entirely from waste silk other than noil, not put up for retail sale, falling within CCT subheading 50.50 A.¹²

¹ OJ C 305, 22.11.1980; Bull. EC 10-1980, point 2.1.24.

² OJ L 197, 27.7.1984.

³ OJ L 238, 28.9.1968.

⁴ OJ C 248, 17.9.1984.

⁵ OJ C 4, 7.1.1984; Bull. EC 12-1983, point 2.1.26.

⁶ OJ C 317, 23.11.1983; Bull. EC 11-1983, point 2.1.40.

⁷ OJ L 191, 19.7.1984.

⁸ OJ L 14, 21.1.1969.

⁹ OJ L 180, 7.7.1984.

¹⁰ OJ L 193, 21.7.1984.

¹¹ OJ L 185, 12.7.1984.

¹² OJ L 196, 26.7.1984.

2.1.49. On 9 July the Council adopted a Regulation¹ amending the Regulation of 17 October 1983 opening, allocating and providing for the administration of a Community tariff quota for certain hand-made products.²

Competition

General rules applying to undertakings

Block exemption for patent licensing agreements

2.1.50. On 23 July the Commission adopts a Regulation exempting patent and know-how licensing agreements from the ban on restrictive practices laid down in Article 85(1) of the EEC Treaty.³ The Commission published the draft Regulation in March 1979,⁴ giving notice to all parties concerned to submit their comments. On this basis, it had carried out wide-ranging consultations with the parties concerned, notably in the form of a hearing in October 1979.

In the meantime, the controversial questions of the exclusive nature of licences and the ban on exporting had been referred to the Court of Justice in an action brought against the Commission's Decision in the 'Maize seed' case,⁵ and this prompted the Commission to draw up an amended version of the draft regulation, which was discussed in a second round of consultations with the Advisory Committee of government experts in November 1983 and March 1984.

The Regulation, which makes a major contribution to promoting innovation and the exploitation of innovative ideas and to strengthening competition, encourages licensing agreements in order to assist the development of more profitable production processes and new products and thus to stimulate competition. It will also allow innovation to be disseminated rapidly and

as widely as possible in a Community-wide market, while nevertheless enabling inventors and investors to secure a proper return on their inventions and on their efforts to exploit them.

The new Regulation also gives firms certainty as to the law: it spells out the clauses their licensing agreements may or may not contain if they are to qualify for the block exemption, and thus defines the framework within which they are free to formulate agreements which will no longer have to be formally notified to the Commission, or which will have to be notified under a simplified procedure only.

As it provides for a block exemption, the Regulation also simplifies the Commission's work. The Commission will no longer have to scrutinize each of the large number of individual agreements which already satisfy the tests laid down by the Regulation or which will be amended so that they do satisfy them. The Regulation also enables the Commission to deal more effectively and more rapidly with certain cases which will be notified to it under a procedure whereby the agreement will stand unless the Commission objects within six months. In future, the Commission will be left free to concentrate on the more difficult cases which have to be assessed on their own merits before they can be granted exemption — or refused it — on an individual basis.

Extension of scope of block exemption for certain specialization agreements

2.1.51. On 11 August the Commission published in the Official Journal draft amendments⁶ to the Regulation of 23 December 1982 on the application of Article 85(3) of the Treaty to categories of specializ-

¹ OJ L 197, 27.7.1984.

² OJ L 185, 12.7.1984.

³ OJ L 219, 16.8.1984.

⁴ OJ C 58, 3.3.1979.

⁵ OJ L 286, 12.10.1978.

⁶ OJ C 211, 11.8.1984.

ation agreements.¹ The procedure laid down for such amendments had been initiated in March.²

Restrictive practices, mergers and dominant positions: specific cases

Prohibited horizontal agreements

Zinc cartel

2.1.52. On 6 August the Commission adopted a Decision fining several zinc producers for anti-competitive behaviour.³ The activities at issue involved 'classical' infringements of anti-trust legislation such as price-fixing, market-sharing and production restrictions.⁴

From 1964 to about 1976, the companies in question were part of the Zinc Producer Group (ZPG), which included nearly all the zinc smelters and all ore producers in the Western world.⁵

In 1964 the members of the ZPG decided to charge prices set by common accord; to refrain from selling zinc themselves on the London Metal Exchange (LME), the worldwide commodities exchange for non-ferrous metals; to support the LME zinc price by common buying; and, if necessary, to restrict zinc production to agreed levels and curtail zinc sales, notably through a system of export quotas and market sharing.

These agreements, which constituted a serious infringement of Article 85(1) were never notified to the Commission and could for that reason alone not be exempted. In any event, no exemption would or could have been granted in this case. Although the Commission has shown, in this sector as in others, that it is prepared to allow firms to act in concert in order effectively to combat crisis situations on a short-term basis,⁶ it could not condone a system which posed such serious threats to the proper functioning of a unified common market and was clearly not part of any temporary 'crisis' action.

However, the mitigating circumstances cited by the parties were taken into consideration by the Commission in fixing the amounts of the fines imposed in its final decision and the total amount (3 300 000 ECU)⁷ was a much smaller fine than would normally have been imposed for such serious and prolonged infringements of anti-trust law.

Flat glass

2.1.53. On 23 July the Commission adopted a Decision finding that Saint-Gobain and BSN (Boussois Souchon Neuvesel) and their respective Belgian subsidiaries Glaceries de Saint-Roch and Glaverbel and the latter's Dutch subsidiaries Glasfabriek Sas van Gent, Alglas, Maasglas and Glaverned had infringed Article 85(1) of the EEC Treaty by entering into agreements and pursuing concerted practices that restricted competition on the flat-glass market in the Benelux countries.⁸

The agreements and concerted practices concerned lasted from 1 January 1978 until at least 9 October 1981, which was the date on which Commission staff carried out their first inspection. Prices and conditions of sale of the goods manufactured by the two groups were aligned, markets in the three countries concerned (controlled to a large extent by the companies in question) were

¹ OJ L 376, 31.12.1982; Bull. EC 12-1982, point 2.1.34.

² Bull. EC 3-1984, point 2.1.42.

³ OJ L 220, 17.8.1984.

⁴ In the course of the proceeding before the Commission, which was started in 1978 with an own-initiative investigation, one of the inspection visits resulted in AM&S Europe Ltd, a subsidiary of Rio Tinto Zinc, bringing an action before the Court of Justice on the question of professional secrecy (Twelfth Report on Competition Policy, points 30, 50 and 59).

⁵ The companies established outside Europe were not covered by the procedure initiated, since their membership of the ZPG did not have any direct effects within the Community.

⁶ Thirteenth Report on Competition Policy, points 56 to 61.

⁷ The individual fines are as follows: Billiton: 380 000 ECU; Metallgesellschaft: 500 000 ECU; Penarroya: 500 000 ECU; Preussag: 500 000 ECU; Rio Tinto Zinc: 500 000 ECU; Union Minière: 950 000 ECU.

⁸ OJ L 212, 8.8.1984.

shared, and very detailed information was exchanged in order to ensure that the agreements were applied. These restrictions affected trade between Member States because they directly regulated business between the three Benelux countries and imports into the Benelux area from other Member States.

In view of the duration and gravity of the restrictions, and the fact that this was not the first time either Saint-Gobain or BSN had been found to have infringed Article 85,¹ the Commission, while taking account of the depressed state of business in the glass industry during the period concerned, decided to impose the following fines: 935 000 ECU on BSN, 850 000 ECU on Glaverbel, 1 450 000 ECU on Saint-Gobain and 765 000 ECU on Glaceries de Saint-Roch.

Permissible forms of cooperation

Synthetic fibres

2.1.54. On 4 July the Commission exempted an agreement to reduce overcapacity in the synthetic fibre industry from the ban on restrictive practice laid down in Article 85(2) of the EEC Treaty.² This was the first time that the Commission adopted a formal decision putting into practice its thinking on the compatibility of agreements of this type with the competition rules.

The agreement was notified to the Commission by the 10 largest European synthetic-fibre manufactures.³ It provided that they would close some 18% (354 000 tonnes) of their production capacity for six types of synthetic textile fibres and also required them:

- (i) to supply to a trustee all relevant information concerning the capacity to be dismantled, and to accept the principle of inspection of their plant by independent experts;
- (ii) to consult each other in the event of important changes on the market, with a view to identifying appropriate solutions;

(iii) not to sell the dismantled plant in whole or in part within Western Europe, and not during the lifetime of the agreement to increase the capacity which they themselves determined;

(iv) to pay compensation to the other participants should they fail to implement the projected reductions.

Any non-signatory company in the Community or in a West European country may become a party to the agreement, which is to run until 31 December 1985, on terms which will be fixed case by case.

The Commission's favourable reaction demonstrates one aspect of its general approach in applying the competition rules to measures to reduce structural overcapacity.⁴

The agreement contributes to improving production, because it frees firms from the financial burden of maintaining excess capacity, and produces some movement towards greater specialization between the parties. It also allows the restructuring operations to be carried out in a socially acceptable way. For their part, consumers derive a fair share of the benefit resulting from this improvement, because when the operation is complete they will be buying from a healthy industry offering better goods at competitive terms, and in the meantime they will go on enjoying the advantages of competition between the participants.

Furthermore, the agreement relates only to the reduction of overcapacity, and is to apply only for a specified period. The presence on the Community market of products from non-member countries and of producers outside the agreement, the possibility

¹ Fourth Report on Competition Policy, point 79; Tenth Report on Competition Policy, point 108; Eleventh Report on Competition Policy, points 70 and 71.

² OJ L 207, 2.8.1984.

³ Anicfire Spa, Italy; Bayer AG, Germany; Courtaulds plc, UK; Enka AG, Germany; Enka BV, Netherlands; Hoechst AG, Germany; Imperial Chemical Industries plc, UK; Montefibre SpA, Italy; Rhône Poulenc SA, France; and Snia Fibre Spa, Italy.

⁴ Twelfth Report on Competition Policy, points 38 to 41.

of using substitute products, and the fact that the agreement does not affect the parties' marketing behaviour all indicate that there will continue to be considerable competition in the goods in question.

BPCL-ICI

2.1.55. On 19 July the Commission adopted a Decision, pursuant to Article 85 of the EEC Treaty, exempting a major restructuring operation in the petrochemical industry carried out by Imperial Chemical Industries (ICI) and British Petroleum Limited (BPCL).¹

The restructuring involved specialization of production in the United Kingdom, with ICI specializing in polyvinyl chloride (PVC) and BP Chemicals in low-density polyethylene (LDPE). Under agreements between the two companies, ICI sold both its most modern UK LDPE production plant and all its UK goodwill to BP Chemicals and licensed its LDPE technology to BP. BP Chemicals sold both its most modern UK PVC plant and all its goodwill to ICI and licensed its PVC technology to ICI. ICI closed down all its remaining UK LDPE plants that it had not sold to BPCL, thus abandoning the production of LDPE in the United Kingdom, though retaining two LDPE plants on the Continent. Similarly, BPCL closed down all its remaining PVC plants (along with the plants producing the inputs for PVC). In addition, under the agreements, ICI took a larger share in an ethylene cracker that was previously equally owned by BP Chemicals and ICI. This extra ethylene capacity allowed ICI to close down its other remaining ethylene plant.

The Commission took the view that the agreements fell within the scope of Article 85(1) of the Treaty, since they amounted to specialization agreements in that they resulted in the elimination of an important and active UK producer of each of the two main products concerned (PVC and LDPE). However, it decided that the agreements could be exempted under Article 85(3) of the EEC Treaty, since the closures of the older plants reduced capacities in sectors

which were suffering from structural overcapacity and that, like the joint venture set up by AKZO and Shell,² the agreements fitted in with its policy on measures to reduce industrial overcapacity.³

Carlsberg — Watney Mann-Truman

2.1.56. On 12 July the Commission took a Decision exempting a cooperation agreement between the two powerful Danish and British brewing groups, Carlsberg and Grand Metropolitan (GM), one of whose subsidiaries is Watney Mann-Truman, the firm directly concerned by the agreement.⁴

It became possible to take the decision when the firms concerned withdrew or amended certain competition-restricting clauses in their agreement—in particular the clause obliging them to cooperate on production plans—since they were considered not indispensable to attainment of the favourable economic effects required by Article 85(3) of the Treaty.

The main aim of the agreement, known as the Lager Agreement, is to ensure optimum utilization of Carlsberg's and Watney's production facilities in the United Kingdom and to promote the sales of lager.

Earlier, in the context of the cooperation between Carlsberg and Watney Mann, which started in 1970, Carlsberg had a large brewery built in the United Kingdom to supply the vast Watney distribution network and also its own. Using the know-how disclosed to it by Carlsberg and the special yeast it supplies, Watney is still allowed to produce in its breweries certain Carlsberg beers, known as standard lagers, and to sell them under the Carlsberg label both through its network of tied houses and on the free market.

Under the most important clauses of the agreement, GM (i.e. Watney) undertakes to

¹ OJ L 212, 8.8.1984.

² Bull. EC 5-1984, point 2.1.47.

³ Twelfth Report on Competition Policy, points 38 to 41; Thirteenth Report on Competition Policy, points 56 to 61.

⁴ OJ L 207, 2.8.1984.

purchase each year from Carlsberg's Northampton brewery a very large quantity of lager, which Carlsberg undertakes to supply in accordance with agreed supply forecasts. The parties undertake to notify each other of their sales forecasts and supply requirements, and to cooperate in drawing up these forecasts. Although this agreement in restraint of competition has been concluded by two powerful brewing groups, the Commission took the view that it could be exempted since, by promoting the direct establishment of a continental brewer on an oligopolistic market largely in the hands of national firms, it helps to promote competition between the different brands on this market.

Industrial and commercial property

IGR

2.1.57. Following new representations by the Commission to the 'Interessengemeinschaft für Rundfunkschutzrechte' (IGR) and its members, access to the market in stereo television sets has been further facilitated for the other European manufacturers.

At the end of 1981, the Commission had already considered adopting an interim measure against IGR for infringement of Article 85(1) of the EEC Treaty. IGR had acquired for its member companies the patents required for the manufacture of stereo television sets, patents which are also employed in the manufacture of stereo video recorders. Initially, IGR had intended not to grant any licences while these new products were being launched, and later to grant licences for the manufacture of only a limited number of sets. IGR forestalled the Commission's intended move by declaring its willingness to start immediately to grant licences without any restriction.¹

However, the Commission did not consider the situation sufficiently clear in relation to the Community competition rules. Through their joint purchase of the patents, IGR and its members had secured a position which allowed them, through continued charging

of royalties, to impose a sort of private import tax on the other European manufacturers of stereo television sets, particularly on the German market. In the statement of objections which it sent to IGR and its members at the end of 1983, the Commission said that this created a distortion of competition and was an infringement of Article 85(1) of the EEC Treaty; the infringement was appreciable, in view of the level set for the royalty rates.

In response to this further move by the Commission, IGR has agreed to lower considerably the rates of the royalties payable by its European licensees. This means that the restriction of competition is no longer appreciable, and the Commission has closed the case without taking any formal decision.

Abuse of dominant positions

IBM

2.1.58. Following a period of intense negotiations with senior Commission officials, IBM (International Business Machines) has undertaken to change its practices in the Community. The Commission has therefore decided to suspend the procedure initiated against IBM in 1980 under Article 86 of the Treaty.²

British Leyland

2.1.59. On 2 July the Commission adopted a Decision imposing a fine on British Leyland (BL) for abusing a dominant position within the meaning of Article 86 of the EEC Treaty.³ BL's dominant position arises from the fact that BL alone provides type-proval information which is essential if trade importers are to register and use legally BL vehicles on the roads in the United Kingdom.

The Commission's investigations showed that BL abused its position by deciding to let

¹ Eleventh Report on Competition Policy, point 94.

² Point 1.1.1 *et seq.*

³ OJ L 207, 2.8.1984.

national type-approval for left-hand-drive Metros lapse in 1981 and by refusing to provide trade importers with type-approval numbers which are necessary if individual vehicles are to be registered. Furthermore, when BL subsequently re-introduced national type-approval for left-hand-drive Metros, it charged UKL 150 for the provision of type-approval numbers for individual vehicles. Although BL has reduced this charge to UKL 100, the Commission considers that this sum does not correspond to the cost of providing the service and has the effect of penalizing the importation of BL vehicles by traders.

BL's behaviour, which deprived United Kingdom consumers of the benefits of purchasing BL vehicles elsewhere in the Community, must be considered a most serious abuse. However, in the course of the investigation into BL's activities, the company accepted that right-hand-drive vehicles form part of its standard range and made such vehicles available in all Community countries. What is more, BL confirmed that it provides the first service to owners of personally imported BL vehicles on precisely the same conditions as those applicable to owners of BL vehicles purchased within the United Kingdom.

In its decision, the Commission has ordered the company to put an end to its practice of charging UKL 100 for providing type-approval numbers and has also imposed a fine of 350 000 ECU. In fixing the amount of this fine, the Commission took into account BL's cooperative attitude with respect to certain of the infringements.

Mergers

*Sacilor and Usinor,
Laminoirs de Bretagne,
Peugeot-Loire, Creusot-Loire*

2.1.60, Acting under Article 66 of the ECSC Treaty, the Commission authorized Sacilor and Usinor, the two major French steel companies under State financial

control, to acquire certain steel undertakings.

The transactions, which will assist restructuring in the French steel industry, are:

(i) the acquisition by Sacilor of the rolling-mill section of Forges et Laminoirs de Bretagne SA (Pouffran), a company which produces merchant bars;

(ii) the acquisition by Sacilor of Imphy SA, a subsidiary of Creusot-Loire, which produces in particular stainless steels in the form of wire rods, wire, forgings and castings in works at Imphy (Nièvre), Lizy-sur-Ourcq (Seine-et-Marne) and Rueil-Malmaison (Hauts-de-Seine);

(iii) the acquisition by Usinor from Aciers et Outillage Peugeot of the 67% of the share capital of Peugeot-Loire (Levallois-Perret) which is not already held by Usinor; Peugeot-Loire specializes in the production of cold-rolled stainless steel sheets;

(iv) the acquisition by Usinor from Creusot-Loire of a major part of its remaining steel activities, including the industrial units of l'Ondaine (Firminy-Loire), Pamiers (Ariège) and Saint-Chély d'Apcher (Lozère), which are concerned in particular with the production of stainless steel castings and forgings and electrical sheets.

The main relevance of these transactions for competition is that Sacilor and Usinor will become, individually or together, the largest Community producers of stainless cold-rolled sheets, stainless rods and stainless bars and the second largest Community producers of electrical sheets. However, they will be counterbalanced by other strong Community producers. These latter undertakings, together with the existence of potential competition from other special-steel producers within the Community, and the major influence of imports from non-Community countries will ensure the continuance of effective competition.

The Commission therefore concluded that the transactions concerned satisfied the tests of Article 66(2) of the ECSC Treaty and granted its authorization.

State aids

General aids

Italy

2.1.61. On 16 August the Commission decided to initiate the procedure provided for Article 93(2) of the EC Treaty in respect of two proposals, notified by the Italian Government, to award aid under the Italian Act No 46/82 of 17 February 1982 (Innovation Fund)¹ to three chemical firms producing fluorine-containing elastomers/plastomers and parasitocidal agents.

The Commission considers that the proposed aid is liable to lead to distortions of competition which are incompatible with the common market. The information supplied to it indicates that the aid will not really assist innovation projects that are likely to further a Community objective, but is simply aid for continued operation.

Regional aids

Federal Republic of Germany

2.1.62. On 23 July the Commission decided not to raise any objections to the thirteenth outline plan for the Joint Federal Government/Länder Programme for improving regional economic structures (Gemeinschaftsaufgabe). The thirteenth outline plan takes over from and replaces for the most part the twelfth outline plan, approved by the Commission on 25 October 1983.²

The main changes introduced in the new outline plan are an increase (6.1%) in the funds allocated to the Joint Programme and the scheduling of the Gelsenkirchen employment area as an assisted area. In addition, it is indicated in the plan that the Länder of Bremen, Rhineland-Palatinate and Saarland are to provide additional amounts for the Joint Programme.

Belgium

2.1.63. On 13 August, on the basis of information provided in June by the Belgian

Government, the Commission decided to include the districts of Arlon and Fléron in the Belgian development areas and to add the northern part of the 'arrondissement' of Soignies to the areas that may benefit from the derogation provided for by Article 2 of its Decision of 22 July 1982 on the designation of development areas pursuant to Article 11 of the Belgian Law of 30 December 1980.³

The Commission's decision will be notified to the Belgian Government and to the governments of the other Member States. General notice of the extension of the assisted areas will be given in the Official Journal.

France

2.1.64. On 23 July the Commission decided not to raise any objections, subject to certain conditions, to a draft Decree presented by the French Government on 4 July concerning an exceptional State contribution to job creation in Lorraine, in certain areas directly affected by the rundown of the workforce in the steel industry. The contribution will consist in the State's funding for a maximum of three years, subject to certain conditions, one third of the wages paid to workers recruited between 31 March 1984 and 1 January 1987. The aid can be combined with regional development premiums or with any other aid.

The Commission has therefore asked the French Government to notify it in advance, pursuant to Article 93(3) of the EEC Treaty, of any aid plans where the aid involves the creation of more than 100 jobs or is linked to an investment of more than 6 million ECU. Furthermore, it has given its agreement only on condition that the French Government gives it an assurance that the contribution will not be available to industries with overcapacity and that the number

¹ Gazzetta Ufficiale No 57, 27.2.1982; Bull. EC 7/8-1983, point 2.1.39.

² Bull. EC 10-1983, point 2.1.48.

³ OJ L 312, 9.11.1982; Bull. EC 7/8-1982, point 2.1.38.

of jobs created will not be greater than those lost in the steel industry.

Italy

2.1.65. On 30 July the Commission took a decision on a Sicily Region bill amending Regional Act No 42 of 1975, which had introduced new aids, combinable with those provided for by national legislation on the Mezzogiorno, for ventures by small and medium-sized firms and craft establishments situated in the sulphur mining areas. The amendments consist essentially of an increase in the supplementary grant available on top of that made under the Act on the Mezzogiorno (30% instead of 20%) and in the employment premium, which now rises from LIT 200 000 a year (for three years) to 30% of the annual cost (also for three years) of each new job filled in a permanent way.

Because of the particularly serious situation in the areas concerned, the Commission had decided in 1976 not to raise any objections to the introduction of the aids provided for by the abovementioned Act No 42, even though the aids exceeded the ceiling for measurable aids laid down in the principles of coordination.

At present, the socio-economic situation in these areas is very bad. Unemployment indices in the areas, which are hard hit by the difficulties of the sulphur industry, range between 144 and 242 in relation to the figure for Italy as a whole, while per capita income is just over half the national average.

The Commission therefore decided not to raise any objections to the amendments contained in the bill, especially since the theoretical maximum intensity of the measurable aids is at present much lower than in 1976.

Federal Republic of Germany

2.1.66. On 23 July the Commission decided to initiate the procedure provided for in Article 93(2) of the EEC Treaty in respect of the regional aid programmes of the Län-

der of Baden-Württemberg, Bavaria, Hesse, Lower Saxony, Rhineland-Palatinate and Schleswig-Holstein. The areas receiving aid under these programmes make up 15.1% of the territory of the Federal Republic and account for 10.5% of its population. This means that regional aid is granted to nearly 64.6% of the territory of the Federal Republic, accounting for 45.6% of the population (including the areas assisted under the Joint Federal Government/Länder Programme for improving regional economic structures). In 1980 the Commission had already taken the view that this overall volume was excessive.

Initiation of the procedure is not in any way aimed at preventing the Länder from granting their own regional aids, which are in any case their responsibility under German constitutional law. The procedure has been initiated because the methods of selecting assisted regions and their results have been found to be incompatible with the rules of the common market.

2.1.67. On 23 July the Commission also took a final decision under Article 93(2) of the EEC Treaty on the regional economic aid programme of the Land of North Rhine-Westphalia, notified to it in 1982. Under its decision, the aid for the employment areas of Aachen, Hagen, Gelsenkirchen, the Lengerich district in the Osnabrück employment area and, provisionally, the Gummersbach employment area is deemed to be compatible with the common market.

The aid to Aachen and Gelsenkirchen has been approved mainly because of the substantial structural unemployment there. Hagen has been recognized as a development area mainly because of the effect which redundancies in the steel industry have had on the employment situation. The Commission considers aid for the Lengerich district in the Osnabrück employment area justified because the district forms an economic whole with that part of the employment area already recognized as a development region. By contrast, it will no longer be possible to grant investment aid in the

Bocholt and Siegen employment areas after 30 June 1985.

Industry aids

Machine tools

United Kingdom

2.1.68. On 18 July the Commission decided to terminate the procedure initiated under Article 93(2) of the EEC Treaty in respect of a proposal, notified by the United Kingdom Government, to grant aid under a general scheme for assisting flexible production systems to a Japanese machine tool manufacturer for the purpose of setting up a fully automated factory in England.¹

The Commission decided not to raise any objections to the granting of the planned aid subject to certain conditions accepted by both the United Kingdom Government and the recipient firm.

The Commission took the view that the planned aid will help in the setting up within the Community of a factory embodying an exceptional level of technology in terms of the use of computers in flexible production. This will be continuously accessible to industrialists from elsewhere in the Community for the purpose of demonstration and the dissemination of know-how. The Commission therefore took the view that the aid could be exempted under Article 92(3) of the EEC Treaty as being of common interest.

The Commission has made its authorization of the plan subject to a number of formal assurances by the United Kingdom Government regarding the manufacturer's undertaking to give industrialists and interested parties in the Community the widest possible access to the new factory and its technology. The Commission has agreed to monitor implementation of the plan, using appropriate procedures, and to ensure that the conditions are effectively created for transfer of the technology.

Shipbuilding

United Kingdom

2.1.69. On 13 June the Commission decided to terminate definitively the Article 93(2) procedure which it had initiated in June 1982² in respect of an aid scheme for shipbuilding notified by the United Kingdom for the period 1982/83. When the Commission decided on 9 February 1982³ not to raise any objections to the shipbuilding aid which the United Kingdom Government intended to grant under the fifth tranche of the Intervention Fund for Shipbuilding, it expressly excluded from such authorization the proposed offsetting of British Shipbuilders' losses. Any authorization was subject to the Commission's being notified of the financial results for the financial year 1982/83.

Analysis of these results, notified by the United Kingdom authorities, showed that only one third of British Shipbuilders' losses was attributable to the building of merchant ships and that the Government's offsetting of British Shipbuilders' losses for the financial year 1982/83 was compatible with the provisions of Articles 1, 5 and 6 of the Fifth Council Directive on aid to shipbuilding.⁴

2.1.70. The Commission decided to initiate the Article 93(2) procedure in respect of a new general aid scheme for shipbuilding in the United Kingdom, introduced on 1 July 1984. The scheme provides for aid of up to 35% of the contract price of ships and will have a two-year budget of UKL 100 million for British Shipbuilders and UKL 40 million for Harland & Wolff. The new scheme, which doubles the rate of aid hitherto available, is not considered to be compatible with the terms of the Fifth Directive on aid to shipbuilding,⁴ and in particular Article 6 thereof, which ties production aid to two conditions: it must be progressively

¹ Bull. EC 2-1984, point 2.1.55.

² Bull. EC 6-1982, point 2.1.49.

³ Bull. EC 2-1893, point 2.1.37.

⁴ OJ L 137, 23.5.1981.

reduced and it must be linked to restructuring objectives which make the industry competitive and able ultimately to operate without aid.

Flat glass

Luxembourg

2.1.71. On 27 July 1983 the Commission decided to initiate the Article 93(2) procedure in respect of the Luxembourg Government's proposal to grant aid for the construction of a processing unit by a flat-glass manufacturer.¹ The new unit, where flat glass would be coated and toughened, would be linked to a flat-glass float, which has been in operation in the Luxembourg steel area since 1981.

When initiating the procedure, the Commission took the view that, because of the overcapacity at Community level in the flat-glass industry, and especially in the processed flat-glass sector, and because 70% of the output of the new unit would be exported to other Member States, the planned aid might create distortions of competition contrary to the common interest.

After having given all parties concerned the opportunity to submit their comments, the Commission decided on 27 June not to authorize the Luxembourg Government to grant the proposed aid. It considered that, even though the investment would create new employment for redundant steel workers, aid for the establishment of new production capacity would be contrary to the common interest, in view of the serious sectoral problems the processed flat-glass industry is facing throughout the Community.

Netherlands

2.1.72. On 28 September 1983 the Commission decided to initiate the Article 93(2) procedure in respect of the Netherlands Government's plan to grant aid—in the form of an additional premium for large projects (WIR-GPT)—for the construction of a float for the production of flat glass at Tiel.² It

pointed out on that occasion that the aid was liable to lead to distortions of competition which would be contrary to the common interest, in view of the difficulties currently facing the flat-glass industry.

Having given all parties concerned the opportunity of submitting their comments, the Commission decided on 27 June not to authorize the Netherlands Government to grant the proposed aid, since it considered that none of the exemptive clauses of Article 92 was applicable.

Printing

Netherlands

2.1.73. The Commission decided to terminate the Article 93(2) procedure which it initiated in October 1983 in respect of a Dutch proposal to grant aid for the construction of a new printing works at Doetinchem to replace an existing one.

On the basis of information provided to it, the Commission established that the firm involved specializes in the printing of small-circulation periodicals intended for the local market and that it is not equipped for sales in other Member States; the Commission also found that the aid was justified by the costs of moving the firm from the centre of the town to an industrial estate, a move which the municipality had requested for environmental reasons.

Petroleum products

Netherlands

2.1.74. On 27 June the Commission adopted two final negative decisions pursuant to Article 93(2) in respect of two proposals by the Netherlands Government to grant aid under the scheme provided for in the Investment Account Act (*Wet Investeringsrekening* — WIR).

¹ OJ C 256, 24.9.1983.

² OJ C 15, 20.1.1984.

The WIR scheme, in respect of which the Commission had not raised any objections in 1979¹ or when it was amended in 1982,² provides for an 'additional premium for large projects', intended for investment projects costing more than HFL 30 million; depending on the number of jobs created, the premium can amount to up to 4% of the cost of the investment.

The two aid proposals relate to investment to be carried out by two oil companies; one is for the construction of a catalytic cracking unit in a refinery at Rotterdam-Europoort, and the other for the construction of a hydrocracker unit at Borsele.

After examining the aid proposals, the Commission took the view that they did not fulfil the legal and economic conditions attaching to WIR/GPT grants, that there were no compensatory benefits to justify the grant of the aid and that the aid could in no way be exempted under Article 92(3) of the EEC Treaty. It therefore informed the Netherlands Government that the two proposals could not be implemented.

Textiles

United Kingdom

2.1.75. On 12 April the Commission was notified, pursuant to Article 93(3) of the EEC Treaty, of a proposal by the United Kingdom Government to assist the clothing, footwear, knitting and textile industries by means of a scheme designed to enable small and medium-sized firms to undertake investment in advanced technology equipment. The scheme would have a limit of UKL 20 million and aid would take the form either of grants of up to 20% of investment costs or of two-year guarantees covering 80% of loans granted by approved financial institutions for the purchase of advanced equipment.

Having examined the proposed scheme, the Commission took the view that, given the development of the industries concerned, the non-compliance with certain aspects of

the Community framework for aids to the textile and clothing industries and with other principles for industry aids, and given the lack of sufficiently defined general objectives and the danger of increased overall capacities which could result from the application of the scheme, such a measure was incompatible with the provisions of the Treaty regarding State aids. The Commission therefore decided on 13 June to initiate the procedure provided for in Article 93(2) of the EEC Treaty. It gave notice to the United Kingdom Government, to the other Member States and to interested parties to submit their comments.

2.1.76. On 29 February the Commission initiated the Article 93(2) procedure in respect of State aid which had been granted or was about to be granted to a firm in Stanley, County Durham, for the setting up of a plant to produce polyester yarn (POY).³ On 23 July it took a decision requiring the United Kingdom Government to withdraw the aid.

The Commission took the view that the aid was incompatible with the common market. Polyester yarn belongs to the category of synthetic fibres, and the synthetic fibres market is suffering from surplus capacity and is subject to a Community system of aid control, introduced under Article 93(1) of the EEC Treaty, so as to reduce overcapacity.

It was found during the procedure initiated that, by allowing the creation of new capacity, the aid affected the situation in this Community subsector in a way that was contrary to the common interest: firms in the subsector were trying to reduce their surplus capacity, with 61 500 tonnes of capacity to disappear in the period 1982-85. The Commission also considered that the aid was liable to result in difficulties being transferred to other Community firms and that it was moreover unlikely to enable the assisted firm to continue its activities in a

¹ Bull. EC 6-1979, point 2.1.35.

² Bull. EC 6-1982, point 2.1.44.

³ Bull. EC 2-1984, point 2.1.53.

permanent way, under normal management conditions, given the surplus capacity in the subsector.

France

2.1.77. On 23 July the Commission decided to initiate the Article 93(2) procedure in respect of two aid schemes to assist the textile and clothing industries, introduced by the French Government under three Decrees published on 25 May.¹ Both aid schemes are financed by parafiscal charges. The French Government has also set up a body to manage and supervise the schemes (Comité de développement et de promotion du textile et de l'habillement). The three Decrees, which have retroactive effect from 1 January and which were not notified to the Commission, are based on previous Decrees in respect of which, in July 1983, the Commission took a final negative decision.²

After detailed examination of the new Decrees, the Commission concluded that the views it had reached in July 1983 on the previous aid schemes remained fully valid, as the amendments made by the French Government had not changed the substance of the measures. Furthermore, under Article 2 of Decree No 84-388, a further source of financing ('subventions') had been added which could give the newly created Committee much wider scope for financial assistance.

In addition, as the Decrees have retroactive effect from 1 January and as they were not notified to the Commission in sufficient time, the Commission took the view that the French Government had infringed the procedural rules laid down in Article 93(3) of the EEC Treaty and that, for this reason, the aid schemes were contrary to Community law.

Synthetic fibres

Belgium

2.1.78. In February the Commission initiated the Article 93(2) procedure in respect

of aid granted in March 1983 by the Belgian Government to a producer of polypropylene staple fibre and filament yarns.³

Having given the parties concerned the opportunity of submitting their comments and having carried out a detailed examination, the Commission concluded that, in view of the absence of any compensatory justification in the Community interest and in an industry in which competition within the Community was very keen and which was faced with serious problems of overcapacity, the aid in question was liable to affect trade to an extent contrary to the common interest.

Accordingly, the Commission decided on 27 June that the aid was incompatible within the common market under Article 92 of the EEC Treaty and that, although granted in March 1983, it must be withdrawn.

Ireland

2.1.79. In February the Commission initiated the Article 93(2) procedure in respect of a proposal by the Irish Government to grant aid to a producer of polyester yarn.⁴ Having given the parties concerned the opportunity of submitting their comments, the Commission concluded that, as in the case of the above aid scheme in Belgium,⁵ the proposed aid was liable to affect trade between Member States to an extent contrary to the common interest.

Accordingly, the Commission decided on 18 July that the proposed aid was incompatible with the common market under Article 92 of the EEC Treaty and must not be granted.

Aid to research and development

United Kingdom

2.1.80. On 11 July the Commission decided to raise no objection to the continu-

¹ Journal officiel de la république française, 25.5.1984: Decrees Nos 84-388 to 390.

² Bull. EC 7/8-1983, point 2.1.44.

³ Bull. EC 2-1984, point 2.1.51.

⁴ Bull. EC 2-1984, point 2.1.52.

⁵ Point 2.1.78.

ation, with a number of amendments, of the aid scheme for flexible manufacturing systems, notified by the United Kingdom under Article 93(3) of the EEC Treaty. The scheme, which was introduced under Section 8 of the Industrial Development Act 1982 and authorized by the Commission in November 1982,¹ was to run until 31 March 1986. It provides for aid to assist design, research and development in micro-electronics and software.

The new proposal provides for a one-year extension of the scheme, an additional budget of UKL 20 million and a widening of its technological scope. In addition, so as to encourage very small firms, the minimum investment level necessary to qualify for the aid is to be lowered.

Financial institutions and taxation

Financial institutions

Banks

List of credit institutions: annual updating

2.1.81. As provided in the first Directive on the taking up and pursuit of the business of credit institutions,² the Commission published on 9 July the first updating to 30 June 1983,³ of the situation as at 31 December 1982.⁴

Taxation

Indirect taxes

Turnover taxes

2.1.82. On 23 July the Commission sent the Council a proposal for a sixteenth VAT Directive designed to eliminate the double taxation that still occurs when goods are

acquired by individuals in one Member State and imported into another Member State.⁵ This will be achieved through arrangements for refunding the residual VAT originally paid in the exporting Member State and taxing the goods in the importing Member State on the same basis. However, in order to simplify as far as possible the procedures for intra-Community trade between individuals, the Commission is proposing that the planned refund arrangements should apply only to goods of a value exceeding a specified limit (840 ECU at present) and which were last sold or imported with payment of VAT less than three years previously; where the most recent transaction dates back more than three years, only goods worth more than 2 000 ECU would qualify for the refund and taxation arrangements. In essence, the procedure would therefore apply only to goods that retain considerable value throughout their life (cars, vessels, jewellery, etc.). In the case of goods which increased in value, no refund would be made in the exporting Member State, with only the increase in value being taxed in the importing Member State.

2.1.83. In response to the Council Decision of 30 June,⁶ the Commission put forward on 17 July a proposal for a twentieth Directive⁷ allowing a derogation from the sixth VAT Directive⁸ whereby the Federal Republic of Germany would be authorized to grant, for the period from 1 July 1984 to 31 December 1988, special aid to its farmers limited to 5% of their sales, using VAT as the instrument.⁹ On 1 January 1989, the level of aid would be reduced to 3%.

2.1.84. On 17 August the Commission transmitted to the Council a proposal for a seventeenth Directive concerning ex-

¹ Bull. EC 11-1982, point 2.1.36.

² OJ L 322, 17.12.1977.

³ OJ C 9.7.1984.

⁴ OJ C 349, 23.12.1983.

⁵ OJ C 226, 22.8.1984; COM(84) 318 final.

⁶ OJ L 185, 12.7.1984; Bull. EC 6-1984, point 2.1.88.

⁷ OJ C 214, 14.8.1984; COM(84) 391 final.

⁸ OJ L 145, 13.6.1977.

⁹ Point 2.1.117.

emption from value-added tax on the temporary importation of goods other than means of transport.¹ The proposal has two main purposes. First, it introduces a VAT-exempt temporary importation system for goods coming from other Member States or from non-member countries which mirrors the Community temporary importation arrangements adopted by the Council at the end of 1982,² under which goods other than means of transport are exempt from import duties. Such parallelism is provided for in the sixth VAT Directive.³ Second, the proposal lists a wide variety of goods (professional, medical and scientific equipment, commercial samples) that qualify for the exemption when moving within the Community. By thus reducing tax barriers to the free movement of goods temporarily imported from one Member State into another, the Commission is aiming to make it easier for individuals to exercise the freedom to travel and provide services throughout the Community. The exemption would apply to all goods imported for a period of less than 24 months and which remained in the ownership of a person established outside the Member State of importation.

2.1.85. The Community sent the Council on 8 August a communication⁴ concerning a request for derogation from application of Article 27(1) to (4) of the sixth VAT Directive³ submitted by the Governments of the Netherlands and the Federal Republic of Germany. The purpose of the derogation is to simplify the collection of VAT in respect of building and maintenance work in the harbour at Emdem. Since the Federal Republic of Germany will assume responsibility for the work, all the operations will be subject to German VAT alone.

Tax-free allowances

Tax reliefs for small consignments

2.1.86. On 3 July the Commission, after receiving the opinions of Parliament⁵ and the Economic and Social Committee,⁶ transmitted to the Council an amendment⁷ to its proposal for a fourth Directive⁸

amending for the third time⁹ the Directive of 19 December 1974¹⁰ and introducing a multiannual programme of increases in the relief allowed on the importation of goods in small consignments of a non-commercial character within the Community. The Commission took up one of the amendments requested by Parliament, agreeing to delete the provision whereby consignments of newspapers, periodicals, brochures and books would qualify for relief if they were intended solely for the personal or family use of the recipient.

Motor fuel

2.1.87. On 4 July,¹¹ the Economic and Social Committee delivered a favourable opinion on two Commission proposals,¹² for Council Directives removing, from 1 July 1984, all restrictions on the tax-free admission of fuel contained in the normal fuel tanks of commercial road vehicles.

Tax-free allowances for travellers

2.1.88. On 4 July¹³ the Economic and Social Committee endorsed the Commission's proposal to increase tax-free allowances for travellers from outside the Community¹⁴ and the proposal for a Directive extending the derogation accorded to Ireland in respect of turnover tax and excise duty applicable in international travel.¹⁵

¹ OJ C 244, 13.9.1984.

² OJ L 376, 31.12.1982.

³ OJ L 145, 13.6.1977.

⁴ COM(84) 477 final.

⁵ OJ C 127, 14.5.1984; Bull. EC 4-1984, point 2.1.53.

⁶ OJ C 103, 16.4.1984; Bull. EC 2-1984, point 2.1.61.

⁷ OJ C 189, 17.7.1984; COM(84) 372 final.

⁸ OJ C 3, 6.1.1984; Bull. EC 12-1984, point 2.1.58.

⁹ OJ L 366, 28.12.1978; Bull. EC 12-1978; Bull. EC 12-1978, point 2.1.54; OJ L 338, 25.11.1981; Bull. EC 11-1981, point 2.1.46.

¹⁰ OJ L 354, 30.12.1974.

¹¹ OJ C 248, 17.9.1984.

¹² OJ C 95, 6.4.1984; Bull. EC 3-1984, point 2.1.58.

¹³ OJ C 248, 17.9.1984.

¹⁴ Point 2.4.46; OJ C 102, 14.4.1984; Bull. EC 3-1984, point 2.1.59.

¹⁵ OJ C 17, 14.1.1984; Bul. EC 12-1983, point 2.1.60.

Employment, education and social policy

Financial instruments

European Social Fund

2.1.89. On 20 July the Commission sent to the Council a communication on statistical machinery to establish the order of priority to be applied for granting European Social Fund assistance to regions.¹ This communication was drafted in response to a request made by the Council on 17 October 1983 when it adopted the Decision concerning the tasks of the European Social Fund.²

The Commission set out criteria for establishing priority regions on the basis of objective statistical data and outlined the methods to be used to determine geographical priorities in connection with the guidelines for the management of the European Social Fund.³

Social Fund Annual Report

2.1.90. On 10 August the Commission presented to the Council the Twelfth Report⁴ on the Activities of the European Social Fund, covering the financial year 1983.⁵ The report shows that the volume of applications for Fund assistance rose to 3 179.5 million ECU — an increase of 10 % over 1982. The volume of applications was highest in respect of operations on behalf of young people (1 423.9 million ECU) and of the regions (999.0 million ECU).

Commitment appropriations available amounted to 1 949.16 million ECU, an increase of 23.5 % over 1982, thus reducing the gap between applications and resources.

The total amount of assistance approved was 1 877.65 million ECU, a utilization rate

of available commitment appropriations of 96.3 %, as against 95.7 % in 1982. As in preceding years, almost 80 % of Fund assistance was allocated to operations under the headings 'Young people' and 'regions'. Whereas in 1982 the assistance granted was divided almost equally between these two fields (599.48 million and 598.03 million ECU), in 1983 the share allocated to operations on behalf of young people amounted to 892.14 million ECU and that allotted to the regions to 609.27 million ECU.

In general, Social Fund action was again carried on against the background of a worsening employment situation: the number of people in employment again dropped by over 1 million. Thus, over 4 million jobs have been lost in the Community over the last three years at a time of continued growth of the working population. The unemployment rate rose from 10.4 % in December 1982 to 11.1 % in December 1983. There are now 12.5 million — an increase of 6.5 % in one year — out of work, of whom nearly 40 % are young people under 25; furthermore, 4.5 million have been unemployed for over a year. For the first time since 1979 the increase in unemployment was slightly greater for women than for men.

Fund assistance

2.1.91. On 23 July the Commission approved the first batch⁶ of applications for assistance from the ESF for 1984. These applications, which were examined earlier by the Committee, involve the following amounts:

¹ COM(84)344 final.

² OJ L 284, 22.10.1983; Bull. EC 10-1083, point 1.3.6.

³ Bull. EC 12-1983, point 2.1.66.

⁴ Eleventh Report: Bull. EC 7/8-1983, point 2.1.57.

⁵ COM(84)396 final.

⁶ Bull. EC 12-1983, point 2.1.68.

(ECU)

Item 6000 — Operations for people under 25 in less favoured regions (Greenland, Greece, French overseas departments, Ireland, the Mezzogiorno and Northern Ireland)	468 707 260.19
Item 6001 — Operations for people under 25 in other areas of high long-term unemployment and/or areas undergoing industrial and sectoral restructuring	670 791 530.24
Item 6010 — Measures to promote employment in less favoured regions	208 120 383.15
Item 6011 — Measures to promote employment in other areas of high long-term unemployment	144 501 411.95
Total Chapter 60	1 492 120 585.53
Item 6100 — Specific measures to promote the implementation of projects of an innovative nature and exchanges of experiences	42 016 999.13
Grand total	1 534 137 584.66

Aid for recruitment and the creation of additional jobs

2.1.92. On 27 July the Commission established the amounts of Social Fund assistance for aid for recruitment and the creation of additional jobs for 1985.¹ The amounts per person per week are as follows: Belgium: BFR 1 668; Denmark: DKR 355; Federal Republic of Germany: DM 97.50; Greece DR 1 679; France: FF 219; Ireland: IRL 24.10; Italy: LIT 43 200; Luxembourg: LFR 2 002; Netherlands: HFL 103; United Kingdom: UKL 20.75.

Measures for ECSC workers

Redeployment aids

2.1.93. In July, acting under Article 56(2)(b) of the ECSC Treaty, the Commission decided to contribute 19 140 750 ECU towards redeployment expenses for 5 736 workers affected by closures or cut-backs in a number of steel plants and coalmines in the Federal Republic of Germany, Belgium and the United Kingdom.

Social measures in the coal industry

2.1.94. On 23 July the Council adopted a Decision² authorizing the payment of a 60 million ECU contribution from the general

budget for 1984 to the ECSC as Community financing of exceptional measures for workers affected by the restructuring of the Community coal industry.

Social measures in the steel industry

2.1.95. On 23 July the Council agreed in principle to the transfer of 62.5 million ECU to the ECSC from the general budget for 1984 to finance social measures accompanying restructuring in the steel producing areas of the Community for 1983-84.³

Education and vocational training

Cooperation in the field of education

2.1.96. Pursuant to the Council Resolution of 19 September 1983 on the introduction of new information technology in education,⁴ in July the Commission participated in various activities designed to exchange as rapidly and as fully as possible information on work on this subject carried out in the Community countries: a seminar

¹ OJ L 241, 11.9.1984.

² Point 2.1.173.

³ Point 2.1.34.

⁴ OJ C 256, 25.9.1983; Bull. EC 9-1983, points 2.1.43 and 2.1.47.

in Newcastle on the new information technologies in education; an international conference in Paris on education and the new information technologies; European Summer School in Nice on the topic: 'Application languages and their uses in the education system'.

Higher education

2.1.97. For the 1984/85 academic year the Commission has awarded 316 financial grants to higher education establishments in the Community in the context of the development of joint study programmes. These programmes facilitate exchanges between the Member States of students and teachers in higher education.

To date, 409 joint study programmes have been established in which 600 higher education establishments participate. In the context of these programmes about 1 900 students were able to study in a Member State other than their country of origin in 1984.

The grants for 1984 amount to a subsidy of some 1 233 000 ECU, of which 400 000 ECU was used for student grants to cover the cost of travel and accommodation abroad.

European Centre for the Development of Vocational Training

2.1.98. By a decision of 13 July on a proposal from the Management Board of the European Centre for the Development of Vocational Training,¹ the Commission appointed Mr Ernest Piehl Director of the Centre for the period 1 October 1984 to 30 September 1989.

*

2.1.99. On 17 July the Commission amended² its proposal for a Council Decision on the comparability of vocational training qualifications between the Member States,³ following opinions delivered by Parliament⁴ and the Economic and Social Committee.⁵ Taking account, in particu-

lar, of suggestions from Parliament,⁴ the Commission has proposed speeding up endeavours to establish such comparability throughout the Community.

Living and working conditions and social protection

Fight against poverty

2.1.100. On 19 July the Commission forwarded to the Council a proposal for a decision on a 'programme for specific Community action to combat poverty' for 1985-89.⁶

In December 1982 the Council — as one of its conclusions on the Commission's final report on the first programme (1975-80)⁷ — considered that more specific Community action was needed.

The Commission therefore held consultations with organizations concerned with poverty. It concluded that the following categories should be seen as those most at risk and most in need: the long-term unemployed, jobless young people, the elderly, single-parent families, second-generation migrants, refugees, returning migrants and 'marginal' groups who are outside social protection coverage.

The Commission is consequently proposing a new five-year programme of action-research and cross-national anti-poverty projects at an estimated cost of 35 million ECU.

Paul Finet Foundation

2.1.101. The Executive Committee of the Paul Finet Foundation examined the last

¹ Bull. EC 3-1984, point 2.1.73.

² OJ C 208, 8.8.1984; 406 final.

³ OJ C 264, 4.10.1983; Bull. EC 9-1983, point 2.1.48.

⁴ OJ C 77, 19.3.1984; Bull. EC 2-1984, point 2.1.72.

⁵ OJ C 75, 9.2.1984; Bull. EC 12-1983, point 2.1.77.

⁶ OJ C 208, 8.8.1984; COM(84)379 final.

⁷ Bull. EC 12-1981, point 2.1.60. In the mid-seventies it was estimated that around 30 million people in the Community could be regarded as being poor; the present figure must be even higher, notably because of the unprecedented levels of unemployment.

batch of applications for the 1983/84 school year and awarded 71 grants totalling BFR 961 379.

Health and safety

Health and safety at work

2.1.102. On 26 July, in response to the opinion of Parliament,¹ with which it has broadly complied, the Commission amended² its proposal for a Council Directive concerning the protection of workers against noise at work.³

The amended text stresses the importance of the cooperation required between social partners and of the reduction of noise at source, and the additional role played by personal protective gear. It stipulates the noise level at which preventive measures must be applied before the exposure limit is attained and fixes this level forthwith at 85 decibels for all preventive activities (including an audiometric check), the 90-decibel exposure limit still having to be complied with. Personal protectors must be used if, given technical and economic limitations, other means (reduction of ambient noise or of the duration of exposure) cannot reasonably reduce exposure. According to the proposal, the Council must, within a period of five years, re-examine the level at which action must be taken and reduce the exposure limit to 85 decibels.

2.1.103. On 16 July the Commission authorized the Advisory Committee on Safety, Hygiene and Health Protection at Work to distribute its Seventh Progress Report to the other institutions.⁴

Health and Safety

2.1.104. The Commission has published a report entitled 'Environmental Monitoring' which summarizes work on and the results of an intercomparison conducted in cooperation with specialized laboratories in the Member States concerning integrating dosi-

meters used for dosimetry in the environment.⁵

Culture

2.1.105. On 24 July the Representatives of the Member States' Governments formally adopted the three resolutions⁶ approved by the Ministers for Cultural Affairs at their meeting in June⁷ on measures to combat audiovisual piracy, the rational distribution of films through all the audiovisual media and measures to ensure that audiovisual programmes of European origin are given an appropriate place.

Regional policy

Coordination and programmes

Regional development studies

2.1.106. In July two regional development studies financed wholly or in part by the Commission were completed. The first is an up-date of an earlier study on the regional impact of the common agricultural policy and includes an assessment of the regional effects of enlargement on the agricultural sector. The second examines the possibilities for the regionalization of public capital expenditure programmes in the United Kingdom.

Financial instruments

European Regional Development Fund

ERDF grants

Studies under Article 12 of the Regulation

2.1.107. On 16 July and 6 August the Commission decided under Article 12 of the

¹ OJ C 117, 30.4.1984; Bull. EC 3-1984, point 2.1.84.

² OJ C 214, 14.8.1984; COM(84)426 final.

³ OJ C 289, 5.11.1982; Bull. EC 10-1982, point 2.1.45.

⁴ COM(84)394 final.

⁵ 'Environmental Monitoring', Radioprotection Series No 29 (document EUR 8932).

⁶ OJ C 204, 3.8.1984.

⁷ Bull. EC 6-1984, points 2.1.61 and 2.1.62.

ERDF Regulation to grant 1 513 million ECU to finance nine studies closely connected with the Fund's operations. The studies are for projects located as follows:

- five in the United Kingdom: industrial refurbishment in the West Yorkshire and Manchester areas; tourism development in Coldwyn and Dyfed (two studies); economic development in Ilfracombe; elimination of silt in the Manchester Ship Canal;
- three in Belgium: a centre providing services for small and medium-sized businesses; craft workshops in an integrated environment; a redeployment analysis operation. These studies form part of a conversion and job creation scheme in the Charleroi area;
- one in Italy: mining of a bauxite deposit at Olmedo in Sardinia.

Integrated operations

2.1.108. The Commission has approved two grants of DM 300 000 and DM 150 821 for two studies in preparation for integrated operations in Saarland and in the Bavarian Forest and central Oberpfalz. Saarland is one of Germany's traditional coal and steel areas, and is experiencing the problems which commonly accompany these declining industries. The other two areas are suffering job losses in the lignite mining industry and iron and steel sector respectively; and between 1969 and 1980 structural changes in agriculture reduced the number of jobs in farming by 50%.

The studies are expected to produce a programme of linked measures and projects in which the use of Community, national, regional and local resources will be coordinated to the best effect.

Environment and consumers

Environment

Prevention and reduction of pollution and nuisances

Freshwater and marine pollution

2.1.109. On 24 July the Commission amended¹ Annex I to the Council Decision

of 12 December 1977 establishing a common procedure for the exchange of information on the quality of surface freshwater in the Community.² The changes concern the measuring stations in France, Italy, the Netherlands and the United Kingdom involved in the exchange of information.

2.1.110. On 2 August the Commission, having received Parliament's opinion,³ amended⁴ its proposal for a Directive on the drawing up of contingency plans to combat accidental spills of oil and other harmful substances at sea.⁵ The main purpose of the proposals is to extend the contingency plans to cover not only oil spills but any other dangerous substances. The Economic and Social Committee gave its opinion⁶ on the Commission's original proposal⁵ in July.

2.1.111. At its July session the Economic and Social Committee gave its opinion⁷ on the signing of the Protocol on Cooperation in Combating Oil Spills in the Wider Caribbean Region and the conclusion of this Protocol and the Convention for the Protection and Development of the Marine Environment in the Wider Caribbean Region.⁸

Air pollution

2.1.112. On 16 July the Commission presented to the Council amendments⁹ to its proposal for a Regulation establishing a Community scheme to provide forests in the Community with increased protection against fire and acid rain.¹⁰

In response to the desire for speedy implementation of the scheme expressed by Parliament in May¹¹ and by the Economic

¹ OJ L 237, 5.9.1984.

² OJ L 334, 24.12.1977.

³ OJ C 172, 2.7.1984; Bull. EC 5-1984, point 2.1.106.

⁴ OJ C 215, 16.8.1984.

⁵ OJ C 273, 12.10.1983; Bull. EC 9-1983, point 2.1.64.

⁶ OJ C 298, 17.9.1984.

⁷ Point 2.4.44; OJ C 248, 17.9.1984.

⁸ OJ C 5, 10.1.1984; Bull. EC 12-1983, point 2.1.115.

⁹ OJ C 208, 8.8.1984; COM(84)418 final.

¹⁰ OJ C 187, 13.7.1983; Bull. EC 6-1983, point 2.1.123.

¹¹ OJ C 172, 2.7.1984.

and Social Committee in October 1983 and again in July,¹ the Commission is now proposing a number of preparatory schemes covering the creation of observation stations, the use of remote sensing to assess damage caused by acid rain, and aid to set up detection and intervention centres and coordinate joint action by several Member States to tackle forest fires.

2.1.113. The Commission's initial proposal² was discussed at the Council meeting (agriculture) on 16 and 17 July, but no progress was made. Certain Member States, while recognizing the merits of the measures proposed by the Commission, felt that there was no justification for linking protection against forest fires and steps to reduce air pollution and therefore urged that the two subjects be treated separately.

Consumers

Physical protection

Natural mineral waters

2.1.114. The Council Directive of 15 July 1980 on the approximation of the laws of the Member States relating to the exploitation and marketing of natural mineral waters entered into force on 17 July.³

Cosmetic products

2.1.115. On 18 July the Commission adopted a Directive⁴ adapting to technical progress certain annexes of the Council Directive of 27 July 1976 on the approximation of the laws of the Member States relating to cosmetic products.⁵

Agriculture

Council

2.1.116. At its meeting on 16 and 17 July,⁶ the Council adopted three regula-

tions on checks in connection with the granting of production aid for olive oil.⁷

With regard to wine, it rejected a request by Germany for authorization to introduce national measures to finance exceptional distillation of table wines.

It also discussed a proposal for a Community scheme to provide forests in the Community with increased protection against fire and acid rain.⁸

Economic aspects of the common agricultural policy

Agri-monetary measures

Compensation for dismantling of MCAs in Germany

2.1.117. Following the Council decision of 30 June⁹ ruling that a special aid of 5% maximum of the price of an agricultural product net of VAT, which the German Government was to grant to its farmers from 1 July 1984 to 31 December 1988 by way of compensation for the dismantling of MCAs, was compatible with the Treaty, the Commission sent the Council, on 17 July, a proposal for a twentieth VAT Directive.¹⁰

The seller would be authorized under the Directive to increase the price of an agricultural product by up to 5%, and the buyer would deduct this sum from the net amount of VAT to which he was liable when he submitted his VAT return.

Market organizations

2.1.118. The imbalance on certain agricultural markets (milk, beef and veal, and

¹ OJ C 358, 31.12.1983; point 2.4.42; OJ C 248, 17.9.1984.

² OJ C 187, 13.7.1983; Bull. EC 6-1983, point 2.1.123.

³ Point 2.1.18.

⁴ OJ L 228, 25.8.1984.

⁵ OJ L 262, 27.8.1976; OJ L 332, 28.11.1983.

⁶ Point 2.4.18.

⁷ Point 2.1.122.

⁸ Point 2.1.112.

⁹ Bull. EC 6-1984, point 2.1.88.

¹⁰ Point 2.1.83; OJ C 214, 14.8.1984; COM(84) 391 final.

wine) and the resulting alarming level of stocks led the Commission to introduce a series of product disposal and price support measures¹ and to plan new measures, particularly in the wine sector, designed to limit potential production and improve quality. Proposals will be put to the Council in September.

Adjustment of basic regulations

Cereals

2.1.119. After the Council had amended the basic cereals regulation² to apply an intervention price for sorghum with effect from the 1984/85 marketing year,³ the Commission laid down the procedures and conditions under which the intervention agencies may buy in this product⁴ and the method for calculating the increases and reductions to be applied to the intervention price.⁵

Fruit and vegetables

2.1.120. On 25 July the Commission laid down detailed rules⁶ for implementing the Council Regulation of November 1983 concerning the extension of rules issued by producers' organizations.⁷

Milk

2.1.121. On 12 July the Council formally adopted the new import arrangements for New Zealand butter entering the United Kingdom for the years 1984 to 1988.⁸ For the first three years the annual quantities were fixed at 83 000, 81 000 and 79 000 tonnes respectively. The 1987 and 1988 figures will be set at a later date.

Olive oil

2.1.122. The Council adopted three Regulations⁹ on 17 July which the Commission had proposed in August 1983¹⁰ concerning:

- general rules on the granting of aid for the production of olive oil and of aid to olive oil producers' organizations;

- rules on the setting up of agencies in each producer Member State to carry out checks in connection with the aid scheme;
- an amendment to the basic regulation providing a basis for these measures.¹¹

Market trends

Cereals

2.1.123. The 1983 harvest of common wheat, which was slightly down on the previous year, the application of a special intervention measure in the form of buying-in during the first three months of the marketing year, the substantial reduction in the supply of maize and soya on the world market due to the application of the American maize programme and the drought in the United States, and the drop in manioc imports resulting from the voluntary restraint agreement with Thailand all helped to keep up the market price for common wheat during the first half of 1983/84.

The relatively favourable situation did not, however, continue during the first half of 1984. There was a downward price trend on the Community market from February onwards, gradually bringing prices closer to the common single intervention price. The deterioration of the market in this cereal would appear to be attributable to the fall in prices of substitutes, especially manioc, and to the Council decision to reduce the carry-over premium payable to holders of stocks at the end of the marketing year.

2.1.124. The drought in Italy in spring 1983 and opportunities for exports on the

¹ Points 2.1.130, 2.1.131, 2.1.132, 2.1.134 and 2.1.135.

² OJ L 281, 1.11.1975.

³ OJ L 107, 19.4.1984.

⁴ OJ L 193, 21.7.1984.

⁵ OJ L 197, 27.7.1984.

⁶ OJ L 196, 26.7.1984.

⁷ OJ L 325, 22.11.1983; Bull. EC 10-1983, point 1.1.1 *et seq.*

⁸ OJ L 187, 14.7.1984.

⁹ OJ L 208, 3.8.1984.

¹⁰ OJ C 249, 17.9.1983; Bull. EC 9-1983, point 2.1.130.

¹¹ OJ No 172, 30.9.1966.

world market, particularly from Greece, enabled a fairly balanced development of the Community market in durum wheat during 1983/84.

2.1.125. In addition to a sharp fall in production in 1983 (10% greater than in previous years), barley, like common wheat, benefited from the decrease in the quantities of maize and soya available on the world market and from the reduction in manioc imports, which led to more barley being used as animal feed.

The Community market in rye was very well balanced in 1983/84.

Eggs and poultrymeat

2.1.126. After a period of high prices during the early months of 1984, the Community market in eggs declined after Easter, mainly because of seasonally low demand within the Community, an increase in supply in some Member States and a drop in exports (40% down during the first quarter of 1984). Although prices stabilized at the end of July, with supply down on 1983, a prudent policy with regard to production is called for on account of sluggish Community demand and a medium-term fall in world demand.

2.1.127. Chicken accounts for about two thirds of Community poultrymeat production and turkey for one sixth. The fall-off in demand for frozen chicken and keen competition on the world market are thus having an adverse effect on this sector. In most of the Member States the slaughterhouses are reorganizing production, placing greater emphasis on fresh poultry, poultry cuts and prepared products. As is the case with eggs, the capacity of the world market to absorb supply is decreasing as production units are set up in importing countries. As far as turkey is concerned, supply in the Community is expected to be much the same in 1984 as in 1983. Given the good prospects for consumption of turkey cuts and turkeymeat preparations, however, this situation should be only temporary.

Beef/veal

2.1.128. Production in 1984, allowing for the additional slaughterings of dairy cows expected in the autumn, is likely to reach about 7 275 000 tonnes, i.e. 5% more than in 1983, while consumption is estimated at only 6 775 000 tonnes (+ 3.7%).

Despite the expected increase in exports (700 000 tonnes in 1984), stocks will probably exceed 650 000 tonnes by the end of the year. Public stocks currently stand at 360 000 tonnes, compared with 430 000 tonnes at the end of 1983 and 250 000 tonnes at the end of 1982.

Expenditure supporting beef/veal charged to the EAGGF Guarantee Section rose from 1 200 million ECU in 1982 to 1 700 million ECU in 1983. For 1984 the appropriations requested to cover increased storage costs and export refunds total 2 100 million ECU.

Hops

2.1.129. Although the Community harvest in 1983 was down on 1982 (48 500 t compared with 56 500 t), difficulties persisted on the world market, mainly because of the level of stocks (world stocks 104 000 t; Community stocks 27 000 t). Attempts are currently being made to reduce the area under hops. The Community area is now down to 27 000 hectares from 27 500.

To support hop-growers' incomes for 1983, the Council kept production aid at the same level as in 1982 for the Nine and increased the amount payable in Greece.¹

Prices and specific measures

Wine

2.1.130. At the informal meeting of the Ministers of Agriculture at Angers of 28 and 29 May, a special group of national market directors was set up to study the situation on the Community wine market².

¹ OJ L 163, 21.6.1984.

² Bull. EC 6-1984, point 2.1.89.

On the basis of the guidelines adopted by the group, the Commission sent the Council a communication¹ on 30 July on action to be taken to improve the way the common organization operates. It proposes some immediate and some medium-term measures. Detailed proposals for the medium-term ones will be put forward in September (reduction of areas under vines, control of enrichment and yields, establishment of a viticultural register, guarantee thresholds and measures to expand markets).

2.1.131. The immediate measures adopted by the Council on 20 August provide for:

- a reduction in the buying-in price for enriched wines (fixing of ceilings based on the average natural alcoholic strength in the various zones);²
- detailed rules for preventive distillation (65% of the guide price) (Regulation (EEC) No 2460/84);³ the deadline for the conclusion of distillation contracts was set for 5 December 1984 so that the Commission could be notified of the quantities involved before the forward estimate is drawn up; the quantities eligible for preventive distillation were limited to about 8 million hl to deter high yields, which would, where appropriate, be penalized by compulsory distillation;
- detailed rules for compulsory distillation (50% of the guide price) of wine made from table grapes or dual-purpose grape varieties (Regulation (EEC) No 2462/84);³
- detailed rules for compulsory distillation of the by-products of wine making (33% of the guide price) (Regulation (EC) No 2461/84).³

The Commission also adopted some traditional market support measures on the same day:³ aid for the restorage of table wine for which a storage contract was concluded during the 1983/84 wine year and aid for the use of concentrated grape musts and rectified concentrated grape musts in wine-making.⁴

The procedure for '*garantie de bonne fin*' distillation (distillation under the price support measures for long-term storage con-

tract holders) was introduced on the same terms as in previous years.⁴

2.1.132. With the aim of having reliable information at its disposal in future about wine availabilities and consumption, the Commission also adopted a Regulation laying down that persons required to submit declarations concerning harvests, production and stocks who had neglected to do so or had supplied incomplete or inaccurate information would be ineligible for certain distillation schemes.⁵ The Commission also reserved the right to seek information other than that supplied by the Member States² to enable it to produce as reliable forward estimates as possible.

Eggs

2.1.133. The Council Regulation amending certain marketing standards for eggs⁶ entered into force on 1 July. The new provisions aim to improve consumer information by requiring that the packing period be clearly marked and allowing additional particulars to be given on small packs. However, detailed rules still have to be adopted by the Commission before information on the farming method and the origin of the eggs may be indicated on the pack.

Beef/veal

2.1.134. In view of the alarming situation with regard to beef/veal,⁷ with market prices at 73% of guide prices (against 80-87% normally) following slaughterings prompted by the introduction of milk quotas, the Commission was obliged to institute additional intervention measures and consider action to encourage exports. On 31 July it introduced buying-in of carcasses, half-carcasses, forequarters and hindquarters.⁸

¹ COM(84) 440 final.

² OJ L 224, 21.8.1984.

³ OJ L 231, 29.8.1984.

⁴ OJ L 234, 1.9.1984.

⁵ OJ L 194, 24.7.1984; OJ L 231, 29.8.1984.

⁶ OJ L 172, 30.6.1984.

⁷ Point 2.1.128.

⁸ OJ L 208, 3.8.1983.

Whole carcasses are usually only bought in during the two autumn months, forequarters in the summer and hindquarters in the winter. The Commission also approved private storage aid.¹

Milk

2.1.135. In pursuit of its aim to reduce butter stocks and increase outlets, the Commission adopted the following measures on 31 July:

- Special sales of intervention butter for export to various destinations outside the Community;¹ the butter must be at least six months old and is to be sold at the intervention price minus 33 ECU/100 kg. This should allow between 100 000 and 150 000 tonnes of butter to be sold each year.
- Special sales of intervention butter for export to the Middle East in the form of pure butter ghee;² this is butter taken into store before 1 April 1983 and sold at the intervention price minus 40 ECU/100 kg, the price being designed to reflect the age of the butter and the cost of processing and packaging. It should be possible to dispose of 50 000 tonnes a year in this way.
- Extension of sales of butter at reduced prices for the manufacture of pastry products, ice cream and other foodstuffs.³ The scheme has been extended to include some products of the confectionery sector and certain food preparations produced from fish, crustaceans and molluscs. Annual sales should be about 20 000 tonnes.

2.1.136. The Council decided on 17 July to extend the system of aid for skimmed-milk powder used as feed for calves to include partly skimmed milk powder.⁴ This should allow the marketing of 45 000 tonnes of butter equivalent annually.

2.1.137. The Commission has also continued the promotion and publicity schemes in the milk sector.⁵

Processed fruit and vegetables

2.1.138. The Council decided in May that aid would be paid in the current marketing year according to the net weight of finished products and not, as previously, on finished products in their immediate packaging, and that aid for the processing of cherries, peaches and pears in syrup would be reduced.⁶ As the production threshold for tomato concentrate had been exceeded, aid was reduced in proportion. In the light of these changes, the Commission went on to fix the prices to be paid to producers and the levels of aid.

In the case of tomato-based products, the minimum price guaranteed to producers was not increased in terms of ECU compared with the previous marketing year.⁷ Prices were in fact reduced by 1% for tomatoes intended for the production of tomato concentrate and tomato juice and for San Marzano tomatoes used in the manufacture of preserved whole peeled tomatoes and frozen whole peeled tomatoes.

Processing aid for tomato concentrate was reduced by 25% compared with the previous marketing year as the guarantee threshold had been exceeded (3 240 000 tonnes, the threshold is 2 980 000 tonnes).⁸

In the case of most fruit, the minimum price to be paid to producers has been reduced or remains unchanged. All processing aids have been reduced, the largest cut being for fruit in syrup (peaches, pears, cherries). Aid has been slightly reduced for prunes and tinned pineapple and only processing aid for dried figs has been raised.⁹

¹ OJ L 208, 3.8.1983.

² OJ L 209, 4.8.1984.

³ OJ L 210, 7.8.1984.

⁴ OJ L 196, 26.7.1984; Bull. EC 5-1984, point 2.1.127.

⁵ OJ L 206, 2.8.1984.

⁶ OJ L 103, 16.4.1984.

⁷ OJ L 179, 6.7.1984.

⁸ OJ L 103, 16.4.1984.

⁹ OJ L 158, 14.6.1984; OJ L 179, 6.7.1984; OJ L 189, 17.7.1984; OJ L 199, 28.7.1984.

Structures

Forestry

2.1.139. The Commission has presented the Council with a proposal for starting preparatory work on the implementation of a Community scheme to increase protection of forest and woodland in the Community against fires and acid rain.¹

Agricultural legislation

Competition

2.1.140. Under Articles 92, 93 and 94 of the EEC Treaty, the Commission decided to make no comment on the introduction of proposed schemes notified by:

Federal Republic of Germany

Framework plan (1984) for the Joint Scheme for the Improvement of Agricultural Structural and Coastal Protection; investment aid for village renewal and forestry schemes.

Rhineland-Palatinate: financial assistance to farmers affected by the 1983 drought.

Lower Saxony: various aids for stockfarming and for combating animal disease (swine fever and Aujeszky's disease).

Renewal for a further eight months of the measures to encourage fuel savings in horticulture, sea fishing and agriculture (Royal Decree of 4 April 1984, investment aid).

Greece

Framework law No 1409/1983 amending and supplementing Law No 131/1974 on financial aid to producers in the crop, livestock, forestry and fishery sectors; the Commission requested that it be notified in accordance with Article 93(3) of the EEC

Treaty of all draft implementing provisions dealing with the granting of aid.

Supplementary programme for the improvement of productivity in the crop sector 1983 (supplementary aid for the grubbing up of certain types of vine).

Draft aid scheme for livestock (including poultry) farmers and bee-keepers affected by natural catastrophes and other exceptional occurrences in 1984.

Measures to assist farmers in the Prefecture of Rethimno (Crete) whose holdings were damaged by floods in February 1984.

Italy

Sardinia: Aid for the development and protection of bee-keeping.

United Kingdom

Aid for veterinary inspection of export slaughterhouses under Community legislation.

Isle of Man: Changes to the Farm Improvement Scheme (investment aid).

2.1.141. Under the same review of new measures, the Commission decided to initiate the procedure provided for in Article 93(2) of the EEC Treaty in connection with the following aid schemes:

France

Subsidies for deliveries of whiteheart cherries to French processors.

Compensation for the ending of aid towards the transport of fruit and vegetables.

Italy

Sicily: Subsidies to mills to cover part of their financing costs.

¹ Point 2.1.192.

Calabria: Development of agricultural cooperatives: 90% subsidies towards the cost of managing cooperatives, groups of cooperatives and associations concerned with the transport, harvesting, conservation and packaging of crop and livestock products; aid in the form of management loans for the maturing of wines and cheeses; subsidies and interest relief in the olive sector for investment in processing and marketing, designed to place upper limits on aids.

Federal Republic of Germany

Bavaria: Premiums for the export of breeding heifers to non-Community countries.

Hessen: Support for small herds (subsidized per head of cattle).

European Agricultural Guidance and Guarantee Fund

Guidance Section

2.1.142. Under the regulations on the improvement of conditions for the processing and marketing of agricultural products, the Commission on 29 June adopted a batch of decisions granting Guidance Section support.¹ A total of 273 projects will receive aid totalling 87.9 million ECU. The breakdown by Member States of the first instalment for 1984 is set out below.

¹ OJ C 229, 31.8.1984.

Processing and marketing (Regulation (EEC) No 355/77)¹

	Number of projects	Support granted		
			in national currency	in ECU ²
Belgium	15	BFR	102 248 762	2 241 108
Denmark	13	DKR	17 728 998	2 160 373
France	36	FF	64 881 688	9 437 885
Germany	48	DM	18 558 519	8 286 610
Greece	17	DR	1 316 370 788	14 944 868
Ireland	9	IRL	1 073 439	1 468 792
Italy	30	LIT	15 412 832 612	11 131 934
Luxembourg	2	LFR	12 435 375	272 561
Netherlands	10	HFL	5 561 849	2 204 450
United Kingdom	44	UKL	5 073 398	8 645 140
Total	224	—		60 793 721

¹ OJ L 51, 23.2.1977.

² Conversion rates for May 1984; ECU figures subject to adjustment.

Mediterranean areas (Regulation (EEC) No 1361/78)¹

	Number of projects	Support granted	
		in national currency	in ECU ²
France	20	FF 27 589 028	4 013 181
Italy	16	LIT 22 808 773 116	16 473 661
Total	36		20 486 842

West of Ireland (Regulation (EEC) No 1820/80)³

	10	IRL 4 260 345	5 829 454
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Northern Ireland (animal feed) (Regulation (EEC) No 1943/81)⁴

	3	UKL 484 893	826 264 ¹
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¹ OJ L 176, 23.6.1978.² Conversion rates for May 1984.³ OJ L 180, 14.7.1980.⁴ OJ L 197, 20.7.1981.

2.1.43. A number of Decisions were taken to support other projects:

- collective schemes for restructuring vineyards¹ (23 projects, 14.6 million ECU);²
- common forestry programme in certain Mediterranean areas³ (four French projects representing FF 131.69 million (19.08 million ECU) and seven Italian schemes representing LIT 33 972 million (24.38 million ECU));²
- infrastructure improvements in certain less favoured areas of the Federal Republic of Germany⁴ (37 projects representing DM 20 million (8.9 million ECU));²
- infrastructure improvement in certain rural areas of the Mezzogiorno and less favoured regions in Italy⁵ (46 projects, LIT 11 473 million, 8.2 million ECU)⁶ and areas of the South of France⁵ (6 projects, FF 5.3 million, 77 600 ECU).⁶

Guarantee Section

2.1.144. The Council adopted two Regulations on the Guarantee Section: the first⁷ incorporates the annual updating of the Annex to Regulation (EEC) No 1883/78 of 2 August 1978⁸ listing measures complying with the concept of intervention; the second,⁷ amending Regulation (EEC) No 3247/81 of 9 November 1981,⁹ lays down

¹ Regulation of 18 February 1980; OJ L 57, 29.2.1980.² Conversion rates for March 1984; ECU figures subject to adjustment.³ Regulation of 6 February 1979; OJ L 38, 14.2.1979.⁴ Regulation of 30 June 1981; OJ L 197, 20.7.1981.⁵ Regulation of 25 July 1978; OJ L 204, 28.7.1978.⁶ Conversion rates for April 1984; ECU figures subject to adjustment.⁷ OJ L 163, 21.6.1984.⁸ OJ L 126, 5.8.1978.⁹ OJ L 327, 14.11.1981.

conditions for the Community financing of the costs involved in transporting products covered by intervention measures in a Member State outside the Member State in question.

Fisheries

Resources

Internal aspects

Community measures

TACs and quotas for 1984

2.1.145. Having received scientific advice on the total allowable catches of herring in the Irish Sea (ICES Division VIIa—Man stock) and the Celtic Sea (ICES Divisions VIIg-k) and additional information concerning plaice stocks in the Bristol Channel and off the South East of Ireland (ICES Divisions VIIf and g), the Council acted on a proposal from the Commission¹ to amend² for the third time, on 23 July, Regulation (EEC) No 320/84 of 31 January 1984 concerning TACs and provisional quotas for 1984.³ The Member States are authorized to catch 5 900 tonnes of herring and 200 tonnes of plaice in the said areas.

2.1.146. On 6 August, again acting on a proposal from the Commission,⁴ the Council amended this Regulation for the fourth time,⁵ reducing the Community's share of the West Greenland salmon stock from 1 190 t to 870 t, as proposed by the West Greenland Commission of the North Atlantic Salmon Conservation Organization.

Technical measures

2.1.147. On 23 July the Council adopted minor amendments² to Regulation (EEC) No 171/83 of 25 January 1983 laying down certain technical measures for the conservation of fishery resources;⁶ these amend-

ments relate to the method for measuring edible crabs and spinous spider crabs and the length of the season for sprat and herring fishing off the West of Scotland.

2.1.148. On 23 July the Commission adopted a Regulation laying down detailed rules for determining the mesh size of fishing nets,⁷ pursuant to Article 6 of the abovementioned Regulation (EEC) No 171/83.⁶

Prohibition measures

2.1.149. On the basis of corrected information supplied by the German authorities on the exhaustion of certain quotas, the Commission adopted a Regulation⁸ on 11 July to allow vessels flying the flag of the Federal Republic of Germany to resume cod fishing in ICES Division IIa (Kattegat) until 15 July, such fishing been prohibited since 20 April.⁹

2.1.150. Acting on information received, the Commission also prohibited vessels flying the flag of the Netherlands from fishing for saithe in ICES Divisions IIa (EEC zone), IIIa, IIIb, c and d (EEC zone) and IV,¹⁰ for haddock in ICES Divisions IIIa and IIIb, c and d (EEC zone)¹¹ and for herring in Divisions IIa (EEC zone), IVa and IVb, Vbn VIa north and VIb,¹² whilst vessels flying the flag of Belgium were prohibited from fishing for sole in ICES Division VIIe.¹³

National measures to protect local stocks

2.1.151. Under Article 19 of Regulation (EEC) No 171/83 of 25 January 1983⁶ the

¹ COM(84) 354 final.

² OJ L 199, 28.7.1984.

³ OJ L 37, 8.2.1984; OJ L 156, 13.6.1984; Bull. EC 5-1984, points 2.1.145 and 2.1.146.

⁴ COM(84) 451 final.

⁵ OJ L 213, 9.8.1984; OJ L 227, 24.8.1984.

⁶ OJ L 24, 27.1.1983.

⁷ OJ L 194, 24.7.1984.

⁸ OJ L 186, 13.7.1984.

⁹ OJ L 106, 19.4.1984; Bull. EC 4-1984, point 2.1.108.

¹⁰ OJ L 203, 31.7.1984.

¹¹ OJ L 227, 24.8.1984.

¹² OJ L 233, 31.8.1984; OJ L 234, 1.9.1984.

¹³ OJ L 210, 7.8.1984.

Commission found that the following measures of local scope adopted by the Member States were compatible with Community law and in conformity with the common fisheries policy:

(i) measures adopted before 25 January 1983 by the United Kingdom (204 by-laws) and Ireland (63 by-laws);

(ii) new measures: United Kingdom: Draft Undersized Scallops (West Coast) Order 1984, covering part of the west coast of England; Ireland: Draft Scallops (Irish Sea) Prohibition of Fishing Order 1984, covering part of the Irish Sea.

National measures that are stricter than Community rules

2.1.152. The Commission took note of the following national measures, stating that it might at any time review their compatibility with Community law and the common fisheries policy:

Denmark

An Order regulating fishing in the North-East Atlantic, the Baltic Sea and the Belts with effect from 1 April 1984, together with an amending Order which entered into force on 14 May 1984. The Commission found that the quantitative and technical measures laid down by these Orders as regards fishing for cod, haddock, saithe, mackerel, herring and sprats were compatible with the provisions of Regulations (EEC) Nos 170/83 and 171/83,¹ while reminding the Danish authorities that they must manage their fisheries in accordance with Regulation (EEC) No 320/84.²

An Order regulating fisheries in the Baltic Sea and the Belts, replacing an Order of 1977 and giving effect, within the Community zone, to the rules laid down by the International Baltic Sea Fishery Commission. The Commission approved this Order provided that the Danish authorities gave an undertaking that it would apply only to Danish fishermen and only until such time as the Commission brought into effect the

recommendations of the Baltic Sea Fishery Commission.

Measures on salmon and sea-trout fishing in the Baltic, supplementing a Danish measure of 1980 in two minor respects and giving effect to the corresponding provisions in the rules laid down by the International Baltic Sea Fishery Commission within the framework of the Convention governing the Baltic Sea fisheries.

National measures implementing Community rules

2.1.153. The Commission took note of the following national measures, stating that it might at any time review their compatibility with Community law and the common fisheries policy:

Ireland

Measures designed to implement Article 2 of the Convention for the Conservation of Salmon in the North Atlantic Ocean and prohibiting salmon fishing in Irish waters within 12 miles of the baselines. The Commission has requested that this prohibition should be repealed, since it duplicates certain provisions of Regulation (EEC) No 171/83 as amended by Regulation (EEC) No 2931/83, the provisions of which are already directly applicable. The Commission also found that the other provisions of the Irish measure should simply ensure that the said Community Regulation is implemented in Irish waters.

External aspects

Bilateral relations

United States

2.1.154. On 12 July³ the Commission presented to the Council a proposal for a Regu-

¹ OJ L 24, 27.1.1983.

² OJ L 37, 8.2.1984.

³ COM(84) 390 final.

lation on the conclusion of a fisheries agreement between the Community and the United States, the negotiations for which were completed in late June.¹

Having received Council authorization on 23 July,² the Commission concluded an Agreement with the American authorities on 26 July, in the form of an exchange of letters, whereby the 1977 Fisheries Agreement³ was extended until 30 September pending the entry into force of the new agreement.

Canada

2.1.155. On 9 July, acting on a proposal from the Commission,⁴ the Council adopted a Regulation on the provisional application of an Arrangement in the form of an exchange of letters between the Community and the Government of Canada on the establishment of a scientific observation programme in the regulatory Area of the NAFO Convention (Convention on Future Multilateral Cooperation in the North-West Atlantic Fisheries).⁵

Guinea-Bissau

2.1.156. The Joint Committee responsible for administering the Fisheries Agreement with Guinea-Bissau⁶ met for the second time⁷ in Bissau on 11 and 12 July, with landings as the main topic for discussion.

Guinea

2.1.157. The Joint Committee provided for in the Fisheries Agreement with the People's Republic of Guinea⁸ held its first meeting in Conakry from 14 to 16 July. Among the subjects for discussion were the limitation of tonnage and the problem of landings.

Faroe Islands

2.1.158. On 9 July the Commission sent to the Council a proposal for a Regulation⁹ on the conclusion of an Agreement in the

form of an exchange of letters between the Community, on the one hand, and Denmark and the Faroe Islands, on the other hand, concerning salmon fishing in the North Atlantic. Following consultations held in December 1983, the Faroese authorities had undertaken to restrict salmon fishing pending the adoption of regulatory measures under the Convention for the Conservation of Salmon in the North Atlantic Ocean.¹⁰ No agreement having been reached on these measures at the annual meeting of the Organization administering the said Convention, the Commission proposes that the Council should approve the bilateral agreement and thus provide a legal framework for the Faroese salmon-fishing season, which will run from 1 October 1984 to 31 May 1985.

Multilateral relations

2.1.159. The Commission represented the Community at the World Conference on Fisheries Management and Development, which was held at the FAO headquarters in Rome from 27 June to 6 July. The Conference recognized that coastal States had sovereign rights over the exploitation and conservation of resources within their 200 mile zones and that the granting of fishing rights could be linked to the lowering of tariff or trade barriers.

2.1.160. The Community will be able to accede to the International Commission for the Conservation of Atlantic Tunas (ICCAT), the latter having been amended at the meeting which France arranged in Paris between the ICCAT member countries and the Community on 9 and 10 July.¹¹

¹ Bull. EC 6-1984, point 2.1.118.

² OJ L 208, 3.8.1984.

³ OJ L 147, 15.6.1977.

⁴ OJ C 182, 9.7.1984; Bull. EC 6-1984, point 2.1.119.

⁵ OJ L 186, 13.7.1984.

⁶ OJ L 84, 30.3.1983; Bull. EC 3-1983, point 2.1.132.

⁷ Bull. EC 11-1982, point 2.1.155.

⁸ OJ L 111, 27.4.1984; Bull. EC 3-1984, point 2.1.133

⁹ OJ C 214, 14.8.1984; COM(84)375 final.

¹⁰ Bull. EC 1-1984, point 2.1.97; Bull. EC 5-1984, point 2.1.158.

¹¹ Bull. EC 11-1983, point 2.1.158.

Markets and structures

Market organization

2.1.161. On 12 July the Commission amended¹ its July 1980 Regulation² on the conditions and procedure for granting or withdrawing recognition of producers' organizations and associations thereof in the fishing industry, in order to facilitate the formation of such organizations whilst taking account of the particular circumstances obtaining in certain Mediterranean regions.

2.1.162. On 25 July the Commission adopted a Regulation fixing the reference prices for carp for the 1984/85 marketing year,³ which began on 1 August.

Structures

Implementation of structural directives

2.1.163. On 6 July the Commission approved³ proposed German measures to secure a temporary reduction in production capacity under the Council Directive of 4 October 1983 on certain measures to adjust capacity in the fisheries sector.⁴

Competition

France

2.1.164. The Commission decided to initiate the scrutiny procedure provided for in Article 93(2) of the Treaty in respect of measures taken and aid granted by the FIOM (an intervention and market organization fund for fishery products).

Greece

2.1.165. The Commission decided to raise no objection to the implementation of a programme of measures for 1984 to encourage the development of fisheries and aquaculture.

The Commission also decided to terminate the Article 93(2) procedure in respect of two subsidies, one for fishermen's cooperatives to encourage the establishment of producer groups and the other for the sardine marketing and processing company, NAVEE.

United Kingdom

2.1.166. The Commission noted that the support arrangements introduced in 1981 and 1982⁵ for Isle of Man fishermen had been amended and extended for the first quarter of 1984.

Transport

Approximation of structures

Taxation

Duty-free admission of fuel

2.1.167. On 4 July⁶ the Economic and Social Committee approved the Commission's proposal for a Directive aimed at the removal from 1 July 1984 of all restrictions on the duty-free admission of fuel contained in the normal fuel tanks of commercial motor vehicles.⁷

Operation of the market

Market observation

Road haulage and certain non-Community countries

2.1.168. On 19 July the Commission sent the Council the first report on the collection

¹ OJ L 186, 13.7.1984.

² OJ L 200, 1.8.1980.

³ OJ L 196, 26.7.1984.

⁴ OJ L 290, 22.10.1983.

⁵ Bull. EC 7/8-1981, point 2.1.131; Bull. EC 7/8-1982, point 2.1.150.

⁶ OJ C 248, 17.9.1984.

⁷ OJ C 95, 6.4.1984; Bull. EC 3-1984, points 2.1.58 and 2.1.162.

of information concerning the activities of road hauliers participating in the carriage of goods to and from certain non-member countries (members of CMEA).¹ The report was prepared in response to a request by the Council in June 1982² and is an analysis of transport links based on the statistics for 1981.

Access to the market

Community quota

2.1.169. On 4 July the Economic and Social Committee approved³ the proposals amending the Regulation on the Community quota for the carriage of goods by road⁴ and the 1965 Directive concerning the standardization of certain rules relating to authorizations for the carriage of goods by road between Member States. The Committee approved the Commission's initiative with regard to withdrawing the books of record sheets relating to Community and bilateral quotas and replacing them with the 'single document', once this has been introduced.

Access to the occupation of inland waterway carrier

2.1.170. Having received the opinions of Parliament⁵ and the Economic and Social Committee,⁶ the Commission, on 19 July, sent the Council an amendment⁷ to its proposal for a Directive on access to the occupation of carrier of goods by waterway in national and international transport and on the mutual recognition of diplomas, certificates and other evidence of formal qualifications for this occupation.⁸ This amendment includes a suggestion by Parliament which emphasizes the economic justification for the Commission's proposal.

Access to the occupation of road transport operator

2.1.171. On 10 August the Commission gave a favourable opinion⁹ on the draft decree on road passenger transport of which

it had been notified by the French Government on 26 July in accordance with the Council Decision of 21 March 1962 instituting a procedure for prior examination and consultation in respect of certain laws, regulations and administrative provisions concerning transport proposed in Member States.¹⁰

The draft decree contains provisions for implementing certain articles of the framework law on inland transport of 30 December 1982 (registration of undertakings engaged in public road passenger transport, definition and organization of the various types of road passenger transport service, rules on admission to the occupation).

In its opinion the Commission insists that France take measures to ensure that the draft decree complies with the Community rules governing admission to the occupation of road passenger transport operator.¹¹

Energy

Specific problems

Solid fuels

2.1.172. On 23 August the Commission updated its March report on the market for solid fuels in the Community, in particular the section on the outlook for 1984.¹² The revised report was submitted to the ECSC Consultative Committee for its opinion.

¹ COM(84)349 final.

² Bull. EC 6-1982, point 2.1.149; Bull. EC 1-1982, point 2.1.72.

³ OJ C 248, 17.9.1984.

⁴ OJ C 86, 28.3.1984; Bull. EC 3-1984, point 2.1.169.

⁵ OJ C 172, 2.7.1984; Bull. EC 5-1984, point 2.1.169.

⁶ Point 2.4.47; OJ C 248, 17.9.1984.

⁷ OJ C 214, 14.8.1984; COM(84) 417 final.

⁸ OJ C 351, 24.12.1983; Bull. EC 12-1983, point 2.1.196.

⁹ OJ L 242, 12.9.1984.

¹⁰ OJ 23, 3.4.1962; OJ L 347, 17.12.1973.

¹¹ OJ L 308, 19.11.1974.

¹² OJ C 157, 18.6.1984; Bull. EC 3-1984, point 2.1.178.

In view of the miners' strike in the United Kingdom, which began on 12 March, the assessment of current market trends is based solely on the situation in the other Member States. In this context, demand has picked up in all sectors (steel, power stations, other industries) compared with 1983. There has been a modest increase in supply as a result of heavier imports of coal from non-Community countries and destocking, which has more than offset lower output in Germany, Belgium and France.

*Restructuring, modernization,
retraining and supporting measures*

2.1.173. The Council—which, on 22 May, endorsed¹ the principle of an exceptional 60 million ECU contribution from the general budget of the Communities to the ECSC budget² to cover the joint financing of social measures to help workers in the coal industry affected by restructuring of mines in the Community³—adopted a Decision on 23 July authorizing the transfer.⁴ It was agreed that the funds would be allocated in the Member States concerned according to two criteria: the number of jobs shed over a specified period, and the level of support afforded by each Member State in connection with each job affected.

Hydrocarbons

2.1.174. On 26 July the Commission presented to the Council a proposal for a Decision, in accordance with the provisions of the Regulation of 9 November 1973, on the granting of financial support for Community projects in the hydrocarbons sector (1984).⁶ This application for financial aid concerns 49 of the 77 projects submitted to the Commission in response to its invitation.⁷

A total of 34 667 053 ECU has been proposed for 1984 and the investments required to carry out the 49 projects amount to 117 071 207 ECU.

2.1.175. On 8 August the Commission published a notice in the Official Journal

inviting interested parties to submit requests for support for technological development projects in the hydrocarbons sector in 1985.⁸

Energy saving and alternative energy sources

2.1.176. On 23 July the Council—which had approved an amount of 265 million ECU for 1983-85 on 13 March⁹ for programmes of demonstration projects—adopted the necessary two Regulations,¹⁰ which are similar to those adopted in 1983.¹¹ The first, for which a total of 50 million ECU has been set aside, concerns the liquefaction and gasification of solid fuels, and the second, for which 215 million ECU has been earmarked, covers energy saving, alternative energy sources, and the substitution of hydrocarbons.

The Council authorized a margin of flexibility of 2 million ECU per annum between these two Regulations.

Research and development

Scientific and technical objectives

Promoting industrial competitiveness

Esprit programme

2.1.177. In July the Commission approved a list of 90 new transnational cooperation

¹ Bull. EC 5-1984, point 2.1.178.

² OJ C 290, 26.10.1983; Bull. EC 10-1983, point 2.1.185.

³ Bull. EC 3-1983, point 2.1.175.

⁴ OJ L 208, 3.8.1984.

⁵ OJ L 312, 13.11.1973.

⁶ COM(84) 432 final.

⁷ OJ C 200, 27.7.1983; Bull. EC 7/8-1983, point 2.1.87.

⁸ OJ C 208, 8.8.1984.

⁹ Bull. EC 3-1984, point 2.1.182.

¹⁰ OJ L 196, 26.7.1984.

¹¹ OJ L 195, 19.7.1983; Bull. EC 7/8-1983, point 2.1.191.

projects for 1984 under the Esprit programme.¹

Improving the management of energy resources

Nuclear fission energy

2.1.178. In conjunction with the Joint Research Centre, 12 specialized research laboratories in seven Member States, the United States and Finland completed a Community-coordinated test programme designed to develop a standard test method for the leaching of previously vitrified and conditioned radioactive waste (HLW glass).

This programme, which was intended to supplement the earlier US programme on low-temperature tests, made it possible, in particular, to define the appropriate test procedure for the measurement of higher temperatures in the 90-190°C range.

A detailed statistical analysis of the test data over a period of 28 days revealed an extremely high degree of correspondence between the results obtained, thereby confirming the reliability of the method used.

2.1.179. In response to the call which it published in March, the Commission received some 160 proposals for research projects relating to the decommissioning of nuclear installations.² Contracts will be concluded with the proposers of the 27 applications selected. The projects in question for which the Community will provide 4.5 million ECU, will constitute the first

phase in the implementation of the second programme on the decommissioning of nuclear installations (1984-88)³ Most of the funds available during this first phase will be used to support work on decommissioning techniques in nuclear installations closed down in the United Kingdom, the Federal Republic of Germany, Belgium and Italy.

Improving the efficacy of the Community's scientific and technical potential

2.1.180. At its sixth meeting, the Committee for the European Development of Science and Technology (Codest)⁴ recommended that the Commission should adopt 44 of the 400 proposals which it had received in connection with the second part of the experimental phase of the stimulation action.⁵ These proposals relate to projects in the field of pharmacobiology, solid-state physics, optics, combustion, photometry, climatology and interface phenomena in which some 500 scientists from over 120 European laboratories are expected to participate.

¹ Point 2.1.35.

² OJ C 68, 9.3.1984; Bull. EC 3-1984, point 2.1.192.

³ OJ L 36, 8.2.1984; Bull. EC 12-1983, point 2.1.227.

⁴ Bull. EC 4-1984, point 2.1.133.

⁵ OJ L 181, 6.7.1983; OJ C 182, 8.7.1983; Bull. EC 6-1983, point 2.1.259.

2. Enlargement and external relations

Enlargement and bilateral relations with applicant countries

Portugal

Accession negotiations

2.2.1. The 20th ministerial-level meeting of the negotiations on Portugal's accession to the Community was held in Brussels on 23 July.¹

The Community made a statement on agriculture, which was intended to serve as a foundation for stepping up the negotiations in this sector, and a statement regarding an important point still outstanding in the economic and financial chapter, namely the inclusion of the escudo in the ECU. It also broached the institutions and the European Investment Bank chapters.

Portugal made a very detailed statement on social affairs and also three statements broaching the following points: Japan (external relations chapter), the application of VAT in Madeira and the Azores (taxation chapter) and banks (right of establishment chapter).

The two delegations both stated their firm intention to continue the present efforts to speed up the accession negotiations so that the timetable adopted by the Fontainebleau European Council² could be respected.

2.2.2. On 2 and 3 July the President of the Commission, Mr Gaston Thorn, paid an official visit to Lisbon, where he met General Ramalho Eanes, the President of the Republic, Mr Mario Soares, Head of Government, Mr Ernani Rodrigues Lopes, Finance and Planning Minister, and Mr Jaime Gama, Foreign Minister. He had detailed talks with them on ways of furthering the negotiations, the organization of the work required to keep to the timetable proposed by the European Council and the

arrangements for concluding the accession negotiations.

Spain

Accession negotiations

2.2.3. The 22nd ministerial-level meeting of the negotiations on Spain's accession to the Community was held in Brussels on 24 July.³ The Community presented statements on institutional matters, the European Investment Bank (financial aspects), and economic and financial affairs (inclusion of the peseta in the ECU).

Statements by Spain referred to agriculture, the customs union and the free movement of industrial goods (the period of application of transitional tariff measures).

*

2.2.4. On 4 July the Economic and Social Committee adopted an opinion⁴ on the enlargement of the Community to include Portugal and Spain; this followed its own initiative opinion of 24 November 1983.⁵

Commercial policy

Implementing the common commercial policy

Commercial policy instruments

Easing of restrictive measures

2.2.5. Under the Council Regulation of 14 November 1983 on import arrangements for products originating in State-trading countries and not liberalized at Community

¹ 19th meeting: Bull. EC 6-1984, point 2.2.4.

² Bull. EC 6-1984, point 1.1.9-2.

³ 21st meeting: Bull. EC 6-1984, point 2.2.7.

⁴ Point 2.4.4.

⁵ OJ C 23, 30.1.1984; Bull. EC 11-1983, point 2.4.27.

level,¹ the Commission took the following measures:

(i) removal of quantitative import restrictions:

United Kingdom — Bulgaria, Hungary, Poland, Czechoslovakia, German Democratic Republic: electronic valves, tubes, etc.

(ii) opening of quotas:

Italy — Poland: unwrought aluminium;

Italy — Czechoslovakia: iron or steel wire; aluminium alloyed waste recast into ingots;

Italy — Hungary: aluminium alloyed waste recast into ingots;

Italy — German Democratic Republic: synthetic organic dyestuffs.

Trade protection

2.2.6. The trade protection measures taken in July and August are shown in Table 5.

¹ OJ L 346, 8.12.1983.

Table 5

Council	Commission
<i>Anti-dumping proceedings</i>	Re-establishment of the <i>collection of customs duties</i> applicable to imports enjoying tariff preferences of:
<i>Definitive anti-dumping duty</i> on imports of:	<ul style="list-style-type: none"> track suits originating in Brazil
<ul style="list-style-type: none"> certain ball-bearings originating in Japan or Singapore 	OJ L 206, 2.8.1984
OJ L 193, 21.7.1984	<i>Anti-dumping proceedings</i>
(provisional measures: OJ L 79, 23.3.1984)	<i>Introduction of provisional anti-dumping duty</i> on imports of:
<i>Modification of definitive anti-dumping duty</i> on imports of:	<ul style="list-style-type: none"> certain shovels originating in Brazil
<ul style="list-style-type: none"> certain acrylic fibres originating in the United States 	OJ L 231, 29.8.1984
OJ L 209, 4.8.1984	(initiation of proceeding: OJ C 348, 23,12,1983)
(notice of re-examination: OJ C 65, 6.3.1984)	<ul style="list-style-type: none"> certain sodium carbonate originating in the United States, and <i>acceptance of undertakings</i> concerning other imports of that product
<i>Definitive collection</i> of the amounts guaranteed by a provisional duty under the anti-dumping proceeding concerning imports of:	OJ L 206, 2.8.1984
<ul style="list-style-type: none"> certain iron or steel angles, shapes and sections originating in the German Democratic Republic 	(initiation of proceeding: OJ C 101, 13.4.1984)
OJ L 227, 24.8.1984	<i>Notice of extension</i> of anti-dumping proceeding concerning imports of:
(provisional measures: OJ L 109, 26.4.1984)	<ul style="list-style-type: none"> artificial corundum originating in China, Czechoslovakia, Spain or Yugoslavia, to imports from Hungary, Poland and the Soviet Union
	OJ C 201, 31.7.1984
	(initiation of proceeding: OJ C 261, 30.9.1983)
	<ul style="list-style-type: none"> certain ball-bearings originating in Japan or Singapore, to imports from Thailand
	OJ C 179, 7.7.1984
	(initiation of proceeding: OJ C 188, 14.7.1983)
	<ul style="list-style-type: none"> certain skates originating in Czechoslovakia, to imports from Hungary, Romania and Yugoslavia
	OJ C 204, 3.8.1984
	(initiation of proceeding: OJ C 55, 28.2.1984)

Council	Commission
	<p><i>Notice of prosecution of anti-dumping proceeding concerning imports of:</i></p> <ul style="list-style-type: none"> • certain scales origination in Japan OJ C 196, 25.7.1984 (initiation of proceeding: OJ C 236, 3.9.1983) <p><i>Notice of initiation of anti-dumping proceeding concerning imports of:</i></p> <ul style="list-style-type: none"> • certain hydraulic excavators originating in Japan OJ C 201, 31.7.1984 • certain polystyrene sheets originating in Spain OJ C 205, 4.8.1984 • silicon carbide originating in China, Czechoslovakia, Norway, the Soviet Union, Spain or Yugoslavia OJ C 202, 1.8.1984. <p><i>Notice of initiation of a Community investigation proceeding for re-examination of the trend of imports of:</i></p> <ul style="list-style-type: none"> • certain beach slippers, slippers and other interior footwear originating in China OJ C 210, 10.8.1984 (introduction of import arrangements: OJ L 244, 2.9.1983) <p><i>Acceptance of undertakings given in connection with the anti-dumping proceeding concerning imports of:</i></p> <ul style="list-style-type: none"> • certain kraft liner paper and board originating in Spain, and termination of proceeding OJ L 224, 21.8.1984 (initiation of proceeding: OJ C 21, 28.1.1984) • 'horticultural' glass and certain drawn glass from Czechoslovakia, the German Democratic Republic, Hungary, Poland, Romania or the Soviet Union and termination of proceeding OJ L 24, 21.8.1984 (extension of proceeding: OJ C 13, 19.1.1984) • iron or steel angles, shapes and sections originating in the German Democratic Republic, and termination of proceeding OJ L 227, 24.8.1984 (provisional anti-dumping duty: OJ L 109, 26.4.1984) • copper sulphate originating in Czechoslovakia, and termination of proceeding OJ L 225, 22.8.1984 (reopening of proceeding: OJ C 55, 28.2.1984) • copper sulphate originating in Yugoslavia, and termination of proceeding (also repeal of definitive anti-dumping duty) OJ L 215, 11.8.1984 (reopening of proceeding: OJ C 301, 8.11.1984)

2.2.7. On 23 July the Council, acting on a proposal from the Commission¹, amended² its Regulation (EEC) No 3017/79 of 20 December 1979 on protection against dumped or subsidized imports from non-Community countries.³ The amended Regulation entered into force on 1 August: anti-dumping or anti-subsidy proceedings already initiated before that date must be continued in accordance with the new Regulation, which simplifies the proceedings in order to render them more effective.

2.2.8. On 27 July the Commission adopted a decision applying the same rules to ECSC products.⁴

Export credits

2.2.9. On 23 July the Council adopted a Decision on the application of a sectoral agreement on export credits for nuclear power stations; the agreement has to be accepted by the other members of the OECD.⁴

This specific arrangement for the nuclear sector establishes different conditions from those under the 'Consensus',⁵ in particular: the minimum rates of interest, which are 1% higher than the Consensus rates; the maximum repayment terms, which are longer than those laid down in the Consensus—15 years instead of 10. It also excludes mixed credits, that is credits combined with aid. The new accord is to enter into force at OECD level on 10 August 1984.

Sectoral commercial policy matters

Iron and steel products

Agreements and arrangements with non-member countries

2.2.10. Under the steel arrangement concluded with Norway by the Commission,⁶ consultations were held on its operation in Oslo on 16 and 18 July. These led to a better understanding of problems which

had proved difficult to resolve while the arrangement was being negotiated.

'Steel Arrangement' with the United States

2.2.11. After being informed by the Commission of the recommendation by the US International Trade Commission (ITC) seeking to limit imports of five categories of iron and steel products, the Council issued a formal protest and warning at its meeting on 23 July.⁷

2.2.12. On 18 July, the Commission amended its (EEC) Regulation and (ECSC) Decision on the monitoring by the Community of exports of certain steel products to the United States of America.⁸

Textile products

2.2.13. Commission representatives participated in a meeting of the GATT Working Party on textiles and clothing which took place in Geneva on 11 and 12 July. The Working Party continued its efforts to work out a procedure for examining ways of further liberalizing trade in textiles and clothing.

Agreements and arrangements with non-member countries

Mediterranean preferential countries

2.2.14. Consultations with Portugal took place on 3 and 9 July to discuss management problems concerning the application of the pre-accession agreement. Management issues were also the subject of consultations with Tunisia on 6 July and with Spain on 9 July.

¹ OJ L 201, 30.7.1984.

² Bull. EC 5-1984, point 2.2.7.

³ OJ L 339, 31.12.1979; Bull. EC 12-1979, point 2.2.10.

⁴ Bull. EC 4-1984, point 2.2.7.

⁵ Bull. EC 10-1983, point 2.2.10.

⁶ Bull. EC 4-1984, point 2.2.8.

⁷ Point 2.2.16 (Industrialized countries).

⁸ OJ L 202, 31.7.1984.

In the continued absence of any comprehensive arrangement between Turkey and the Community,¹ and in view of the persistent difficulties on the Community market, safeguard measures had to be adopted against imports of a number of textile products from Turkey, namely cotton fabrics, shirts, terry towelling and bed linen.

The Commission thus adopted a Regulation on 12 July introducing quantitative limits, applicable from 16 July to the end of the year, for certain regions of the Community.² These limits follow an earlier decision, taken in May, to suspend the issue of import licences for the products in question until 15 July.³

Relations with industrialized countries

United States

Steel arrangement

2.2.15. On 11 July the US International Trade Commission (ITC) voted by a three-to-two majority in favour of a programme to restrict American steel imports and to impose additional customs duties on five categories of steel product, namely semi-finished products, sheets and strip, plates, structural steel, wire rod and wire products. It had taken a general decision in June alleging serious injury to the US steel industry by imports of five categories of steel product from various sources.⁴

The Commission expressed its disappointment with the ITC recommendation and urged the US to honour its commitment under the October 1982 exchange of letters on carbon steel.⁵

The US President has two months from 24 July, the date on which the ITC report was filed to take a decision on the ITC recommendation.

2.2.16. Mr Etienne Davignon, Vice-President of the Commission, informed the

Council meeting (foreign affairs) held on 23 and 24 July⁶ of the recent ITC recommendation.⁷ He expressed concern about the possible effects of the recommendation on Community steel exports to the USA.

The Council stated that it fully supported the Commission's representations to the US Administration, in which it stressed that the 1982 EEC-US Steel Arrangement should continue to be fully respected, and that the decision to be taken in September by the US Administration on the basis of the ITC's recommendation should not, in any way, prejudice the application of that Arrangement.

In the unlikely event of the US Administration's not fully honouring its commitments under the EEC-US Steel Arrangement in its decision to be taken in September on the ITC's recommendation, a very serious situation would be created in EEC-US trade relations.

The Council agreed to return to this matter at its September meeting.

2.2.17. On 18 July the Commission made technical amendments⁸ to its Regulation (EEC) and Decision (ECSC) of 28 October 1982⁹ on the monitoring by the Community of exports of certain steel products to the United States of America in order to improve the efficiency of the monitoring system.

Japan

2.2.18. Mr Ortoli visited Japan from 29 June to 5 July and had talks with Mr Yasuhiro Nakasone, Prime Minister, Mr Shin-taro Abe, Minister of Foreign Affairs, Mr Nobura Takeshita, Minister of Finance, Mr Domoto, Director-General of the Economic Planning Agency, Mr Maekawa, Governor of the Bank of Japan, and various influential members of the Japanese Diet. He also met

¹ Bull. EC 6-1984, point 2.2.16.

² OJ L 187, 14.7.1984.

³ OJ L 122, 8.5.1984; Bull. EC 5-1984, point 2.2.12.

⁴ Bull. EC 6-1984, point 2.2.21.

⁵ OJ L 307, 1.11.1982; OJ L 215, 5.8.1983; Bull. EC 10-1982, point 1.3.1 *et seq.*

⁶ Point 2.4.18.

⁷ Point 2.2.15.

⁸ OJ L 202, 31.7.1984.

⁹ OJ L 307, 1.11.1982; OJ L 215, 5.8.1983.

a number of bankers and financiers who have business relations with the Community in connection with its borrowing and lending operations.

Mr Ortolini informed them of the outcome of the Fontainebleau European Council meeting and the prospects for developing and strengthening the Community. He was told about the scope of the measures recently adopted by the Japanese authorities¹ in connection with liberalizing the Japanese financial markets and internationalizing the yen and the direction of economic and financial policy. Matters of international monetary and financial cooperation were the subject of detailed discussions.

Australia

2.2.19. Mr Ivor Richard, Member of the Commission with special responsibility for social affairs, was in Canberra from 16 to 20 July for a series of talks with the Australian Federal Government. He established official links between the Commission and the leaderships of the two sides of industry in Australia, which were represented by the Australian Council for Trade Unions and the Business Council of Australia.

European free Trade Association

2.2.20. On 24 July the Council approved the seventh annual report drawn up by the Permanent Representatives Committee on developments in cooperation between the Community and the EFTA countries.

The report focuses primarily on two important events in EEC-EFTA relations, namely the abolition at the beginning of the year of the last remaining tariff barriers and quantitative restrictions on trade in industrial goods,² and the EEC-EFTA ministerial meeting, the first of its kind, which was held in Luxembourg in April.³

The Council stressed the importance of implementing the programme of consolidation agreed in Luxembourg and emphasized the importance attached to this point in the seventh report. The document will be

transmitted for information to the EFTA countries and Parliament.

Joint committees

2.2.21. The EEC-Austria and ECSC-Austria Joint Committees met in Brussels on 4 July. Both sides stressed the importance they attach to the Joint Declaration issued at the Luxembourg ministerial meeting in April.³ Border formalities, road tolls in Austria, trade in agricultural products, Austria's trade deficit with the Community, technical standards and the transitional arrangements for the EFTA countries which will have to be concluded for the forthcoming enlargement were the main subjects of discussion at the meeting.

Relations with other countries and regions

San Marino

2.2.22. Mr Thorn, Mr Haferkamp, Mr Natali and Mr Giolitti had talks on 19 July with a delegation from San Marino led by Mr Giordano Bruno Reffi, Secretary of State for Foreign and Political Affairs, accompanied by Mr Emilio Della Balda, Secretary of State for Finance and Budget, and Mr Antonio Carattoni, Minister of State for Industry and Handicraft. As well as providing an opportunity to discuss bilateral relations, this visit enabled the San Marino delegation to elaborate on the content of the memorandum sent to the Community, in which the special situation of San Marino, a country which, although not a member of the Community, was situated within the Community's customs territory, had already been described in some detail together with the resulting implications in the customs, agriculture, social and transport spheres.

¹ Bull. EC 4-1984, point 2.2.19.

² Bull. EC 4-1984, point 1.2.5.

³ Bull. EC 4-1984, point 1.2.1 *et seq.*

The Commission took note of San Marino's requests and undertook to continue to search for satisfactory solutions.

Asia

ASEAN

2.2.23. The ASEAN Foreign Ministers held a meeting in Jakarta on 12 and 13 July with ministers from the countries with which the ASEAN countries are conducting a dialogue (USA, Canada, Australia, New Zealand, the European Community and Japan).

The Community was represented by Mr Haferkamp, Vice-President of the Commission, and by Mr Peter Barry, President of the Council. The talks centred on political matters, particularly the situation in Kampuchea, and economic issues, principally the question of market access. The ASEAN countries held for the first time a separate meeting with their partners from the Pacific basin.

Republic of Korea

2.2.24. The second session of annual high-level consultations between the Commission and the Republic of Korea took place in Brussels on 3 and 4 July.¹ The respective delegations were led by Mr Davignon, Vice-President of the Commission, and by Mr Wong-Kyung Lee, the Korean Foreign Minister.

After an exchange of views on the economic situation in the Community, in Korea and worldwide, the consultations concentrated on multilateral issues such as GATT's programme of work and the possibility of a new round of multilateral negotiations. On the latter issue, both sides agreed that the existing work programme should be expedited before embarking upon fresh multilateral negotiations.

On bilateral relations, the Commission stressed that trade should be developed in a more balanced manner and that practical

measures should be taken to facilitate access to the Korean market. At present the Community's imports from Korea amount to 2 850 million ECU per year and its exports to Korea come to around 1 600 million ECU. More specifically, attention was drawn to the gravity of the situation facing the shipbuilding industry, both in the Community and worldwide. Invited to collaborate in this within the OECD, the Koreans confirmed their informal participation at the July meeting of the OECD group, without excluding the possibility of future participation as an observer.

The Korean delegation spelled out in detail the liberalization plan which would enable Korea to achieve by 1988 the level of liberalization of the industrialized countries. Emphasis was, in contrast to this, placed on the increased protectionism of the industrialized countries, which hinders international trade and has serious repercussions for the economies of the developing countries. The Koreans also expressed concern regarding renewal of the GSP and voiced the hope that Korea could continue to be eligible.

2.2.25. Before the consultations began, Mr Thorn received Mr Wong-Kyung Lee, whom he had previously met in Korea in May.² Mr Lee reiterated the Korean Government's hope that the Community would open a delegation in Seoul. Both pledged to work towards an expansion of their bilateral trade and to strike a better balance in such trade.

Bangladesh

2.2.26. The seventh session³ of the EEC-Bangladesh Joint Commission, set up under the Commercial Cooperation Agreement of 1976,⁴ was held in Brussels on 16 and 17 July.

¹ The first session took place in Seoul, at the end of March 1983: Bull. EC 3-1983, points 2.2.44 and 2.2.45.

² Bull. EC 5-1984, point 2.2.30.

³ Bull. EC 1-1984, point 2.2.26.

⁴ OJ L 319, 19.11.1976.

The Joint Commission noted that Bangladesh was a substantial beneficiary under the GSP and, as a least developed country, stood to benefit from recent Community legislation on the rules of origin. It noted also that Bangladesh had narrowed very considerably its trade deficit with the Community in 1983 and that a further trade promotion programme had been embarked upon this year.

In the field of economic cooperation, it was agreed to provide technical assistance to the Bangladesh glass industry and to take steps to increase cooperation in the energy sector. With regard to development aid, the Community will pursue agricultural and rural development projects and Bangladesh will continue to be a major recipient of Community food aid.

Latin America

El Salvador

2.2.27. Mr Thorn received Mr José Napoleón Duarte, President of the Republic of El Salvador, accompanied by Mr Jorge Eduardo Tenorio, Foreign Minister, on 20 July. Thanking the Community for its support for the democratization process in Central America, Mr Duarte voiced the hope for continued support, in particular at the ministerial meeting scheduled for the end of September in Costa Rica,¹ which will be attended by the Central American countries, the Ten, Spain, Portugal and the Contadora Group (Colombia, Mexico, Panama and Venezuela).²

2.2.28. Mr Thorn assured President Duarte of the Community's support and referred in particular to the Commission's proposal to the Council that a framework agreement be negotiated with the Central American countries³ and that aid to the region be substantially increased.

Bolivia

2.2.28. The Bolivian Foreign Minister, Mr Gustavo Fernandez Saavedra, visited the

Commission on 12 July. In the course of a meeting with Mr Pisani, he described Bolivia's political and economic situation, in particular the emergency programme introduced by the Bolivian Government in agreement with both sides of industry with a view to easing the country's grave economic crisis.

With regard to Bolivia's foreign debt, Mr Pisani indicated that the Commission could not play a financial role but that it could try to expedite cooperation programmes (rural development and trade promotion). The total volume of aid approved by the Community since 1982 exceeds 23 million ECU, aid for this year amounting to between 8 and 10 million ECU.

Europe-Latin America Institute

2.2.29. The preparations to set up a Europe-Latin America Institute,⁴ under way since the beginning of the year, have reached the point where the establishment of this Institute is envisaged by the end of the year. Having received the approval of the budgetary authority, the Commission decided at the end of July to grant 550 000 ECU towards the preparations for setting up the European branch of the Institute, which will also have a Latin-American branch. Once established, it will be financed by the Community and Latin American governments and institutions, as well as by self-generated resources.

State-trading countries

2.2.30. On 24 July the Council authorized the Commission to negotiate a commercial and economic cooperation agreement between the Community and China; the new agreement, through its 'economic cooperation' provisions, will cover a broader spec-

¹ Bull. EC 6-1984, point 2.2.37.

² Bull. EC 1-1984, point 2.2.27; Bull. EC 10-1983, point 2.2.39.

³ Bull. EC 4-1984, point 1.3.1. *et seq.*

⁴ Bull. EC 3-1983, points 2.2.46 and 2.2.47.

trum than the 1978 Agreement, which has now expired.¹

Development

North-South relations

Fourth General Conference of UNIDO

2.2.31. The Fourth General Conference of the United Nations Industrial Development Organization (UNIDO), held in Vienna from 2 to 20 August, ended without achieving a consensus on the final report, in which a number of broad themes which had been central to its work were addressed, in particular: the impact of the economic recession and recovery, trade and financial questions, the debt problem and industrial development. In the absence of a consensus a vote was taken and the report was finally adopted by 79 votes for, one against (the United States) and 12 abstentions.²

2.2.32. Altogether 15 other resolutions were considered by the Conference, of which four were concerned with political questions; nine resolutions concerning UNIDO's work were adopted unanimously.

Two draft resolutions on industrial restructuring and the financing of development projects were referred to the United Nations General Assembly.

2.2.33. During the debates the Community made eight statements. In the plenary session general debate, statements were made by Mr J. O'Keefe, Irish Minister of State for Foreign Affairs, and Commission Vice-President Davignon. In the two Conference Committees, Community statements were made on Africa's Industrial Development Decade, mobilizing financial resources for industrial development, world industrial restructuring and redeployment, industrial technology and the industrialization of the least developed countries.

2.2.34. During the final days of the Conference, attention was centred on the negotiations concerning the text of the final report. Among the main topics discussed were the nature of the recession and the extent of the recovery, the relative responsibilities of different countries and groups of countries for recent problems in the world economy, and the policy orientations required to accelerate development. One key passage in the text related to world debt problems, including a demand for long-term comprehensive debt rescheduling arrangements. To help achieve a consensus the Group of 77 agreed to the deletion of this passage. The final text simply refers to the serious nature of the debt problem and to the related question of high interest rates, and a request is made that consideration of these matters should be pursued in the appropriate forums.

Again with the aim of achieving a consensus—in which the Community was prepared to join—a solution was proposed whereby the United States would make a statement dissociating itself from the text while other countries might make interpretative comments.

Despite all these efforts the United States' unbending opposition made it impossible to avoid a vote, in which four Member States of the Community (Belgium, Federal Republic of Germany, Luxembourg and the United Kingdom) abstained while the other six voted in favour. The Community then, commenting on the vote, expressed disappointment that the text in question had not been unanimously accepted. Its statement made it clear that while the Community agreed with many parts of the text, it felt that equal weight had not been given to some of the various points of view expressed.

World Conference on Population

2.2.35. The second World Conference on Population, which the Commission at-

¹ Bull. EC 6-1984, point 1.7.1.

² Point 2.2.34.

tended as an observer, was held in Mexico City from 6 to 14 August.

Some 3 000 delegates from 160 countries or representing non-governmental organizations adopted recommendations for following-up the World Population Plan of Action approved at the Bucharest Population Conference in 1974.

The main objective of the new plan, which was adopted not without difficulty and following extended controversy (in particular on birth control policies), is to slow down the growth of the world's population which, unless something is done, will increase from today's 4 500 million to more than 6 000 million by the end of the century. The plan also insists on: the need for international cooperation in the field of demography, while taking into account national priorities; the need to change the socio-economic situation in developing countries in order to solve demographic problems; the importance of involving women in the development process; protection of the environment and the ecological balance; the need to take account of particular characteristics of the demographic trends in each country (ageing of the population or, alternatively, high mortality and persistently high reproduction rate); the need to respect the individual's right to choose the number of children and to provide relevant information.

International Conference for Assistance to Refugees in Africa (ICARA II)

2.2.36. The emphasis of the Second International Conference for Assistance to Refugees in Africa, held in Geneva from 9 to 11 July 1984 on the theme 'Time for solutions', was not only on the plight of Africa's 4 million refugees but also on the need to go beyond short-term emergency assistance and find lasting solutions. The Declaration and Programme of Action adopted at the end of the conference reflect this new emphasis. The international community undertook to provide three types of assistance: emergency aid, which still remains neces-

sary; assistance for long-term solutions through voluntary repatriation of refugees or their settlement in countries providing asylum; and assistance to enable countries of asylum to support the additional burden which the influx of refugees places on their very limited development resources.

Finance was pledged for one third of the 128 long-term refugee projects presented, and various parties expressed an interest in other projects.

In his Conference address, the Commission representative stressed the considerable assistance which the Community provides, in addition to Member States' bilateral assistance, in emergency and subsistence aid to refugees in Africa (USD 150 million since 1980). He also stated that long-term projects for refugees could be funded through the Community's aid instruments, in particular the NGO programme and the indicative programmes and regional cooperation programme under the second Lomé Convention and the new ACP-EEC Convention at present being negotiated.

Negotiations for a new ACP-EEC Convention

2.2.37. Following the fourth ACP-EEC ministerial negotiating conference held in June, at which complete agreement was reached on certain points and joint texts were adopted on others,¹ negotiations continued in July. Satisfactory progress was made in the following areas: institutions, regional cooperation, agricultural commodities, the development of trade and services, tourism, the protocol on bananas and financial and technical cooperation (the only points still to be settled are programming and the EIB).

Some proposed texts are still being examined: fisheries, investment, industrial cooperation, measures to help the least-developed, landlocked and island countries, transport and communications. As for the

¹ Bull. EC 6-1984, points 2.2.42 to 2.2.44.

objectives and general principles of ACP-EEC cooperation, the Community's proposals concerning some basic articles are currently being closely examined by the ACP States. Decisions have yet to be taken on the structure and period of application of the future convention.

The twelfth meeting of the plenary negotiating group on 27 July provided an opportunity to review the progress made so far. The generally optimistic tone of the statements made by the two sides confirmed their common wish to continue efforts to bring the negotiations to a satisfactory conclusion at the next ministerial meeting, scheduled to take place in Brussels on 9 and 10 October. The ceremony for the signing of the Convention could be held during the week 7 to 11 December 1984.

Generalized tariff preferences

Scheme proposed for 1985

2.2.38. On 19 July the Commission transmitted to the Council its proposals for the fixing of the Community's generalized tariff preferences scheme for 1985 for processed agricultural products, industrial products and textiles originating in developing countries.¹ These proposals are based on the guidelines for 1981-85 approved by the Council when it took the decision of principle to extend the Community's GSP scheme for a second decade.²

It was then agreed that the structure of the industrial scheme would remain the same over these five years; the proposals therefore comprise mainly a number of individual adjustments to the framework adopted in 1980.

There are 128 sensitive products, of which eight are additions to the 1984 list; 11 have been removed from the list. The increase in the preferential amounts varies from 5% to 15%. In the particularly vulnerable sectors—leather and hides, footwear (except in the case of India and Pakistan, whose quota has increased slightly), glass, cer-

amics and iron and steel products—the offer is kept at its 1984 level. The same applies to all ECSC products.

For non-sensitive products, the reference basis has been raised by 10%. It has also been proposed that Romania should be included among the countries benefiting from preferences for certain copper and aluminium products; it is also intended to include China for aluminium.

2.2.39. For MFA textiles, the Commission is proposing a further increase in the ceilings equivalent to that approved by the Council for 1984.

2.2.40. In the case of agricultural products, the Commission considers that inulin, chicory roots, locust beans and cheese fondues should be included and that 58 preferential margins should be improved, plus a further 13 in the case of fisheries products. The Commission is also proposing that the five existing quotas should be allocated differently among the Member States (unmanufactured tobacco, canned pineapple slices, canned pineapple chunks, soluble coffee and cocoa butter) and that the GSP duty on Virginia tobacco subject to a quota should be reduced to 5%, adjustments also being made to the minimum and maximum levies. For the other unmanufactured tobaccos, the GSP duty is changed to 14%, while the minimum levy is reduced to 28 ECU per 100 kg and the maximum to 33 ECU.

2.2.41. As regards management, the Commission repeated its proposal for the gradual introduction of a new key for the allocation of industrial quotas, based on actual trade flows,³ and is also proposing that the threshold for return to the reserve should be lowered from 20% to 10%, and that the date for this operation be brought forward to 1 July.

¹ COM(84) 378 final.

² OJ L 354, 23.12.1980; Fourteenth General Report, point 579.

³ Bull. EC 7/8-1983, point 2.2.78.

The proposed measures represent for all the products a 4.7% increase over 1984 in preferential import opportunities and cover trade amounting to some 18 000 million ECU.

Information seminars on the GSP

2.2.42. Two seminars on the Community's scheme of generalized preferences were held in Venezuela in July, in collaboration with Venezuela's Instituto de Comercio Exterior. The first, held in Valencia on 12 and 13 July, was attended by about 60 people, most of them representatives of medium-sized firms; the second seminar, held in Caracas on 16 and 17 July, attracted almost a 100 participants from a similar range of businesses but in some cases representing major companies, as well as government officials concerned with export promotion, application of the GSP and the issue of certificates of origin; representatives were also present from other Andean Pact countries.¹ The object of these seminars was to demonstrate the vast possibilities—which tend not to be fully used—that the Community's SPG offers to countries in a similar position to that of Venezuela and its Andean Pact neighbours.

Commodities and world agreements

Cocoa

2.2.43. At the 27th session of the International Cocoa Council (held in London from 9 to 20 July) the consultation process was continued in order to pave the way for the resumption in Geneva on 8 October of negotiations for a fourth international agreement.

The Community and its Member States presented their partners with a paper setting out the details of their proposals concerning the setting up of a system of market withdrawals. This paper provided an opportunity for a very fruitful exchange of views which it should be possible to con-

tinue on the basis of further details to be drawn up within the Community.

2.2.44. In order to ensure the continuity of international cooperation pending the conclusion and ratification of a new agreement, it was also decided to extend the 1980 Agreement, which expires on 30 September, for one year.

Food aid

EEC-UNRWA Convention²

2.2.45. The fifth EEC-UNRWA Convention (1984-86)³ was signed in Brussels on 13 July by representatives of the Council, the Commission and UNRWA.

Under the new Convention, the Community will pay an annual contribution in cash to the education programme, plus contributions in case and in kind—the amount of which it will determine each year—to UNRWA's food aid programme.

The 1984 allocation for this programme was fixed on 20 July and comprises milk powder, butteroil and other products, the value of which is estimated at around 7.7 million ECU. With the contributions in kind, the total amount of aid supplied to UNRWA under the Convention will be 27.9 million ECU in 1984 (compared with 26.5 million ECU in 1983). The deliveries and payments will be effected before the end of the year.

Annual programmes

2.2.46. In July the Commission decided, under the 1984 programme⁴ and on the basis of the favourable opinion delivered unanimously by the Food Aid Committee, to allocate the following quantities of food aid to the countries and organizations listed below:

¹ The Andean Pact countries are: Bolivia, Colombia, Ecuador, Peru, Venezuela.

² UNRWA: United Nations Relief and Works Agency for Palestine Refugees.

³ Bull. EC 6-1984, point 2.2.51.

⁴ Bull. EC 5-1984, points 2.2.50 and 2.2.51.

Development

Country or organization	Cereals	Quantity (tonnes)		
		Skimmed-milk powder	Butteroil	Other
WFP	110 000	28 000	6 000	1 000 VO 4 500 B
LICROSS	2 000	750	500	—
Comoros	1 000	300	100	—
Zambia	20 000	400	400	—
Tunisia	—	3 000	1 350	—
Egypt	135 000	6 750	2 000	—
Lebanon	8 000	600	—	—
Haïti	2 000	—	—	—
Nicaragua	5 000	1 800	300	3 500 B
India	—	27 000	7 000	1 000 VO
Sri Lanka	40 000	—	—	—
Guinea-Bissau	7 000	100	125	—
Guinea	7 000	—	—	—
Sao Tome e Principe	1 000	—	—	100 VO
Ethiopia	—	1 400	500	—
Djibouti	4 000	100	—	—
Madagascar	20 000	400	—	—
Botswana	4 000	480	—	—
Lesotho	7 000	200	—	—
Morocco	10 000	—	300	—
UNRWA	—	1 850	1 000	500 S 30 OO 200 B 1 552
Bolivia	10 000	1 000	200	800 VO 1 000 B
Indonesia	—	1 200	200	—
Bangladesh	130 000	—	1 500	700 VO
Jamaica	—	960	160	100 VO
Total	523 000	76 290	21 635	VO 500 S 30 VO 9 200 B 1 552 UNRWA

VO : vegetable oil
B : beans
S : sugar
OO : olive oil

2.2.47. The Commission also decided on the following emergency food aid:

Angola: 200 tonnes of milk powder and 100 tonnes of butteroil;

Mozambique: 3 000 tonnes of cereals, taken from the IEFR (International Emergency Food Reserve);

World Food Programme (WFP): 1 160 tonnes of beans and 975 tonnes of fish.

Emergency aid

2.2.48. As a result of the drought in southern and south-eastern provinces of Morocco, affecting about seven million people, on 9 July the Commission decided to grant emergency aid of up to 500 000 ECU. This amount has been allocated to the League of Red Cross Societies for the purchase and distribution of relief supplies

on the spot (notably vegetable oil, chick peas, lentils).

Financial and technical cooperation

ACP-OCT States

2.2.49. In July the Commission took decisions involving the allocation of third, fourth and fifth EDF resources totalling 97 153 461 ECU to finance projects, programmes and emergency aid operations administered by it in the following sectors:

ECU

Economic infrastructure	43 490 000
Industrialization	9 193 211
Water engineering	13 474 000
Rural production	21 271 250
Social development	5 000 000
Education and training	3 225 000
Emergency aid	1 500 000

Total 97 153 461

Non-associated developing countries

2.2.50. With the endorsement of the Committee on Aid to Non-Associated Developing Countries, the Commission decided on 23 July to finance the following projects, the cost of which is to be charged to the 1983 and 1984 appropriations under Article 930 of the Community budget:

- *ASEAN*: ASEAN Timber Technology Centre — autonomous project — total cost: 12.9 million ECU; Community contribution: 7.5 million ECU.
- *Bolivia*: reconstruction programme — autonomous project — total cost: 4 million ECU; Community contribution: 3.4 million ECU;
- *Junta of the Cartagena Agreement — Andean Pact*: regional technical cooperation programme: food strategy and security — autonomous project — total cost:

10.6 million ECU; Community contribution: 7 million ECU.

Cooperation via non-governmental organizations

2.2.51. With regard to projects cofinanced in the developing countries for the period 1 January to 31 July 1984, the Commission has committed 12.3 million ECU for 96 projects presented by 64 NGOs.

The Commission has contributed to 35 campaigns to increase awareness in the European public, at a cost of 1 967 765 ECU.

International organizations and conferences

United Nations

Visit of the Secretary-General

2.2.52. On 17 July the UN Secretary-General, Mr Perez de Cuellar, took part in a working meeting with seven Members of the Commission (the President, Mr Thorn, the Vice-Presidents — Mr Ortoli, Mr Haferkamp, Mr Natali and Mr Davignon — and Mr Narjes and Mr Pisani).

Following Mr Thorn's opening address, the Secretary-General emphasized the importance of the Community contribution to development aid and economic and political stability in the world, and also to the maintenance and development of multilateralism, a key UN objective.

Speaking of the regions of the world which are facing serious problems, Mr Perez de Cuellar laid particular stress on the situation in Africa, since this is the area of the world hardest hit by economic problems and natural disasters. He called on donor countries to do their best to coordinate their aid and to focus their efforts on the African countries with which they had special links.

For their part, African countries should do more to identify and pursue their own development priorities.

Still on the subject of development aid, the two parties called for a strengthening of UNCTAD, which was 'running out of steam'.

Mr Perez de Cuellar told the Commission that he would continue in his efforts to find a solution to the Cyprus problem.

The two delegations called for improved coordination, exchanges of information and cooperation between the United Nations and the Commission.

Second World Population Conference

2.2.53. The Second World Population Conference, which the Commission attended as an observer, was held in Mexico from 6 to 14 August.¹

UNIDO

2.2.54. The Community and its Member States took part in the Fourth Conference of the United Nations Industrial Development Organization (UNIDO), held in Vienna from 2 to 18 August.²

FAO

2.2.55. The Commission represented the Community at the World Conference on

Fisheries Management and Development, which was held at FAO headquarters in Rome from 27 June to 6 July.³

General Agreement on Tariffs and Trade (GATT)

2.2.56. Commission representatives took part in a meeting of the GATT Working Party on Textiles and Clothing which was held in Geneva from 11 to 12 July.⁴

Diplomatic relations

2.2.57. The President of the Council and the President of the Commission received the Ambassador of the Republic of Zaire, HE Mr Tshibuabua Ashila Pashi, who presented his letters of credence as Representative of the Republic of Zaire to the European Communities with effect from 5 July 1984.

¹ Points 2.2.35.

² Points 2.2.31 to 2.2.34.

³ Point 2.1.153.

⁴ Point 2.2.13.

3. Financing Community activities

Budgets

2.3.1. On 27 July Parliament¹ passed two resolutions on the Fontainebleau decisions² and one on the Council's responsibility as regards the Community budget.

General budget

1984 budget

Preliminary draft supplementary and amending budget No 1-1984

2.3.2. On 6 July the Commission transmitted to the budgetary authority preliminary draft supplementary and amending budget No 1/1984.³

The Commission stresses that so much additional expenditure has been authorized that it cannot be covered by the savings that may be achieved by particularly strict management, otherwise the smooth operation of the Communities and the implementation of common policies and actions would be placed in jeopardy.

In view of the difficult budget situation which will prevail next year the Commission also thinks that it would be unacceptable to defer a considerable volume of 1984 expenditure to 1985.

The Commission is convinced that the budget deficit must be covered by additional budget revenue, assigned by a Community instrument, in order to ensure the proper functioning of the Communities pending the availability of new own resources.

The additional expenditure required is as follows:

EAGGF-Guarantee Section

The suspension of advances at the end of 1983 deferred 675 million ECU to 1984, of which 170 million ECU was for export

refunds and 505 million ECU for the various aids and premiums payable within the Community.

The financial impact of the farm price decisions and related measures for 1983/84 amounts to 187 million ECU.

The additional needs resulting from market situation changes total 971 million ECU.

In addition, the critical state of stock levels for a whole range of agricultural products makes it necessary to implement a disposal programme spread over a number of years with an impact in 1984 estimated at 150 million ECU.

Persons working with the institution

An additional 27.71 million ECU is required to meet commitments arising from the Staff Regulations.

Financial protocol with Turkey

An additional 46 million ECU is needed to enable the Community to honour commitments made under the Third Financial Protocol with Turkey.

Altogether the additional requirements total 1 999.37 million ECU after allowance is made for a number of technical adjustments that reduce the level of expenditure. On the revenue side the initial estimates are adjusted downwards by 72.1 million ECU. This gives additional revenue requirements of 2 071.5 million ECU overall.

Coverage of budget deficit for 1984

2.3.3. On 9 July the Commission transmitted to the Council and Parliament an

¹ Point 2.4.16; OJ C 239, 10.9.1984.

² Bull. EC 6-1984, point 1.1.1 *et seq.*

³ COM(84) 382 final.

amendment¹ to its proposal of last April² aimed at covering the budget deficit for 1984 as shown in preliminary draft supplementary and amending budget No 1/1984. Referring on the one hand to the obligations on Member States, in accordance with Article 5 of the EEC Treaty (192/EAEC), and on the other to the requirement to enter all revenue and expenditure in the budget, which must be in balance, the Commission proposes that the system of interest-bearing loans should be replaced by non-interest-bearing advances on new own resources. Apart from the figure for the advances, which has been adjusted in the light of the progress in discussions, the other elements of the initial proposal (breakdown between Member States, provision of funds and reimbursement of advances) remain unchanged.

1985 budget

Coverage of possible budget deficit in 1985

2.3.4. On 9 July the Commission also transmitted to the budgetary authority on 9 July a proposal³ intended to ensure coverage for any budget deficit in 1985 that would result if the new decision to increase own resources did not enter into force before 1 October 1985. As with its amended proposal for the financing of the 1984 budget, the Commission proposes that additional financing to balance the 1985 budget should be provided as an advance on own resources of 1 912 653 ECU as shown in the preliminary draft budget for 1985,⁴ with the definitive figure to be fixed once the budget has been finally adopted.

Meeting of the Council on budgetary matters

2.3.5. In a communication⁵ sent to the Council ahead of its budget meeting, the Commission reiterated once more the obligations on the budgetary authority to provide adequate resources to maintain the

normal functioning of the full range of Community policies and referred to the undertakings given by the Heads of State and Government at Fontainebleau.⁶ With regard to 1984 in particular the Commission emphasized

'that expenditure incurred as a result of the operation of the EAGGF in the course of a budgetary exercise must, in the spirit of the Community's legislation, be financed by revenues accruing during that exercise. To seek to avoid this by means of artificial postponements of expenditure into a following year whose budgetary problems are already acute would mean a breach of the existing agricultural regulations, a discrimination between both individual operators and individual Member States and the introduction of an element of national financing into the common agricultural policy at a time when a major reform of the policy is under way...

Similarly, the Council cannot, if it is to respect in full all its obligations under the Treaty, advocate an upheaval of those policies which are financed by non-obligatory expenditure. The transfer of a major volume of non-obligatory credits to EAGGF Guarantee would mean a decimation of the Community's structural and sectoral policies, including those to which the Council itself has recently accorded new emphasis and impetus and an erosion of the balance of the budget. The Commission will not under any circumstances propose transfers of expenditure which would have this effect: even were it to do so, the Parliament has already indicated in forthright terms its opposition. The Council cannot expect—nor is it entitled—to impose unilaterally a decision of this kind.

The Council also has an obligation in respect of the anticipated shortfall of the Community's traditional own resources, notably agricultural levies, in 1984. The Commission has indicated its preparedness, by means of a more rigorous management of the budget to achieve economies which will offset a significant part of the shortfall involved. The Commission will use its utmost endeavours to maximize such management economies. But their scope is inevitably limited, given the constraints of the Community's financial regulations, the need not to prejudice the continuity of

¹ OJ C 193, 21.7.1984; COM(84) 399 final.

² OJ C 126, 12.5.1984; Bull. EC 4-1984, points 1.1.1 to 1.1.7.

³ OJ C 193, 21.7.1984; COM(84) 383 final.

⁴ Bull. EC 5-1984, point 2.3.1 *et seq.* (Table 9).

⁵ COM(84) 411 final.

⁶ Bull. EC 6-1984, point 1.1.9-3.

the actions involved and the Commission's obligation to execute the budget as adopted by the budget authority.'

2.3.6. At its meeting on 18, 19 and 20 July the Council (budget) was unable to adopt either draft supplementary and amending budget No 1/1984 or the draft general budget for 1985.

With regard to supplementary and amending budget No 1/1984 one Member State was against any funding beyond the 1% VAT limit.

For the 1985 budget a number of Member States expressed the desire that the draft budget should exceed the 1% VAT ceiling, but a number of others wished to see it remain within this limit with any additional financing to be obtained by means of a supplementary budget at the end of the year.

Provisional agreement was achieved in the Council on the distribution of appropriations for 1985 within the 1% VAT limit; this was the result of cuts in a number of items of compulsory expenditure (particularly the EAGGF-Guarantee Section).

The provisional figures are 18 000 million ECU for the EAGGF, 2 087 million ECU for other compulsory expenditure and 5 864 million ECU for non-compulsory expenditure.

2.3.7. After noting that the lack of a Council decision threatened rapidly to bring operation of the CAP to a halt and harm the Community's political credibility both internally and externally, the Commission launched the following appeal to the Council:

'The Commission is deeply disappointed by the absence of decision by the Budget Council, which ended its work this morning. The Community still does not possess the finances necessary to carry out the policies which it itself has decided. Nor has it sufficient means for functioning normally during the current year or next year.

The Commission considers that approval of a supplementary budget for the current year is an absolute priority. The Community cannot escape from

the obligations for which it has contracted notably in the field of the common agricultural policy. It cannot disappoint the legitimate expectations of farm workers. In carrying out its responsibilities for managing the common agricultural policy, the Commission has the duty to do everything possible to see that Community legislation is respected.'

2.3.8. On 23 and 24 July the Council (foreign affairs) looked into the budget problem and discussed the two draft budgets. No progress was made, however, which could raise hope of any solution being found before the next Council meeting on budgets called for 6 September.

Own resources

2.3.9. On 9 July the Commission transmitted to the Council and to Parliament an amendment¹ to its May 1983 proposal for a Council Decision on the Community's system of own resources.²

This new proposal incorporates all the decisions taken at the Fontainebleau European Council.³ It provides that the maximum VAT call-up rate shall be 1.4% for each Member State and includes the system of adjustment to reduce the United Kingdom's normal VAT share, these two aspects being linked.

In order to finance the 1985 budget, it is planned that the decision will come into force on 1 October 1985 and take effect on 1 January 1985.

2.3.10. On 23 and 24 July the Council (foreign affairs) held a general discussion on this proposal. One Member State interpreted the Fontainebleau agreement as meaning that new own resources would be made available on 1 January 1986 and not before, while the others considered that this date was the final deadline but that new own resources could be provided earlier

¹ OJ C 193, 21.7.1984; COM(84) 384 final.

² OJ C 145, 3.6.1983; Bull. EC 5-1983, point 1.1.1 *et seq.*

³ Bull. EC 6-1984, point 1.1.1 *et seq.*

if ratification by national parliaments so permitted.

Financial compensation

1983

2.3.11. Following the agreement reached at the Fontainebleau European Council and the adoption of the regulations introducing special measures of Community interest for the United Kingdom and Germany in the fields of employment, transport and energy, the commitment of appropriations for 1983 for these two Member States remained subject to a transfer from the reserve (Chapter 100) to the relevant budget headings.¹

The request for transfer submitted by the Commission and approved by the outgoing Parliament's Committee on Budgets on 12 July was awaiting notification to the Commission.

At its 27 July sitting Parliament, after observing that the Council was still in deadlock and had been unable to adopt the draft supplementary and amending budget for 1984 or the 1985 budget, went against the views of its Committee on Budgets and refused to authorize the transfer.²

Financial regulations

2.3.12. Following Parliament's opinion of 24 May last,³ the Commission amended for the third time⁴ its proposal⁵ for an amendment to Regulation No 2891/77⁶ implementing the 1970 Decision on own resources⁷ and laying down rules for establishing and making available own resources. In its new text the Commission takes up all the amendments requested by Parliament.

Discharge for the budget

2.3.13. In August the Commission sent Parliament the replies to the requests it had made in its resolution of 10 April⁸ deferring

the discharge in respect of implementation of the general budget for 1982.

ECSC operating budget

Draft 1985 budget

2.3.14. On 25 July the Commission drew up its aide-mémoire on the fixing of the ECSC levy rate and on the establishment of the ECSC operating budget for 1985.⁹

As usual, before taking a decision on the levy rate, the Commission is seeking the opinion of Parliament and has also transmitted the draft to the ECSC Consultative Committee for information.

For 1985 the Commission is proposing that the levy rate on ECSC products remain at 0.31% and recommending two transfers from the general budget (as in 1984)¹⁰ viz. 62.5 million ECU for measures connected with restructuring in the steel industry and 60 million ECU for measures connected with restructuring in the coal industry. The appropriations required for these transfers have already been entered in the preliminary draft general budget for 1985.

Redeployment aids (Article 56 of the ECSC Treaty) remain at their 1984 level (125 million ECU) whilst research aids (Article 55) have been reduced to 51 million ECU (24 for steel research, 19 for coal research and 8 for social research).

Transfers from general budget to the ECSC budget

Social measures for the steel industry

2.3.15. On 23 July the Council approved an exceptional contribution from the gen-

¹ Bull. EC 6-1984, point 2.3.4.

² Point 2.4.16.

³ OJ C 172, 2.7.1984; Bull. 5-1984, point 2.3.10.

⁴ OJ C 219, 21.8.1984; COM(84) 465 final.

⁵ OJ C 231, 4.9.1982; OJ C 146, 4.6.1983; OJ C 303, 10.11.1983; Bull. EC 10-1983, point 2.3.8.

⁶ OJ L 336, 27.12.1977.

⁷ OJ L 94, 28.4.1970.

⁸ OJ C 127, 14.5.1984; Bull. EC 4-1984, point 2.4.10.

⁹ COM(84) 419 final.

¹⁰ Points 2.3.15 and 2.3.16.

eral budget to the ECSC budget for 1984 in order to provide financing for the special temporary allowances granted to steelworkers.¹ This amount was entered in the ECSC budget in December.²

Social measures for the coal industry

2.3.16. On 23 July the Council adopted the decision on an exceptional contribution of 60 million ECU from the general budget to the ECSC budget for aid to mineworkers.³ This is the first transfer from the general budget under the three-year programme proposed by the Commission in October 1983.⁴

Financial operations

Community borrowing and lending operations in 1983

2.3.17. On 26 July the Commission transmitted to the Council and to Parliament its fourth annual report on the Community's borrowing and lending activities, which covers 1983.⁵

ECSC

Financial report for 1983

2.3.18. On 18 July the Commission sent the other institutions the ECSC financial report (borrowing and lending operations) for 1983,⁶ containing the ECSC financial statements at 31 December 1983, on which the Court of Auditors delivered its opinion on 29 June.

Loans raised

2.3.19. In July and August the Commission made, on behalf of the ECSC:

- (i) a LFR 1 000 million public issue for a term of 10 years placed at par with an interest rate of 10.5%;
- (ii) an 80 million ECU public issue in two equal tranches at par, one for 5 years at 10 ³/₄% interest, the other for 10 years with 11 ¹/₄% interest.

It also concluded private placings in German marks, Swiss francs, Luxembourg francs, Dutch guilders and sterling for the equivalent of 116.4 million ECU.

Loans paid out

2.3.20. Acting under Articles 54 and 56 of the ECSC Treaty, the Commission made loans in July and August amounting to 79.69 million ECU, broken down as follows:

Industrial loans

2.3.21. Industrial loans (Article 54) totalling 42.42 million ECU were paid out during the above period. They were granted to a financial undertaking in the Federal Republic of Germany for promoting the consumption of Community coal, to a project by the Saarbergwerke AG (Saarbrücken) for stabilizing coal extraction and to a number of investment projects in the context of the restructuring plan for Arbed (Luxembourg).

*Subsidized housing*⁷

2.3.22. Loans for the building of subsidized housing totalled 10.75 million ECU, of which 6.57 million ECU was for steel-

¹ OJ C 119, 4.5.1983; Bull. 3-1983, point 2.1.53.

² Bull. EC 12-1983, point 2.3.10.

³ OJ L 208, 3.8.1984.

⁴ OJ C 290, 26.10.1993; Bull. EC 10-1983, point 2.3.4.

⁵ Point 2.1.7; COM(84) 413 final.

⁶ COM(84) 392 final. ECSC Report 1983, Office for Official Publications of the European Communities, Luxembourg.

⁷ Only payments made during the month are reported in this section. Decisions to grant loans are reported in the 'Employment, education and social policy' section at the time of the decision.

workers and 4.18 million ECU was for mineworkers.

Conversion loans

2.3.23. Conversion loans (Article 56) totalling 26.52 million ECU were granted during these two months to the following firms:

Federal Republic of Germany

Multiregional loans for small and medium-sized firms: Bayrische Hypotheken- und Wechselbank AG, Munich; Bayrische Vereinsbank AG, Munich; Westdeutsche Genossenschafts-Zentralbank AG, Münster; Westdeutsche Landesbank Girozentrale, Düsseldorf; Saarländische Investitionskreditbank AG, Saarbrücken; Westfalenbank AG, Bochum.

Italy

Finlombarda, Milan; Mediocredito Piemontese, Turin.

United Kingdom

Investors in Industry Group, London

Euratom

Loans raised

2.3.24. In July the Commission raised BFR 3 000 million with an eight-year public issue. Carrying a coupon of 12%, it was issued at par.

4. Political and institutional matters

European political cooperation

Statement by the Foreign Ministers of the Ten on Poland

2.4.1. On 23 July the Foreign Ministers, who were together for a Council meeting, adopted the following statement:

'The Ministers recall the long-standing concern of the Ten about the situation in Poland, to which their peoples are linked by many historic ties.

The Ten welcome the decision of the Polish Government to release those who had received prison sentences for their political activities and those detained awaiting trial.

It is the hope of the Ten that the Polish Government's decision reflects a desire to meet the

aspirations of the Polish people for dialogue and reform and that the amnesty announced will be followed by further measures of a kind which could help to promote national reconciliation.

The Ten recall that it has consistently been their wish to return to a more normal relationship with Poland as actual developments in that country permit.'

*

2.4.2. At its July part-session Parliament adopted a resolution requesting information on the fate and health of Andrei Sakharov.¹

¹ Point 2.4.17; OJ C 239, 10.9.1984.

European policy and relations between the institutions

European policy

2.4.3. On 27 July, after a debate¹ during which the President of the Council reported on the Fontainebleau European Council, Parliament adopted a resolution.²

Ad hoc Committee on Institutional Affairs

2.4.4. Dr Garret FitzGerald, the President of the European Council, held direct consultations with the Heads of Government in July before putting forward proposals on the terms of reference and structure of the *ad hoc* Committee on Institutional Affairs, which the Fontainebleau European Council decided to set up.³

2.4.5. In August the Governments of the Member States appointed their representatives on this Committee, whose first meeting is scheduled for early September. Mr Dooge (Ireland) will be in the chair. His fellow members are Mr Fernand Herman (Belgium), Mr Otto Møller (Denmark), Mr Jürgen Ruhfus (Germany), Mr Grigoris Varfis (Greece), Mr Maurice Faure (France), Mr Mauro Ferri (Italy), Mr Jean Dondelinger (Luxembourg), Mr Willem Van Eekelen (Netherlands) and Mr Malcolm Rifkind (United Kingdom). Mr Frans Andriessen will represent the Commission.

2.4.6. During its July part-session,⁴ Parliament passed a resolution asking to be involved in the Committee's discussions. It also asked the Committee to base its work on the draft Treaty establishing the European Union, which Parliament adopted in February.⁵

Appointment of next Commission President

2.4.7. Dr Garret FitzGerald, President of the European Council, announced on 28 July in Dublin that the Member States had agreed to appoint Mr Jacques Delors President of the Commission from January 1985. Mr Delors has served as Minister for Economic and Financial Affairs since 1981 and Budget Minister as well since 1983 in Mr Pierre Mauroy's successive cabinets.

After the appointment was announced, the present President, Mr Gaston Thorn, issued the following statement:

'I am very pleased that I am to be succeeded by Jacques Delors, a convinced European and a capable and stalwart personality who is held in high regard by all those who have had an opportunity to work with him.

In the last few years, Jacques Delors has served as a Member of the European Parliament and as Minister for Economic and Financial Affairs and has chaired the Council (Economic and Financial Affairs). During this time, I have been able to appreciate his deep commitment to Europe, his sound knowledge of both European and international economic and financial problems, his constant concern to work closely with the Commission and the outstanding human qualities he shows at even the most difficult moments.

At this delicate and decisive time for the Community, we must all wish Jacques Delors every success as leader of a competent and united team.'

The Vice-President, Mr Etienne Davignon, stated:

'Mr Delors' commitment to Europe is commensurate with the goals to which the Community must aspire. His experience and prestige will make him an excellent Commission President. The best man won in the final sprint and, as runner-up, I would like to pay him a most heartfelt tribute.'

¹ Point 2.4.15.

² Point 2.4.16; OJ C 293, 10.9.1984.

³ Bull. EC 6-1984, point 1.1.9-7.

⁴ Point 2.4.16; OJ C 239, 10.9.1984.

⁵ Bull. EC 2-1984, point 1.1.1 *et seq.*

Institutions and organs of the Communities

Parliament¹

Strasbourg: 24 to 27 July

2.4.8. The European Parliament which emerged from the second elections by direct universal suffrage² held its first part-session in Strasbourg from 24 to 27 July when it proceeded to elect its President, Vice-Presidents and Quaestors, and formed its committees. Mr Peter Barry, the Irish Foreign Minister, presented the programme for the Irish Presidency³ and a debate was held on the Fontainebleau European Council, during which tribute was paid to the efforts of the French Presidency but much criticism was heard of the budget compromise.

Election of the President

2.4.10. Seven candidates entered the first ballot and 421 members voted. The result was: Mr Pflimlin: 165; Mr Dankert: 123; Lady Elles: 44; Mr Pajetta: 37; Mrs Bloch von Blottnitz: 17; Mr Le Pen: 16; Mr Spinelli: 11. After the first ballot Mr Le Pen, Chairman of the Group of the European Right, and Lady Diana Elles (*ED/UK*) announced they were standing down in favour of Mr Pflimlin. Mr Pajetta (*Com/I*) and Mrs Bloch von Blottnitz (*Rainbow/D*) had also withdrawn.

This left two other candidates, Mr Pieter Dankert (*Soc/NL*) and Mr Altiero Spinelli (*Com/I*), still in the field. With 403 cast in the second ballot the absolute majority was 202. The final result: Mr Pflimlin 221—Mr Dankert 133—Mr Spinelli 49.

Mr Pflimlin was then formally proclaimed President of the European Parliament. After the political groups had voiced their reactions in the persons of their respective

Chairmen, the new President delivered his opening address.⁴

*

Biographical note: Mr Pierre Pflimlin

2.4.11. Born in Roubaix on 5 February 1907 Pierre Pflimlin was educated at the Lycée de Mulhouse, the Catholic Institute of Paris and the University of Strasbourg. He is a Doctor of Law. After being elected member of the Constituent National Assembly for Bas-Rhin in 1945, he held the Bas-Rhin seat in the 1946, 1951, 1956, 1958 and 1962 elections. Elected city councillor of Strasbourg in 1945, he was Mayor from 1959 to 1983 and Chairman of Strasbourg Corporation from 1968 to 1983. Departmental councillor from 1951 to 1970 and again from 1971 to 1976, he was Chairman of the Bas-Rhin General Council from 1951 to 1960.

Mr Pflimlin has been a member of several governments, as Deputy State Secretary for Population and then for the National Economy (1946), Minister of Agriculture (1947-49, 1950-51), Minister of Trade and External Economic Relations (1951-52), as Minister of State responsible for relations with the Council of Europe (1952), as Minister for Overseas France (1952-53), as Minister

¹ 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 239, 10.9.1984, and the reports of the proceedings are contained in OJ Annex 1-315. The political groups of members are indicated in brackets by the following abbreviations: *Soc* = Socialists; *EPP* = European People's Party-Christian Democrats; *ED* = European Democratic Group, *Com* = Communists and Allies; *Lib* = Liberals and Democrats; *EDA* = European Democratic Alliance; *Rainbow* = Rainbow Group; *ER* = European Right; *Ind* = Group for the Technical Coordination and Defence 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.

² Point 1.2.1 *et seq.*; Bull. EC 6-1984, points 1.2.1 to 1.2.4.

³ Point 3.4.1.

⁴ Point 1.2.3.

of Finance and Economic Affairs (1955-56 and 1957-58). He chaired the Council of Ministers in May-June 1958, was Minister of State in General de Gaulle's Government from June 1958 to January 1959 and Minister of State responsible for cooperation from 15 April to 15 May 1962. He was also national president of the MRP (Mouvement Républicain Populaire) from 1956 to 1959.

Member of the Consultative Assembly of the Council of Europe and the European Parliament from 1959 to 1967, he was President of the Consultative Assembly from May 1963 to May 1966. Mr Pflimlin has been a Vice-President of the European Parliament since July 1979.¹

Election of Vice-Presidents

2.4.12. The House also proceeded to elect its Vice-Presidents. After the second ballot the Vice-Presidents elected in order of precedence were: Mrs Maria Luisa Cassanmagnago Cerreti (*EPP/I*), Mr Siegbert Alber (*EPP/D*), Lady Diana Elles (*ED/UK*), Mr Hans Nord (*Lib/NL*), Mr Patrick Joseph Lalor (*EDA/IRL*), Mr Horst Seefeld (*Soc/D*), Mr Mario Didò (*Soc/I*), Mr Winston Griffiths (*Soc/UK*), Mr Guido Fanti (*Com/I*), Mr Spyridon Plaskovitis (*Soc/G*), Mrs Nicole Pery (*Soc/F*), Mr Poul Møller (*ED/DK*).

Election of Quaestors

2.4.13. It required only one ballot to elect the Quaestors, who are: Mr Ernest Glinne (*Soc/B*), Mr Kurt Wawrzik (*EPP/D*), Mr Thomas Maher (*Lib/IRL*), Mr Anthony Simpson (*ED/UK*), Mr Angelo Carossino (*Com/I*).

Formation of the Committees

2.4.14. Parliament decided to form 17 Committees in addition to the Committee on the Verification of Credentials.² With the exception of the Committee on Women's Rights, whose terms of reference were enlarged, the responsibilities of these Committees remain unchanged.

The Fontainebleau European Council

2.4.15. After paying eloquent tribute to President Mitterrand, Dr Garret FitzGerald, President of the Council, made a number of promises to Parliament: the House would have before it in October measures to make up the 1984 budget deficit; it would be kept informed of the proceedings of the *ad hoc* group on institutional affairs; its opinion would be sought on the appointment of Mr Delors to be President of the Commission.

Surveying the results of the Fontainebleau meeting Mr Gaston Thorn, President of the Commission, said that the Community would only be getting a short breather. The new 1.4% VAT limit would mean that new negotiations would have to start no later than 1986, for the budget the Commission was proposing for 1985—which took no account of whatever decisions might be taken on farm prices next spring—already implied a VAT call-in rate of 1.12%. The net cost of the accession of Spain and Portugal represented at the very least a tenth of a point of VAT once all systems were operating normally. So in 1987, if enlargement went ahead in 1986 as planned, the VAT call-in rate could not be less than 1.22%. The Chairman of the Socialist Group, Mr Rudi Arndt (*D*) would have nothing to do with the sleight-of-hand at Fontainebleau that had 'settled' the budget problem, where instead of acting on expenditure the Heads of Government had simply tampered with the revenue side, or in other words given a blank cheque to Mrs Thatcher and stripped one arm of the budgetary authority of its powers.

¹ OJ C 203, 13.8.1979; OJ Annex 244; Bull. EC 7/8-1979, point 2.3.6.

² The 17 Committees are as follows: Political Affairs (45 members); Agriculture, Fisheries and Food (45); Budgets (42); Economic and Monetary Affairs and Industrial Policy (42); Energy, Research and Technology (30); External Economic Relations (25); Legal Affairs and Citizens' Rights (25); Social Affairs and Employment (30); Regional Policy and regional Planning (28); Transport (24); Environment, Public Health and Consumer Protection (31); Youth, Culture, Education, Information and Sport (24); Development and Cooperation (42); Budgetary Control (30); Rules of Procedure and Petitions (25); Institutional Affairs (30); Women's Rights (25).

Mr Egon Klepsch (*D*), Chairman of the EEP Group, thought that the device used to settle the Community's budget dispute looked suspiciously like the 'fair return' principle.

He also had his doubts about the *ad hoc* Committee on institutional affairs, saying that in any case the House should be represented on it.

Mrs Simone Veil (*F*), Chairman of the Liberal and Democratic Group, found that the Fontainebleau European Council had done nothing but create ambiguity. Mr Mitterrand had raised false hopes; there had been no further conference; Fontainebleau had breathed no word of the draft Treaty on European Union or of Parliament's powers. As for the *ad hoc* institutional affairs Committee, there was not even any suggestion of Parliament's working with it. The promises made earlier for improving the conciliation procedure and for consulting the House on the appointment of the president of the Commission had not been kept. The Chairman of the EDA Group, Mr Christian de la Malène (*F*), welcomed the success of Fontainebleau, but wanted to wait and see what would really come of it, for the price paid by the Community was high. The increase in own resources was gratifying but was it enough to meet the new agreed expenditure? The Community might find itself back at 'square one' and merely a 'limited liability' Community, having dropped the principle of financial solidarity, encumbered with a perpetually disjointed agricultural market and a rushed enlargement whose effect might be to dilute established policies.

Finally, Mr Pino Romualdi (*I*) for the European Right declared that the increase in the VAT rate to 1.4% was scarcely enough to cover the accession of Spain and Portugal. What was needed was fresh institutional drive. The appointment of Mr Delors to be President of the Commission was the outcome of the 'horse trading' at Fontainebleau. Once again this policy of 'fait accompli' was humiliating to Parliament.

2.4.16. Parliament also passed resolutions on:

- the Fontainebleau European Council¹ and the decisions taken there: the House welcomed the fact that this European Council finally came forward with proposals to adapt the Community to the expectations of the European citizens and would be setting up an *ad hoc* Committee on institutional affairs; but Parliament considered that the 'temporary and partial solution to the problems of the financing of the Community' was not satisfactory, the Council having made changes on the revenues side when the House had always wanted a restructuring of expenditure; it also warned the Council against anything that might lead to a reduction in Parliament's powers;

- the *ad hoc* Committee on European Union: referring to its resolution adopting the draft Treaty on European Union² the House asked the Council to involve Parliament closely with the work of this *ad hoc* Committee set up by the Fontainebleau European Council³ and to entrust the House with the task of finalizing the text of the draft Treaty, in the light of the Committee's work and any suggestions by national parliaments;

- the Council's responsibility as regards the Community budget: taking note of the undertaking given at Fontainebleau 'to ensure the normal functioning of the Community' and the Council's failure to honour this undertaking for 1984 and 1985, the House would not accept any accounting tricks affecting the EAGGF Guarantee Section in the 1984 supplementary budget, urged that the sums intended to correct any financial imbalances of certain States be entered in the budget and considered the new compensation mechanism agreed by the Fontainebleau European Council to be contrary to the spirit and letter of the Treaties;

¹ Bull. EC 6-1984, points 1.1.1 to 1.1.10; for the debate see point 2.4.15.

² OJ C 77, 19.3.1984; Bull. EC 2-1984, points 1.1.1, 1.1.2 and 2.4.12.

³ Bull. EC 6-1984, point 1.1.9-7.

- transfer of appropriations to finance compensatory measures in favour of the United Kingdom and measures in favour of the Federal Republic of Germany:¹ the House condemned the solutions adopted at Fontainebleau without Parliament's participation, which it found to be only temporary and contrary to the spirit and the letter of the Treaties and the agreement concluded between Parliament, the Council and the Commission last April. The House therefore rejected this transfer and said it would re-examine it at a later date.

2.4.17. In the field of human rights Parliament passed a resolution on:

- the fate of Andrei Sakharov: noting that there has been no news of this great scientist, winner of the Nobel peace prize, for

several weeks, the House decided to send a select delegation from Parliament to the USSR to meet Andrei Sakharov.

Council

2.4.18. The Council held four meetings in the July/August period. 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 Bull. EC 2-1984, point 2.3.3; Bull. EC 3-1984, point 2.3.3; Bull. EC 6-1984, point 2.3.4.

Table 6 — Council meetings in July and August 1984

Number, place and date of meeting	Subject	President	Commission	Main items of business
943rd Brussels 9 July	Economic and financial affairs	Mr Dukes	Mr Ortoli, Mr Tugendhat	<ul style="list-style-type: none"> • <i>Budgetary discipline</i> • <i>Second-quarter review of economic situation</i>¹ • <i>New NCI III tranche</i>¹ • <i>Export credits — Sectoral agreement on nuclear power stations</i> • <i>Tax measures to encourage co-operation between undertakings from different Member States</i> • <i>Proposal for fourteenth VAT Directive</i>
944th Brussels 16 and 17 July	Agriculture	Mr Deasy	Mr Dalsager	<ul style="list-style-type: none"> • <i>Olive oil</i>² • <i>Aid for skimmed milk and skimmed-milk powder for use as animal feed</i> • <i>Dried grapes</i> • <i>Wine</i> • <i>Exceptional wine distillation (request from German delegation)</i>² • <i>Structural policy</i> • <i>Forest protection</i>³

Commission

Number, place and date of meeting	Subject	President	Commission	Main items of business
945th Brussels 18 to 20 July	Budget	Mr O'Keefe	Mr Ortoli, Mr Tugendhat, Mr Dalsager, Mr Burke	<ul style="list-style-type: none"> • Meeting between Parliament delegation and Council • Draft supplementary and amending budget No 1/84 and draft general budget for 1985⁴
946th Brussels 23 and 24 July	Foreign affairs	Mr Barry, Mr O'Keefe	Mr Thorn, Mr Haferkamp, Mr Natali, Mr Davignon, Mr Tugendhat, Mr Narjes, Mr Pisani	<ul style="list-style-type: none"> • Spanish accession⁵ • Portuguese accession⁵ • Own resources and budget problems⁵ • Social measures for steel industry⁶ • Adjustments to production quota system in steel industry⁶ • Consolidation of internal market⁶ • Elimination of technical barriers to trade • Relations with EFTA countries⁷ • Relations with People's Republic of China⁸ • Preparation for UNIDO IV • ACP-EEC negotiations⁹ • Relations with United States: steel⁷ • Export credits • European Foundation

¹ Economic and monetary policy.

² Agriculture.

³ Environment and consumers.

⁴ Financing Community activities.

⁵ Enlargement and bilateral relations with applicant countries.

⁶ Internal market and industrial affairs.

⁷ Relations with industrialized countries.

⁸ Relations with other countries and regions.

⁹ Development.

Commission

2.4.19. Mr Thorn issued a statement following the announcement that Mr Jacques Delors had been appointed President of the Commission of the European Communities from January 1985.

2.4.20. The Commission received Mr Peter Barry, the Irish Foreign Minister and President of the Council from 1 July. It was found that the priorities of the Commission

and Presidency largely coincided and the willingness of both sides to foster continued collaboration at all levels was confirmed.

Activities

2.4.21. Much of the Commission's time in July was spent discussing the budget question ahead of the Council meeting on 18, 19 and 20 July. It sent the Council a policy document pinpointing the main facts of the situation and setting out the Community's obligations in 1984 and 1985.

*Decisions, communications
and proposals*

2.4.22. The Commission sent the Council an amended proposal on the system of own resources to give effect to the decisions taken by the Fontainebleau European Council.

It also adopted an amended proposal for a Regulation introducing measures to meet budget requirements in 1984, given the exhaustion of own resources, and a proposal for a Regulation introducing reserve measures to cover requirements in 1985 should the new decision increasing own resources not enter into force in time.

In addition, the Commission adopted the preliminary draft of supplementary and amending budget No 1/1984.

Lastly, it approved the ECSC operating budget for 1985, which was transmitted to Parliament for an opinion and to the ECSC Consultative Committee for information. Final adoption (second reading) will be at the end of the year.

2.4.23. The Commission sent the Council a proposal for a derogation from the Sixth VAT Directive to enable Germany to grant its farmers special aids to compensate for the dismantling of monetary compensatory amounts applied to certain agricultural products.

The Commission took a number of day-to-day management decisions in three particularly sensitive sectors, namely dairy products, beef and veal, and wine.

The Commission approved a report to the Council on the machinery to be used to establish the order of priority for granting European Social Fund assistance to regions. It also approved almost all the 1984 allocation of Social Fund assistance, the first to be granted on the basis of the new rules for the Fund adopted by the Council in October 1983.

The Commission, which is constantly monitoring the steel market, has decided, after consulting the steel producers, to increase

production quotas slightly for certain categories of steel products in the third quarter of 1984.

Finally, the Commission sent the Council the sixth statistical programme of the European Communities (1985-87).

Court of Justice ¹

Analysis of judgments delivered between 1 April and 30 June 1984

General

2.4.24. On 10 April the Court gave judgment in a second action by Luxembourg against the European Parliament concerning the places of work of Parliament and the staff assigned thereto.²

It will be remembered that on 7 July 1981 Parliament adopted a resolution in which, while it did not call in question the rights or duties of the governments of the Member States on the subject decided to hold its part-sessions in Strasbourg, to organize the meetings of its committees and political groups as a general rule in Brussels, and to review the operation of its Secretariat and technical services to meet these requirements.³ In February 1983, in *Luxembourg v Parliament I*, the Court ruled that the resolution did not infringe the decisions of the Member States, and was not beyond the powers of Parliament.⁴

On 20 May 1983 Parliament adopted a resolution on the consequences to be drawn from its earlier resolution; the new resolution provided for the staff of its Secretariat to be divided permanently between Strasbourg (part-sessions) and Brussels (commit-

¹ For more detailed information, see the material 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).

² Case 108/83.

³ OJ C 234, 14.9.1981.

⁴ Case 230/81.

tees), and instructed its Bureau and its Secretary-General to work out the necessary re-organization measures.¹ On 10 July 1983 the Grand Duchy of Luxembourg commenced an action to have this resolution declared void.

The Court began by rejecting the submission advanced by Parliament that the action was inadmissible because the resolution merely represented a call to act addressed to the responsible staff of Parliament, with a view to giving a policy direction to any decisions they might take. The Court said that permanently to divide offices and staff between Strasbourg and Brussels was to take concrete measures and such measures were in the nature of decisions having effects in law.

On the substance, the Court recalled the Decision of the Member States adopted on 8 April 1965 on the provisional location of certain institutions and departments of the Communities (Article 4): 'The General Secretariat of the Assembly and its departments shall remain in Luxembourg'.² While its earlier judgment of 10 February 1983 had accepted that Parliament 'must be in a position to maintain ... outside the place where its Secretariat is established the infrastructure essential for ensuring that it may fulfil ... the tasks which are entrusted to it by the Treaties', it had nevertheless added that 'the transfers of staff must not exceed the limits mentioned above since any decision to transfer ... wholly or partially, *de jure* or *de facto*, would constitute a breach of Article 4' of the 1965 Decision.³ The disputed resolution expressly provided that the staff of the Secretariat were to be based *permanently* in Brussels or Strasbourg, and that Luxembourg was merely to be 'dedicated to remaining the seat of the judicial and financial institutions'; the Court found that the limits clarified in the previous judgment had not been respected, and declared void the resolution of May 1983 on the ground that Parliament had exceeded its powers.

Free movement of goods

2.4.25. In infringement proceedings against Greece the Court interpreted the

scope of Article 38 of the Act of Accession, which provides that the payments for imports which must be made in cash are to be reduced by instalments.⁴ The Court accepted the Commission's view that the cash requirement had to be lowered equally for all individual transactions, and not merely over the whole volume of imports as the Greek authorities had maintained.

Customs union

2.4.46. A judgment on the tariff classification of sports shoes is interesting in that it held that where an article consists of different materials the material which gives it its essential character must be determined by qualitative tests, and not merely by quantitative tests such as value, percentage, etc.⁵ This interpretation represents an extension of Rule 3 of the general rules for the interpretation of the nomenclature of the Common Customs Tariff.

Equal treatment for men and women

2.4.7. The judgments in *Von Colson and Kaman*⁶ and *Harz v Deutsche Tradax*⁷ are important for the interpretation of the Equal Treatment Directive of 1976⁸ on the question of the nature and gravity of the sanctions provided for by national law in cases where the principle of equal treatment is not respected.

The Court held that national legislatures have a measure of discretion here; but said the sanctions must be effective, and cannot be purely nominal. The courts referring the questions had also asked whether an individual could rely on the directive in order

¹ OJ C 161, 20.6.1983.

² OJ No 152, 13.7.1967.

³ Grounds of judgment 54 and 55.

⁴ Case 58/83 *Commission v Greece*.

⁵ Case 298/82 *Schickedanz v Oberfinanzdirektion Frankfurt am Main*.

⁶ Case 14/83 *Von Colson and Kamann v Land Nordrhein-Westfalen*.

⁷ Case 79/83.

⁸ Council Directive 76/207/EEC of 9 February 1976, OJ L 39, 14.2.1976.

to obtain specific compensation; the Court said no, as the directive did not include any unconditional and sufficiently precise obligation to that effect.

Common agricultural policy

2.4.28. In *Unifrex v Commission and Council*¹ the applicant sought compensation for the loss it claimed to have sustained because the Commission had frozen MCAs on exports of cereals to Italy. Commission Regulation 801/81 maintained MCAs at the same level as before the devaluation of the Italian lira on 23 March 1981.² The Commission contended that the decision to freeze MCAs was justified by the need to avoid increasing or introducing MCAs even though a decision modifying the representative rates was at that time imminent, and was in fact taken on 31 March when the agricultural prices for 1981/82 were fixed. The Court accepted this view.

2.4.29. In *Wünsche*³ the Court applied the principle that the power to take a far-reaching measure implies the power to take a less far-reaching one. Commission Regulation No 3429/80 adopted protective measures against preserved cultivated mushrooms from the People's Republic of China.⁴ Rather than simply suspending imports, it required payment of an 'additional amount' on import. The Court refused to strike down the regulation, holding that Council Regulation No 521/77,⁵ empowered the Commission to require such an additional amount as a protective measure; that Regulation makes provision for measures more restrictive than the requirement of an additional amount, although it does not explicitly refer to the possibility of a requirement of this kind.

2.4.30. In *Melkunie*⁶ the Court accepted that national legislation prohibiting the marketing of goods lawfully produced and marketed in the country of exportation on the ground that they do not meet the microbiological requirement laid down in the Member State of importation constitutes a measure having an effect equivalent to a

quantitative restriction within the meaning of Article 30 of the EEC Treaty. But it accepted that national legislation which does not allow active coliform bacteria to be present in a pasteurized milk product, and is aimed at excluding the presence in such a product, at the time of its consumption, of a number of non-pathogenic micro-organisms which may present a risk to the health of the most sensitive consumers, and to that end fixes the maximum number of such micro-organisms permissible on the date of sale of the product, taking into account the extent to which it will deteriorate between its sale and consumption, complies with the requirements of Article 36 of the EEC Treaty.

ECSC

2.4.31. In three recent judgments the Court confirmed the importance of the time-limits for bringing actions before it, and dismissed the applications as inadmissible, ruling that the applicants had been unable to show that there had been *cas fortuit* or *force majeure*.⁷

2.4.32. In *Bertoli* the Court upheld the principles followed by the Commission in applying Article 60 of the ECSC Treaty, for the infringement of which the Commission had imposed a fine; but the Court nevertheless substantially reduced the fine, holding that special circumstances of the case justified a reduction of equity.⁸

2.4.33. In another case⁹ the applicant had asked the Court to annul a decision fining it under Article 15 of Commission Decision

¹ Case 281/82.

² Regulation of 27 March 1981, OJ L 82, 28.3.1981.

³ Case 345/82 *Wünsche Handelsgesellschaft v Bundesamt für Ernährung und Forstwirtschaft*.

⁴ Regulation of 29 December 1980, OJ L 358, 31.1.1980.

⁵ Regulation of 14 March 1977, OJ L 73, 21.3.1977.

⁶ Case 97/83 *Criminal proceedings against CMC Melkunie BV, now called Melkunie Holland BV*.

⁷ Case 224/83 *Vittoria v Commission*; Case 209/83 *Val-sabbia v Commission*; Case 82/84 *Metalgoi v Commission*.

⁸ Case 8/83 *Bertoli v Commission*.

⁹ Case 9/83 *Eisen und Metall-Aktiengesellschaft v Commission*.

No 1836/81/ECSC on the obligation of distributive undertakings to publish price lists and conditions of sale and on prohibited practices in the steel trade,¹ or, in the alternative, to reduce the fine. The fine was the first one imposed pursuant to that Decision. The Court rejected all the applicant's submissions, but reduced the fine by half on the ground that in the case of an infringement, by a dealer, the reduced influence which the latter can exercise on the market situation is a circumstance which attenuates the gravity of the act.

2.4.34. In a judgment² relating to fines for exceeding quotas, the Court said it would serve no purpose to consider whether letters which the firm had written represented requests for the adjustment of its quotas or requests made pursuant to Article 35 of the ECSC Treaty, as the applicant had in any case failed to bring actions before the Court to challenge the implied decisions of refusal within the one-month time-limit laid down by the third paragraph of Article 35. The fact that a firm was in serious financial difficulties did not justify reducing the fine; if this principle were to be accepted the production quota system would be seriously compromised.

Composition of chambers

2.4.35. The Court settled the composition of its chambers as follows:

2.4.36. New cases

First Chamber

T. Koopmans, President,
G. Bosco and R. Joliet, Judges;

Second Chamber

K. Bahlmann, President,
P. Pescatore and O. Due, Judges;

Third Chamber

Y. Galmot, President,
U. Everling and C. Kakouris, Judges;

Fourth Chamber

T. Koopmans, President,
K. Bahlmann, P. Pescatore, A. O'Keefe and
G. Bosco, Judges;

Fifth Chamber

Y. Galmot, President,
O. Due, U. Everling, C. Kakouris and
R. Joliet, Judges.

¹ OJ L 184, 4.7.1981.

² Case 81/83 *Busseni v Commission*.

Case	Subject	Basis
ECSC—Steel		
177/84—Usinor v Commission ¹	Individual Commission Decision of 23 May 1984, notifying steel production quotas for the first and second quarters of 1984	Article 33 ECSC
204/84—Sideradria v Commission ²	Individual Commission Decision of 3 July 1984, notifying steel production quotas for the third quarter of 1984	Article 33 ECSC
218/84—Badische Stahlwerke v Commission ³	Individual Commission Decision of 6 July 1984, notifying steel production quotas for the third quarter of 1984	Article 33 ECSC

Case	Subject	Basis
Free movement of goods		
149/84—1. Procureur de la République and 2. Direction Interdépartementale de la Concurrence et de la Consommation v Binet, Rigault and Joly	Are national rules imposing minimum prices for the sale of motor fuels to the consumer contrary to Community law, or may they be justified on grounds of public policy?	Article 177 EEC
182/84—Criminal proceedings against Miro ⁴	Is the application of Article 2 of the Dutch rules on the appellation 'gin' to gin imported from Belgium compatible with Article 30 EEC?	Article 177 EEC
201/84—Procureur de la République v Gontier ⁵	Is national legislation imposing minimum prices for motor fuels contrary to Community law?	Article 177 EEC
202/84—Procureur de la République v Girault ⁶	Is national legislation imposing minimum prices for motor fuels contrary to Community law?	Article 177 EEC
Customs union		
155/84—Onnasch v HZA Berlin-Packhof	Interpretation of headings 99.03 and 39.07 of the CCT with reference to the classification of a work of art (Regulation 3300/81)	Article 177 EEC
163/84—HZA Hannover v Telefunken Fernseh & Rundfunk GmbH	Interpretation of headings 85.15 of the CCT with reference to the classification of a combined tuner, record player and cassette recorder with loudspeakers (Regulation 2500/77)	Article 177 EEC
166/84—Thomasduenger v Oberfinanzdirektion Frankfurt am Main	Interpretation of headings 26.02 and 31.03 of the CCT with reference to the classification of converter slag (Regulation 3000/80)	Article 177 EEC
167/84—HZA Bremen-Freihafen v Drünert	Interpretation of headings 44.05 and 44.13 of the CCT with reference to the classification of sawn balsa wood (Regulation 2500/77)	Article 177 EEC
179/84—Bozzetti v Invernizzi and Ministero del Tesoro	Interpretation of Regulations 1079/77 and 1822/77 to establish whether the co-responsibility levy for milk is of a fiscal nature, and the validity of those Regulations given that the levy applies in an identical manner to products which differ in composition	Article 177 EEC
200/84—Daiber v HZA Reutlingen ⁵	Interpretation of the terms 'collectors' piece' and 'of... historical... [or] ethnographic... interest' in heading 99.05 of the CCT (Regulation 3000/79)	Article 177 EEC
214/84—Stinnes v HZA Kassel ⁷	Is the term 'a given action' in Article 8 of Council Regulation 1697/79 to be taken to refer to post-clearance recovery for each individual import or export transaction or is 'a given action' to be taken to refer to a single post-clearance recovery order, even if it combines several import or export transactions of a person liable for payment in a single action for recovery?	Article 177 EEC

Case	Subject	Basis
<p>Approximation of laws 187/84—Criminal proceedings v Caldana⁸</p>	<p>Does the Dangerous Substances Directive of 1967, 67/548/EEC, as amended by Directive 79/831/EEC require dangerous substances to be labelled even when they are in preparations?</p>	<p>Article 177 EEC</p>
<p>Freedom of establishment and freedom to provide services 197/84—Steinhauser v City of Biarritz⁴</p>	<p>Does Article 52 EEC allow a local authority to make acceptance of applications to tender for the letting of commercial premises conditional upon nationality?</p>	<p>Article 177 EEC</p>
<p>Taxation 168/84—Berkholz v Hamburg-Mitte-Altstadt⁹</p>	<p>Interpretation of Articles 9(1) and 15(8) of the Sixth VAT Directive, 77/388/EEC, with reference to the operation of gambling machines on ferries</p>	<p>Article 177 EEC</p>
<p>Competition 161/84—Pronuptia de Paris v Schilligalis¹⁰</p>	<p>Is Article 85(1) EEC applicable to franchising contracts and if so, is Regulation 67/67/EEC applicable to such contracts?</p>	<p>Article 177 EEC</p>
<p>169/84—COFAZ and Others v Commission¹¹</p>	<p>Commission Decision regarding a tariff structure for natural gas supplied to Dutch ammonia producers, brought to the notice of the applicants by letter of 24 April 1984</p>	<p>Article 173 EEC</p>
<p>196/84—1) Rogesa Roheisengesellschaft Saar, Dillinger Hüttenwerke and Arbed Saarstahl v Commission¹²</p>	<p>Commission Decision of 18 June 1984, insofar as it makes the release of aid for the construction of a new blast furnace subject to the condition that another blast furnace be closed down</p>	<p>Article 33 ECSC</p>
<p>Social Policy 151/84—Roberts v Tate & Lyle</p>	<p>Is it contrary to the Treatment Directive, 76/207/EEC, to arrange for both men and women employees who are made redundant to receive a pension from the occupational pension fund at the age of 55, when this is ten years before the retirement age for men and only five years before the retirement age for women?</p>	<p>Article 177 EEC</p>
<p>152/84—Marshall v Southampton and South-West Hampshire Area Health Authority (Teaching)</p>	<p>Is the fixing of the retirement age for women at sixty and for men at sixty-five an act of discrimination prohibited by the Equal Treatment Directive, 76/207/EEC, and if so is the Directive directly applicable?</p>	<p>Article 177 EEC</p>
<p>170/84—bilka Kaufhaus v Wever von Hartz⁹</p>	<p>Where a department store which employs predominantly women excludes part-time employees from benefits under its occupational pension scheme, is this contrary to Article 119 EEC, given that such exclusion affects disproportionately more women than men?</p>	<p>Article 177 EEC</p>

Case	Subject	Basis
Social Security		
145/84—Cochet v Bestuur van de Bedrijfsvereniging voor de Gezondheid, geestelijke en maatschappelijke Belangen ¹³	Is Section 2 of Chapter 6 of Regulation 1408/71 applicable to a wholly unemployed frontier worker who received unemployment benefit under the legislation of the Member State in which he was resident and after becoming unemployed settled in the territory of the Member State in which he was last employed?	Article 177 EEC
153/84—Ferraioli v Deutsche Bundespost	Interpretation of Article 76 of Regulation 1408/71 with reference to the payment of family benefits for children not resident in the Member State in which one of the parents is employed	Article 177 EEC
157/84—Frascogna v Caisse des dépôts et consignations	Is the European Interim Agreement of 11 December 1953 on Social Security Schemes relating to Old age, Invalidity and Survivors compatible with Regulation 1408/71?	Article 177 EEC
Agriculture		
154/84—Fleischwaren- & Konserven- Fabrik Schulz & Berndt v HZA Berlin-Süd	Retroactivity of Regulation 3584/81; if not retroactive, interpretation and validity of Regulation 1136/79 with reference to proof of processing	Article 177 EEC
165/84—Krohn v Bundesanstalt für landwirtschaftliche Marktordnung	Is Regulation 2655/82 laying down rules for implementing the import arrangements for 1982 for products falling within subheading 07.06 A of the CCT originating in third countries other than Thailand and amending Regulation 950/68 on the CCT applicable by analogy to imports of products falling under the same subheading originating in Thailand?	Article 177 EEC
175/84—Krohn v Communities	Application for damages for loss suffered as a result of the application of Regulation 2029/82 laying down detailed rules for implementing the import arrangements applicable to products falling within subheading 07.06 A of the CCT, originating in Thailand and exported from that country in 1982	Article 215 EEC
181/84—R. v Intervention Board for Agricultural Produce, <i>ex parte</i> Man (Sugar) Ltd	Validity of Article 6(3) of Regulation 1880/83, which purports to require the forfeiture of the security where an application for an export licence is not received by the intervention agency within the period laid down	Article 177 EEC
183/84—Söhnlein Rheingold v HZA Wiesbaden	Interpretation of Regulation 1608/74 with reference to the waiver or refund of MCAs and the powers of the Member State in the application of the Regulation	Article 177 EEC

Case	Subject	Basis
195/84—Denkavit Futtermittel v Land Nordrhein-Westfalen ¹⁴	Interpretation of Directives 70/524/EEC, 74/63/EEC and 79/373/EEC with reference to the term 'additives' and to the powers of the Member States to subject feedingstuffs to a marketing restriction	Article 177 EEC
19/84—Pubblico Ministero v Migliorini and Fischl ¹⁵	Was Regulation 3225/82, allocating the tariff quota among the Member States according to requirements determined on the basis of criteria laid down therein, intended to refer to the use of the meat imported from a non-member country for consumption and trade only within the importing country, without any possibility of re-exportation of the meat to another country in the Community?	Article 177 EEC
Commercial policy		
172/84—Celestri v Amministrazione delle Finanze dello Stato ¹⁴	Validity of the communication from the Commission amending the basic prices for certain iron and steel products (effective from 1 January 1982)	Article 41 ECSC
174/74 Bulk Oil (Zug) v Sun International and Sun Oil Trading ¹⁶	Compatibility of the United Kingdom policy of precluding the export of North Sea crude oil to countries other than Member States of the EEC, countries in the International Energy Agency and certain others with Regulations 1274/75 and 2603/69	Article 177 EEC
Administrative		
203/84—Brett and Others v Commission and Council ²	Application for compensation for the loss suffered by the applicants by reason of the unlawful recruitment procedures applied to them, and action against the Commission for failure to give them the status of temporary staff of the Communities	Articles 148 and 188 Euratom and Article 215 EEC
Budget		
190/84—Ecological Party 'Les Verts' v European Parliament ¹⁵	Annulment of all decisions implementing the 1984 budget in respect of Item 3708 ¹⁷	Article 173 EEC
Infringements		
164/84—Commission v Germany	Arbitrary discrimination and disguised restriction on the import of game	Article 169 EEC
176/84—Commission v Greece	National measures restricting imports of beer from other Member States to beers brewed in accordance with Greek rules	Article 169 EEC
178/84—Commission v Germany ¹⁸	German rules on the sale of beer ('Reinheitsgebot'). Measure having equivalent effect to a quantitative restriction on imports	Article 169 EEC
184/84 Commission v France ¹⁸	Articles 5 and 30 EEC — licence required for import of 100% cotton yarn in free circulation in the Community	Article 169 EEC

Case	Subject	Basis
185/84 Commission v France ¹⁸	Articles 5 and 30 EEC — licence required for import of shirts in free circulation in the Community, and fine incommensurate with the nature of the offence committed	Article 169 EEC
188/84—Commission v France ¹⁸	French rules on health and safety standards for machines for working wood	Article 169 EEC
189/84—Commission v France ¹⁸	National measures making the approval of anti-parasitic products subject to the condition that the request therefor must be made by the holder of the trade mark resident in France	Article 169 EEC
192/84—Commission v Greece	National measures discriminating in the grant of loans for the purchase of tractors and other agricultural machinery	Article 169 EEC
193/84—Commission v United Kingdom	Import of perfumes and toilet products containing alcohol; tax discrimination	Article 169 EEC
194/84—Commission v Greece	Refusal to authorize the transfer of credit balances on blocked accounts held in Greece by residents of other Member States	Article 169 EEC
198/84—Commission v Luxembourg ¹²	Nurses Directive (77/452/EEC concerning the mutual recognition of qualifications)	Article 169 EEC
205/84—Commission v Germany ¹⁹	Principles of freedom to provide services in insurance, particularly Community co-insurance — Directive 78/473/EEC	Article 169 EEC
206/84—Commission v Ireland ²	Community co-insurance Directive, 78/473/EEC	Article 169 EEC
216/84—Commission v France ³	Ban on the sale of substitutes for milk powder for automatic coffee dispensing machines	Article 169 EEC

Disputes between the Community and its staff

v Commission: 171/84,⁸ 173/84,²⁰ 180/84,¹ 186/84,³ 191/84,¹⁸ 217/84, 219/84

v European Parliament: 141/84¹³

¹ OJ C 210, 10.8.1984.

² OJ C 236, 6.9.1984.

³ OJ C 242, 12.9.1984.

⁴ OJ C 219, 21.8.1984.

⁵ OJ C 228, 30.8.1984.

⁶ OJ C 231, 1.9.1984.

⁷ OJ C 237, 7.9.1984.

⁸ OJ C 208, 8.8.1984.

⁹ OJ C 196, 25.7.1984.

¹⁰ OJ C 191, 19.7.1984.

¹¹ OJ C 209, 9.8.1984.

¹² OJ C 223, 24.8.1984.

¹³ OJ C 195, 24.7.1984.

¹⁴ OJ C 217, 17.8.1984.

¹⁵ OJ C 227, 29.8.1984.

¹⁶ OJ C 201, 31.7.1984.

¹⁷ OJ C 293, 19.10.1983.

¹⁸ OJ C 211, 11.8.1984.

¹⁹ OJ C 233, 4.9.1984.

²⁰ OJ C 202, 1.8.1984.

2.4.37. Judgments

Date and case	Held
ECSC—Steel	
4.7.1984, 82/84 and 82/84 R — <i>Metalgoi v Commission</i> ¹	— The application (for annulment of a decision imposing a fine for exceeding steel production quotas) is dismissed as inadmissible — It would no longer serve any purpose to rule on the application for interim measures
6.7.1984, 62/84 R — <i>Usinor v Commission</i> ²	The operation of the Commission Decision of 26 January 1984 is suspended on condition that the applicant provides a bank guarantee
12.7.1984, 81/83 — <i>Busseni v Commission</i> ³	The application (for annulment of a decision imposing a fine for exceeding steel production quotas) is dismissed
12.7.1984, 209/83 — <i>Valsabbia v Commission</i> ³	The application (for annulment of a decision imposing a fine for failure to comply with price lists) is dismissed as inadmissible
Free movement of goods	
10.7.1984, 72/83 — <i>Campus Oil and Others v Minister for Industry and Energy and Others</i> ²	National rules that require all importers to purchase petroleum products from a refinery are contrary to Article 30 EEC. But such rules may be justified on grounds of public security within the meaning of Article 36 EEC provided certain conditions are met
16.7.1984, 160/84 R — <i>Kavalas and Others v Commission</i>	The Commission shall inform the Greek authorities that the import levy in question is not to be demanded before 1 November 1984 provided that the applicants lodge with the said authorities a bank guarantee covering the payment of the disputed sum at that date
Freedom of establishment and freedom to provide services	
12.7.1984, 107/83 — <i>Ordre des Avocats au Barreau de Paris v Onno Klopp</i> ¹	Even in the absence of any directive coordinating national provisions governing access to, and the exercise of, the legal profession, Article 52 <i>et seq.</i> of the EEC Treaty prevent the competent authorities of a Member State from denying, in accordance with their national legislation and the rules of professional conduct which are enforced in that State, to a national of another Member State the right to enter and to exercise the legal profession solely on the ground that he simultaneously maintains chambers in another Member State

Date and case	Held
<p>Taxation</p> <p>10.7.1984, 42/83 — Dansk Denkavit v Ministeriet for Skatter og Afgifter²</p>	<p>1. The sixth Council VAT Directive (77/388/EEC) does not preclude a Member State from laying down accounting periods and periods within which payment of value-added tax on importation must be made which are different from the periods in respect of the payment of the tax debt under the internal system</p> <p>2. Differences in time limits prescribed by national legislation with regard to tax on importation and taxation under the internal system may, in certain circumstances, constitute an infringement of Article 95 of the Treaty. Nevertheless, tax periods which serve as a reference for calculating the net tax position of each tax payer under the internal system need not, as Community legislation stands at present, be taken into consideration when a comparison is made of the periods for payment. In those circumstances, legislation such as that described by the national court does not disclose any factors capable of constituting discrimination within the meaning of Article 95 of the Treaty</p>
<p>Competition</p> <p>12.7.1984, 170/83 — Hydrotherm Gerätbau v Andreoli³</p>	<p>Interpretation of Regulation 67/67/EEC declaring a block exemption for exclusive distribution agreements. The court held in particular that the block exemption does cover agreements</p> <ul style="list-style-type: none"> • in which several firms participate on the side of the supplier, if those firms constitute, for purposes of the agreement, an economic entity; • which extend not only to a defined part of the territory of the common market but also to countries outside the Community; • where neither from the actual terms of the agreement nor from the conduct of the parties does it appear that the parties intend to use or are in fact using an industrial property right in such a way as to impede parallel imports into the territory in question (Article 3(b) (1) of the Regulation).
<p>11.7.1984, 222/83 — Commune de Differdange and Others v Commission²</p>	<p>The application (for annulment of Decision 83/397/EEC, ECSC on aids to the steel industry) is dismissed as inadmissible</p>
<p>Social policy</p> <p>12.7.1984, 184/83 — Hofmann v Barmer Ersatzkasse¹</p>	<p>Articles 1, 2 and 5(1) of the Equal Treatment Directive (76/207/EEC) must be interpreted as meaning that a Member State may, after the protective period has expired, grant to a mother a period of maternity leave, the grant of which is encouraged by the State by means of the payment of a remuneration. The directive does not</p>

Date and case	Held
<p>12.7.1984, 261/83 — Castelli v Office national des pensions pour travailleurs salariés (ONPTS)</p>	<p>impose on Member States the requirement that they shall, as an alternative, allow such leave to be granted to the father, even where the parents assent thereto</p> <p>Article 7(2) of Regulation 1612/68 on freedom of movement must be interpreted as meaning that the grant of a social advantage, such as the income guaranteed to old people by the legislation of the Member State, to a dependent relative in the ascending line of a worker cannot be conditional on the existence of a convention of reciprocity concluded between that Member State and the Member State of which such a relative is a national.</p>
<p>5.7.1984, 238/83 — Caisse d'allocations familiales de la Région parisienne v Meade²</p>	<p>Neither Regulation 1408/71 nor Article 48 EEC prevent family allowances being withdrawn pursuant to national legislation on the ground that a child is pursuing its studies in another Member State, where the parents of the child concerned are nationals of a non-member country or are not employed persons</p>
<p>12.7.1984, 242/83 — Caisse de compensation pour allocations familiales du bâtiment, de l'industrie et du commerce du Hainaut v Patteri</p>	<p>1. Where, in the case referred to in Article 77(2) (b) (i) of Regulation 1408/71, the amount of the benefits paid by the State of residence is lower than that granted by another State which is responsible for payment, the worker retains the right to the higher amount and is entitled to receive an additional benefit, paid by the competent social security institution of that State, equal to the difference between the two amounts.</p> <p>2. Consideration of the questions referred has disclosed no factor of such kind as to affect the validity of Article 77(2) (b) (i) of Regulation 1408/71</p>
<p>Free movement of workers</p> <p>12.7.1984, 237/83 — Prodest v Caisse primaire d'assurance maladie, Paris¹</p>	<p>Community law concerning the free movement of workers must be interpreted as meaning that the principle of non-discrimination applies to the case of a national of a Member State who is employed by an undertaking of another Member State even during a period in which the employee works outside the territory of the Community for that Community undertaking. In connection with the application of the national provisions of the Member State in which that undertaking is established the retention of affiliation to the general social security scheme of that State during the temporary posting of the employee in question to a non-member country, the employee must, if he is national of another Member State be treated in the same way as the nationals of the Member State in which the undertaking employing him is established</p>

Date and case	Held
Agriculture	
5.7.1984, 114/83 — Société d'initiatives et de coopération agricole Kerisnel and Société interprofessionnelle des producteurs et expéditeurs en fruits, légumes, bulbes et fleurs d'Ile-et-Vilaine v Commission ²	The application (for damages for loss in consequence of the Commission's failure to take steps against unlawful exports of early potatoes from Greece) is dismissed
11.7.1984, 89/83 — HZA Hamburg-Jonas v Dimex Nahrungsmittel Im- und Export ²	Where a milk product for which an export refund has been applied for arrives in the territory of destination in a deteriorated condition, and is refused by the health authorities of that country, the refund element for that country is not due, because the goods cannot be considered imported into the non-member country for purposes of Article 6(5) of Regulation 876/68 in conjunction with Article 6(1) of Regulation 192/75
12.7.1984, 49/83 — Luxembourg v Commission ¹	Commission Decisions 83/38 EEC and 83/49/EEC are void inasmuch as they refuse to charge to the Guarantee Section of the EAGGF one-third of the expenditure incurred by the Grand-Duchy of Luxembourg in respect of the financial years 1976 and 1977, in granting aid for the private storage of table wine
Fisheries	
10.7.1984, 63/83 — Regina v Kirk ²	Community law regarding fishing did not authorize a Member State, at the time of the adoption of the Sea Fish (Specified United Kingdom Waters) (Prohibition of Fishing) Order 1982, to prohibit vessels registered in another named Member State from fishing within a coastal zone specified by that order and not covered by conservation measures
Transport	
11.7.1984, 133/83 — Regina v Scott and Rimmer ⁵	<p>1. The term 'specialized vehicle' for certain types of transport operations within the meaning of Article 14a(3) (a) of Regulation 543/69 is intended to cover exclusively vehicles whose construction, fitments or other permanent characteristics guarantee that they are used primarily for one of those operations such as door-to-door selling</p> <p>2. The activity of 'door-to-door selling' within the meaning of the aforementioned Article 14a(3) (a) may consist of calls on potential wholesale customers, such as shops, works canteens, old peoples' homes or supermarkets provided that the activity of selling is characterized by frequent stops by the specialized vehicle</p>

Date and case	Held
<p>Convention on jurisdiction and the enforcement of judgments in civil and commercial matters</p> <p>12.7.1984, 178/83 — Firma P. v Firma K¹</p>	<p>The Court hearing an appeal by the party seeking enforcement is required to hear the party against whom enforcement is sought, pursuant to the first sentence of the second paragraph of Article 40 of the Convention, even though the application for an enforcement order was dismissed simply because documents were not produced at the appropriate time and the enforcement order is applied for in a State which is not the State of residence of the party against whom enforcement is sought</p>
<p>Commercial policy</p> <p>12.7.1984, 218/83 — 'Les rapides savoyards' and Others v Directeur général des douanes et droits indirects³</p>	<p>The agreement of 22 July 1972 concluded between the EEC and the Swiss Confederation and more particularly Protocol No 3 thereto concerning the definition of 'originating' products and methods of administrative cooperation must be interpreted as meaning that the assessment of the criteria used for determining the origin of a product and thus for determining whether it is eligible for the preference provided for by the agreement is the responsibility of the customs administration of the State from which the finished product is exported and which applies to components imported from non-member countries at the time of their importation its own rules on customs value and exchange</p>
<p>Development</p> <p>10.7.1984, 126/83 — STS v Commission²</p>	<p>The application (for a declaration that a measure by which the Commission approved the award of certain contracts under the second Lomé Convention is void) is dismissed as inadmissible</p>
<p>Infringements</p> <p>11.7.1984, 51/83 — Commission v Italy²</p> <p>11.7.1984, 130/83 — Commission v Italy²</p>	<p>1. The Italian Republic, by restricting the importation of confectionery products which contain more than 1% of animal gelatine and which are lawfully manufactured and marketed in other Member States, has failed to fulfil its obligations under Article 30 of the EEC Treaty;</p> <p>2. For the rest, the application is dismissed</p> <p>By not complying within the prescribed period with Commission Decision 82/401/EEC concerning aids granted in Sicily in the wine and fruit and vegetable sectors, the Italian Republic has failed to fulfil its obligations under the Treaty</p>

Disputes between the Community and its staff

v Commission

5.7.1984 — 115/83² — Judgment for the applicant12.7.1984 — 17/83⁴ — Judgment for the applicant12.7.1984 — 227/83¹ — Application dismissed

v Court of Auditors

21.6.1984 — 69/83 — Application dismissed

Orders for removal from the Court register20.6.1984 — 191/82⁶ — FEDIOL v Commission20.6.1984 — 262/83⁶ — Krupp Stahl v Commission4.7.1984 — 37/84⁶ and 45/84⁶ — EISA v Commission

4.7.1984 — 65/84 — FIL v Commission

10.7.1984 — 805/79 — Van Rij and Others v Commission

¹ OJ C 207, 7.8.1984.² OJ C 202, 1.8.1984.³ OJ C 209, 9.8.1984.⁴ OJ C 208, 8.8.1984.⁵ OJ C 204, 3.8.1984.⁶ OJ C 201, 31.7.1984.**Court of Auditors**

2.4.38. The Court of Auditors has published a special report on the coordination of Community aid to non-member countries (EDF aid, food aid and emergency aid) with its recommendations and the Commission's replies.¹

Economic and Social Committee*218th plenary session*

2.4.39. The Economic and Social Committee held its 218th plenary session in Brussels on 4 and 5 July with Mr François Ceyrac in the chair.²

During two major debates, attended by Mr Richard, Member of the Commission, the Committee discussed two draft own-initiative opinions on the economic situation and the social situation in the Community. However, because of the large number of amendments, adoption of the latter had to be held over to 4 September.

The Committee also adopted an opinion supplementing its own-initiative opinion of last November on the enlargement of the Community to include Portugal and Spain.³

Economic situation in the Community (mid-1984)

2.4.40. The Committee adopted by a large majority an own-initiative opinion designed to brief the Council on the economic policy measures that its representatives believe to be necessary and to guide the Commission when it compiles its annual economic report. The opinion was endorsed by three Groups and calls for measures to stimulate saving and for the launching of Community investment projects to resolve the structural problems facing the European economy and smooth the way for economic recovery. It advocates the streamlining of procedures in order to secure a truly Community internal market and the removal of obstacles which

¹ OJ C 224, 25.8.1984.² OJ C 248, 17.9.1984.³ OJ C 23, 30.1.1984; Bull. EC 11-1983, point 2.4.27.

stand in the way of establishing and running businesses. The opinion also urges the Commission to reshape its competition policy to place Community producers on an equal footing with their competitors.

Before the debate Mr Richard made a statement on the economic situation and on social developments. He welcomed the plans of the Irish Presidency to mount a concerted drive *for* economic recovery and *against* mass unemployment instead of letting the market forces have their way.

Turning to the employment crisis Mr Richard described the vicious circle whereby high interest rates in the United States help increase the indebtedness of the developing countries and curtail their trade with the industrialized countries, thereby creating more unemployment. He found a permanent level of 12 to 15 million unemployed altogether unacceptable and pressed for new measures to create jobs and for greater solidarity within the Community.

Enlargement

2.4.41. In its own-initiative opinion (adopted by a large majority), which supplements its November 1983 opinion,¹ the Committee holds that the two applicant countries must accede to the Community on the same date—1 January 1986.

The opinion assumes that enlargement will push up expenditure and must therefore go hand-in-hand with an increase in the Community's own resources.

As regards the transitional period the Committee hopes it will be short for the free movement of workers. It proposes seven years for industry, and for agriculture suggests seven years for Spain and 10 years for Portugal. The opinion highlights the difficulty for the applicant countries, particularly Spain, if they allow themselves, even for a transitional period, to be put at a greater disadvantage than certain non-member countries when exporting certain farm products to the Community market.

Finally, the Committee expects Spain to apply the VAT system from the date of accession and Portugal within a period of three years.

During the debate some speakers voiced misgivings about this further enlargement, which might split the Community wider apart. Anxiety about the implications for agriculture was also reflected in the many abstentions from the final vote.

Protecting forests against acid rain

2.4.42. The Committee unanimously adopted a supplementary opinion² on the proposal for a Regulation establishing a Community scheme to provide forests in the Community with increased protection against fire and acid rain.³ The Committee reiterated its concern that most species of trees were suffering from pollution due to acid rain and that the damage in the Federal Republic of Germany alone amounted to over 10 000 million ECU and was rising by over 10% a year. The Committee indicated that in 1983 Mediterranean forest fires represented a loss of almost 2 000 million ECU. On both economic and environmental grounds prompt implementation of a genuine forestry protection policy was essential as this part of our natural heritage was now very much at risk.

Other opinions adopted with discussion

2.4.43. The Committee approved its opinion on the proposal for a Directive on the drawing-up of contingency plans to combat accidental oil spills at sea.⁴ It called for an instrument that would be directly applicable, i.e. a regulation, and hoped that action plans would be extended up to the 200-mile limit.

2.4.44. The Committee unanimously approved the proposal for signing the Convention for the Protection and Development

¹ OJ C 23, 30.1.1984.

² OJ C 358, 31.12.1983; Bull. EC 10-1983, point 2.4.46.

³ OJ C 187, 13.7.1983; Bull. EC 6-1983, point 2.1.123.

⁴ OJ C 273, 12.10.1983; Bull. EC 9-1983, point 2.1.64.

of the Marine Environment of the Wider Caribbean Region and the Protocol on Cooperation in Combating Oil Spills in the same region.¹ Mention was made of the problems of applying the similar Barcelona Convention for the Mediterranean.

2.4.45. By a large majority the Committee approved the Commission proposal for stronger Community protection for roses and carnations.² It believed the import licensing system to be inadequate and urged the Commission to consider the possibility of introducing reference prices similar to those applied to certain fruit and vegetables.

2.4.46. The Committee approved by a large majority the proposal to raise tax-free allowances for travellers from non-member countries.³ The Committee would like to go further than the proposal and align them on the semi-automatic adjustment of intra-Community allowances.⁴

2.4.47. With just two abstentions the Committee approved the proposal for a Directive on access to the occupation of carrier of goods by waterway.⁵

It suggested that the Directive be extended to include passenger transport and hoped that admission criteria would include the requirement to produce proof of insurance and civil liability cover.

Opinions adopted without discussion

2.4.48. The Committee also adopted opinions on the following, without discussion:

- amendments to the Directives on the approximation of the laws of the Member States relating to emulsifiers, stabilizers, thickeners and gelling agents for use in foodstuffs,⁶ and to coffee extracts and chicory extracts;⁷
- proposal for a decision on the Caddia programme;⁸
- fire safety in existing hotels;⁹
- temporary importation of means of transport;¹⁰

- extension of the derogation granted to Ireland relating to turnover tax and excise duty applicable in international travel;¹¹
- application of Article 85 of the Treaty to certain categories of patent licensing agreements;¹²
- duty-free admission of fuel contained in the fuel tanks of commercial motor vehicles;¹³
- Community quota for the carriage of goods by road.¹⁴

European Investment Bank

Operations in July/August

2.4.49. Loans announced by the European Investment Bank in July and August for investments within the Community totalled 359.5 million ECU,¹⁵ broken down as follows: 117.2 million ECU in the United Kingdom, 116.1 million in Italy, 107.8 million in France, 10.7 million in Greece, 4.1 million in Ireland and 3.6 million in Denmark. Of the total amount, 14.6 million ECU was provided from the resources of the new Community borrowing and lending instrument (NCI).¹⁶ Outside the Community the Bank lent 34 million ECU to Morocco and 28.7 million ECU to ACP States.

¹ OJ C 5, 10.1.1984; Bull. EC 12-1983, point 2.1.115.

² OJ C 54, 25.2.1984; Bull. EC 2-1984, point 2.1.115.

³ OJ C 102, 14.4.1984; Bull. EC 3-1984, point 2.1.59.

⁴ OJ L 117, 3.5.1984; Bull. EC 4-1984, point 2.1.54.

⁵ OJ C 351, 24.12.1983; Bull. EC 12-1983, point 2.1.196.

⁶ OJ C 20, 27.1.1984; Bull. EC 1-1984, point 2.1.11.

⁷ OJ C 90, 31.3.1984; Bull. EC 3-1984, point 2.1.16.

⁸ OJ C 112, 26.4.1984; Bull. EC 3-1983, point 2.1.28.

⁹ OJ C 49, 21.2.1984; Bull. EC 1-1984, point 2.1.5.

¹⁰ OJ C 4, 7.1.1984; Bull. EC 12-1983, point 2.1.26.

¹¹ OJ C 17, 24.1.1984; Bull. EC 12-1983, point 2.1.60.

¹² Seventeenth General Report, point 229.

¹³ OJ C 95, 6.4.1984; Bull. EC 3-1984, point 2.1.58.

¹⁴ OJ C 86, 28.3.1984; Bull. EC 3-1984, point 2.1.169.

¹⁵ The conversion rates at 29 June used by the EIB in statistics for the third quarter were 1 ECU = BFR 45.49, DKR 8.20, DM 2.24, DR 88.58, FF 6.86, HFL 2.52, IRL 0.73, LIT 1 376, LFR 45.49, UKL 0.59, USD 0.80.

¹⁶ OJ L 298, 20.10.1978; Bull. EC 10-1979, point 2.1.10.

Community

United Kingdom

2.4.50. Of the UKL 70 million granted by the Bank, UKL 60 million was for energy investments, including UKL 50 million for the construction of the 1 320 MW nuclear power station at Torness Point in Scotland, which should come on stream in May 1988. Annual output is estimated at 1.5 million tonnes of oil equivalent. A further UKL 10 million was lent for development of the Esmond gas complex in the North Sea, which should produce around 6 million cubic metres of gas daily from June 1985. These two projects are in line with the Community's objective of reducing EEC dependence on oil imports, mainly by exploiting indigenous resources.

The Northumbrian Water Authority was lent UKL 10 million for regional infrastructure projects aimed at improving water supply and sewerage systems in North-East England.

Italy

2.4.51. In Italy LIT 159 800 million was lent, including LIT 20 000 million from NCI resources.

LIT 92 500 million went to industry:

- Global loans for LIT 71 500 million were granted to finance small and medium-sized ventures: LIT 50 000 million (including LIT 20 000 million from NCI resources) to Artigiancassa for craft projects throughout Italy, LIT 15 000 million to IRFIS (Istituto Regionale per il finanziamento alle industrie in Sicilia) for projects in the industrial and services sectors (particularly hotels) in Sicily and LIT 6 500 million to ISVEIMER (Istituto per lo Sviluppo economico dell'Italia meridionale) to restore the production facilities of small industries in Campania and Basilicata damaged by the 1980 earthquakes. A 3% interest subsidy is applied to this loan which is granted as Community aid to the disaster regions.

- LIT 21 000 million was granted for modernization and expansion of plant for manufacturing polyester film and restructuring a production line for recording materials in Caserta province.

In the energy sector, LIT 40 000 million was lent to ENEL (Ente Nazionale per l'Energia Elettrica) for a Franco-Italian project to reinforce links between the two countries' electricity grids. The scheme will mean more regular and reliable supplies to both grids, particularly at peak times, and annual savings of around 250 000 tonnes of oil equivalent as a result of more rational use of available generating capacity.

Loans of LIT 27 300 million were granted for infrastructure investment. Of this LIT 16 000 million went towards construction of a breakwater in the outer harbour of the port of Brindisi, which will improve Apulia's transport infrastructure and allow for a more regular supply of coal to two power stations. LIT 8 000 million was earmarked for upgrading an aqueduct in Sardinia, as part of a broader programme for improving Cagliari's water storage and distribution systems and securing its drinking water supplies until the turn of the century. LIT 3 300 million was lent for connecting approximately 7 000 subscribers to the telephone network in Avellino, Salerno and Potenza provinces (Campania and Basilicata), which were hit by the 1980 earthquakes. This loan also carries a 3% interest subsidy, being special aid under the Community's reconstruction facility.

France

2.4.52. As part of its cooperation with the CAECL (Caisse d'Aide à l'Equipelement des Collectivités Locales) for financing smaller-scale infrastructure schemes and, since 1983, energy investments, the EIB lent FF 539.2 million in France:

- FF 300 million in the form of a global loan for small and medium-scale public facilities in regions with development or conversion problems. Loans will thus be made available to local and regional authorities,

departments, chambers of commerce and independent port authorities for such infrastructure schemes as departmental road networks, port facilities and rural electrification projects.

- FF 200 million, also in the form of a global loan, will be on lent by the CAECL for projects to be carried out by municipalities, departments, regions, urban communities, associations of municipal or other authorities and districts. In line with Community objectives, the investments in question will be directed towards utilization of renewable energy sources (geothermal energy and biomass), replacement of oil with fuels such as coal, recovery of heat from industrial and household refuse incineration plants and from conventional and nuclear power stations, heating grids and construction of small hydroelectric power stations.

- FF 23.7 million was granted for recovering waste heat from the Eurodif uranium enrichment plant and heating the equivalent of 2 400 homes and 36 hectares of greenhouses at Pierrelatte using hot water. This should allow a saving of 12 300 tonnes of oil equivalent a year.

- FF 15.5 million was lent for the extension of a heating grid in Villeurbanne (Rhône) to include the university halls of residence in the Villeurbanne and Greater Lyon district heating grid. The project is expected to save some 8 000 toe a year.

A further FF 200 million was granted for the completion of the A31 Burgundy-Lorraine motorway, which runs from the Paris-Lyon intersection at Beaune and links up with the European motorway network at the Luxembourg frontier. The construction work, which spans the Gemeaux-Tilchâtel (8.5 km) and Choiseul-Toul (80.9 km) sections, is estimated at nearly FF 1 500 million and received an EIB loan (FF 350 million) earlier in the year. The A31 will form a major trans-European link with an estimated 40% of vehicles comprising international traffic. It will also help improve communications with Lorraine and foster regional development in East France.

Greece

2.4.53. DR 950 million was lent for the construction of drainage systems in four towns in central and northern Greece. The project, which has already received an EIB loan for DR 1 850 million, comprises sewerage systems in Ioannina, Larissa, Kastoria and Ptolemais, effluent purification plants in Larissa and Kastoria and runoff collecting drains in Larissa, Ioannina and Ptolemais. The resulting major environmental improvement will reduce pollution in nearby lakes and rivers and, consequently, in the Mediterranean, in line with the Barcelona Convention.

Ireland

2.4.54. IRL 3 million was granted to the ICC (Industrial Credit Company) for small and medium-sized industrial ventures. The funds will be onlent to firms with fewer than 100 people on the payroll and individual loans will not exceed IRL 500 000.

Denmark

2.4.55. DKR 29.3 million was lent to improve radio links and telephone services and set up a data-transmission network in Greenland. Telecommunications play a key role in the island's economic development because of its geographical location, low population density, large distances and difficult climatic conditions.

Outside the Community

Mediterranean region

2.4.56. Under the second EEC-Morocco Financial Protocol the EIB granted 34 million ECU towards the construction of a 67 MW hydroelectric power station in the Atlas mountains. The requisite hydropower will be provided by a dam currently under construction at Ait Chouarit, in respect of which an EIB loan for 18 million ECU was granted in December 1983. Energy output will represent some 35 000 toe a year.

ACP States

2.4.57. The Bank lent the People's Republic of Benin 18 million ECU to develop the Sémé oilfield 15 km off its coast. Of this, 13.5 million ECU was from the EIB's own resources and is guaranteed by the Fonds d'Entraide et de Garantie des Emprunts du Conseil de l'Entente. The remaining 4.5 million ECU was granted in the form of a conditional loan¹ from risk capital resources provided for under the Convention, management of which is entrusted to the Bank. The loan from the EIB's own resources will help finance the drilling of five wells and the installation of production facilities up to the end of 1986, while the conditional loan will go chiefly towards drilling two exploration wells. The oil output will provide Benin with substantial budgetary revenue. The International Development Association (IDA) of the World Bank group is also contributing towards financing this project.

In Somalia, 7 million ECU was made available, also from risk capital, for developing gas deposits. The funds, likewise in the form of a conditional loan, will help meet the cost of drilling two new delineation/production wells and upgrading the performance of an existing well. These operations will also be partly financed by the World Bank (AID). With confirmed reserves, the project will contribute towards replacing imported oil with indigenous energy sources, thus reduc-

ing both the cost of generating electricity for the Mogadishu area and the country's balance of payments deficit.

The EIB lent 2.9 million ECU for a hydroelectric scheme on the river Cumberland in the western part of St Vincent (West Indies). The funds, also in the form of a conditional loan from risk capital resources, will go towards the construction of three separate power stations with a combined capacity of 3 370 kW. The new power stations should be completed towards mid-1989 and will help meet the rapid growth in demand.

Lastly, in line with the Council Decision of 16 December 1980 to grant special aid to overseas countries and territories with close links with certain Member States, the EIB granted a loan of 800 000 ECU from risk capital resources to the Government of the Island Territory of Aruba to finance an increase in the share capital of Banco Arubano di Desaroyo NV (BAD). The BAD, a government-owned institution, was set up in 1982 to promote balanced economic growth by providing finance for agriculture, fisheries, industry, agricultural processing, transport and tourism.

¹ The term, repayment arrangements and rate of interest of this loan may vary depending on fulfilment of conditions specified at the time of signature.



PART THREE
DOCUMENTATION

1. ECU

Values in national currencies of one ECU

31 August 1984 ¹	
Belgian franc and Luxembourg franc (convertible)	45.1667
Belgian franc and Luxembourg franc (financial)	45.5425
German mark	2.23857
Dutch guilder	2.52566
Pound sterling	0.591497
Danish krone	8.15503
French franc	6.86992
Italian lira	1 385.65
Irish pound	0.725526
Greek drachma	89.5197
United States dollar	0.774861
Swiss franc	1.86641
Spanish peseta	127.697
Swedish krona	6.44491
Norwegian krone	6.42476
Canadian dollar	1.00585
Portuguese escudo	117.082
Austrian schilling	15.7297
Finnish mark	4.69566
Japanese yen	187.245
Australian dollar	0.912890
New Zealand dollar	1.54972

¹ OJ C 231, 1.9.1984.

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

August 1984	
National currency	Value in national currency of one ECU
Belgian franc and Luxembourg franc	44.9008 ⁵ 46.4118 ⁷
Danish krone	8.23400 ⁵ 8.41499 ⁷
German mark	2.57524 ¹ 2.52875 ⁴ 2.54273 ² 2.51457 ⁷
Greek drachma	77.2479 ⁶ 90.5281 ⁷
French franc	6.93793 ² 6.77297 ³ 6.49211 ¹ 6.86866 ⁷
Irish pound	0.725690 ⁵ 0.750110 ⁷
Italian lira	1 341.00 ⁶ 1 432.00 ⁷
Dutch guilder	2.75563 ¹ 2.72149 ⁴ 2.73327 ² 2.70981 ⁷
Pound sterling	0.618655

¹ For seeds.

² For cereals.

³ For milk and milk products.

⁴ For pigmeat and wine.

⁵ For beef and veal, sheepmeat and goatmeat.

⁶ For beef and veal, sheepmeat and goatmeat, and milk and milk products.

⁷ 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 2-1984

Point 2.1.149

Proposal for a Council Decision on bilateral agreements, arrangements and memoranda of understanding between Member States relating to air transport

Amendments to the proposal for a Council Regulation laying down the procedure for the rules on competition applying to undertakings in the air transport sector

Proposal for a Council Regulation on the application of Article 85 (3) of the Treaty to certain categories of agreements and concerted practices in the air transport sector

Proposal for a Council Decision on non-discrimination and standstill provisions in air transport
OJ C 182, 9.7.1984

Bull. EC 4-1984

Point 2.1.25

Proposal for a Council Decision adopting a multi-annual research action programme of the European Economic Community in the field of biotechnology (1985 to 1989)
OJ C 182, 9.7.1984

Bull. EC 5-1984

Points 1.2.1 to 1.2.3

Proposal for a Council Directive on the approximation of the laws of the Member States concerning the lead and benzene content of petrol

Bull. EC 7/8-1984

Proposal for a Council Directive amending Directive 70/220/EEC on the approximation of the laws of the Member States relating to measures to be taken against air pollution by gases from engines of motor vehicles
OJ C 178, 6.7.1984

Point 2.1.59

Commission Decision of 16 May 1984 concerning the proposal by the Italian Government to award aid to an engine and tractor manufacturer
OJ L 192, 20.7.1984

Point 2.1.63

Commission Decision of 17 April 1984 under Article 93 (2) of the EEC Treaty on a proposal by the Italian Government to award aid to an undertaking in the textile and clothing industry
OJ L 186, 13.7.1984

Point 2.1.189

Commission Decision of 24 May 1984 amending Decision 71/57/Euratom on the reorganization of the Joint Nuclear Research Centre (JRC)
OJ L 177, 4.7.1984

Points 2.1.194 to 196

Proposal for a Council Decision adopting a research and training programme (1985 to 1989) in the field of controlled thermonuclear fusion

Proposal for a Council Decision complementing Council Decision 84/1/Euratom, EEC of 22 December 1983 — Realization of a tritium handling laboratory
OJ C 198, 27.7.1984

Points 2.4.25 to 2.4.31

Opinions adopted by the Economic and Social Committee during its session on 23 and 24 May 1984
OJ C 206, 6.8.1984

Bull. EC 6-1984

Point 2.1.37

Commission Decision of 27 June 1984 concerning the French Government's intention to accord

special exchange risk cover to French exporters in respect of a tender for the construction of a power station in Greece
OJ L 230, 28.8.1984

Point 2.1.65

Commission opinion of 19 June 1984 on the regional development programmes
OJ L 211, 8.8.1984

Point 2.4.10

Opinion of the Court of Auditors of the European Communities on the proposal for a Council Regu-

lation introducing measures to cover budgetary requirements in 1984 given the exhaustion of own resources

OJ C 228, 30.8.1984

Point 2.2.14

Council Regulation (EEC) No 2072/84 of 29 June 1984 on common rules for imports of certain textile products originating in the People's Republic of China

OJ L 198, 27.7.1984

3. Infringement procedures

Initiation of proceedings for failure to implement directives

3.3.1. In July the Commission sent letters of formal notice for failure to incorporate directives into national law (the Commission not having been informed of national implementing measures) in the following four cases:

Internal market and industrial affairs

- Council Directive of 28 September 1981 on the approximation of the laws of the Member States relating to veterinary medicinal products¹ (Belgium, Ireland).
- Council Directive of 28 September 1981 on the approximation of the laws of the Member States relating to analytical, pharmaco-toxicological and clinical standards and protocols in respect of the testing of veterinary medicinal products¹ (Belgium, Ireland).

Environment, consumer protection and nuclear safety

- Council Directive of 2 April 1979 on the conservation of wild birds² (Greece).

- Commission Directive of 11 February 1982³ adapting to technical progress Annex II to the Council Directive of 27 July 1976 on the approximation of the laws of the Member States relating to cosmetic products⁴ (Denmark).

3.3.2. In August the Commission sent letters of formal notice for failure to incorporate directives into national law (the Commission not having been informed of national implementing measures) in the following four cases:

Agriculture

- First Commission Directive of 28 September 1977⁵ amending the Annexes to the Council Directive of 9 April 1968 on the marketing of material for the vegetative propagation of the vine⁶ (Luxembourg)
- Commission Directive of 2 December 1982⁷ amending Annex II to the Council Directive of 30 June 1969 on the marketing of seed of oil and

¹ OJ L 317, 6.11.1981.

² OJ L 103, 25.4.1979.

³ OJ L 63, 6.3.1982.

⁴ OJ L 262, 27.9.1976.

⁵ OJ L 257, 8.10.1977.

⁶ OJ L 93, 17.4.1968.

⁷ OJ L 357, 18.12.1982.

fibre plants¹ (Belgium, Denmark, France, United Kingdom, Italy, Luxembourg, Netherlands)

- Council Directive of 21 December 1976 on health problems affecting intra-Community trade in meat products² (Ireland, Italy)
- Council Directive of 24 January 1979³ amending the Council Directive of 26 June 1964 as regards brucellosis⁴ (Italy).

Reasoned opinions

3.3.3. In July the Commission delivered nine reasoned opinions in the following cases:

Internal market and industrial affairs

- System for registering vehicles (France)
- Financial assistance granted by Sicily to local authorities for the purchase of domestically produced buses (Italy)
- Grants to the regions for the purchase of domestically produced buses and trams (Italy)
- Grants for the purchase of domestically produced buses — region of Calabria (Italy)
- Various restrictions on the importation of certain types of apparatus and machinery (France)

Competition

- Alcohol monopoly (France)

Agriculture

- Incorrect application of the Council Directive of 15 February 1971 on health problems affecting trade in poultrymeat⁵ (Belgium)
- Standards applicable in the fruit and vegetable trade (Belgium)
- Payment of the intervention price for olive oil (Greece).

3.3.4. In August the Commission delivered five reasoned opinions in the following cases:

Internal market and industrial affairs

- Adoption in Greece of Law No 1316 of 11 January 1983 on the manufacture of and trade in pharmaceutical products (Greece)

Agriculture

- Renewal of an export licence for 150 000 tonnes of flour of common wheat on grounds of force majeure (Greece)
- Repayment of the 1979 sugar price increase (Italy)

Personnel and administration

- Failure to comply with the Staff Regulations of Officials — transfer of pension rights (Netherlands)

Customs union

- Obstacles to the importation of new potatoes originating in Cyprus (Ireland)

Proceedings terminated

3.3.5. In July the Commission decided not to continue the following infringement proceedings:

Cases in respect of which formal notice had been given

Environment, consumer protection and nuclear safety

- Failure to inform the Commission of national measures to give effect to the Council Directive of 18 September 1979⁶ amending for the sixth time the Council Directive of 27 June 1967 on the approximation of the laws, regulations and administrative provisions relating to the classification, packaging and labelling of dangerous substances⁷ (Luxembourg)
- Failure to inform the Commission of national measures to give effect to the Council Directive of 28 March 1983 concerning the importation into Member States of skins of certain seal pups and products derived therefrom⁸ (Denmark)

¹ OJ L 169, 10.7.1969.

² OJ L 26, 31.1.1977.

³ OJ L 29, 3.2.1979.

⁴ OJ L 121, 29.7.1964.

⁵ OJ L 55, 8.3.1971.

⁶ OJ L 259, 15.10.1979.

⁷ OJ L 196, 16.8.1967.

⁸ OJ L 91, 9.4.1983.

*Cases in respect of which
a reasoned opinion had been sent*

**Environment, consumer protection
and nuclear safety**

- Failure to inform the Commission of national measures to give effect to the Council Directive of 18 December 1978 on the approximation of the laws of the Member States relating to the labelling, presentation and advertising of foodstuffs for sale to the ultimate consumer¹ (Ireland)
- Failure to inform the Commission of national measures to give effect to the Council Directive of 17 February 1981² amending Section 2 of Annex II to the Council Directive of 17 July 1972 on the approximation of the laws of the Member States relating to certain methods for the quantitative

analysis of binary textile fibre mixtures³ (United Kingdom)

*Cases which had been referred
to the Court*

Employment, social affairs and education

- Failure to incorporate correctly the Council Directive of 10 February 1975 on the approximation of the laws of the Member States relating to the application of the principle of equal pay for men and women⁴ (Luxembourg, United Kingdom).

¹ OJ L 33, 8.2.1979.

² OJ L 57, 4.3.1981.

³ OJ L 173, 31.7.1972.

⁴ OJ L 45, 19.2.1975.

4. Statement on the Irish Presidency of the Council

Strasbourg, 26 July¹

3.4.1. 'Ireland has assumed the Presidency of the Council at a time of great challenge for the European Community and of equally great opportunity. The decisions reached at the European Council at Fontainebleau last month represented a decisive breakthrough and so opened the way for the relaunching of the Community to which the Heads of State or Government of the Member States committed themselves some 12 months ago in Stuttgart. Yesterday you had the opportunity of hearing An Taoiseach. Dr FitzGerald, when he gave the report on that crucial meeting.

Our task then during the coming months of the Irish Presidency will be—taking the Fontainebleau agreements as a departure point—to advance the relaunching of the Community in fulfilment of the Stuttgart mandate. Our ultimate objective must be to transform the Community as it is into a force for dynamic change and development in Europe, especially in those areas of primary economic and social importance for our people and of direct concern to them.

In this task we shall be looking to this Parliament for the fullest cooperation. The Irish Presidency

wishes to construct a good working relationship with you, the newly-elected democratic voice of Europe. We intend to spare no effort to make certain that a spirit of workmanlike cooperation between Parliament and Council becomes something to be taken as a matter of course and not a subject of some uncertainty and even mistrust. We shall spare no effort to ensure that Parliament will be informed by the Presidency to the fullest extent possible of what are the positions of the Council and the state of its deliberations.

We therefore await invitations from your Committees to have Presidents of the various Councils come and address them during the Irish Presidency. It is our intention that the fullest consideration will be accorded by Council to the opinions of Parliament.

We regard relations with the European Parliament as an issue of substance for the Irish Presidency. We do not consider it merely as a concept to which token gestures have to be made. The Parliament

¹ Speech in Parliament by Mr Peter Barry, incoming President of the Council, on Ireland's programme for its six-month term.

has, of course, a role and place accorded it by the Treaty. But, apart from this, recent events have underlined the importance of this Assembly to the advancement of the Community. The recent European Parliament elections represented a unique exercise in democracy which has focused greater global attention on the Community and on the Parliament in particular. President Mitterrand in his address on 24 May put to the Parliament a vision of Europe which all the Community Institutions have to play a part in furthering. The Taoiseach, Dr FitzGerald, spoke to you yesterday in support of these themes. It is not my purpose here today to reiterate what he said to you yesterday. Suffice it for me to reaffirm that he and I both look to the Parliament to support the Irish Presidency in advancing the further construction of Europe which the results at Fontainebleau opened up to us once more. Let us take the opportunity of a successful European Council and a newly-elected European Parliament to begin in earnest that re-launching which is so essential for the further strengthening and development of the Community and the wellbeing of its citizens.

But first of all, and most importantly, the Community must agree on a solution to the budgetary problems which, Fontainebleau notwithstanding, still beset the Community. A clear majority of Member States agree with the Commission that there will be major shortfalls as regards the financing of Community policies in both 1984 and 1985. The Fontainebleau European Council asked the Budget Council to cover the needs of the 1984 budget in order to ensure that the Community operates normally. In the same perspective, the Commission has proposed a preliminary draft supplementary and amending budget for 1984, and a preliminary draft budget for 1985; it has also asked the Council to adopt new measures in order to ensure that revenue is available to cover ineluctable Community needs.

These problems were discussed in the past week by the Budget Council and the General Affairs Council. I regret to say that no solutions have yet emerged.

As regards the 1984 budgetary position, nine Member States agree on the need to provide additional finance and they are close to agreement on what constitutes the irreducible minimum for extra financing. But they are somewhat further apart on whether this financing should be raised on the basis of a Community regulation or through an intergovernmental agreement. One delegation contests the need for additional financing. It seeks a solution through a mixture of savings and deferrals of expenditure into 1985 and in consequence, has not yet found it possible to agree a common position.

As regards the 1985 Budget, provisional agreement has been reached on a draft which respects the 1% VAT ceiling. This of course, has involved substantial cuts in the Commission proposals as regards both compulsory and non-compulsory expenditure. Agreement has so far remained conditional, because many delegations hinge their acceptance of a 1% Budget for 1985 to

- a satisfactory outcome to the problems of the 1984 supplementary budget; and
- a firm commitment that, if the Community were to prove underfinanced next year, the Council for its part would undertake to provide additional funds to meet the additional requirements arising. A declaration embodying this commitment is in discussion, and I am hopeful that decisions will be reached soon.

At the Foreign Affairs Council last Tuesday, there was a common understanding by all delegations that the necessary decisions must be made in September and a common political commitment to decide within that deadline. Delegations were concerned that the failure of the Council to agree this month on solutions to our budgetary problems would call into question the impressive achievements of Fontainebleau and could, if the position were not rectified quickly, imperil the normal, satisfactory functioning of the Community.

The Irish Presidency fully shares these concerns and will employ all its resources of energy and imagination to ensure that the right solutions are reached, that the necessary decisions are taken in time, that the rights and competences of all institutions are fully respected and that the normal functioning of the Community is maintained and developed in 1984 and 1985.

One of the major challenges for the Community in the period immediately ahead will be the need to respond relevantly and effectively to the continuing unemployment crisis in the Community. This was given particular emphasis by the Taoiseach in his address to you yesterday. The Irish Presidency strongly holds the view that the economic climate has now changed to the extent that a review of policies is necessary in order to assess their appropriateness notably insofar as the employment situation in the Community is concerned. Surely a better concertation of the economic policies of the Member States could increase the margin of manoeuvre of the Community as a whole and facilitate a greater orientation in international and economic and financial policies to the benefit of debtor countries? The Irish Presidency is exploring with the Commission methods by which the collective strengths and the individual economies can be harnessed more effectively. In this way, the multiplier effect of collective action could be used

to strengthen growth and to give a greater spur to employment throughout the Community.

Of course, the identification of a specific initiative will not be easy. My own Government considers that perhaps the most appropriate stimulatory action might be some temporary fiscal reflation in the Member States with the stronger economies. I would, however, be interested to hear the views of this House on other possible policy options which would result in reducing unemployment in the Community without, at the same time, setting off renewed inflationary pressures.

It is our intention also, parallel with this exercise, to pursue with the utmost vigour, through the Social Affairs Council, all the proposals the Commission have to put to us which have a bearing on the employment situation in the Community. We are, of course, particularly anxious to receive the Commission's communication on the 'Long-Term Unemployed'; and this House has my assurance that we shall treat this important dossier with the highest priority. We shall also be working for significant progress during our Presidency on the recent proposals for a programme of action and research to combat poverty.

We feel strongly that a manifest sign of a developing and dynamic Community—politically and economically—will be the successful conclusion of the negotiations on enlargement. The accession of Spain and Portugal will be a further step of tremendous import for the European construction—in the creation of that ever-closer union amongst the peoples of Europe which the founding fathers of this Community set as their goal. The completion of the negotiations are clearly one of the highest priorities of the Irish Presidency.

The European Council at Fontainebleau reaffirmed that the negotiations with Spain and Portugal should be completed by the end of September next. We are determined to complete the negotiations by this date or in the shortest possible time thereafter. We have already revised and intensified the calendar of negotiating meetings with Spain and Portugal. And, in the last few days, I have visited Madrid and Lisbon to demonstrate our political commitment to an early conclusion of the negotiations and to maintain their momentum. These steps clearly reflect the importance and priority which we attach to the issue.

The negotiations are entering their final, decisive phase. They will inevitably involve difficult concessions, both in striking balance between existing Member States and as between the Community collectively and the applicant States. The drafting and negotiating of the individual compromise texts will involve very fine judgement. We have drawn encouragement from the political will of our part-

ners which has been confirmed at the highest level by the European Council. The Irish Presidency is committed to ensuring that the idea of a Community enlarged to 12 Member States will become a reality on 1 January 1986.

Another important milestone in the history of the Community will be the negotiation of a successor Convention to the Second Lomé Convention between the Community and the ACP States. The successful conclusion of these negotiations is a second major objective of the Irish Presidency. Here, I must pay tribute to my predecessor, who, during the three Conferences held under his Presidency, has achieved decisive progress in the negotiations. The Commission, for its part, has also played an essential role.

After the recent Conference with the ACP States in Luxembourg, there was broad agreement on the general shape of the future Convention and on most of the chapters. Drafting work is already well advanced. There are, nonetheless, still some problems to be resolved which, although limited in number, are nevertheless important, particularly regarding trade and Stabex. Also, the overall financial allocations for Lomé III have still to be determined. At the end of the Luxembourg Conference, our ACP friends all stressed the importance they attach to a satisfactory solution of these problems.

It was the positive outcome as well as the excellent atmosphere which reigned at the Luxembourg Conference, which prompted the latter to agree that a small Ministerial Group would meet in Brussels on a date to be fixed by the two co-Presidents to complete the negotiations, on the understanding that the decisions would be taken subject to confirmation.

The Irish Presidency, determined to maintain the momentum of the negotiations, has proposed to the ACP Presidency that this Ministerial Group should be convened for the beginning of October. Without claiming that it will be easy to solve the remaining problems, I am convinced that success is close at hand and that the signing of the new Convention will be able to take place before the end of the year. This is essential for ensuring the continuity of ACP-EEC cooperation.

Our Mediterranean partners are seriously concerned about the possible consequences for them of the third enlargement. The Community has given them an undertaking that we shall endeavour to take account of the problems enlargement could create for them and to define our approach on future policy before the end of the enlargement negotiations. Examination has already begun of the proposals submitted by the Commission following the exploratory talks with the Mediterranean countries and consultations with Spain and

Portugal. This examination will have to be continued during the final phase of the enlargement negotiations, when it should become possible to identify the problems more clearly. The Presidency intends to pay close attention to this dossier.

A constant of Community policy is the maintenance and development of free trade and the combating of protectionism.

As regards multilateral relations, all the major trading partners, as a result of a Community initiative, have given a political undertaking to speed up the implementation of the Tokyo Round tariff reductions. This undertaking given at the last OECD Ministerial meeting, was confirmed at the Economic Summit in London and should therefore be put into practice on 1 January 1985.

Like our Japanese and American partners, the Community too is of the opinion that a new round of multilateral trade negotiations could be an important contribution towards strengthening the multilateral trade system, for the mutual benefit of all economies, of the industrialized countries and of the developing countries alike. It is with this in mind that the Community will take part in the consultations and discussions which are about to begin within GATT in order to determine in practical terms the objectives and content which a new round of negotiations could have.

The Community's bilateral relations with its major trading partners will be another area which we hope to advance over the next six months.

We are firmly committed to solving trade problems in general, and with the United States in particular, in a spirit of cooperation, through frank and open consultation. We want at all costs to avoid an escalation of restrictive measures and counter-measures. These can only have negative consequences for our respective economies. We sincerely hope that our American friends share this aim and will cooperate with us in order to attain it. I should say that the Taoiseach, Dr FitzGerald, assured President Reagan during his recent visit to Ireland of our intention to give priority during the Irish Presidency to the resolution of problems between the Community and the United States.

The Community's trade deficit with Japan remains at an alarmingly high level and we are conscious of the need to pursue, unremittingly, our efforts to remedy the situation. Since Prime Minister Nakasone's important statement last October on the need to stimulate domestic Japanese demand and facilitate imports from third countries to Japan, a new spirit of cooperation seems to have emerged. However, if the Prime Minister's statement is to be translated into concrete action, much greater

practical efforts are required at the official level and in business circles.

The EFTA countries continue to be the Community's most important trading partners. We intend to make every endeavour to ensure that the objectives agreed at the Ministerial meeting last April with our EFTA partners are achieved, with a view to strengthening, consolidating and enlarging cooperation with those countries in a number of areas of mutual interest.

The realization in the Community of a genuinely free and open internal market, allowing enterprises to develop their capacities to the full, remains one of the principal aims set for us by the Treaty. We have seen progress made over the past six months on resolving problems which impede the functioning of the internal market. The Irish Presidency hopes to build on these achievements. It will strive to make progress with all the dossiers concerned with the full achievement of the huge internal market of the Community. I might mention especially the simplification, indeed the elimination, of frontier formalities. We hope to make progress also with questions of the free circulation of products and the elimination of various technical and fiscal obstacles to trade, and with measures designed to improve the legal environment of enterprises. The Presidency has provided, in its calendar for the coming months, for two Internal Market Councils in order to deal with these numerous problems.

The linkage of certain matters relating to the Internal Market with transport matters is obvious. Here I am glad to say that the Transport Council of 10 May last was successful. Basing our work on the achievements of that Council, which must be maintained, the Presidency will concentrate its work on making it possible, before the end of the year, to adopt texts on the weights and dimensions of commercial vehicles and the Community quota for goods transported by road. We also wish to make progress on the examination of other dossiers dealing with the harmonization of conditions of competition and the progress of liberalization of trade in services. We also intend to report before the end of the Presidency on progress relating to the Commission's Memorandum on the development of a Community air transport policy.

The European Council in Stuttgart in June of last year attached considerable importance and gave a much-needed impetus in the area of the development of new policies. We are all very keenly aware of the importance of scientific and technical research to the Community's efforts to meet and deal effectively with the challenge posed by the United States and Japan, particularly in high technologies. The will to move ahead and increase

resources in this area has been expressed time and again by the Heads of State or Government. The Irish Presidency fully endorses these views. We are anxious that the Commission bring forward further proposals particularly in telecommunications, bio-technology and data processing.

As regards the Community's energy policy, the Presidency will wish to advance work in a number of specific areas, namely: the establishment of Community policy objectives in the period up to 1995; the adoption of a regulation providing aids for solid fuel consumption and production; the review and extension of a regulation supporting hydro-carbon technology. While these programmes are all in the nature of ongoing work, it must not be forgotten that it may be necessary to act urgently on a Community level if the situation in the Gulf deteriorates further.

Environment policy is an area which has the increasing and concerned attention of the European public. The Irish Presidency proposes to continue work in the developing of a vigorous and effective environment policy at Community level. Specifically, we intend to proceed with work on the control of trans-frontier shipment of hazardous waste, the Environmental Impact Assessment System and draft directives on pollution and the proposal on the reduction of lead in petrol.

The decisions taken by the Community at the end of March on agricultural prices and on other measures relating to the common agricultural policy were indeed far-reaching. But the CAP remains—it must remain—one of the cornerstones of our Community. For my part, I wish to affirm my wish to continue the work to ensure that the objectives of the common agricultural policy are fully attained. I feel that, in this task, I can count on your support and solidarity. In the coming months, we must ensure that the common agricultural policy works as smoothly and as effectively as possible. There are a large number of agricultural issues which will require our attention. I have in mind in particular the new Agriculture Structures regime, the surplus situation in the wine sector and the 'balance sheets' for beef imports in 1985.

It is gratifying to record that a more assured basis has been created for the common fisheries policy. We shall endeavour to pursue the development of this policy which was achieved under the French Presidency. We aim to contribute to this by formalizing under our Presidency the total allowable catches and quotas in Community waters for 1985. And we shall continue the fisheries negotiations with third countries.

Mr President, please allow me now to speak on the process of political cooperation among the Ten.

Ireland takes over the Presidency at a time of considerable uncertainty in international affairs. Rapidly changing political realities around the world, and the volatility inherent in situations of crisis, do not make it easy to chart a clear course through this terrain. The task of reconciling national viewpoints and of promoting a common European perception of world events becomes a particularly onerous one under these circumstances. It is, nonetheless, a task which the Irish Presidency intends to tackle with energy and determination. It is our conviction that, now more than ever, a strong and coherent European voice must be heard in the international arena and that practical political cooperation among the Ten should be directed towards this end.

During the second half of this year, the Ten will need to address in European Political Cooperation a host of complex and difficult issues.

The tragic conflict in the Lebanon and in the Middle East generally will continue to claim our sympathetic attention. Continued careful reflection will be required on the manner in which the legitimate rights and aspirations of all of the States and the peoples in the Middle East can best be safeguarded. The ongoing war between Iran and Iraq poses a further serious threat to the stability of the region and, indeed, to international security. The pursuit of a comprehensive and lasting settlement to the various problems of the Middle East will remain an overriding concern of the Ten over the next six months.

The overall picture of East-West relations is not encouraging at present. Under the Irish Presidency, the Ten will do all in their power to reduce tension and to promote a more stable and cooperative relationship between East and West. It will be our objective to work towards the restoration of international confidence and to strengthen the prospects for peace and stability on our own continent and in the world generally.

The situation in Poland is viewed by the Ten with particular concern. The recent amnesty to political prisoners has been greeted by the Ten as an encouraging and positive gesture. We shall continue to follow developments closely and take appropriate opportunities to underline the importance of reconciliation and dialogue between all sections of the Polish population.

Regarding the ongoing CSCE process, it will be the Ten's concern to ensure that all provisions of the Helsinki Final Act and the Madrid concluding document are fully implemented. We attach importance to the Conference on Disarmament in Europe and will work to ensure the cohesion of the Ten both in that forum and at other meetings

due to take place in the CSCE context in the coming months.

Conscious of the wide range of human, economic and cultural ties which exist between Latin America and the Ten countries of the European Community, the Ten under the Irish Presidency will be considering ways in which dialogue and cooperation with Latin America can be strengthened. In regard to the situation in Central America, the Ten will make the fullest possible contribution to the search for a durable political settlement, in particular by lending their support in as concrete a way as possible to the peace initiative undertaken by the Contadora Group of countries.

The Ten will also continue to follow developments in Africa with close attention and will endeavour to ensure that independence and stability are achieved in southern Africa.

It will be an important objective of the Irish Presidency to continue and expand, at the 39th session of the United Nations General Assembly, the successful coordination of the Ten on a wide variety of political, economic and human rights issues which has been a characteristic of previous sessions.

The theme of human rights, of course, is one which is not confined to the General Assembly but is echoed across the full range of international relations in one form or another. Under the Irish Presidency, the Ten will be prepared to show concern at human rights violations whenever they occur and to defend human liberties whenever they are threatened.

Mr President, let me assure you that I look forward with great pleasure to the opportunities I shall have over the next six months to report at each of your part-sessions on developments on the field of political cooperation. I shall be honoured to continue the dialogue with the Members of this Assembly in the various forms open to us. I look

forward, in particular, to welcoming the members of the Political Affairs Committee to Dublin for one of our two colloquies later this year.

Mr President, my report to the Parliament this morning on the work programme for the Irish Presidency has necessarily had to be confined in the time available to an outline, an identification of the most important areas to which we wish to give priority and where we would wish to see significant progress made in the coming months. In our efforts to achieve this progress, we intend to keep in very close touch with the European Parliament, and, of course, with your President, to whom I would like to extend my warmest congratulations on his election.

The institutional system established by the Treaties and by practice has demonstrated the importance of relations of trust between the European Parliament and the Council in many areas. I spoke at the beginning of my address of the intention of the Irish Presidency that the Presidents of the various specialist Councils should come to committee meetings of Parliament to outline to them the work in progress and the work planned. For my own part, within the limits imposed by other duties I must carry out as President of the Council, I shall ensure that I visit the Parliament in each part-session.

The climate, Mr President, in which this newly-elected Parliament is starting its term of office is not an easy one. The same is true, of course, for the climate in which Ireland is taking over the Presidency of the Council. By striving to combine our efforts, we can hope to bring about changes in a number of features of that climate and so contribute to the achievement as soon as possible of prosperity and full employment for our people. This is essential if the internal and external peace of the Member States is to be maintained and safeguarded.'

5. Text of the Franco-German Agreement on the gradual abolition of border checks

Agreement between the Government of the French Republic and the Government of the Federal Republic of Germany on the gradual abolition of checks at the borders of France and the Federal Republic of Germany

3.5.1. The Government of the French Republic and the Government of the Federal Republic of Germany hereinafter referred to as the 'Contracting Parties'. Aware that the ever-closer union of the peoples of the Member States of the European Communities should find expression in free passage across internal borders for all nationals of those States, Anxious to strengthen solidarity between the two peoples by removing obstacles to free movement at their common borders, Mindful of the efforts made by the two Contracting Parties to this end, particularly since the Convention of 18 April 1958, Considering also the progress made in the European Communities in ensuring the free movement of persons and goods, Wishing to bring about the abolition of checks at the borders of France and the Federal Republic of Germany on the movement of nationals of the Member States of the European Communities and to assist the movement of goods, Considering that, as a first stage, checks should be confined to spot checks and to doubtful cases and that such a procedure could be applied generally once the legal and administrative provisions on which the checks are based have been harmonized,

Have agreed as follows:

Title I — Measures to apply without delay

- Article 1* Formalities applying to the movement of persons at the border between France and the Federal Republic of Germany shall be abolished as regards nationals of the Member States of the European Communities in accordance with the conditions laid down in this Agreement.
- Article 2* Police and customs authorities shall, as a general rule, make a simple visual check on vehicles crossing the border at reduced speed, without requiring them to stop.
However, spot checks may be used for more thorough investigations such checks should if possible be made off the carriageway so that the flow of the other vehicles past the border crossing-point is not interrupted.
- Article 3* In order to facilitate the visual check, nationals of the Member States of the European Communities wishing to cross the Franco-German border in a motor vehicle may, from 1 August 1984 onwards, affix to the windscreen of the vehicle a green disc of at least 8 cm in diameter. This disc shall indicate that they are complying with the border police regulations, are only carrying permitted goods within the exemption limits and are observing the French exchange control regulations.
- Article 4* The objective pursued shall be to set up, as far as possible, joint checkpoints to confine checks to a single stopping point.
Before the end of July, joint checkpoints shall be set up at the following crossing points:
Saarbrücken-Forbach, Ottmarsheim-Neuenburg and Beinheim-Iffezheim.
Local officials shall consider whether joint checkpoints can be set up at further crossing points, taking local conditions into account.
- Article 5* The two Contracting Parties shall continue to take resolute action against drugs, crime and illegal entry.
- Article 6* The two Contracting Parties shall implement the provisions of this Title without delay.

Title II — Second stage

- Article 7* By the next Franco-German summit talks in October 1984 the two Contracting Parties shall prepare the introduction of the measures laid down in Articles 8 to 14 below.
- Article 8* The two Contracting Parties shall consider how checks at the Franco-German border can be transferred to the two countries' external borders.
- Article 9* The two Contracting Parties shall prepare the harmonization of the rules on the issue of visas which they require of nationals of non-member countries.
- Article 10* The two Contracting Parties shall step up cooperation between customs and police authorities, particularly in connection with the illegal entry of persons and customs fraud, and shall increase reciprocal support in measures to combat illegal movements of capital.
- Article 11* The two Contracting Parties shall take joint measures within the European Communities to bring about:
- (a) an increase in the exemption limits for travellers;
 - (b) uniform collection in the country of departure of turnover tax on tourist transport operations within the European Communities;
- In addition, the two Contracting parties shall seek, both bilaterally and within the framework of the European Communities harmonization of the rates of duty on diesel fuel;
- (c) the abolition, within the framework of the Community exemption limits, of any remaining restrictions on the entry into Member States of goods which are not forbidden to their nationals.
- Article 12* The two Contracting Parties shall apply in a coordinated manner Council Directive 83/643/EEC of 1 December 1983 on the facilitation of physical inspections and administrative formalities in respect of the carriage of goods between Member States,¹ with effect from 1 January 1985.
- Article 13* The two Contracting Parties shall further develop their cooperation with the aim of introducing a systematic exchange of data required for the customs clearance of goods and of introducing a single document for the recording of these data.
- Article 14* The two Contracting Parties shall seek ways and means of abolishing all checks at the Franco-German border, with the exception of customs checks on goods traffic.

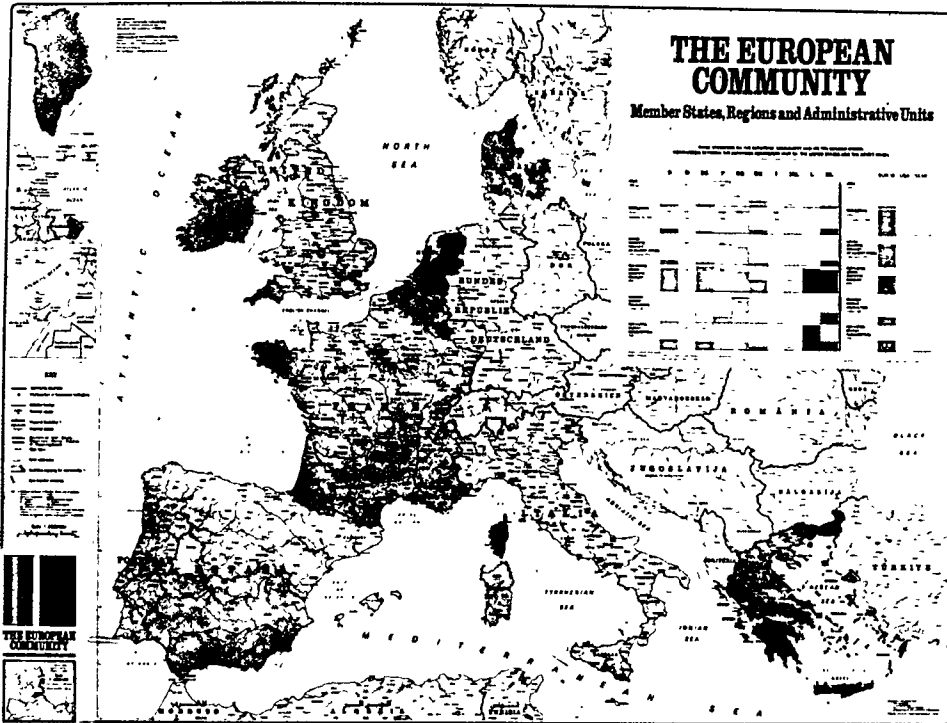
Title III — Measures to be taken by 31 December 1986

- Article 15* The method of checking defined in Article 4 above may be applied generally, taking into account the results obtained.
- In order to create the conditions necessary for the abolition of all checks on the movement of nationals of the Member States of the European Communities, the two Contracting Parties shall proceed with the harmonization of the relevant legal and administrative provisions, notably on the situation of aliens, narcotics and the transport of weapons. The two Contracting Parties shall harmonize their legislation on the issue of passports.
- Article 16* The two Contracting Parties shall increase their efforts to harmonize value-added tax rates and excise duties within the European Communities.
- Article 17* This Agreement shall also apply to Land Berlin unless the Government of the Federal Republic of Germany makes a statement to the contrary to the Government of the French Republic within three months of its entry into force.
- Article 18* This Agreement shall enter into force on the day of its signature.

Done at Saarbrücken, 13 July 1984

in two originals, in the French and German languages, the two texts being equally authentic.

¹ OJ L 359, 22.12.1983.



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This map is basically the same as the administrative map shown in black and white on the facing page, with woodland areas added and the appropriate diagrams substituted.

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Publications of the European Communities

Publications of the European Communities

7/8 — 1984

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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Where other language versions also exist, cross-references are provided by means of a code (those codes should not be used for ordering purposes):

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).

Under each subheading, monographs and series are listed first in alphabetical order; there then follows a similar list of periodical titles.

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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Publications may be priced for sale, gratis, or of limited distribution. Those of the last two classes may be obtained from the issuing institutions, or, where they are published by the Information Offices of the Commission, from those offices, whose addresses are given in the lists on pp. 4 and 5. Publications of limited distribution are, however, generally only for the attention of governments of Member States, Community departments and other authorities concerned.

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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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A string of such symbols separated by diagonal strokes denotes a publication in which different language versions of the same text appear under one cover.

The abbreviation 'multi' indicates a publication with a mixed multilingual text.

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FF	French franc	USD	US dollar

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1984 - 194p.: 21cm: broché: 265g: (FR)
CB-40-84-391-FR-C ISBN 92-825-4438-9: ECU 4,39,
BFR 200.
- 2 **Index: Bulletin of the European Communities - Commission of the European Communities**
1982 - iv, 84pp.: 25cm: softcover: 230g: (EN)
DA:84 - 8 - 2, DE:84 - 8 - 2, GR:84 - 8 - 1, IT 84 - 8 - 2, NL:84 - 8 - 2
CB-35-82-287-EN-C ISBN 92-825-2984-3: ECU 7,74,
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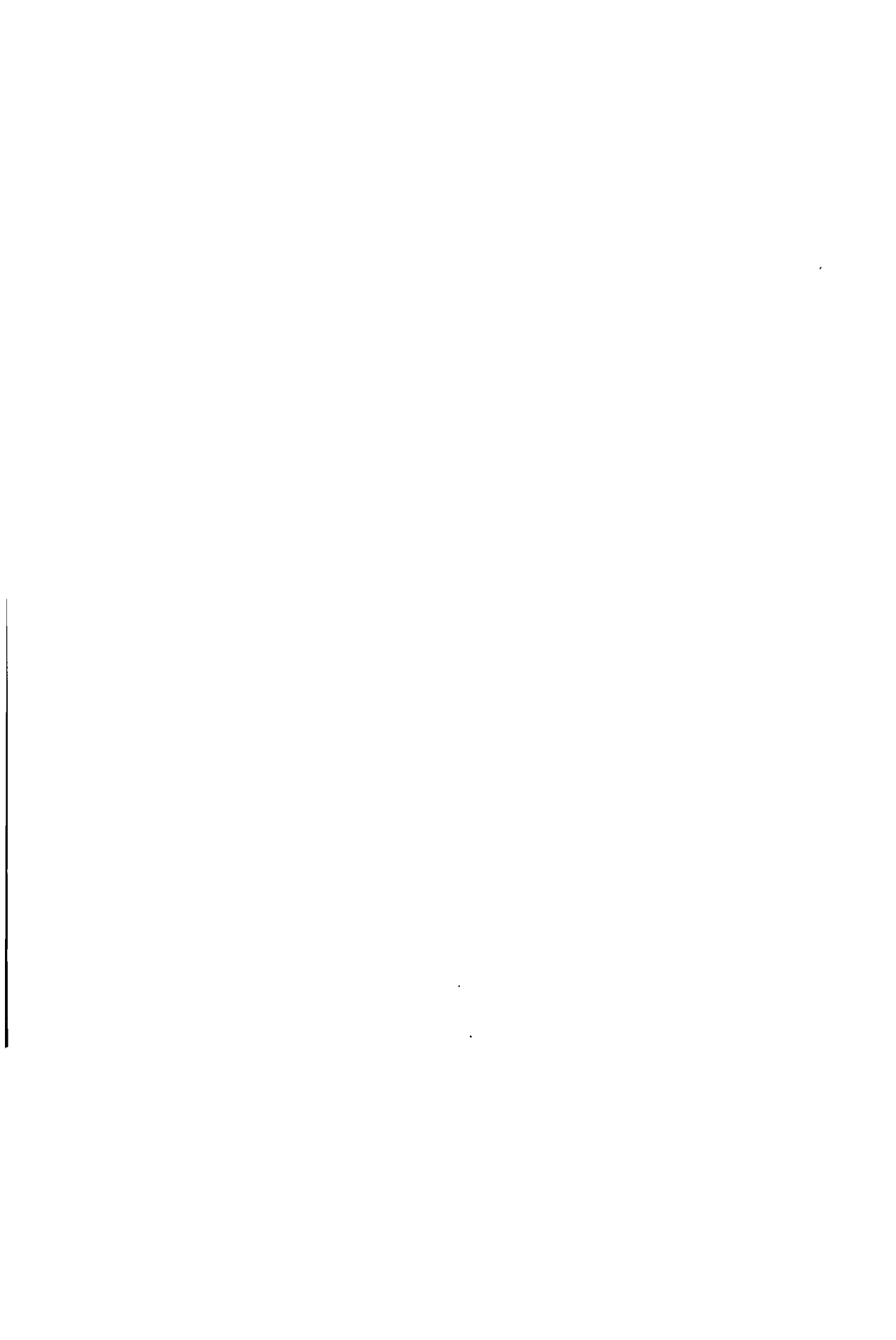
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**SEVENTEENTH GENERAL REPORT ON THE ACTIVITIES OF THE
EUROPEAN COMMUNITIES — 1983**

The General Report on the Activities of the European Communities is published annually by the Commission as required by Article 18 of the Treaty of 8 April 1965 establishing a single Council and a single Commission of the European Communities.

The Report is presented to the European Parliament and provides a general picture of Community activities over the past year.

Published in: Danish, Dutch, English, French, German, Greek and Italian.

ISBN 92-825-4189-4

Catalogue number: CB-38-83-774-EN-C

Price (excluding VAT) in Luxembourg: ECU 4,90 BFR 225 IRL 3,60 UKL 2,80
USD 4,50.

OFFICE FOR OFFICIAL PUBLICATIONS OF THE EUROPEAN COMMUNITIES
L-2985 Luxembourg

**Salg og abonnement · Verkauf und Abonnement · Πωλήσεις και συνδρομές · Sales and subscriptions
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Moniteur belge / Belgisch Staatsblad
Rue de Louvain 40-42 / Leuvensestraat 40-42
1000 Bruxelles / 1000 Brussel
Tél. 512 00 26
CCP / Postrekening 000-2005502-27

Sous-dépôts / Agentschappen:

**Librairie européenne /
Europese Boekhandel**
Rue de la Loi 244 / Wetstraat 244
1040 Bruxelles / 1040 Brussel

CREDOC

Rue de la Montagne 34 / Bergstraat 34
Bte 11 / Bus 11
1000 Bruxelles / 1000 Brussel

DANMARK

Schultz Forlag
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