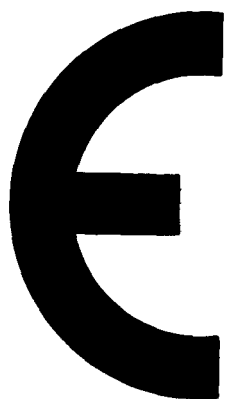


# Bulletin

## OF THE EUROPEAN COMMUNITIES

Commission



No 7/8 1982

Volume 15

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# Bulletin

## OF THE EUROPEAN COMMUNITIES

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

No 7/8  
1982  
Volume 15

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**PART ONE**  
**SPECIAL FEATURES**

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

**ECU = European currency unit**

**BFR = Belgische frank / Franc belge**

**DKR = Dansk krone**

**DM = Deutsche Mark**

**DR = Greek drachma**

**FF = Franc français**

**HFL = Nederlandse gulden (Hollandse florijn)**

**IRL = Irish pound / punt**

**LFR = Franc luxembourgeois**

**LIT = Lira italiana**

**UKL = Pound sterling**

**USD = United States dollar**



# 1. The dispute between the Community and the United States

*1.1.1.* For more than a year now relations between the Community and the USA have been marked by an atmosphere of permanent tension due first and foremost to the difficulties generated in the areas of economic and monetary policy in Europe by the high level of interest rates prevailing in the USA. Further sources of problems have surfaced during 1982 involving steel<sup>1</sup> and exports of equipment for the Europe-Siberia gas pipeline.<sup>2</sup> The months of July and August saw an intensive round of negotiations and contacts: in the case of steel, the Commission and the US Administration negotiated a voluntary restraint arrangement which bears witness to the willingness of the Community to achieve an overall settlement of the difficulties concerning trade in steel and to avoid unilateral or restrictive measures in such a depressed sector; and on supplies for the Siberian gas pipeline, the Ten have confirmed their solidarity on a number of occasions and talks between them are continuing.

## **Steel: a voluntary restraint arrangement**

### **The negotiations**

*1.1.2.* Over the past 12 months, a very substantial proportion of Community steel exports has been the subject of anti-dumping suits lodged by the US industry, and countervailing duties were imposed. In response to the suits that were lodged, the American authorities commenced anti-subsidy and anti-dumping proceedings.<sup>1</sup> On 10 June and 9 August respectively it published the findings of its investigations and announced provisional duties on the relevant imports. These proceedings and the provisional measures taken in respect of imports from the Community had the effect not only of jeopardizing the normal development of trade in steel but also further aggravated the strained relations between the Community and the USA.

After trying to seek an amicable solution, the Community eventually came down in favour of an emergency partial solution before going on to negotiate a general agreement with the US Government.

The Community endeavoured first of all to resolve this dispute on an amicable basis: discussions in Brussels with Mr Baldrige, the Secretary of Commerce, continued in Washington between Mr Haferkamp and Mr Davignon and Mr William Clark, National Security Adviser, and Mr Bill Brock, United States Representative for Trade Negotiations. This meeting in Washington constituted the final high-level attempt to reach a solution which would enable the anti-dumping suits and countervailing duties to be withdrawn.

As soon as provisional duties were imposed by the Department of Commerce in June,<sup>3</sup> the Commission challenged the methods and criteria used by the American authorities to define export subsidies and calculate their impact. It also argued that the share of the market supplied by Community products (a little over 6%) could not be taken as an indicium of damage to the American industry, and called for preservation of traditional trade flows.

Following the failure of the attempt to reach an amicable solution, the Council meeting of 20 July came out in favour of an emergency partial solution seeking to obtain the suspension of the provisional duties in exchange for voluntary restraint covering solely those products and firms affected by the duties. On 22 July the Community then presented an offer designed to achieve a 10% cut in its 1981 share of the US market for seven ECSC products in the context of arrangements to be concluded by the USA with the Community and four of its Member States (Belgium, France, Italy and the United Kingdom). Following the rejection of this offer

<sup>1</sup> Bull. EC 1-1982, point 2.2.24; Bull. EC 6-1982, point 2.2.42.

<sup>2</sup> Bull. EC 6-1982, point 2.2.43.

<sup>3</sup> Bull. EC 6-1982, point 2.2.42.

the Council, at a special meeting on 24 July, gave the Commission an exclusive mandate to negotiate an overall arrangement with the US Government.

### Content of the arrangement

1.1.3. On the basis of the overall mandate entrusted to the Commission by the Council, discussions were held from 3 to 6 August between the Community and the USA. They culminated on 6 August in an agreement between Mr Haferkamp and Mr Davignon for the Commission and Mr Baldrige, the US Secretary of Commerce, on an arrangement under which the proceedings then in train could be terminated. President Reagan himself welcomed the success of these negotiations which, he said, had been very difficult and complex and had reached a positive outcome thanks solely to the determination of the two sides to succeed in a spirit of understanding and cooperation.

In a joint statement released at the conclusion of the negotiations, Mr Haferkamp, Mr Davignon and Mr Baldrige declared that the arrangement constituted a major step towards resolving the incessant disputes and differences involving trade in steel, which for a number of years had been a source of irritation between the Community and the United States.

The objective of the arrangement is to bring in a period of trade stability. To this end, the Community will restrain its exports to the United States of the steel products listed in the arrangement for the period 1 October 1982 to 31 December 1985. For the period 1 October 1982 to 31 December 1983 and thereafter for each of the years 1984 and 1985 export licences will be required for the products covered by the arrangement. Such licences will be issued to Community exporters for each product in quantities no greater than the following percentages of projected US apparent consumption for the relevant period:

<i>Product</i>	<i>Percentage</i>
Hot-rolled sheet and strip	7.43
Cold-rolled sheet	5.15
Plate	5.98

Structurals	10.90
Wire rods	4.29
Hot-rolled bars	3.01
Coated sheet	3.32
Tin plate	2.20
Rails	8.90
Stainless steel sheet and strip	4.08

The calculation and revision of the US apparent consumption forecast and of export limits will be carried out by independent experts. Appropriate adjustments will be made at regular intervals in the light of the trend of consumption forecasts. In special cases, limited technical adjustments can be made between the products in question. Special adjustments can also be made—on a limited basis—in the event of a shortage of a specific steel product on the US market.

A monitoring procedure will enable the two sides to keep track of the allocation of export licences or of any measures adopted in respect of imports of arrangement products for violations of US customs law.

The entry into effect of the arrangement is conditional on the withdrawal of the petitions filed by the US industry in respect of imports originating in the ECSC and on the termination of all proceedings and investigations concerning countervailing duties, anti-dumping duties and the petitions based on Section 301 of the US Trade Act initiated before the conclusion of the arrangement. This withdrawal should be implemented or rejected by 15 September. On the Community side the legal texts for the application of the arrangement have been prepared and finalized so that it can enter into force on 1 October.

Entry into force is also conditional on an undertaking by the petitioners not to file any new petitions seeking import relief under US law, including the imposition of countervailing duties and anti-dumping duties. If, during the period in which the arrangement is in effect, any such investigations were initiated following petitions by US firms in respect of products covered by the arrangement, the Community would be entitled to terminate the arrangement with respect to

some or all of the products covered after consultations with the United States. If, during the same period, any proceeding was initiated by the United States against steel products imported from the ECSC which are not subject to the arrangement and substantially threatened its objective, then the two parties, before taking any other measure, will consult to consider appropriate remedial measures.

### **Embargo on supplies for the Siberian gas pipeline: Community solidarity**

1.1.4. On 22 June the United States authorities adopted certain measures to extend to European firms the December 1981 embargo on exports to the Soviet Union of equipment intended for oil and natural gas exploitation.<sup>1</sup>

The Community's initial response was to send the US State Department an *aide-mémoire* on 14 July, calling on the US authorities to lift the embargo and formally challenging the extra-territorial and retroactive nature of the measure decided on by Washington.

Subsequently, the Community made a second approach to the State Department on 12 August: the Community once again voiced its great concern at the political and economic effects of the measures adopted on 22 June and reiterated its call for the withdrawal of those measures, including their repercussions on the Community's commercial

policy. The Community took the opportunity to forward its comments on the legal aspects.

The European position was also made clear by Mr Thorn: 'We have now reached a stage', he said, 'where it is becoming dangerous for all concerned to let matters go any further'. He stressed that it was necessary to take the heat out of the conflicts and create new confidence in order to provide a firm basis for solidarity and partnership. 'Constant squabbling between partners is certainly not a sign of strength', he continued, 'and we must therefore do everything possible to improve our procedure for ongoing and comprehensive consultations between the European Community and the USA. We in Brussels are ready to arrive at practical decisions before the end of the year'.<sup>2</sup> Mr Thorn said that the Commission's 12 August memorandum should be given the attention it merited as a communication between 'the friends and partners we are and intend to remain'. Negotiations on the political and legal planes should be continued. Mr Thorn emphasized the soundness of the arguments put forward by the Commission and insisted that it was essential not to exacerbate the differences. Contacts were being maintained.

<sup>1</sup> Bull. EC 6-1982, point 2.2.43.

<sup>2</sup> Address given at a symposium at the European Forum, Alpbach, Austria on the subject: 'America — Japan — Europe: triangle in conflict'.

## 2. Belgium's six months in the Council chair

1.2.1. One of the main objectives of the programme for the Belgian presidency, presented in Parliament last January,<sup>1</sup> was to establish 'a harmonious relationship between the Council, the Commission and Parliament'. A big stride in that direction was taken on 30 June, the very date on which this presidency ended, when the Presidents of the three institutions signed the 'joint declaration on various measures to improve the budgetary procedure'.<sup>2</sup>

This declaration, the fruit of negotiations which were certainly laborious (the obstacles seemed insurmountable) but even so relatively short (four months of discussion following years of turmoil in the budgetary procedure), is not only an achievement of the past six months but is also, as President Thorn said, to some minds a 'symbol because it demonstrates that where there is the political will to seek agreement no undertaking, however difficult and arduous, is impossible'.

The political will to secure agreement—or to bring it within reach—was clearly to be seen on several occasions over the last six months, particularly when the farm prices were adopted by majority vote and in the decision on the British contribution to the Community budget.<sup>3</sup> By the same token, when confronted with events abroad the Community was able to show its cohesion by imposing embargoes on Argentina,<sup>4</sup> limiting imports from the Soviet Union,<sup>5</sup> deciding to use GATT procedures against Japan<sup>6</sup> and sustaining discussions with the United States.<sup>7</sup>

In addition, several matters which had sometimes been on ice for several years were recently set in motion again. Firstly the European Foundation originally called for by Mr Tindemans in December 1975<sup>8</sup> was established,<sup>9</sup> and noteworthy progress was made in transport<sup>10</sup> and the internal market. Several measures adopted, in particular the Regulation on the surveillance of fishing activities, gave fresh impetus to the common fisheries policy.<sup>11</sup>

1.2.2. A detailed report on all these developments was presented in Parliament by

Mr Tindemans, the outgoing Council President, during the June part-session.<sup>12</sup> On progress towards European union and on political cooperation, Mr Tindemans had this to say:

'These have been eventful months. Before a start could be made on a real programme or the Community's continuing problems could be tackled, we were overtaken by tragic international events: Poland, the Falkland Islands, Lebanon.

The crisis over the mandate, which had been on the agenda since 1980, threatened to grow into a Community crisis. This resulted in endless negotiations in various capitals.

This all happened against a background of economic uncertainty, at a time of recession which threatens to turn into depression, both in the European Community and in the world as a whole.

The question of the mandate degenerated into the constant dissatisfaction of one Member State over its contribution to the Community budget. This dissatisfaction persists because agreement has still not been reached on a multiannual concession to the United Kingdom. The dissatisfaction of one Member State is infectious, as other Member States are also beginning to question their own contributions. A disease of this kind threatens to set the whole system of the Community's own resources on a downward path.

The crisis occurred when this multiannual concession was unfortunately linked to the annual round of talks on farm prices. The Treaty requires a decision to be taken on farm prices by 1 April, and it is a decision that cannot be postponed indefinitely without causing irreparable damage to the common agricultural policy.

Once the crisis had broken, the Community was very quick to find the means to get itself out of trouble. Most Member States realized that the Treaty offered the only way out.

<sup>1</sup> Bull. EC 1-1982, point 2.4.1.

<sup>2</sup> Bull. EC 6-1982, points 1.1.1 to 1.1.5.

<sup>3</sup> Bull. EC 5-1982, points 1.1.1 to 1.1.6.

<sup>4</sup> Bull. EC 4-1982, point 1.1.1 *et seq.*

<sup>5</sup> Bull. EC 3-1982, point 2.2.2.

<sup>6</sup> Bull. EC 3-1982, point 2.2.35.

<sup>7</sup> Bull. EC 6-1982, point 2.2.44.

<sup>8</sup> Supplement 1/76 — Bull. EC.

<sup>9</sup> Bull. EC 3-1982, point 1.2.1.

<sup>10</sup> Bull. EC 6-1982, point 2.1.143 *et seq.*

<sup>11</sup> Bull. EC 6-1982, point 2.1.128 *et seq.*

<sup>12</sup> OJ Annex No 1-286; Bull. EC 6-1982, point 2.4.10.

The Council thus in fact agreed to your recommendations of 13 May 1982 almost to the letter.

This was not all. During the night of 24/25 May a solution was found to the problem of the British contribution to the budget, or at least to the 1982 budget.

A crisis, Mr President, can also serve as a catalyst, and this has been true of political cooperation.

European political cooperation has become distinctly operational in recent months, since it has kept up with political events. We need only think of Poland, the Falkland Islands and Lebanon. This is a new development which has enabled the Ten to grow in stature on the world stage.

Secondly, European political cooperation and actual Community activities joined in tackling the same problems. For Poland, the Falklands and Lebanon European political cooperation has created a political framework in which it has been possible for trade policy and other measures to be

taken in the Community's organs. We thus have here numerous examples of the convergence of European political cooperation and Community activities, a form of cooperation which can be regarded as a basis for European union.

In this context, it should also be said that the Ministers have already translated the idea of "le centre de décision unique" into practice during one and the same meeting, both within the framework of political cooperation and in their deliberations on Community matters. In my opinion, this is a second important development.

I regret the fact that the Community cannot pursue or is not pursuing a better anti-crisis policy. This is, of course, due to some extent to the situation in the Member States, the view taken of economic policy and of monetary policy, inflation and the budgetary situation in the Member States. All this has an effect and often prevents us from adopting a united policy at European level. And yet positive results have been achieved.'





**PART TWO**  
**ACTIVITIES**  
**IN JULY/AUGUST 1982**

# 1. Building the Community

## Economic and monetary policy

### The Council discusses economic problems

2.1.1. On 12 July the Council (economic and financial questions) carried out the second quarterly review of the economic situation in the Community, on the basis of a communication from the Commission.<sup>1</sup> It also held an exchange of views on the Commission's communication on budget discipline and economic convergence,<sup>1</sup> and signified its agreement on the fifth medium-term economic policy programme.<sup>2</sup> The Council held a wide-ranging policy debate on all the aspects to be taken into consideration in defining an overall strategy for the promotion of investment, with a view to preparing the specific proposals requested by the European Council on 28 and 29 June for its meeting in December.<sup>3</sup> At the close of the debate, the Council instructed the Economic Policy Committee and the Economic and Financial Policy Coordination Group to continue work on this point in close collaboration with the Commission, with a view to submitting a report to the Council for consideration at its meeting in October. It also asked the Commission to produce proposals at that meeting for Community action in this area.

### Community borrowings

2.1.2. On 5 August the Commission transmitted a second report on the borrowing and lending activities of the Community, covering 1981, for the information of the Council and Parliament.

### Economic situation

2.1.3. On 12 July, the Council (economic and financial questions) carried out the second quarterly review of the economic situation in the Community, on the basis of a communication from the Commission. It accepted the Commission's recommendation that the economic policy guidelines defined in March should be broadly maintained.

The Council also held an exchange of views on the Commission's communication of 1 July on budget discipline and economic convergence. This communication has two aims: to place in a more general framework the Council's discussion pursuant to Article 3 of the Decision of 18 February 1974 on the fixing of quantitative guidelines for 1983 budget proposals; and to reinforce and apply in practice the existing procedures to achieve better convergence of the Community's economies. After reviewing the economic development and structural imbalances in the budgets and the trends of the public finance situation, the Commission describes the remedies available.

The Commission considers that in many Member States the management of public sector finances is not making a sufficient contribution towards the efforts of economic stabilization and of putting the economy on a sound footing. That budgetary policy may be used to stimulate economic activity during certain phases of the cycle is not questioned. Nevertheless, the growth and the dynamism of the economies are at present weakened by the structural imbalances of the public sector budgets. Correcting these structural imbalances is a necessary step towards healthier growth and a sounder employment situation.

The absolute and relative growth of public expenditure has accelerated since the economic crisis started in the early 1970s, whereas the growth of revenue was held in check. Several countries—Belgium, Denmark, Greece, Ireland and Italy—have slipped into a more unbalanced position than others. The structure of public expenditure has tilted in favour of transfers to households and operating expenditure, at the expense of public investment and expenditure to back up and stimulate more balanced economic development.

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<sup>1</sup> Point 2.1.3.

<sup>2</sup> Point 2.1.4.

<sup>3</sup> Bull. EC 6-1982, point 1.5.3.



Efforts to reduce the deficits must be concentrated on the area of public expenditure; its rise must be strictly limited and its structure improved. There is little scope for increasing taxation, nor is it desirable to do so, notably because of the high level already reached by the compulsory tax rate. A lasting improvement of the public finance situation can only be achieved if backed by procedures designed to keep the exercise of budgetary powers in closer harmony with the key economic equilibria. The Commission therefore requests the Council to accept the following four guidelines:

- (i) Control of the budgetary aggregates: reduction of the borrowing requirement, reduction and reorganization of expenditure, changes in taxation and social security contributions, public utility charges and payments, annual targets within a multiannual framework.
- (ii) Application of strict budgetary procedures: budget timetable and monitoring of budget implementation.
- (iii) Application of strict principles of budget management: current account equilibrium, the covering of additional expenditures.
- (iv) More severe financing criteria.

The Commission stresses that although the achievement of a sounder budget situation must be a guideline common to the Community as a whole, the emphasis on, and connection between, the measures needed must be tailored to the individual circumstances of each Member State.

Having examined this communication, the Council underlined the importance of containing budgetary deficits and noted with interest the ideas underlying the guidelines suggested by the Commission in order to improve the public finance situation. It also noted with interest the methods proposed for applying these guidelines to the individual Member States. The Council welcomed the Commission's intention of submitting a first report on developments in this field in time for consideration by the Council not later than at its meeting in December.

The Council also took note of the quantitative budgetary guidelines proposed by the Commission.

### Medium-term policy

2.1.4. On 28 July the Council adopted<sup>1</sup> the medium-term economic policy programme,<sup>2</sup> whereby the Member States undertake to abide by the guidelines laid down and to keep the programme under constant review throughout its implementation. The text finally adopted is the opinion which the Economic Policy Committee sent to the Council after its meeting held on 7 May.<sup>3</sup>

### Monetary Committee

2.1.5. The Monetary Committee held its 283rd meeting in Brussels on 15 July, with Mr Schulmann in the chair. It discussed developments since the currency realignment of 12 June,<sup>4</sup> in particular the concomitant measures introduced in several Member States. It also considered matters likely to arise at the annual meeting of the IMF and the World Bank (September).

### Economic Policy Committee

2.1.6. The Economic Policy Committee met twice:

- (i) On 1 July it held its 121st meeting in its reduced 'budget' composition to discuss budget prospects and guidelines in preparation for the Council's second quarterly review of the economic situation in the Community.
- (ii) On 19 July it held its 122nd meeting (plenary) to examine the Commission's communications on investment in order to prepare an opinion on this matter to be sent to the Council.

<sup>1</sup> OJ L 236, 11.8.1982.

<sup>2</sup> Bull. EC 7/8-1981, point 2.1.8.

<sup>3</sup> Bull. EC 5-1982, point 2.1.4.

<sup>4</sup> Bull. EC 6-1982, point 2.1.3.

## Internal market and industrial affairs

### Free movement of goods

#### *Removal of technical barriers to trade*

#### Industrial products

2.1.7. On 6 July the Commission adopted a recommendation<sup>1</sup> relating to the certificates of conformity provided for in the Council Directive of 18 December 1975 on electrical equipment for use in potentially-explosive atmospheres.<sup>2</sup> This was found to be the best method of proceeding since the Directive does not make a standard form of certificate obligatory. The bodies approved to issue the certificates agreed that it would be much easier if forms were harmonized as it would then be possible directly to identify equipment conforming to the harmonized standards and this would facilitate the free movement of the goods concerned.

2.1.7a. In the context of the adjustment to technical progress provided for in the Council Directive of 26 July 1971 on common provisions for both measuring instruments and methods of metrological control,<sup>3</sup> the Commission, on 1 July, adopted five specific directives.<sup>4</sup> The Commission was obliged to amend certain specific directives to take account of changes or improvements in the manufacture of various instruments.

Amendments were made to the following directives:

(a) The Council Directive of 4 November 1976 on electrical energy meters;<sup>5</sup> although this Directive provides for a review of the maximum permissible errors for the EEC initial verification, in the light of experience gained at international level and of the requirements applied in the Member States, the Commission decided on the definitive retention of the tolerances previously adopted.

(b) The Council Directive of 19 November 1973 on non-automatic weighing machines;<sup>6</sup> this was amended for the first time by the Commission Directive of 27 July 1976;<sup>7</sup> the latest amendment takes account of the de-

velopment of new machines and therefore updates the Community specifications.

(c) The Council Directive of 26 July 1971 on gas volume meters;<sup>3</sup> because of the rapid technical developments in this field. This is already the third change, and there are bound to be further amendments.

(d) The Council Directive of 27 July 1976;<sup>8</sup> account had to be taken of the greater accuracy of thermometers used in determining alcoholic strength.

(e) The Council Directive of 5 April 1977 on measuring systems for liquids other than water;<sup>9</sup> this will make it easier for manufacturers using recognized assembly methods to obtain EEC pattern approval.

#### Foodstuffs

2.1.8. On 12 July the Council adopted a Directive<sup>10</sup> amending the Directive of 25 July 1978 laying down specific criteria of purity for emulsifiers, stabilizers, thickeners and gelling agents for use in foodstuffs<sup>11</sup> on the basis of the Commission proposal of 23 November 1981.<sup>12</sup>

#### Pharmaceuticals

2.1.9. When the Council adopted the Directive<sup>13</sup> on veterinary medicinal products on 28 September 1981, it asked the Commission to report on a list of molecules that could be used in pre-mixes for medicated feedingstuffs. A group of experts met for the first time, on 12 and 13 July.

<sup>1</sup> OJ L 218, 27.7.1982.

<sup>2</sup> OJ L 24, 30.1.1976.

<sup>3</sup> OJ L 202, 6.9.1971.

<sup>4</sup> OJ L 252, 27.8.1982.

<sup>5</sup> OJ L 336, 4.12.1976.

<sup>6</sup> OJ L 335, 5.12.1973.

<sup>7</sup> OJ L 236, 27.8.1976.

<sup>8</sup> OJ L 262, 27.9.1976.

<sup>9</sup> OJ L 105, 28.4.1977.

<sup>10</sup> OJ L 230, 5.8.1982.

<sup>11</sup> OJ L 223, 14.8.1978.

<sup>12</sup> Bull. EC 11-1982, point 2.1.10.

<sup>13</sup> OJ L 317, 6.11.1981.

## **Business law**

### **Companies**

#### *Group accounts*

2.1.10. On 12 July the Council continued its work on a proposal for a seventh Directive on group accounts.<sup>1</sup> As the positions of Member States seemed to be moving somewhat closer, the Council bodies responsible were asked to continue their attempts to find solutions to the various problems outstanding, possibly by arriving at a broad compromise, and to report back at the next Council meeting.

### **Free movement of persons and freedom to provide services**

#### *Mutual recognition of diplomas and access to occupations*

#### **Hairdressing**

2.1.11. On 19 July the Council adopted a Directive<sup>2</sup> laying down measures to facilitate the effective exercise of the right of establishment and freedom to provide services in hairdressing, a profession in which a large number of individuals are employed. The aim of the Directive is to allow self-employed hairdressers or persons responsible for managing salons—whether for men, women or both—to carry out their activities throughout the Community. Five of the Member States (Belgium, France, Germany, Luxembourg and The Netherlands) have special rules on carrying out these activities which prevent the free movement of hairdressers between these five Member States or between them and the other five, which have no such rules.

For the purpose of the Directive, the fact that the activity has been pursued in the Member State whence a foreign national comes for a certain number of years is deemed equivalent to the commercial and professional qualifications required of nationals in the host Member State. The Directive also contains provisions on the mutual recognition of proof of good repute and

proof of no previous bankruptcy where a host Member State requires such proof of its own nationals.

Member States must bring into force the measures necessary to comply with this Directive within 18 months following its notification.

2.1.12. Meeting on 6 and 7 July, the Committee of Senior Officials on Public Health continued its discussions and exchanges of information on the free movement of doctors, general nurses, dentists and midwives and on associated problems. It also looked at the preliminary results of a survey carried out in conjunction with the Statistical Office of the European Communities on changes in the number of persons employed in these capacities between 1960 and 1980. The final results of the survey should be available some time next year. The members of the Committee also exchanged information on changes already in progress or in the pipeline to the rules on the right to exercise these occupations in their various countries.

### **Industry**

2.1.13. On 2 July the ECSC Consultative Committee<sup>3</sup> adopted a Resolution<sup>4</sup> on the Commission's communication on the Community industrial strategy.<sup>5</sup> It approved the fundamental guidelines of this proposition and emphasized that to facilitate the investment decisions of undertakings, it was essential that the Commission and the Governments of the Member States set up a political, social, economic and financial framework directed towards the achievement of the chosen objectives.

#### **Steel**

2.1.14. Following the measures taken by the United States Government against Community steel exports to the USA,<sup>6</sup> an extra-

<sup>1</sup> OJ C 121, 2.6.1976; Tenth General Report, point 140; Bull. EC 12-1978, point 2.1.13.

<sup>2</sup> OJ L 218, 27.7.1982.

<sup>3</sup> Point 2.4.50.

<sup>4</sup> OJ C 195, 29.7.1982.

<sup>5</sup> Bull. EC 10-1981, point 2.1.20.

<sup>6</sup> Bull. EC 6-1982, points 2.2.41 and 2.2.42.

ordinary Council meeting of 24 July gave the Commission a general mandate to negotiate with the US authorities.<sup>1</sup> On 6 August the Commission reached an agreement with the US Government providing for restraint on European exports of 11 steel products during the period from 1 October 1982 to the end of 1985 and the closure of all current proceedings. This agreement will affect some 85% of Europe's steel exports to the USA, apart from tubes and piping, and will cut Europe's exports by some 10% of their 1981 level. Europe's steel industry is to be granted a proportion of the market, based on USA steel consumption figures for 1981, working out at an average of 5.754% for the 11 categories of steel products in 1983 compared with 6.4% in 1981.

2.1.15. In addition, on 26 July, the Commission adopted a decision<sup>2</sup> requiring undertakings in the steel industry to make returns to the Commission of their deliveries per calendar month of substandard products and seconds in basis and quality steels included in the categories in the Annex to the Decision.

The Decision is designed to enable the nature of the products sold as substandard or seconds to be monitored more effectively. Substandard products and seconds within the meaning of this Decision are products of faulty workmanship of limited use which are sold below the undertaking's published list prices for first-quality products.

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2.1.16. Lastly, on 7 July the Commission proposed<sup>3</sup> to the Council a scheme of aid for projects covered by exploration programmes for non-energy mineral primary raw materials within the territories of the Member States, with the aim of reducing the Community's degree of dependence on outside sources for its supply of raw materials. The Community scheme is intended to complement existing national systems in areas where the common objective cannot be met by the financial resources of the public authorities. Financial aid will be in the form of reimbursable subsidies. This aid would amount to between 30 and 50% of the total

cost, depending on the nature of each project.

### *Electronics and information technology*

2.1.17. On 13 August the Commission sent the Council a proposal for a resolution on pilot projects in new information technology (Esprit) further to its general communication of 26 May.<sup>4</sup> This marks the beginning of work under the Esprit programme which the Commission has just drawn up following an initial policy debate last June.<sup>5</sup> The Commission proposes that active discussions continue between industry and the national authorities in order to work out a general programme, so that it can be ready by the end of 1982 and the requisite budgetary measures can be taken to allow a one-year pilot phase to begin in January 1983.<sup>6</sup>

## Industrial innovation and the information market

### Three-year plan of action

2.1.18. Following the Council Decision of 27 July 1981<sup>7</sup> adopting a third plan of action in the field of information and documentation, the Commission has issued a call for proposals for the promotion of high-quality information services in the fields of trade and industry, energy and social services.<sup>8</sup>

The main objectives are to make more information in key sectors available on a European level, to improve the performance of both industry and trade, to help Community

<sup>1</sup> Point 1.1.1 *et seq.*

<sup>2</sup> OJ L 218, 27.7.1982.

<sup>3</sup> OJ C 203, 6.8.1982.

<sup>4</sup> Bull. EC 5-1982, point 2.1.14.

<sup>5</sup> Bull. EC 6-1982, point 2.1.166.

<sup>6</sup> Point 2.1.183.

<sup>7</sup> OJ L 220, 6.8.1981; Bull. EC 7/8-1981, point 2.1.24.

<sup>8</sup> OJ C 169, 7.7.1982.

exports and to achieve a more uniform level of information-related activities throughout the Member States.

Financial assistance for the projects selected may amount to up to 50% of their development costs over a period of not more than 24 months. A sum of 5.5 million ECU has been set aside for projects of this type in the budget for the third three-year plan of action in the field of information and documentation.

2.1.19. Under the heading 'One system, one market, Europe', a joint demonstration of the new European (CEPT) standard for videotex was held in New York on 28 to 30 June at Videotex '82.

The first joint venture of this kind to be organized by the European telecommunications administrations and the Commission, the demonstration gave over 6 000 visitors the opportunity to learn about European videotex techniques.

### Multilingual projects

2.1.20. As part of its 'multilingual' activities, the Commission has decided to produce a thesaurus in seven languages, based on the standard vocabulary used in Community affairs. Known as Eurovoc, the system is intended to facilitate exchanges of information between the libraries and documentation centres of the various Community bodies.

## Customs union

### Simplification of customs formalities

2.1.21. On 9 July the Commission sent the Council a number of proposals<sup>1</sup> aimed at strengthening the internal market,<sup>2</sup> concerning in particular the simplification of formalities in trade between Member States, the introduction of a Community export declaration form and a further amendment to the rules regarding Community transit.

### Common Customs Tariff

2.1.22. On 12 July the Council amended<sup>3</sup> its Regulation (No 950/68) on the Common Customs Tariff by aligning the English version of subheadings 61.01 B V d) and 58.02 A II a) on the other language versions.

2.1.23. On 19 July<sup>4</sup> the Commission adopted two Regulations to ensure uniform application of the Common Customs Tariff nomenclature, concerning:

(i) the establishment of the analytical method for determining the dry weight content of tomato juice for the purposes of Note 4 to Chapter 20 of the Common Customs Tariff;

(ii) the classification of goods under CCT heading No 18.05 (cocoa powder with added lecithin).

### Economic tariff matters

#### Tariff quotas

2.1.24. The Council adopted a number of Regulations in July opening, allocating and providing for the administration of Community tariff quotas for the following products:

(i) certain wines originating in Spain, falling within CCT heading No ex 22.05 (1982/83);<sup>5</sup>

(ii) certain wines originating in Portugal, falling within CCT heading No ex 22.05 (1982/83);<sup>6</sup>

(iii) newsprint falling within CCT subheading 48.01 A (1982);<sup>3</sup>

(iv) herrings falling within CCT subheading 03.01 B I a) 2 (1984/85).<sup>7</sup>

2.1.25. On 12 July<sup>3</sup> the Council adopted a Regulation opening, for the second half of

<sup>1</sup> OJ C 203, 6.8.1982.

<sup>2</sup> Bull. EC 6-1982, point 2.1.10.

<sup>3</sup> OJ L 207, 15.7.1982.

<sup>4</sup> OJ L 214, 22.7.1982.

<sup>5</sup> OJ L 208, 16.7.1982.

<sup>6</sup> OJ L 209, 17.7.1982.

<sup>7</sup> OJ L 206, 14.7.1982.

1982, a Community tariff quota for the duty-free importation of 125 000 tonnes of certain grades of 'high carbon' ferro-chromium intended for the stainless steel industry.

Since 1981 the Council has on several occasions examined the question of imports of ferro-chromium, which is a complex matter since a balance has to be struck between the need to provide supplies on favourable terms for certain Community industries and the survival of other industries, which could be jeopardized if the protection provided by the CCT was no longer available.

### Origin of goods

2.1.26. On 29 July the Commission adopted a Regulation<sup>1</sup> implementing in the Community a decision taken by the ACP-EEC Customs Cooperation Committee (No 1/82 of 22 June 1982) derogating from the definition of the concept of 'originating products' in respect of exports from Mauritius to the Community of 1 000 tonnes per annum of canned tuna, between 1 August 1982 and 31 July 1984.

### Customs procedures with economic impact

#### Inward processing

2.1.27. On 7 July the Commission sent the Council a proposal<sup>2</sup> for a Directive concerning the list of compensating or intermediate products resulting from inward processing operations, to be taxed on release into free circulation by the application of the customs duties, charges having equivalent effect and agricultural levies pertaining to the products in question and not those pertaining to goods imported under inward processing arrangements.

### General legislation

2.1.28. The Council adopted two decisions<sup>3</sup> accepting on behalf of the Community recommendations of the Customs Cooperation Council concerning technical coopera-

tion in customs matters and customs requirements regarding commercial invoices. This is the first time the Community as such has taken such a step.

## Competition

### General rules applying to undertakings

#### New procedural measures for applying the competition rules

2.1.29. In its Eleventh Report on Competition Policy<sup>4</sup> the Commission announced that it envisaged changing the competition procedures by creating the post of Hearings Officer; the decision<sup>5</sup> to do so was taken on 22 July.

The Hearings Officer will have direct access to the Member of the Commission with special responsibility for competition policy; his brief will be to ensure that hearings are properly conducted and thus to contribute to the objectivity of the hearing itself and of any decision taken subsequently. In performing his duties he is to see to it that the rights of the defence are respected, while taking account of the need for effective application of the competition rules in accordance with the regulations in force and the principles developed by the Court of Justice.

This measure enters into force on 1 September 1982, as does an internal instruction on access to files, which lays down the administrative rules which departments must observe in order to ensure that the parties are properly informed of the documents in their case.

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<sup>1</sup> OJ L 221, 30.7.1982.

<sup>2</sup> OJ C 200, 4.8.1982.

<sup>3</sup> OJ L 204, 12.7.1982.

<sup>4</sup> Published in conjunction with the General Report on the Activities of the European Communities in 1981.

<sup>5</sup> OJ C 251, 25.9.1982.

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

### Prohibited restrictive practices

#### *Cigarette trade in The Netherlands*

2.1.30. On 15 July the Commission adopted a Decision<sup>1</sup> under the Community competition rules to ban a number of restrictive practices which have been applied in the Dutch cigarette trade since the beginning of the 1970s; almost all cigarette manufacturers and importers in The Netherlands, along with their trade associations, have been party to these practices, one of the aims of which was to restrict competition at wholesale and retail tobacconist level.

The main agreements to fall under the Commission's prohibition are: a number of horizontal price agreements between manufacturers, in respect of which fines have been imposed; consultation between manufacturers and the wholesale and retail trade over increases in excise duty and prices for cigarettes in 1980; and a tobacconists bonus scheme.

The fines in respect of the price agreements total 1 475 000 ECU (more than HFL 3.8 million); they were imposed on Sigaretten-fabriek Ed. Laurens BV, The Hague;<sup>2</sup> British American Tobacco Company (Nederland) BV, Amsterdam; Turmac Tobacco Company BV, Hilversum;<sup>2</sup> R. J. Reynolds Tobacco BV, Hilversum; Philip Morris Holland BV, Amstelveen; and De Koninklijke Bedrijven Theodorus Niemeyer BV, Groningen.

These firms are all subsidiaries of major multinational companies.

The bonus scheme, which was notified to the Commission and which has been applied by cigarette manufacturers and importers in The Netherlands in their dealings with tobacconists since 1974, was found to infringe Article 85 of the EEC Treaty. Under the bonus scheme tobacconists can each year obtain a uniform extra discount on their sales of cigarettes, which is calculated not on the basis of the quantity of cigarettes which the tobacconist buys from the individual supplier but on the total quantity of cigarettes

which he buys from all the participating manufacturers and importers. In the Commission's view<sup>3</sup> this collective bonus scheme appreciably restricts competition between manufacturers and importers, as tobacconists obtain no discount in respect of their actual sales of a particular brand.

This scheme does not improve distribution of cigarettes on the Dutch market, and the resulting benefit goes mainly to the manufacturers rather than to consumers, so that an exemption on the basis of Article 85(3) could not be granted.

The Commission found that competition was also restricted by the agreements which had been notified to it concerning consultation between the industry and the wholesale and retail trade over increases in excise duty and prices for cigarettes in 1980; these agreements did not qualify for exemption under Article 85(3) either. The collective negotiations at each trading level were an obstacle preventing firms from determining their margins freely and independently with their suppliers or purchasers. The Commission cannot accept that the different categories of dealers should take measures to maintain a specified number of outlets; it is first and foremost for consumers to determine where they wish to purchase their cigarettes.

Tobacconists ought to be sufficiently flexible to comply with consumer preferences. The firms and associations involved are prohibited from consulting each other on price increases and trading margins for cigarettes in The Netherlands. The undertakings are urged to establish their terms of sale individually.

<sup>1</sup> OJ L 232, 6.8.1982.

<sup>2</sup> Members of the Rothmans International Group, in which the Philip Morris Group has a substantial holding.

<sup>3</sup> For the Commission's consistent administrative practice here, see its Decisions in the following cases: *Ceramic tiles*, 29.12.1970, published in OJ L 10, 13.1.1971; *Gas water heaters and bath heaters*, 3.7.1973, published in OJ L 217, 6.8.1973; *Papiers peints de Belgique*, 23.7.1974, published in OJ L 237, 29.8.1974.

Because they took part in unnotified horizontal price agreements in 1974, 1975 and 1978, which through a number of accompanying measures sought to stabilize the market shares of the manufacturers and importers concerned, fines are imposed on them. In determining the amount of the fines the Commission has taken account of the short duration (three to five months) of the price agreements, which in themselves constitute serious infringements of Article 85 of the EEC Treaty, and of the fact that the Dutch authorities played an active role in price talks with the industry.<sup>1</sup>

This Decision is in line with the Decision of 20 July 1978 in the Fedetab case,<sup>2</sup> which involved similar agreements between Belgian and Luxembourg cigarette manufacturers and importers, apart from the price agreements in respect of which fines have been imposed in this case. That Decision, which the Court of Justice of the European Communities upheld in a judgment given on 29 October 1980,<sup>3</sup> made it clear that since government intervention narrowed the potential for competition, it was all the more necessary to protect what potential there was left.

## Distribution

2.1.31. On 18 August the Commission issued an interim order<sup>4</sup> to Ford Werke AG, of Cologne, to ensure that international trade in right-hand-drive Ford vehicles shall not be prevented.

By a circular letter dated 27 April 1982, which took effect on 1 May, Ford Werke AG made it impossible for its German dealers to meet orders for right-hand-drive vehicles by itself refusing to supply them. British and Irish customers had been buying new cars on the continent—especially in Germany, where prices are on average 20% lower than in the United Kingdom—in increasing numbers. The Commission considers that Ford's action undermines the freedom of European consumers to take advantage of the benefits of the common market and to buy new vehicles wherever they are cheapest. Ford's refusal to supply amounts to a partitioning of markets, results in discrimination between European consumers,

and represents a violation of the basic principles of the common market.

Accordingly, in view of Ford Werke AG's restrictive distribution system, the Commission has obliged Ford Werke AG by an interim order to restore the situation which existed before 1 May 1982 and to resume supplies of right-hand-drive vehicles on the continent. The order remains in force until the final decision on Ford's distribution system is issued.

The Commission regards its Decision in the Ford case as particularly important in that other vehicle manufacturers also raise various barriers to supplies of right-hand-drive vehicles on the continent. The question of these barriers to parallel imports has been referred to the Commission in a large number of complaints by consumers and consumers' associations and in questions by members of the European Parliament.

## *Kayaks in Germany*

2.1.32. The Commission has recently taken steps which led very rapidly to the adaptation of the new exclusive distribution scheme set up by a Danish manufacturer of wooden racing kayaks, so as to bring it into line with the conditions laid down in Regulation No 67/67. That Regulation requires that parallel imports must genuinely be possible for an exclusive distribution agreement to come within the terms of the block exemption the Regulation provides for.

The Commission had received a complaint from a German wholesaler dealing in kayaks

<sup>1</sup> In introducing general excise duty and price increases for cigarettes, the authorities pursue the budgetary objective of maximizing tax revenue and the socio-economic objective of preserving the profitability of wholesalers and retailers. Where the latter aspect is concerned the authorities often indicate how new margins should be divided up. They also pursue a prices policy calculated to avoid unduly large price increases.

<sup>2</sup> OJ L 224, 15.8.1978, Bull. EC 7/8-1978, point 2.1.32.

<sup>3</sup> Joined Cases 209 to 215 and 218/78 [1980] ECR 3125.

<sup>4</sup> OJ L 256, 2.9.1982.



who had until then been supplied directly by the Danish manufacturer, but who had been informed that direct deliveries were to come to an end, as the manufacturer had appointed an exclusive distributor for Germany. For obvious reasons the distributor refused to supply the complainant at the direct import prices which it itself had to pay. Enquiries showed that the complainant could not obtain supplies from wholesalers or dealers established in other Community countries (there were two dealers in Denmark, but an export ban had been agreed with them orally).

This export ban was lifted, and the German exclusive dealer gave an undertaking that he would no longer refuse to supply the complainant (though the Commission did not require that these deliveries should be on the same terms and prices as those applied to himself); and the Commission informed the complainant that the agreement in question now qualified for the block exemption laid down by Regulation No 67/67, so that it no longer had any reason for action in respect of the agreement. The complainant did not make any comment within the time allowed, and the case was closed.

The attitude taken by the Commission in this case illustrates its desire to allow manufacturers to organize their distribution networks as they see fit, and thus to protect all exclusive distribution agreements which comply with Regulation No 67/67, but at the same time to ensure that these agreements do not prevent purchasers from obtaining parallel imports from other Member States.

### Joint ventures

#### *Renewal of authorization of joint buying of rolled steel products*

2.1.33. On 26 July<sup>1</sup> the Commission decided under Article 65 of the ECSC Treaty to renew until 31 March 1992 its authorization of joint buying of rolled steel products by several German steel stockholders.

These agreements were authorized for the first time on 14 June 1967 by the ECSC High Authority.<sup>2</sup> The Commission renewed

the authorization on 22 March 1972,<sup>3</sup> and again on 5 April 1977.<sup>4</sup>

The parties are small stockholding businesses; joint buying through the purchasing company Stahlring GmbH allows them to reduce purchasing, transport and storage costs and thus to improve their competitive positions against the major steel stockholders and others. The number of members was 39 on 1 March 1982.

### Mergers

#### *Steel merger*

2.1.34. On 8 July the Commission authorized the British Steel Corporation (BSC) under Article 66 of the ECSC Treaty to acquire from the manufacturing group Duport the steel re-rolling company London Works Steel Co. Ltd, Tipton, West Midlands, and the steelmaking plant at the Llanelli Steelworks in South Wales.

London Works produces light sections and bars and is responsible for about 2% of the total Community output of these products. After the acquisition of London Works BSC has about 10% of the Community capacity for the products in question and is one of the three largest makers. There are seven other producers with capacity shares ranging between 4% and 6% of the Community total and a large number of smaller makers. Imports of the relevant products into the United Kingdom represent 15% to 20% of UK demand and the majority of these imports come from other Community countries.

The Llanelli Steelworks was closed down by Duport in 1981. The steelmaking plant there was responsible for only 0.3% of Community steel production when it was in operation.

The acquisition of London Works has provided BSC with an additional outlet for intermediate products, but this has not placed

<sup>1</sup> OJ L 237, 12.8.1982.

<sup>2</sup> OJ 127, 27.6.1967.

<sup>3</sup> OJ L 85, 11.4.1972.

<sup>4</sup> OJ L 97, 21.4.1977.

BSC in an artificially privileged position, since other major Community producers are in at least as strong a position for such outlets.

Accordingly the Commission concluded that the transaction satisfied the requirements of Article 66(2) ECSC and could be authorized.

## State aids

### General aids

#### *Italy*

2.1.35. On 14 July the Commission decided to terminate the procedure which it had initiated in 1981<sup>1</sup> under Article 93(2) of the EEC Treaty in respect of the Italian Act No 787 of 5 December 1978. The Act provided for tax relief in respect of the formation of bank consortia set up to facilitate the financial reorganization of major industrial undertakings by taking over temporary holdings and consolidating loans.

The Commission took the view that although the tax relief was granted to the banks it constituted State aid within the meaning of Article 92(3) to the firms concerned. It therefore asked the Italian Government to give it prior notification of plans to set up new consortia, and to submit a report to it on the consortia already formed.

The Italian Government has complied with this request, and stated that the Act, which expired at the end of 1981, will not be renewed; the Commission has therefore terminated the procedure.

#### *Ireland*

2.1.36. On 15 July the Commission decided to raise no objection to a further extension, with certain amendments, of the Irish Employment Incentive Scheme, on which it had already stated its views on a previous occasion.<sup>2</sup> The Scheme will now apply until 31 December 1982; the amount set aside is IRL 6 million. The Commission took into account the fact that the assistance would create new jobs, in a country where the unemployment rate was particularly high.

#### *United Kingdom*

2.1.37. On 22 July the Commission decided to raise no objection to the implementation of a scheme of assistance notified to it by the British Government under Article 93(3) of the EEC Treaty, which is to encourage investment in computer aids for design and test equipment by small and medium-sized firms which manufacture discrete products calling for a significant electrical, mechanical or engineering design or testing.

The proposed aid would consist of a grant of 33  $\frac{1}{3}$ % of the cost of the investment project which must be not less than UKL 18 000 nor more than UKL 180 000. Applications for assistance under the scheme, the total budget of which is limited to UKL 12 million, could be submitted up to 31 August 1984. The equipment must be delivered by 31 August 1985 at the latest. To be eligible firms must satisfy the Department of Industry that the project would not have been undertaken in the form proposed or within a reasonable time-scale. In the absence of assistance recipient firms will be informed of the equipment of Community origin available in this field.

In assessing this plan the Commission bore in mind the favourable approach it generally takes to initiatives likely to support the efforts of small and medium-sized firms in the Community in the field of technological innovation and the promotion of advanced techniques.<sup>3</sup>

### Regional aids

#### *Belgium*

2.1.38. On 22 July the Commission took a final Article 93(2) decision addressed to the Kingdom of Belgium on the designation of development areas proposed by the Belgian Government pursuant to Section 11 of the Economic Expansion Act of 30 December 1970.

<sup>1</sup> Bull. EC 7/8-1981, point 2.1.33.

<sup>2</sup> Bull. EC 10-1977, point 2.1.17; Bull. EC 5-1978, point 2.1.26; Bull. EC 4-1980, point 2.1.26.

<sup>3</sup> Bull. EC 4-1981, points 2.1.19 to 2.1.23; Bull. EC 5-1981, point 2.1.29; Bull. EC 6-1981, point 2.1.33.

The Commission had initiated the Article 93(2) procedure in November 1981<sup>1</sup> in respect of parts of the proposed list of areas and certain regional provisions of the Act. As changes in these regional provisions are currently being drafted this Decision deals only with the first subject of the procedure; the Commission will consider the regional provisions at the appropriate time.

After considering the comments submitted by the Belgian Government in the course of the procedure, and the socio-economic situation in the areas concerned, the Commission reached the conclusion that development area status could not be conferred on the areas proposed in the *arrondissements* (administrative districts) of Kortrijk, Ostend, Roeselare and Tielt in the Province of West Flanders; Oudenaarde, Aalst, Eeklo, Sint-Niklaas and Dendermonde in the Province of East Flanders; Antwerp and Mechelen in the Province of Antwerp; Halle-Vilvoorde, Leuven and Nivelles in the Province of Brabant; Huy, Verviers (except for their southern parts) and Waremmes in the Province of Liège; Namur (except for its southern part) in the Province of Namur; and Ath, Soignies (except for its southern part) and Tournai in the Province of Hainaut.

As a transitional measure regional aid may still be granted up to the end of 1983, at a lower intensity, in the *arrondissement* of Oudenaarde, while the designation of Mouscron, and of Noord-Hageland in the *arrondissement* of Leuven, is limited to a period of three years, and the Commission is to review the socio-economic situation there before the end of that period. The Commission may allow exemptions to the prohibition on regional aids, after prior notification, in the *arrondissements* of Ath, Tournai and Waremmes and in the northern parts of the *arrondissements* of Huy and Verviers if it finds that the investment projects in question would have the effect of directly alleviating the employment situation brought about by the crisis in the ECSC industries in the neighbouring coalfields and iron and steel areas.

The Commission also took the view that the intensity of the aid granted should be re-

duced in the following areas: the Province of Luxembourg, the *arrondissements* of Dinant, Philippeville and the southern part of the *arrondissements* of Huy, Namur, Thuin and Verviers in the Ardennes-Condroz-Gaume region; the *arrondissements* of Diksmuide, Veurne and Ieper (the Westhoek area); the *arrondissement* of Turnhout and the Noord-Hageland area in the *arrondissement* of Leuven (part of the Kempen region); and the *arrondissement* of Mouscron.

However, the Commission took the view that regional problems did justify the grant of regional aid in the Kempen region, the Westhoek area, the iron and steel areas of Liège and Hainaut, the Ardennes-Condroz-Gaume region, and Mouscron.

### Denmark

2.1.39. Likewise on 22 July the Commission took a final Article 93(2) decision, addressed this time to the Kingdom of Denmark, concerning a new list of designated areas eligible for regional aids in Denmark. Following the notification of the Danish plan the Commission initiated the Article 93(2) procedure in respect of certain designated areas and certain aids in December 1981.<sup>2</sup>

After considering the comments submitted by the Danish Government in the course of the procedure, and the socio-economic situation in the regions concerned, the Commission concluded that by 31 December 1983 at the latest assisted-area status should be withdrawn from the municipalities of Moen, in the County of Storstroem and Blaabjerg, Blaavandshuk, Oelgod and Varde in the County of Ribe; aid should likewise be brought to an end by 31 December 1983, unless the Commission decided otherwise after a review of their socio-economic situation just before that date, in the municipalities of Højreby, Nakskov, Ravnsborg, Rudbjerg, Holeby, Maribo, Nysted, Roedby and Sakskobing in the County of

<sup>1</sup> Bull. EC 11-1981, point 2.1.38.

<sup>2</sup> Bull. EC 12-1981, point 2.1.41.

Storstroem. By 31 December 1982 the municipalities of Egvad, Holmsland, Ringkoebing and Skjern in the County of Ringkoebing should be downgraded to ordinary assisted areas. Lastly, the aggregate intensity of regional aid is not to exceed 20% net grant equivalent of the investment for the setting up of firms, or 15% net grant equivalent of investment for other purposes, in the municipalities of Bredebro, Hoejer, Loe-gumkloster, Skaerbaek, Toender, Tinglev and Bov in the County of Soenderjylland.

The Commission took the view that Article 92(3)(c) permitted an exemption from the general ban on State aids for the other areas which under the Danish Government's proposals would be designated as assisted areas for a period of five years.

### Italy

2.1.40. On 22 July the Commission decided to raise no objection to a bill before the legislature of the autonomous region of Friuli-Venezia Giulia which amended and provided new financing for Regional Act No 25/65, which had already been amended with the Commission's agreement in 1971.<sup>1</sup> The existing scheme makes provision for interest relief grants on loans contracted for the construction, extension and technological modernization of industrial plant, the rate varying according to the degree of development of the particular area within the region.

In reaching this positive assessment the Commission took account of the socio-economic problems the region faces as a result of its frontier location, problems which were exacerbated by the 1976 earthquake. These difficulties were reflected in a high rate of demographic decline, low per capita income and high unemployment. Some provinces within the region had structural difficulties in the steel, textiles and shipbuilding industries.

On the modernization projects, the Commission told the Italian authorities that it intended to exercise its right to study several

major specific cases, as it had done with the schemes notified by the autonomous provinces of Trento and Bolzano which it considered recently.

### Industry aids

#### Steel

#### United Kingdom

2.1.41. The Commission has decided to initiate the procedure provided for in Article 8(3) of Decision No 2320/81/ECSC in respect of a proposal by the United Kingdom Government to provide aid in the form of a capital subscription to cover the financing needs of the British Steel Corporation in the period up to the end of October 1982. Under Decision No 2320/81/ECSC State aids to steel undertakings may be authorized only if, *inter alia*, they are accompanied by a restructuring programme which results in capacity reduction and is capable of making the recipient undertaking viable.

The aid proposed amounted to UKL 300 million and was an interim measure pending the submission of a three-year plan detailing the aids and restructuring envisaged for BSC in the period 1982/83 to 1984/85. On the basis of the information available to it regarding capacity reductions already decided, the Commission could not conclude that the whole amount of the aid was justified in terms of the Decision. It therefore decided to raise no objection to that part of the aid (UKL 80 million) which was intended to meet the cost of redundancies, but to open the Article 8(3) procedure regarding the rest. At the same time, it invited the United Kingdom Government to begin discussions as quickly as possible, in order to establish whether the latter could make commitments as to restructuring which would enable the Commission to authorize a further part of the interim aid.

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<sup>1</sup> Bull. EC 2-1972, point 32.

## Textiles

### United Kingdom

2.1.42. On 22 July the Commission decided to raise no objection to the implementation of an aid scheme in favour of the Scottish wool textile industry.

The aid amounts to UKL 250 000 and it will be used for promotional and marketing activities outside the common market.

### Belgium

2.1.43. On 12 August the Commission decided to initiate the Article 93(2) procedure in respect of two aid proposals notified by the Belgian Government in accordance with the Belgian textile plan; the assistance would go to a combed wool spinning firm and to a firm making carpeting and floor coverings. In both cases the Commission took the view that the assistance would be used to finance investment aimed at expanding production of a product intended to be sold for the most part in the Community countries. The combed wool spinning industry is suffering from overcapacity, and Belgian firms are already very highly competitive manufacturers of carpets; the assistance would therefore be at the expense of other Community firms and would not be in the common interest.

## Shipbuilding

### Italy

2.1.44. On 13 July the Commission initiated the Article 93(2) procedure in respect of a proposal to assist the shipbuilding industry which had been notified to it by the Italian Government.

The assistance is to help with the implementation of a plan for the restructuring of the shipbuilding and ship-repair industries. It would take the form of direct aid to shipbuilding and conversion, State guarantees of production prices, direct aid to ship repair, emergency aid, and aid to investment in applied research. The objectives of the plan are to consolidate production capacity, to preserve the existing level of employment, which on the figures supplied would give

output of about 380 000 cgrt and 17 000 jobs, and to improve competitiveness and increase productivity through better organization of work, technological innovation, and diversification, notably into offshore equipment.

The Commission takes the view that this aid programme does not satisfy the tests laid down by Article 6 of the Council Directive of 28 April 1981.<sup>1</sup> The Commission has at present no information which would lead it to consider that the assistance provided for by the scheme can be considered compatible with the common market, and it is doubtful about the advisability of assistance in the present state of the market, with its high overcapacity, solely on grounds of consolidation and stabilization without any evidence to establish that the aids are the proper means of obtaining these objectives.

### United Kingdom

2.1.45. On 21 June<sup>2</sup> the Commission initiated the Article 93(2) procedure in respect of a British proposal to assist merchant shipbuilding for the period from 16 July 1982 to 15 July 1983 (the fifth tranche of the shipbuilding intervention fund). On 22 July, acting on a request made by the British Government in the course of the procedure, the Commission authorized the Government to pay the production aid to British Shipbuilders *pro rata* for the period from 15 July to 31 December 1982, and to set aside an aid budget of up to UKL 10 million in production grants to Harland and Wolff for orders obtained before 31 December 1982.

This decision is an interim one taken in view of the period of application of the Fifth Directive, in order to avoid a drastic worsening in the terms of operation of the British shipyards, and in no way prejudices the Commission's final decision under Article 93 of the Treaty. The Decision does not apply to the proposals on compensation of losses contained in the notification supplied by the

<sup>1</sup> OJ L 137, 23.5.1981.

<sup>2</sup> Bull. EC 6-1982, point 2.1.49.

British Government before the procedure was initiated.

#### Federal Republic of Germany

2.1.46. On 8 April the Commission initiated the Article 93(2) procedure in respect of a scheme which the German Government had notified, providing for production aid for shipbuilding in the form of payments calculated on the basis of fictitious loan transactions.

After considering further information supplied by the Government, and assurances received as to the implementation of the scheme, the Commission then concluded that the aid, to be granted over the period 1 January to 31 December 1982, could be considered justified by the fact that the recipient firms were to undertake to take steps to consolidate the restructuring which has taken place so far and to pursue their adaptation to the real conditions of the market. The Commission reached this conclusion, and decided not to require a tangible reduction in capacity at this stage, because of the scale of the capacity reductions which have already taken place and the fact that the German yards workload is sufficient.

On 22 July, therefore, the Commission took the decision to terminate the procedure, under Article 6 of the Directive of 28 April 1981 on aid to shipbuilding.

#### Belgium

2.1.47. The Commission considered the restructuring plan for the shipbuilding industry in Belgium. The plan makes provision for a range of aid measures designed to underpin the amalgamation of the two major Belgian shipyards following the liquidation of one of them. On 17 August the Commission decided to raise no objections to the proposal, which satisfied the tests of Article 6 of the Council Directive of 28 April 1981. The implementation of the restructuring proposal would lead to a significant cut-back in Belgian shipbuilding capacity, with both a reduction in the workforce and the scrapping and closure of some plant and slipways.

#### Paper

##### The Netherlands

2.1.48. On 22 July the Commission decided to adopt a negative decision on aid which the Dutch Government proposed to grant to a paper-processing firm in Leeuwarden.

The aid took the form of the acquisition of a 50% holding in the firm's capital by a public regional holding company, the Noordelijke Ontwikkelingsmaatschappij.

The Commission decided that the acquisition of this holding in reality constituted a State aid, because the firm's financial situation did not allow it to raise the necessary funds on the ordinary capital market.

The assistance would not produce any compensatory justification in the common interest. It was essentially a rescue operation for a firm in an industry which is already facing substantial overcapacity.

##### Belgium

2.1.49. On the same day the Commission decided that aid granted to a Belgian paper-manufacturing firm was not compatible with the common market. The assistance took the form of the acquisition of a BFR 2 350 million holding aimed at rescuing the firm, and producing no compensatory justification in the common interest.

However, other aids granted, taking the form of a State guarantee of BFR 1 080 million by the Belgian Government to the same firm were indeed linked to the restructuring of the firm and would help to shift the emphasis in production towards special papers and away from bulk production papers. This would make the firm better fitted to face competition, particularly from outside the Community.

The Commission considered that these aids, which were linked to restructuring, were compatible with the common market.

## Small businesses

### *The Netherlands*

2.1.50. On 11 August the Commission decided to raise no objection to the renewal of an aid scheme designed to facilitate the setting up of cooperative associations by small and medium-sized firms with a view to expanding their exports out of the Community.

The Commission had taken a favourable view of the scheme on a previous occasion;<sup>1</sup> there are some amendments this time, the main ones being an increase in the amount which may be granted to a single association (HFL 150 000 instead of HFL 125 000) for market research and other export activities. The funds available for 1982 total HFL 2.25 million.

The Dutch Government assured the Commission that the scheme would not be applied to sales within the Community, and the Commission gave its agreement to the renewal.

## State monopolies of a commercial character

### *Greece*

2.1.51. Article 40(1) of the 1979 Act of Accession requires the Hellenic Republic from 1 January 1981 progressively to adjust State monopolies of a commercial character within the meaning of Article 37(1) of the EEC Treaty so as to ensure that by 31 December 1985 no discrimination regarding the conditions under which goods are procured and marketed exists between nationals of the Member States.

Article 40(2) of the Act requires the Hellenic Republic from 1 January 1981 to abolish all exclusive export rights and also exclusive rights on imports of copper sulphate, saccharin and flimsy paper (CCT subheadings ex 28.38 A II and ex 29.26 A I and heading ex 48.18).

Despite several reminders the Greek authorities have not yet supplied the Commission with the information it needs to ensure that

these obligations are respected; a private Greek company has lodged a complaint with the Commission.

The Commission takes the view that Greece has failed to fulfil obligations arising out of Article 5 of the EEC Treaty, which obliges Member States to facilitate the achievement of the Community's tasks, and on 8 July it decided to initiate the procedure laid down by Article 169 of the EEC Treaty against the Greek Government.

## Public undertakings

2.1.52. In a judgment delivered on 6 July<sup>2</sup> the Court of Justice of the European Communities dismissed three applications lodged by France, Italy and the United Kingdom under Article 173 of the EEC Treaty seeking a declaration that the Commission Directive of 25 June 1980 on the transparency of financial relations between Member States and public undertakings<sup>3</sup> is void. The Federal Republic of Germany and The Netherlands supported the Commission.

The Directive, which was adopted by the Commission on the basis of Article 90(3) of the Treaty, requires the Member States to keep available for five years information concerning public funds made available by public authorities to public undertakings and also concerning the use to which those funds are actually put by those undertakings. The essential objective of the Directive is to promote the effective application to public undertakings of the provisions of Articles 92 and 93 of the Treaty, relating to State aids.

Although they differ on certain points, the submissions relied upon by the applicant governments may be summarized substantially as follows: lack of competence on the part of the Commission; absence of necessity and breach of the principle of proportionality; discrimination against public undertakings; infringement of Articles 90, 92 and 93, inasmuch as the Directive defines the con-

<sup>1</sup> Bull. 7/8-1978, point 2.1.43.

<sup>2</sup> Judgment in Joined Cases 188 to 190/80 — not yet reported.

<sup>3</sup> OJ L 195, 29.7.1980; Bull. EC 6-1980, point 2.1.34.

cepts of public undertaking and State aid; failure to respect the rules defining the scope of the EEC, ECSC and EAEC Treaties; and failure to state the reasons on which the directive is based and to respect the principle of equality in relation to the exemptions provided for by the directive.

The Court concluded that the applications made by the three governments had not revealed any factors capable of justifying a declaration that the contested directive was void. It therefore dismissed the applications in their entirety.

## Financial institutions and taxation

### Financial institutions

#### *Stock exchanges and other institutions in the securities field*

2.1.53. On 19 July the Commission amended its proposal for a Directive coordinating the requirements for the drawing up, scrutiny and distribution of the prospectus to be published when securities are offered for subscription or sale to the public.<sup>1</sup> Apart from making a number of purely technical improvements, the amended proposal reflects the views expressed by Parliament in its Opinion of 23 April,<sup>2</sup> particularly as regards the need for clearer definition of the scope of the proposal.

### Taxation

#### *Indirect taxes*

#### Turnover tax

2.1.54. On 19 July<sup>3</sup> the Commission sent the Council a proposal for a Directive on the arrangements for the refund to taxable persons not established in Community territory of value-added tax paid by them on imports or purchases of goods and services made in a Member State. This proposal supplements the Directive of 6 December 1979 on the arrangements for the repayment of VAT to

taxable persons established in a Member State other than the State of purchase or importation.<sup>4</sup> At the moment Member States treat non-Community taxable persons in very different ways: some apply more favourable repayment arrangements than others. This is a source of unfair competition between Member States in their trade relations with non-Community countries. The new proposal seeks to remove this difficulty and so contribute to the process of European integration.

## Employment, education and social policy

### Employment

#### Employment and the labour market

2.1.55. The groups of independent experts examining the links between inflation and employment and assessing the impact of public expenditure on employment<sup>5</sup> have submitted their reports. The preliminary discussion of the conclusions took place in the Economic Policy Committee meeting on 19 July.<sup>6</sup> These reports have now been presented to the two sides of industry.

#### Free movement of workers

2.1.56. The Advisory Committee on Freedom of Movement for Workers met on 20 July to look into means of improving cooperation between the national services responsible for issuing work permits to workers from non-Community countries and the services responsible for ensuring observance

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<sup>1</sup> OJ C 355, 31.12.1980; Bull. EC 12-1980, point 2.1.41.

<sup>2</sup> OJ C 125, 17.5.1982; Bull. EC 4-1982, point 2.1.19.

<sup>3</sup> OJ C 223, 27.8.1982.

<sup>4</sup> OJ L 331, 27.12.1979.

<sup>5</sup> Bull. EC 1-1982, point 2.1.26.

<sup>6</sup> Point 2.1.6.



of provisions giving priority as regards employment to nationals of the ten member countries.

The Committee supplied precise information regarding current procedures and practices which will enable the Commission to examine the advisability of reinforcing or improving existing provisions.

The same subject had been tackled by SEDOC officials in the Committee on 1 July. They emphasized that lack of coordination resulted in missed job opportunities by national and Community workers, particularly in frontier regions, where workers from non-member countries were sometimes called on due to the lack of cooperation between employment services. Being fully aware of these difficulties, the frontier employment services in Germany, Belgium, France and Luxembourg met on 2 July with a view to laying the foundations for more effective cooperation between the various parties concerned.

## Financial instruments

### European Social Fund

#### *Social Fund annual report*

2.1.57. On 13 July the Commission forwarded to the Council the Tenth Report on the activities of the European Social Fund, which covers the 1981 financial year.

In the past year, the Fund was operating in the context of an employment situation characterized by an increase in unemployment and a narrowing of the differences between the Member States noted in the past.

At the end of the year, more than 10 million unemployed were registered in the Community, i.e. 9.2% of the working population as against 6.8 million, or 6.2% of the working population, in 1980.

This deterioration in the employment situation, which has persisted for several years, accounts for the continuing increase in applications for Fund assistance. The overall volume of applications amounted to 1 924.21 million ECU in 1981, an 18.4% increase

over the previous year. Applications submitted by Greece, which became a full member of the Community on 1 January 1981, amounted to 30.24 million ECU.

At the same time the volume of available commitment appropriations was 1 108.38 million ECU, representing an increase of only 8.5% over 1980. The gap between applications and budget resources thus continued to widen in 1981, the total volume of applications exceeding that of resources by 74%.

Faced with the need to avoid exceeding the appropriations and at the same time to build up a reserve to cope with unexpected fluctuations in exchange rates, a sum of 996.17 million ECU in available appropriations was committed in 1981 — a utilization rate of nearly 90%.

In 1981 nearly 80% of Fund assistance was allocated to operations in respect of the regions and young people — 422.36 million ECU or 42.2% and 373.38 million ECU or 37.3% respectively. Operations in regions eligible for European Regional Development Fund aid received 873.98 million ECU (87.4% of Fund assistance), of which 43.5% was allocated to the six absolute priority regions (Greenland, the French Overseas Departments, Greece, Ireland, Northern Ireland and the Mezzogiorno). In 1980 some 33% of Fund assistance (334 million ECU) was granted to these areas which qualify for a 10% higher intervention rate than is applied to other regions in the Community. As in 1980, the Commission took the view that it was necessary to give priority to training operations closely linked to employment and to promote programmes for training skilled workers in those regions of the Community which are in decline so as to attract investments.

#### *Social Fund Committee*

2.1.58. The Social Fund Committee, meeting in plenary session in Brussels on 16 July, examined 208 applications from the Member States for assistance by the Fund. It also gave its opinion on 38 study projects and pilot schemes.

## Redeployment aid for workers in the ECSC industries

2.1.59. In July, acting under Article 56(2)(b) of the ECSC Treaty, the Commission decided to contribute 20 049 750 ECU towards the cost of redeploying 10 506 workers affected by closures or cutbacks in a number of coalmines and steel plants in the Federal Republic of Germany and the United Kingdom.

2.1.60. Further, the Commission decided to participate in measures implemented in the context of the social policy programme through the allocation of 63 368 556 ECU for steelworkers affected by restructuring programmes in the Federal Republic of Germany, Belgium, France, Italy, Luxembourg and the United Kingdom.

2.1.61. On 23 July the Commission reviewed the bilateral agreements governing the granting of ECSC redeployment aid granted under Article 56(2)(b) of the ECSC Treaty in Belgium, Luxembourg and the United Kingdom.

In Luxembourg, the agreements relating to vocational training and various tide-over payments for former steelworkers were renewed and updated in certain respects. Applications presented by the Belgian and United Kingdom Governments raising the free coal allowance granted to former miners were approved. Lastly, certain provisions as regards mobility aid in the United Kingdom were adopted.

## Educational and vocational training

### *Transition from school to working life*

2.1.62. The Council and the Ministers of Education meeting within the Council formally adopted the resolution concerning measures to be taken to improve the preparation of young people for work and to facilitate their transition from education to working life.<sup>1</sup>

## Social security — Living and working conditions

### Social security for migrant workers

2.1.63. On 1 July, several regulations<sup>2</sup> came into effect extending the application of social security schemes to self-employed persons and their families moving within the Community.<sup>3</sup> Henceforth self-employed workers exercising their occupation in a Member State will benefit from the following:

- (i) all discriminatory practices based on nationality will be abolished;
- (ii) consideration will be taken of any periods of insurance or employment in any of the Member States when granting and calculating benefits;
- (iii) they will be entitled to benefits regardless of the Member State in which they or the members of their family are resident.<sup>4</sup>

Apart from its social aspects, the new regulation will certainly facilitate the exercise of the right of establishment and freedom to provide services by ensuring that self-employed workers who so wish benefit from the same social protection as non-migrant workers.

### Social security and protection

#### *Paul Finet Foundation*

2.1.64. The Executive Committee of the Paul Finet Foundation examined 111 applications and awarded 97 grants for a total of BFR 1 318 million. Since its inception, the Foundation has awarded a total of 11 611 grants, amounting to BFR 105.5 million.

### Living and working conditions

#### *Staggered holidays*

2.1.65. Following the adoption of the communication from the Commission to the

<sup>1</sup> Bull. EC 5-1982, point 2.1.35.

<sup>2</sup> OJ L 143, 29.5.1981; OJ L 378, 31.12.1981.

<sup>3</sup> OJ L 149, 5.7.1971; OJ L 74, 27.3.1972.

<sup>4</sup> Excluding family benefits.

Council: initial guidelines for a Community policy on tourism,<sup>1</sup> the Commission decided to initiate a detailed study on the pattern of school holidays in the Member States in relation to holiday periods and periods of total shutdown in industrial and commercial firms. On the basis of this study, the Commission will look into various options for staggered holidays and other measures to reduce the over-concentration of holidays during a few peak periods.

### *Housing*

2.1.66. Under the seventh, eighth and ninth housing loan schemes (first and second instalments) for workers in the ECSC industries, the Commission approved loans for a total of 5 513 383 ECU to finance the building of 1 450 housing units in Belgium, the Federal Republic of Germany, France, Greece, Luxembourg, The Netherlands and the United Kingdom.

### **Equal opportunities for women**

2.1.67. On 12 July, the Council formally adopted the resolution on the promotion of equal opportunities for women which it had approved on 27 May last.<sup>2</sup>

### **Health and safety**

#### **Public health**

2.1.68. A group of some 20 experts from the Member States met in Luxembourg on 2 July to identify health problems affecting immigrant workers and their families in particular.

This initiative dovetails with previous Commission measures in the fields of social security for migrant workers and health education in general (nutrition, anti-smoking campaign, drug abuse, preventive medicine).

It was agreed that migrant workers had special problems and that the solutions were probably more social than medical in nature. The experts underlined the need to adapt existing structures to meet the real needs of the immigrant population (in industrial medi-

cine, school health care, primary health care, etc.).

2.1.69. On 17 August the Council adopted a sectoral research and development programme in the field of medicine and public health for the period 1982-86 (COST project).<sup>3</sup>

#### **Health and safety (ECSC)**

2.1.70. On 9 July the General Commission on Safety and Health in the Iron and Steel Industry held its 18th meeting in Luxembourg, at which it adopted its 13th annual report together with five draft conclusions prepared by a number of its working parties and the texts of two studies.

2.1.71. On 5 July the Commission formally decided to implement a second ECSC research programme on safety in mines after obtaining the assent of the Council and a favourable opinion on the memo relating to this programme from the ECSC Consultative Committee.<sup>4</sup> A total of 12.5 million ECU has been earmarked for this programme to cover a period of five years.

2.1.72. Finally, pursuant to Article 55 of the ECSC Treaty, the Commission decided to contribute 363 500 ECU towards the financing of five research projects under the fourth ergonomics programme.<sup>5</sup>

#### **Health and safety (Euratom)**

2.1.73. In July the Commission sent Parliament and the Council the first of a series of annual reports on the application of Article 37 of the Euratom Treaty in response to a request made by Parliament on 20 November 1980 in its resolution on the siting of nuclear power stations in frontier areas.<sup>6</sup> As this is the first such report, the

<sup>1</sup> Supplement 4/82 — Bull. EC; Bull. EC 6-1982, points 1.4.1 to 1.4.4.

<sup>2</sup> OJ C 186, 21.7.1982; Bull. EC 5-1982, point 2.1.48.

<sup>3</sup> Point 2.1.186.

<sup>4</sup> Bull. EC 3-1982, point 2.1.47.

<sup>5</sup> Bull. EC 9-1980, point 2.1.33.

<sup>6</sup> OJ C 327, 15.12.1980; Bull. EC 11-1980, point 2.3.11.

Commission has availed itself of the opportunity of presenting an overview of the period 1959 to 1981. Over these 22 years it has delivered 94 opinions relating to 149 nuclear installations. These opinions are given on the basis of the recommendation on the application of Article 37 of the Euratom Treaty approved by the Commission on 16 November 1960<sup>1</sup> and supplemented by the recommendation of 3 February 1982.<sup>2</sup>

The opinions consist of an evaluation of the discharge of radioactive effluents and are aimed at fostering close cooperation between Member States where nuclear power stations are sited close to national frontiers.

2.1.74. On 16 July the Commission sent the Council a draft amendment to its proposal for a directive<sup>3</sup> laying down basic measures for the radiation protection of persons undergoing medical examinations or treatment. This draft, amended pursuant to paragraph 2 of Article 119 of the Euratom Treaty, was drawn up in response to certain amendments formulated by the European Parliament at its part-session in May 1982.<sup>4</sup>

2.1.75. A meeting was held on 6 July to inform and train trade union representatives from the Member States with regard to radiation protection. Among other things, a report was given on progress made in the application of the Directive laying down the basic safety standards adopted by the Council on 15 July 1980<sup>5</sup> and problems connected with the administrative organization of radiation protection. An exchange of views took place on safety problems linked with the increasing use of laser beams for a variety of purposes.

2.1.76. At a meeting held in Luxembourg on 8 and 9 July a group of experts formulated the final draft of two guides relating to the calibration of measuring instruments and operating quantities used in radiation protection.

These reports, which will be published in the near future, are designed to facilitate the application of the principles set out in the Council Directive of 15 July 1980 amending the Directives laying down the basic safety

standards for the health protection of the general public and workers against the dangers of ionizing radiation.

## Regional policy

### Coordination and programmes

#### Regional Policy Committee

2.1.77. At its meeting on 1 and 2 July, the Regional Policy Committee delivered a favourable opinion on the regional development programme for Flanders and on 24 major infrastructure projects. It also drew up its own work programme for 1982/83.

### Financial instruments

#### *European Regional Development Fund*

##### Fund Committee

2.1.78. On 15 July the Committee of the European Regional Development Fund delivered its opinion on the draft grant decisions for the third allocation for 1982 under the quota section of the Fund.

The Committee also delivered an opinion on a programme submitted under the non-quota section of the Fund concerning a specific Community measure contributing to the elimination of obstacles to the development of new economic activities in certain areas of the United Kingdom adversely affected by restructuring in the shipbuilding industry.<sup>6</sup>

#### ERDF grants: quota section

2.1.79. On 8 July the Commission decided under Article 12 of the Fund Regulation to

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<sup>1</sup> OJ 81, 21.12.1960.

<sup>2</sup> OJ L 83, 29.3.1982.

<sup>3</sup> OJ C 350, 21.12.1980; Bull. EC 12-1979, point 2.1.71; Bull. EC 12-1980, point 2.1.58.

<sup>4</sup> OJ C 149, 14.6.1980.

<sup>5</sup> OJ L 246, 17.9.1980.

<sup>6</sup> Point 2.1.80.

grant 1.47 million ECU towards the cost of a study closely connected with Fund operations. The study concerns Italy.

### ERDF grants: non-quota measures

2.1.80. On 20 July the Commission approved a special programme<sup>1</sup> for a specific Community regional development measure to be launched under the non-quota section of the Fund. The aim of the programme is to develop new economic activities in certain areas of the United Kingdom adversely affected by restructuring in the shipbuilding industry. Total public expenditure on this programme over five years will amount to 25.7 million ECU, of which 17 million ECU will come from the Fund.

The Community's budget appropriations for this programme will be committed in annual tranches.

### Conversion loans

2.1.81. In July the Commission paid out a total of 41.49 million ECU for conversion loans under Article 56 of the ECSC Treaty.<sup>2</sup>

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2.1.82. On 8 July Parliament called for measures to assist regions of Italy which have been struck by severe weather conditions.<sup>3</sup>

## Environment and consumers

### Environment

2.1.83. The budget of the European Communities for 1982<sup>4</sup> includes an Article (661)—which, for the first time, has been assigned appropriations—entitled 'Community operations concerning the environment'. This Article, containing four items, has been allocated a total of 6.5 million ECU for 1982. By 30 June 1982, the Commission received 115 applications for Community aid under the four items; this total far exceeds the budgetary allocation for this Article.

Having examined and evaluated the projects submitted, the Commission decided on 28

July to grant financial aid totalling 4 862 658 ECU for the following projects:

- (a) 25 projects relating to the protection of the natural environment in certain sensitive areas of Community interest;
- (b) 10 projects relating to the implementation of Community rules and regulations governing certain forms of pollution;
- (c) 21 projects relating to environmental measures which can help to create new jobs.

The Commission took a separate decision on applications for Community aid for the development of 'clean' technologies (those which cause little or no pollution). The decision was taken on 23 July to grant financial aid totalling 1 105 000 ECU for four projects concerning paper pulp, the agri-food industry, the metal-working industries, non-ferrous metals and chemicals.

A second set of projects—to be financed from the unexpended balance of the 1982 appropriations—will be put forward after further technical evaluation has been carried out.

### Prevention and reduction of pollution and nuisances

#### Freshwater and marine pollution

##### Waste from the titanium dioxide industry

2.1.84. On 13 July the Commission proposed amendments<sup>5</sup> to the Council Directive of 20 February 1978 on waste from the titanium dioxide industry. That Directive requires Member States to draft programmes for the progressive reduction of such pollution, and on the basis of these programmes the Commission must submit proposals to the Council for their harmonization. The proposed amendment would postpone to 30

<sup>1</sup> Point 2.1.78.

<sup>2</sup> Point 2.3.12.

<sup>3</sup> Point 2.4.14; OJ C 238, 13.9.1982.

<sup>4</sup> OJ L 31, 8.2.1982.

<sup>5</sup> OJ C 196, 30.7.1982.

October 1982 the date by which the proposals must be submitted. It is also proposed that the final date for implementation of the programmes in the Member States be postponed to 1 June 1983.

### Air pollution

2.1.85. On 15 July, the Community deposited with the Secretary-General of the United Nations the instrument approving the Geneva Convention on Long-Range Transboundary Air Pollution.

In addition to the Community, seven of its Member States (Belgium, the Federal Republic of Germany, Ireland, Italy, Luxembourg, The Netherlands and the United Kingdom) simultaneously deposited their instruments of ratification; also on this date, France and Denmark—who had already deposited their instruments—confirmed this deposit.

The aim of the Convention—which was formally concluded by the Council on 11 June 1981<sup>1</sup>—is to limit and, as far as possible, reduce air pollution, including long-range transfrontier pollution; it will enter into force after 24 of the signatories have deposited their instruments of approval.

### Consumers

#### *Consumer information, education and representation*

#### Consumers Consultative Committee

2.1.86. At its meeting on 6 July the Consumers Consultative Committee adopted an opinion on consumers, alcohol advertising and codes of ethics and a supplementary opinion on the draft Council decision introducing a Community system for the rapid exchange of information on dangers arising from the use of consumer products.<sup>2</sup>

2.1.87. In the first opinion, the Committee expressed the view that alcohol advertising encouraged consumption and that the code of ethics for the advertising of wines and spirits, adopted in Helsinki in 1980 by the industrialists of 22 countries, including the

ten Member States of the Community, was not sufficiently stringent as it made no reference to penalties, enforcement or ways of dealing with complaints. Generally speaking, the Committee considered that self-regulatory codes were not adequate to resolve consumers' problems in a specific economic sector when they are not of a binding nature, are confidential or where the procedure for dealing with complaints and penalties is haphazard. In addition, the Committee considered that policy on the advertising of alcoholic drinks should be included in a broader consumer protection policy within the Community framework. Measures should be taken without delay to restrict this type of advertising, even to the extent of applying a general ban on the advertising of alcoholic drinks, as is already the case in some Scandinavian countries.

2.1.88. With respect to the dangers arising from the use of certain products, the Committee urged the Commission to play an active role in intervening swiftly and effectively with regard to products presenting an immediate and acute threat to the health and safety of individuals. It considered that a Commission initiative to provide an exchange of information through approved international bodies or directly with certain large trading partners could play an important part in improving consumer protection.

### Agriculture

#### Council meetings

2.1.89. At its meeting on 19 and 20 July the Council continued its work on the adjustment of the *acquis communautaire* in the wine sector begun on 17 and 18 May.<sup>3</sup> Nine

<sup>1</sup> OJ L 171, 27.6.1981; Bull. EC 6-1981, point 2.1.72.

<sup>2</sup> OJ C 321, 22.12.1979; Bull. EC 12-1979, point 2.1.93.

<sup>3</sup> Bull. EC 5-1982, point 2.1.95; Bull. EC 6-1982, point 2.1.100.

delegations reached agreement on a number of draft regulations which were adopted on 27 July.<sup>1</sup>

The Council also extended until 31 March 1984 certain derogations from the health rules applying to trade in fresh poultrymeat.<sup>2</sup> It approved the proposal for a Decision authorizing the United Kingdom to permit the Isle of Man authorities to apply a system of special import licences to sheepmeat and beef and veal until 1 April 1984<sup>3</sup> and to a proposal for a Regulation providing for the transfer of 10 000 tonnes of skimmed-milk powder to the Italian intervention agency by the intervention agencies of other Member States.<sup>4</sup>

The Council also examined various other matters, including the adjustment of the *acquis communautaire* for Mediterranean products (fruit and vegetables),<sup>5</sup> the Community's manioc supply problems and the laying down of minimum standards for the protection of laying hens in battery cages.<sup>6</sup>

2.1.90. The Ministers of Agriculture also held an informal meeting on 5 July to examine agricultural export policy. This is to be based on four principles: the stabilization of world markets, the use of long-term outline agreements, the expansion of exports of processed products and the identification of potential export markets.

## **Economic aspects of the common agricultural policy**

### **Cereal substitutes**

2.1.91. On 19 July the Council approved the conclusion of agreements on imports of manioc from Thailand, Indonesia and Brazil.<sup>7</sup>

The agreement with Thailand covers the period 1982-86. It will remain in force for subsequent three-year periods on the basis of the quantities established for 1985 and 1986 unless it is denounced by either party. Thai exports will amount to 5.5 million tonnes in 1982, 5 million tonnes a year in 1983 and 1984 and 4.5 million tonnes a year in 1985 and 1986.

Additional quantities of not more than 500 000 tonnes for 1983-84 and not more than 450 000 tonnes for 1985-86 may be exported.

The Community for its part undertakes to apply an import levy of not more than 6% *ad valorem* (present rate) to these quantities and will grant aid for rural development and agricultural diversification projects, particularly in manioc-growing regions.

Under the agreements with Indonesia and Brazil the existing bindings in GATT in respect of manioc will be suspended until 31 December 1986. The Community has undertaken to open annual quotas for imports from GATT suppliers at a maximum levy of 6%, as follows: 588 235 tonnes in 1982, 882 355 tonnes a year in 1983 and 1984 and 970 590 tonnes a year in 1985 and 1986. A minimum of 85% of these quotas will be reserved for Indonesia.

Any additional quantities delivered by non-member countries will be subject to the levy applicable under the common organization of the market in cereals.

## **Market organizations**

### **Adjustments to basic Regulations**

#### *Wine*

2.1.92. On the basis of the Commission proposal<sup>8</sup> and after receiving the Opinions of Parliament and the Economic and Social Committee<sup>9</sup> the Council adopted, on 27 July, a series of amendments<sup>1</sup> to the basic Regulation on the wine market;<sup>10</sup> they will enter into force on 1 September, the start of the 1982/83 wine-growing year. They concern:

(i) compulsory distillation of table wine in the event of a particularly abundant harvest at a buying-in price equivalent to 60% of

<sup>1</sup> OJ L 227, 3.8.1982.

<sup>2</sup> Point 2.1.128; OJ L 234, 9.8.1982.

<sup>3</sup> OJ L 234, 9.8.1982.

<sup>4</sup> OJ L 223, 31.7.1982; OJ L 240, 14.8.1982.

<sup>5</sup> Bull. EC 10-1981, points 1.3.1 to 1.3.9.

<sup>6</sup> Bull. EC 6-1982, point 2.1.119.

<sup>7</sup> OJ L 219, 28.7.1982.

<sup>8</sup> OJ C 277, 29.10.1981; Bull. EC 10-1981, points 1.3.3 to 1.3.5.

<sup>9</sup> OJ C 238, 13.9.1982; OJ C 112, 3.5.1982.

<sup>10</sup> OJ L 54, 5.3.1979.

the guide price for each type of wine (65% in 1982/83);

(ii) optional distillation at a guaranteed minimum price equal to 82% of the guide price for 5 million hectolitres;

(iii) arrangements for marketing distillates, either through granting aid for products with an alcoholic strength of 52% vol. or above, or else by delivering products with a strength of 92% vol. or above to the intervention agency so that the sale of products taken over by the intervention agencies does not disturb the market in alcohol and spirituous beverages;

(iv) the introduction of permanent aid arrangements for concentrated must and rectified concentrated must used for enrichment.<sup>1</sup>

As it was physically impossible for the Council to lay down general rules governing distillation before 1 September, the Commission was empowered to adopt measures making provision for distillation operations in good time for the coming wine year.

## Prices and specific measures

### *Cereals*

2.1.93. The Commission for the first time adopted special intervention measures for Greece by inviting tenders for the export refund on 150 000 tonnes of durum wheat.<sup>2</sup>

2.1.94. On 2 July it fixed the threshold prices for cereals and for certain classes of flour, groats and meal for the 1982/83 marketing year.<sup>3</sup> On 19 July it amended<sup>2</sup> the Regulation on price increases and reductions applicable to intervention.<sup>4</sup>

2.1.95. On 7 July the Commission amended for the fourth time<sup>5</sup> the Regulation laying down detailed rules of application for special intervention measures to support the development of the market in common wheat of bread-making quality.<sup>6</sup> The development of intervention in the cereals sector, in particular the special intervention measures for common wheat of bread-making quality, made it necessary to amend<sup>5</sup> the Regulation laying down the procedure and

conditions for the disposal of cereals held by intervention agencies.<sup>7</sup>

2.1.96. Because of the state and the foreseeable trend of the world market in barley, the Commission extended until 30 April 1983 the temporary suspension of the application of the system of import licences for malt as regards the obligation to state the destination of the exports and to export the merchandise to that destination.<sup>8</sup>

### *Pigmeat*

2.1.97. Private storage aid contracts involving 71 533 tonnes of pigmeat were concluded between 31 March and 23 July.<sup>9</sup>

This had a very good effect on pigmeat prices in the Community during that period, which proves that within the common organization of the market private storage aid is the appropriate means of preventing a crisis in the pigmeat sector.

### *Fresh fruit and vegetables*

2.1.98. In July the Commission fixed the minimum price for selling blood oranges withdrawn from the market to processing industries, the minimum purchase price for 1982/83 for oranges delivered for industrial processing and the financial compensation to be paid after processing.<sup>10</sup>

It also fixed the reference prices for 1982/83 for sweet oranges, mandarins (including tangerines and satsumas), Wilkings and other similar citrus hybrids, with the exception of clementines, and the Community offer prices for these products applicable as regards Greece for 1982/83.<sup>11</sup>

<sup>1</sup> OJ L 227, 3.8.1982.

<sup>2</sup> OJ L 212, 21.7.1982.

<sup>3</sup> OJ L 197, 6.7.1982.

<sup>4</sup> OJ L 174, 14.7.1977; OJ L 27, 2.2.1980.

<sup>5</sup> OJ L 202, 9.7.1982.

<sup>6</sup> OJ L 181, 21.7.1977.

<sup>7</sup> OJ L 47, 28.2.1970.

<sup>8</sup> OJ L 189, 1.7.1982.

<sup>9</sup> OJ L 84, 30.3.1982; Bull. EC 4-1982, point 2.1.54.

<sup>10</sup> OJ L 201, 8.7.1982.

<sup>11</sup> OJ L 203, 10.7.1982.



2.1.99. On 7 July the Commission amended<sup>1</sup> the Regulation applying quality Class III to certain fruit for the 1982/83 marketing year.<sup>2</sup>

2.1.100. On 6 August it amended<sup>3</sup> the Regulation of 18 May 1972 laying down quality standards for dessert apples and pears.<sup>4</sup>

### *Wine*

2.1.101. The final balance for the 1980/81 wine-growing year, which the Commission forwarded to the Council on 16 July, shows a fall in overall Community production from 177.1 million hl the previous year to 163.87 million hl. This was roughly equivalent to Community consumption during the period, which was slightly down on 1979/80 (47.1 l per head against 47.8 l). Because of an increase in the quantities distilled (34.6 million hl) and in net exports (2.6 million hl) end-of-year stocks were slightly down at around 91.2 million hl.

2.1.102. On a proposal from the Commission, the Council on 19 July adopted a Regulation<sup>5</sup> determining, for the 1982/83 wine-growing year, the prices to be paid under the compulsory distillation of the by-products of wine making and the amount of the contribution from the Guarantee Section of the Agricultural Guidance and Guarantee Fund.

It extended<sup>5</sup> for one year the rules governing certain distillation operations<sup>6</sup> and extended<sup>5</sup> to 1982/83 the application of the special provisions concerning the distillation of table wine<sup>7</sup> pending the introduction of new general rules on distillation.

2.1.103. Following a joint declaration by the Council and the Commission on the occasion of the adoption of the Regulation authorizing exceptional distillation operations,<sup>8</sup> on 19 July the Commission adopted a Regulation<sup>9</sup> laying down a Community procedure for supervision agencies in connection with the distillation of table wines.

It also extended<sup>9</sup> by three months the deadline for carrying out the exceptional distillation of table wine decided on in April<sup>10</sup> and

the deadline for the distillation of the by-products of wine making.<sup>9</sup>

2.1.104. On 26 July the Commission also adopted a Regulation on the granting of re-storage aid for table wine for which a storage contract was concluded during the 1981/82 wine-growing year.<sup>11</sup> This measure is intended to release some storage capacity in the wine-growing regions and thus help to solve the problems which the volume of the remaining stocks could cause at the time of the next harvest.

2.1.105. Lastly, on 4 August the Commission adopted a Regulation laying down detailed rules implementing the system of aid for the use of grapes and grape must for the manufacture of grape juice and fixing the amount of aid.<sup>3</sup>

### *Milk and milk products*

2.1.106. As the result of an agreement concluded when the agricultural prices were fixed, on 30 June the Commission brought back into force the Regulation<sup>12</sup> on the sale at reduced prices of intervention butter for direct consumption as concentrated butter.<sup>13</sup>

In addition, because the increase in stocks of skimmed-milk powder again calls for special disposal measures, on 1 July the Commission brought back into force<sup>14</sup> the Regulations concerning the sale at reduced prices of skimmed-milk powder from public stocks for use in feed for pigs and poultry.<sup>15</sup>

<sup>1</sup> OJ L 201, 8.7.1982.

<sup>2</sup> OJ L 76, 20.3.1982.

<sup>3</sup> OJ L 233, 7.8.1982.

<sup>4</sup> OJ L 172, 31.7.1971.

<sup>5</sup> OJ L 216, 24.7.1982.

<sup>6</sup> OJ L 280, 2.10.1981.

<sup>7</sup> OJ L 54, 5.3.1979; OJ L 359, 15.12.1981.

<sup>8</sup> OJ L 80, 26.3.1982.

<sup>9</sup> OJ L 211, 20.7.1982.

<sup>10</sup> Bull. EC 4-1981, point 2.1.58.

<sup>11</sup> OJ L 218, 27.7.1982.

<sup>12</sup> OJ L 86, 1.4.1978.

<sup>13</sup> OJ L 189, 1.7.1982; OJ L 211, 20.7.1982.

<sup>14</sup> OJ L 193, 3.7.1982.

<sup>15</sup> OJ L 52, 24.2.1977; OJ L 58, 3.3.1977.

On 1 July the Commission set the criteria for the distribution by Member States of the amounts allocated to them for supporting the incomes of small-scale milk producers during the 1982/83 milk year.<sup>1</sup>

2.1.107. In the interests of clarity and administrative efficiency the Commission on 1 July consolidated the Regulations on the application of special levies to imports of certain cheeses from non-member countries<sup>2</sup> and the Regulations laying down conditions for the admission of Community cheeses to certain non-member countries.<sup>3</sup> This harmonizes the import and export licence arrangements.

#### *Beef and veal*

2.1.108. On 2 July the Commission fixed the intervention prices in the beef and veal sector applicable from 16 August.<sup>1</sup> The Italian intervention agency, however, is authorized to start buying in on 5 July.

2.1.109. In order to take account of the state of the market, the economic situation in the beef and veal sector and the possibilities for disposing of some beef and veal products, on 20 July the Commission laid down the conditions for granting special export refunds on certain cuts of boned meat of bovine animals.<sup>3</sup>

#### *Sheepmeat*

2.1.110. At its meeting on 19 and 20 July the Council adopted a Regulation, applicable from 1 January 1982, on transitional measures in respect of imports of sheepmeat and goatmeat originating in certain non-Community countries qualifying for preferential treatment<sup>4</sup> and a Decision pursuant to the protective clause in the Accession Treaty, authorizing the Government of the United Kingdom to permit the Isle of Man authorities to apply a system of special import licences to sheepmeat and beef and veal.<sup>5</sup> This Decision applies until 1 April 1984.

2.1.111. On 19 July the Commission fixed the buying-in prices for sheepmeat for the period 15 July to 15 December<sup>3</sup> and on 4 August it determined the loss of income and the premium payable per ewe for 1981/82.<sup>6</sup>

#### *Oils and fats*

2.1.112. By a Regulation of 19 July<sup>4</sup> the Council decided to extend to sunflower seed the system of differential amounts operating for colza seed.<sup>7</sup> In this way it hopes to correct the excessive trade flows between Member States with strong currencies and those with weak currencies, which threaten to distort competition.

2.1.113. On 7 July the Commission amended<sup>8</sup> the Regulation opening a standing invitation to tender for the sale for export of olive oil held by the Italian intervention agency.<sup>9</sup>

This Regulation provides for the sale for export of 4 000 tonnes of olive-residue oil at the rate of 1 000 tonnes per month until the end of the marketing year.

#### *Sugar*

2.1.114. On 9 July the Commission suspended for the 1982/83 marketing year the application in the sugar sector of certain provisions concerning exports.<sup>10</sup> This measure was decided on in the light of the satisfactory results achieved from suspending the provisions during 1981/82.

2.1.115. On 12 July the Commission fixed, for the 1982/83 marketing year, the flat-rate amount provided for under the system of minimum stocks in the sugar sector. For 1982/83 the flat-rate amount is 0.157 ECU per 100 kg expressed as white sugar.<sup>11</sup> The same day the Commission amended<sup>11</sup> the Regulation laying down detailed rules for the offsetting of storage costs for sugar.<sup>12</sup>

<sup>1</sup> OJ L 193, 3.7.1982.

<sup>2</sup> OJ L 196, 5.7.1982.

<sup>3</sup> OJ L 212, 21.7.1982.

<sup>4</sup> OJ L 215, 23.7.1982.

<sup>5</sup> OJ L 234, 9.8.1982.

<sup>6</sup> OJ L 229, 5.8.1982.

<sup>7</sup> OJ L 116, 28.4.1978.

<sup>8</sup> OJ L 201, 8.7.1982.

<sup>9</sup> OJ L 125, 7.5.1982.

<sup>10</sup> OJ L 203, 10.7.1982.

<sup>11</sup> OJ L 205, 13.7.1982.

<sup>12</sup> OJ L 231, 23.8.1978.

On 20 July the Commission adopted four Regulations issuing, for the 1982/83 marketing year, four standing invitations to tender in order to determine refunds on exports of white sugar and raw sugar to non-Community countries.<sup>1</sup>

Two invitations to tender were issued for both white sugar and raw sugar, a principal invitation for exports to be effected before the end of the marketing year (10 June 1983) and a supplementary invitation for exports between 1 July and 30 September 1983. The two principal tendering procedures began on 28 July; the two supplementary procedures will begin in May 1983.

### *Processed fruit and vegetables*

2.1.116. On 19 July the Council amended<sup>2</sup> the Regulation limiting the production aid granted in respect of certain products processed from fruit and vegetables.

On 28 July it amended<sup>4</sup> the Regulation laying down the general rules for the system of production aid for dried figs and dried grapes.<sup>5</sup> This Regulation provides for the possibility of re-storage aid, given the quantities held by the storage agencies at year's end.

Still on 28 July, it amended<sup>4</sup> the production aid for tinned pineapples and the minimum price to be paid to pineapple producers.

2.1.117. In July the Commission fixed the minimum price payable to producers for dried plums derived from *prunes d'Ente* and the amount of production aid for prunes for the 1982-83 marketing year,<sup>6</sup> as well as the minimum price payable to producers, the production aid and the storage aid together with the coefficients applicable to the minimum price and the storage aid and to the production aid for dried grapes and dried figs for the 1982/83 marketing year.<sup>7</sup>

2.1.118. On 4 August<sup>8</sup> the Commission laid down detailed rules for applying the system of aid for certain products processed from fruit and vegetables, amended the final date for conclusion of processing contracts for certain fruit and vegetables and amended the rules governing the granting of produc-

tion aid for Williams pears and cherries preserved in syrup.

2.1.119. On 6 August the Commission amended the Regulations<sup>9</sup> on the sale at prices fixed in advance of dried grapes and dried figs held by the Greek storage agencies<sup>7</sup> and on 5 August it amended the Regulation<sup>10</sup> laying down detailed rules for the application of the system of production aid for dried grapes and dried figs.<sup>11</sup>

On 6 August the Commission extended beyond the end of the 1981/82 marketing year the storage of certain quantities of dried grapes and dried figs held by the Greek storage agencies<sup>7</sup> and adopted a Regulation on the granting of aid for the re-storage of dried grapes from the 1981/82 harvest held by the Greek storage agencies.<sup>7</sup>

### *Tobacco*

2.1.120. The Commission has extended until 31 December 1982 the Regulations<sup>12</sup> fixing export refunds for certain varieties of tobacco from the 1979 and 1980 crops.<sup>13</sup>

### *Hops*

2.1.121. On 19 July the Council fixed the amount of aid for hop producers in respect of the 1981 crop.<sup>14</sup>

### *Seed*

2.1.122. On 4 August the Commission amended<sup>11</sup> the Regulation specifying the different varieties of *Lolium perenne* L. covered

<sup>1</sup> OJ L 216, 24.7.1982.

<sup>2</sup> OJ L 218, 27.7.1982.

<sup>3</sup> OJ L 118, 30.4.1981.

<sup>4</sup> OJ L 223, 31.7.1982.

<sup>5</sup> OJ L 214, 1.8.1981.

<sup>6</sup> OJ L 211, 20.7.1982.

<sup>7</sup> OJ L 233, 7.8.1982.

<sup>8</sup> OJ L 229, 5.8.1982.

<sup>9</sup> OJ L 357, 12.12.1981; OJ L 27, 4.2.1982.

<sup>10</sup> OJ L 240, 24.8.1981.

<sup>11</sup> OJ L 231, 6.8.1982.

<sup>12</sup> OJ L 81, 27.3.1980; OJ L 121, 5.5.1981.

<sup>13</sup> OJ L 186, 30.6.1982.

<sup>14</sup> OJ L 215, 23.7.1982.

by the Community aid system.<sup>1</sup> The Regulation is applicable from 1 July.

### *Cotton*

2.1.123. On 19 July the Council amended<sup>2</sup> the Regulation laying down general rules for the system of aid for cotton.<sup>3</sup> This extends certain transitional measures necessary for the proper management of the market in cotton pending the opening of the Greek market to imported cottonseed and cottonseed oil.

2.1.124. The Commission adopted two Regulations on cotton on 28 July, just before the start of the new marketing year. The first Regulation establishes actual production of unginned cotton for the 1981/82 marketing year and fixes the percentage of the aid to be paid by Member States for the 1982/83 marketing year;<sup>4</sup> it determines the percentage of the aid which may be paid provisionally for the 1982/83 marketing year pending establishment of the quantity of cotton actually produced.

The second Regulation<sup>4</sup> alters some aid amounts laid down in the Regulation of 30 July 1981<sup>3</sup> so as to take account of increased costs.

### **Structures**

#### **New measures or amendments to Directives**

2.1.125. On 19 July the Council adopted a Regulation on the acceleration of agricultural development in certain regions of Greece.<sup>5</sup> This measure, which applies to the less-favoured areas of Greece, was proposed by the Commission in March.<sup>6</sup> Parliament and the Economic and Social Committee gave their Opinions on 9 July<sup>7</sup> and 30 June respectively.

2.1.126. On 28 July the Commission presented the Council with proposals for amendments<sup>8</sup> to the 1975 Directive on mountain and hill farming<sup>9</sup> and the 1977 Directive on improvement of the conditions

under which agricultural products are processed and marketed.<sup>10</sup>

### **Coordination of agricultural research**

2.1.127. On 28 July the Council adopted a Directive relating to the organization by the Member States of surveys on the earnings of permanent and seasonal workers employed in agriculture.<sup>11</sup>

### **Agricultural legislation**

#### **Veterinary legislation**

2.1.128. Acting on proposals from the Commission in 1979 and 1981<sup>12</sup> and after receiving the Opinions of Parliament<sup>13</sup> and the Economic and Social Committee,<sup>14</sup> the Council on 19 July amended<sup>15</sup> the Directive of 15 February 1971<sup>16</sup> by postponing until 31 March 1984 the date of expiry of certain derogations concerning extension of the counter-flow chilling process to fresh poultrymeat which is not immediately frozen or deep-frozen.

2.1.129. As the result of the efforts made by the Danish authorities the outbreak of foot-and-mouth disease which occurred in Denmark this spring has been checked. Therefore, in order to re-establish freedom of trade between the whole of Denmark and the other Member States, on 30 July the

<sup>1</sup> OJ L 161, 23.6.1976.

<sup>2</sup> OJ L 215, 23.7.1982.

<sup>3</sup> OJ L 211, 31.7.1981.

<sup>4</sup> OJ L 220, 29.7.1982.

<sup>5</sup> OJ L 214, 22.7.1982.

<sup>6</sup> OJ C 84, 3.4.1982; Bull. EC 3-1982, point 2.1.85.

<sup>7</sup> OJ C 238, 13.9.1982.

<sup>8</sup> OJ C 209, 12.8.1982.

<sup>9</sup> OJ L 128, 19.5.1975.

<sup>10</sup> OJ L 51, 23.2.1977.

<sup>11</sup> OJ L 247, 23.8.1982.

<sup>12</sup> OJ C 65, 9.3.1979; OJ C 97, 29.4.1981.

<sup>13</sup> OJ C 140, 5.6.1979; OJ C 234, 14.9.1981; OJ C 87, 5.4.1982.

<sup>14</sup> OJ C 247, 1.10.1979; OJ C 230, 19.9.1981; OJ C 252, 2.10.1981.

<sup>15</sup> OJ L 234, 9.8.1982.

<sup>16</sup> OJ L 55, 8.3.1971.

Commission repealed<sup>1</sup> its Decision concerning certain protective measures against foot-and-mouth disease.<sup>2</sup>

Parliament for its part adopted a Resolution on 8 July requesting the Commission to put an end to the restrictions imposed on Denmark by two Member States which were traditionally importers.<sup>3</sup>

2.1.130. In addition, on 22 July the Commission adopted health protection measures in respect of imports of fresh meat from the Republic of South Africa.<sup>4</sup>

### Competition

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

#### *Federal Republic of Germany*

Lower Saxony: grant of loans to growers for the development of horticulture in the Papenburg area, in particular for conversion and more intensive cropping.

#### *Denmark*

Change in the arrangements for the granting of a State guarantee and of State assistance towards the payment of interest for the first three years on loans contracted by owners and operators of hothouses, to compensate for the rise in fuel costs.<sup>5</sup> The deadline for applications has been put back four months.

Change in the arrangements for granting State guarantees and interest-rate subsidies to consolidate debts and to help solve farmers' liquidity problems.<sup>6</sup> There has been an increase in the amounts guaranteed and the size of the loans per farmer and per holding. However, the level of aid is still below that permitted.

#### *United Kingdom*

Great Britain: aids for health and veterinary measures in the poultry sector under a national programme drawn up on the basis of Section 5 of the Animal Health Act 1981.

Northern Ireland: aids for landowners and estate managers for planting, replanting and the maintenance of woodland for wood production.

### *Glasshouse horticulture*

2.1.132. On 22 July the Commission repealed<sup>7</sup> its Decision of 15 December 1981<sup>8</sup> on the preferential tariff charged to glasshouse growers for natural gas in The Netherlands. Its reasoning was that since the adoption of that Decision the broad lines of a Community policy on energy prices had been developed and a solution had been found which eliminated the considerable price differential between gas supplied to glasshouse growers and gas supplied to industry.

## European Agricultural Guidance and Guarantee Fund

### Financial Report 1981

2.1.133. The Commission has adopted the eleventh financial report on the activities of the EAGGF in 1981. The report concerns expenditure arising from the common policy on agricultural markets and prices, the common policy for the improvement of agricultural structure, and the supply of agricultural produce as Community food aid.

For the Guarantee Section, expenditure in 1981 totalled 10 980.2 million ECU against 11 314.9 million ECU in 1980 and 10 440.7 million ECU in 1979. As in 1980, expenditure in 1981 was much less than the initial appropriations, which amounted to 12 897.5 million ECU. Whereas the average annual

<sup>1</sup> OJ L 238, 13.8.1982.

<sup>2</sup> OJ L 111, 24.4.1982.

<sup>3</sup> OJ C 238, 13.9.1982.

<sup>4</sup> OJ L 233, 7.8.1982.

<sup>5</sup> Bull. EC 9-1981, point 2.1.88.

<sup>6</sup> Bull. EC 3-1981, point 2.1.122; Bull. EC 4-1981, point 2.1.63.

<sup>7</sup> OJ L 229, 5.8.1982.

<sup>8</sup> OJ L 37, 10.2.1982; Bull. EC 12-1981, point 2.1.124.

increase in expenditure was 23% from 1976 to 1979, it fell to 8.6% for the period 1979 to 1981. In 1981 there was even a 3% reduction in total expenditure compared with the previous year. The gross cost of the Guarantee Section in relation to the gross domestic product continued to fall, from 0.60% in 1979 to 0.57% in 1980 and 0.50% in 1981.

Examination of the most substantial items of expenditure in 1981 reveals that compared with 1980 expenditure in the milk products sector fell by about 30% and expenditure on fruit and vegetables by about 7%; on the other hand, expenditure increased by about 49% in the oils and fats sector, 33% in the sugar sector, 15% in the cereals sector and 5% in the beef and veal sector.

As regards the Guidance Section, expenditure continued to rise in 1981, particularly in the field of production structures. The implementation of some new measures involved the payment of advances and expenditure on the socio-structural measures increased considerably.

The most expensive of the measures financed by reimbursement (indirect measures) concerns the modernization of farms, for which 110.5 million ECU was paid out. Expenditure on mountain and hill farming and farming in certain less-favoured areas amounted to 106.7 million ECU in 1981 and expenditure on premiums for the non-marketing of milk and conversion to beef production amounted to 87.1 million ECU.

Of the direct measures, improvement of the conditions under which agricultural products are processed and marketed remained the most important. A sum of 195 million ECU was allocated to this measure and 540 individual projects were financed.

Appropriations totalling 129 million ECU were used for the three direct measures to assist agriculture in the Mediterranean regions. They were distributed among 318 projects.

In 1981 expenditure on Community food aid operations doubled from 276.7 million ECU in 1980 to 543.1 million ECU. It involved mainly the supply of milk products

(356.8 million ECU against 176.8 million ECU in 1980) and cereals and rice (158.5 million ECU against 92.2 million ECU in 1980).

The increase in expenditure compared with 1980 is due mainly to more rapid deliveries under the 1981 programme and to the general rise in prices which has increased the cost of both products and shipment.

## Guidance Section

### *Decision on reimbursement*

2.1.134. In the second quarter of 1982 the Guidance Section paid out 17.2 million ECU to Belgium, France and The Netherlands as reimbursement for expenditure incurred in 1980 and 1981 and as advance payments to France for 1982 in respect of expenditure under the Directive of 6 February 1979 on collective irrigation works in Corsica.<sup>1</sup>

The reimbursement concerns in particular the 1972 socio-structural Directives (modernization of farms, cessation of farming),<sup>2</sup> and the Directives to assist less-favoured regions<sup>3</sup> and to eradicate cattle diseases.<sup>4</sup>

## Fisheries

### Council

2.1.135. The Fisheries Council met on 20 and 21 July and reached agreement on three regulations implementing the new common organization of the market adopted last December.<sup>5</sup> The new market support system can now be introduced on 1 January 1983.

On the other hand, the Council was unable to tackle the crucial problem of TACs and quotas.<sup>6</sup> One delegation opposed the conclu-

<sup>1</sup> OJ L 38, 14.2.1979.

<sup>2</sup> OJ L 96, 23.4.1972.

<sup>3</sup> OJ L 128, 19.5.1975.

<sup>4</sup> OJ L 145, 13.6.1977.

<sup>5</sup> OJ L 379, 31.12.1981; Bull. EC 12-1981, point 2.1.140.

<sup>6</sup> Bull. EC 6-1982, point 2.1.128.

sion of the Community's agreement with Norway and Sweden on the management of common stocks in the Skaggerak and Kattegat, which was to precede the fixing of the TACs.

The Council will resume its discussions on 4 and 5 October with a view to finding an overall compromise before 1 January 1983, when the arrangements governing access to fishing zones under the 1972 Act of Accession come to an end.

## Resources

### *Internal aspects*

#### Technical measures

2.1.136. Having failed to reach agreement on 20 and 21 July on the TAC and quota aspects of the conservation policy, the Council again extended the interim arrangements for fishery activities. By this Decision<sup>1</sup> the Member States undertake, pending a Council decision and until 22 September at the latest, to conduct their fishing activities in accordance with normal seasonal cycles, taking account of the TACs proposed by the Commission for 1982 and the catches still available to the Community under its arrangements with non-member countries.

2.1.137. In order to enable the Community to discharge its responsibilities with regard to conservation until 30 September, the Commission stated in a declaration<sup>2</sup> to the Council that 'the Member States not only have the right to adopt the necessary measures, subject to their approval by the Commission, but also have the duty to take these measures in the collective interest, this being a duty which the Commission can ask them to accept. These rights and duties flow from the Treaty, namely Article 5 (duty of cooperation among the Member States) and Article 155 (right and obligation of supervision by the Commission).

With a view to ensuring that the activities of the entire fishing fleet of the Member States are as orderly and stable as possible, the Commission will, in carrying out its duties,

and particularly when approving national conservation measures, act on the basis of the proposals which it has submitted to the Council.'

2.1.138. The Council failed to reach agreement on the regulation laying down certain technical measures for the conservation of resources<sup>3</sup> because of divergent views on the derogations relating to fishing off the British coast (beam trawling).

2.1.139. The Commission continued its examination of national conservation measures and adopted the following decisions:

- it found that a draft Belgian decree amending an earlier measure on the protection of fish, crustaceans and molluscs in the Belgian fishing zone was in accordance with Community law and the common fisheries policy, until the entry into force of a Community regulation to replace Regulation No 2527/80 of 30 September 1980.<sup>4</sup> The Commission made its approval of a provision relating to the common prawn subject to an undertaking by the Belgian Government to amend the text of the draft measure so that it applied only to Belgian fishermen;
- the Commission found that two Danish measures extending until 15 October 1982 the validity of the provisions of Regulation (EEC) No 2527/80 on technical measures for fishing in Danish and Greenland waters respectively were in accordance with Community law and the common fisheries policy;
- the Commission approved a draft Danish order on salmon fishing in Greenland waters;
- the Commission noted two Danish orders, one concerning the fishing of certain species in the North-East Atlantic and the other relating to the temporary prohibition of herring fishing in the Baltic Sea, without raising any objection to the implementation of the quantitative provisions where the latter were in accordance with the TAC proposals for 1982. The Commission withheld its

<sup>1</sup> OJ L 216, 24.7.1982.

<sup>2</sup> OJ C 199, 3.8.1982.

<sup>3</sup> Bull. EC 2-1982, point 2.1.74.

<sup>4</sup> OJ L 258, 1.10.1980.

approval, however, from certain provisions which did not meet the technical requirements accompanying the Commission proposals on TACs and quotas, and in particular the requirements concerning by-catches of herring and the temporary cessation of herring and sprat fishing;

- having examined a United Kingdom measure extending the validity of technical provisions relating to fishing in UK waters for the third quarter of 1982, the Commission noted that the extension of paragraph 12 by the Fishing Nets (Variation) (No 2) Order 1982, which regulates beam trawling in UK waters,<sup>1</sup> failed to take account of the objections which had been raised by the Commission at an earlier date. Pending the solution of this problem at the next Fisheries Council, the Commission reiterated the position which it had taken in June;
- the Commission found that a draft German measure limiting cod catches by German vessels off West Greenland to 2 000 tonnes until 22 September 1982 was in accordance with its TAC and quota proposals for 1982.

### *External aspects*

#### **Bilateral relations**

2.1.140. On 20 and 21 July the Council agreed in principle on how the Member States should share out the catch quotas for squid allocated to the Community in 1982 under the fisheries agreement with Canada.

2.1.141. On 28 July<sup>2</sup> it decided to extend the fisheries agreement with Guinea-Bissau until 31 December 1982, pending the resumption of negotiations on the renewal of this agreement.<sup>3</sup>

2.1.142. Arrangements with Norway and Iceland concerning a prohibition on fishing for capelin in the waters between Iceland, Jan Mayen and Greenland until such time as a similar prohibition is recommended by the International Council for the Exploration of the Sea were signed by the Community in Brussels on 18 August.

2.1.143. A fisheries agreement between the Revolutionary People's Republic of Guinea (Guinea Conakry) and the Community was initialled in Brussels on 10 August. This is the third fisheries agreement concluded with a West African State. Modelled on the agreements already concluded with Senegal and Guinea-Bissau, it contains two innovations: firstly, Community owners can pay for their fishing rights either wholly or partly in kind, by landing locally a certain tonnage of the fish caught; secondly, the Community may request that the average tonnage of the Community vessels authorized to fish in Guinea waters, fixed initially at 3 000 grt, should be increased to a maximum of 5 000 grt, in return for a corresponding increase in the financial compensation paid by the Community, which has been set at 2 100 000 ECU for 3 000 grt over a three-year period.

2.1.144. On 19 July the Council decided<sup>4</sup> to conclude the agreement with Senegal amending the fisheries agreement signed in June 1979, having decided<sup>5</sup> in December 1981 to apply the agreement provisionally.

#### **Multilateral relations**

2.1.145. The Commission was represented, with observer status, at the 34th meeting of the International Whaling Commission held in Brighton from 19 to 24 July. The most significant event at this meeting was the adoption of a moratorium on whaling activities with effect from 1985-86; the moratorium was supported by all the Community Member States belonging to the International Whaling Commission (Denmark, the Federal Republic of Germany, France, The Netherlands and the United Kingdom).

<sup>1</sup> Bull. EC 6-1982, point 2.1.134.

<sup>2</sup> OJ L 247, 23.8.1982.

<sup>3</sup> Bull. EC 5-1982, point 2.1.127.

<sup>4</sup> OJ L 234, 9.8.1982.

<sup>5</sup> OJ L 379, 31.12.1981; Bull. EC 12-1981, point 2.1.139.



## Markets and structures

### Organization of the market

2.1.146. Under the new Regulation on the common organization of the market in fishery products (Regulation (EEC) No 3796/81 of 29 December 1981),<sup>1</sup> the Council adopted Regulations:

— laying down general rules concerning the extension of certain rules adopted by producers' organizations in the fisheries sector;<sup>2</sup>

— suspending certain provisions of Regulation (EEC) No 3796/81.<sup>3</sup>

2.1.147. On 28 July, following the agreement reached at its meeting of 20 and 21 July, the Council adopted Regulations:<sup>4</sup>

— laying down general rules for the granting of financial compensation in respect of certain fishery products;

— laying down general rules for the granting of a carry-over premium for certain fishery products;

— laying down general rules for the granting of a special carry-over premium for Mediterranean sardines and anchovies.

2.1.148. Again as a step towards implementing the new Regulation on the common organization of the market in fishery products, the Commission transmitted two proposals for Council regulations.

One proposal relates to the granting and reimbursement of the aid paid by Member States to producers' organizations in the fisheries sector; the other introduces changes in the common marketing standards for certain fresh or chilled fish.

### Structures

2.1.149. With regard to State aids, the Commission raised no objection to the implementation of:

— aid to facilitate redeployment and readjustment among eel fishermen on the Elbe (budget of DM 690 000 for the period 1982-83);

— premiums for the scrapping of certain inshore fishing vessels in Schleswig-Holstein

(budget of DM 1 000 000 for 1982, 1983 and 1984);

— aid under a scheme to protect the common oyster in Brittany (budget of FF 24.5 million for 1982).

2.1.150. The Commission also noted that the support arrangements introduced in 1981<sup>5</sup> for Isle of Man fishermen had been amended and extended for the first quarter of 1982 (budget of UKL 200 000 for 1982).

## Transport

### Inland transport

#### Infrastructure

##### Investment

2.1.151. On 20 July the Commission sent the Council a proposal for a Regulation on the granting of limited financial support in the field of transport infrastructure.<sup>6</sup> The aim of the proposal is to use the 10 million ECU entered in the 1982 budget on Parliament's initiative as Community funding for projects of special Community interest.

This proposal is the Commission's attempt to secure the Council's agreement on the principle and on a procedure leaving the Commission the power to select projects. Selection would proceed on the basis of two criteria: projects must be located on major international routes, chiefly transalpine rail links to begin with, and they may consist of preparatory work which makes the actual construction stage easier. Community support may not exceed 20% of the total project cost.

Such projects include modernization of the marshalling yard at Domodossola, prepara-

<sup>1</sup> OJ L 379, 31.12.1981.

<sup>2</sup> OJ L 197, 6.7.1982.

<sup>3</sup> OJ L 206, 14.7.1982.

<sup>4</sup> OJ L 235, 10.8.1982.

<sup>5</sup> Bull. EC 7/8-1981, point 2.1.131.

<sup>6</sup> OJ C 226, 31.8.1982.

tory work for the construction of a fixed cross-Channel link and a fixed link across the Straits of Messina, technical surveys for a Belfast-Dublin road link, preparation of improvement schemes for a trunk road between Volos (Greece) and the other Member States and research into magnetic levitation combined with a linear induction motor.

The Commission considers it essential for the Council to decide on this proposal within the time scale laid down in the joint declaration made by the three institutions on 30 June,<sup>1</sup> and by no later than the end of October.

#### *Evaluation of Community interest*

2.1.152. On 9 July Parliament gave its opinion<sup>2</sup> on the Commission's reports to the Council on bottlenecks in transport infrastructures<sup>3</sup> and criteria for the evaluation of Community interest under the system of Community aid for transport infrastructures.<sup>4</sup>

#### *Inland waterways*

2.1.153. A resolution<sup>2</sup> on inland waterways in the Community, adopted by Parliament on 9 July, calls on the Commission to draw up a pilot scheme for the development of Community inland waterways. Parliament would like to see the Rhine-Rhône and Rhine-Main-Danube links completed as quickly as possible and an appropriation entered in the next preliminary draft budget for the purpose. Parliament also calls on the Member States and the Commission to ensure that inland waterways are not neglected in national public transport aid programmes.

#### *Approximation of structures*

##### *Improving the situation of the railways*

2.1.154. On 6 July the Advisory Committee on Railway Accounts worked out guidelines to ensure greater transparency of and compatibility between railways' transposed accounts.

#### *Inland navigation*

2.1.155. On 2 July the Working Party of government experts and the representative of the Central Commission for the Navigation of the Rhine met in Brussels to discuss matters arising from the adoption by the Council on 10 June of the Directive laying down technical specifications for inland waterway vessels.<sup>5</sup>

A common position was adopted on the items to be discussed at the next meeting of the Working Party on inland waterway transport in Geneva and, in particular, on the proposal put forward by the Eastern European countries for an international certificate for vessels.

#### *Operation of the market*

##### *Competition*

2.1.156. The Advisory Committee on Aids to Transport met on 8 July to discuss aid measures adopted since 1981 or under review. The Committee also considered whether changes should be made to the Regulation of 4 June 1970 on aids to transport<sup>5</sup> in the light of a number of economic and social factors.

##### *Road haulage*

2.1.157. On 9 July Parliament adopted a resolution on transport links between the Community and Comecon countries,<sup>2</sup> expressing Parliament's concern at the imbalance of these links in favour of the Comecon countries. The resolution calls for practical measures to be taken to ensure that the principle of reciprocity is applied in respect of the choice of carrier, administrative formalities, protection of transport workers,

<sup>1</sup> Bull. EC 6-1982, point 1.1.1 *et seq.*

<sup>2</sup> OJ C 238, 13.9.1982.

<sup>3</sup> Bull. EC 6-1980, point 2.1.127.

<sup>4</sup> Bull. EC 5-1981, point 2.1.107.

<sup>5</sup> OJ L 130, 15.7.1970.

freight acquisition and freedom of establishment.

2.1.158. Parliament also endorsed the proposal for a Council Decision on the introduction of a system of collecting information concerning the activities of road hauliers participating in the carriage of goods to and from certain non-member countries.<sup>1</sup>

#### *Transport rate formation*

2.1.159. The Commission has asked the Road Haulage Tariff Committee to give its views on the formation of road haulage rates between Member States. Once it does so, the Commission will draw up a proposal for a Regulation to replace the rate formation system set up by the Council on 12 December 1977<sup>2</sup> which expires at the end of the year.

2.1.160. On 19 July the Council formally adopted the Decision on the fixing of rates for the international carriage of goods by rail<sup>3</sup> for which it had signified its agreement on 10 June.<sup>4</sup>

#### *Combined transport*

2.1.161. Acting on a Commission proposal of 22 December 1980,<sup>5</sup> the Council amended on 28 July the Directive on the establishment of common rules for certain types of combined road-rail transport operations.<sup>6</sup> From 1 January 1985 some road vehicle taxes will be reduced or reimbursed for those sections of the journey over which the vehicles are routed in combined transport.

### **Sea transport**

#### *Tankers*

2.1.162. The Commission has sent a favourable opinion<sup>7</sup> to the Greek Government regarding the implementation of the Council Directives of 21 December 1978<sup>8</sup> and 6 December 1979<sup>9</sup> concerning minimum requirements for certain tankers entering or leaving Community ports. The Commission is satisfied from an examination of the decree sent by the Greek Government that the

latter has fully complied with the provisions of the directives in question.

#### *Code of Conduct for Liner Conferences*

2.1.163. The Commission has sent an opinion<sup>10</sup> to the United Kingdom Government on a draft bill implementing the Regulation of 15 May 1979 concerning the ratification by Member States of, or their accession to, the United Nations Convention on a Code of Conduct for Liner Conferences.<sup>11</sup>

#### *Navigation aid systems*

2.1.164. On 9 July Parliament gave its opinion<sup>12</sup> on the proposal for a Council Decision<sup>13</sup> adopting a concerted action project in the field of shore-based maritime navigation aid systems.

### **Cooperation with non-member countries**

#### *Occasional coach and bus services (ASOR)*

2.1.165. In the light of the opinion<sup>14</sup> delivered by Parliament on 16 June, the Council formally adopted on 12 July a Decision concluding the Agreement on the International Carriage of Passengers by Road by Means of Occasional Coach and Bus Services (ASOR).<sup>15</sup>

<sup>1</sup> OJ C 36, 12.2.1982; Bull. EC 1-1982, point 2.1.72.

<sup>2</sup> OJ L 334, 24.12.1977.

<sup>3</sup> OJ L 234, 9.8.1982.

<sup>4</sup> Bull. EC 6-1982, point 2.1.148.

<sup>5</sup> OJ C 351, 31.12.1980.

<sup>6</sup> OJ L 247, 23.8.1982.

<sup>7</sup> OJ L 206, 14.7.1982.

<sup>8</sup> OJ L 33, 8.2.1979.

<sup>9</sup> OJ L 315, 11.12.1979.

<sup>10</sup> OJ L 229, 5.8.1982.

<sup>11</sup> OJ L 121, 17.5.1979.

<sup>12</sup> OJ C 238, 13.9.1982.

<sup>13</sup> OJ C 256, 8.10.1981; Bull. EC 9-1981, points 2.1.117 and 2.1.134.

<sup>14</sup> Bull. EC 6-1982, points 2.4.11 and 2.1.154.

<sup>15</sup> OJ L 230, 5.8.1982.

## Energy

### Formulating and implementing a Community energy policy

#### Energy problems before the Council

2.1.166. Taking as its basis the Commission's report on Member States' energy programmes and progress towards the 1990 objectives the Council meeting (Energy) held on 13 July examined recent developments in the energy markets and the rate of structural changes observed in the energy sector.<sup>1</sup> The Council then discussed for the first time the Commission's communication concerning an evaluation of the Community demonstration programmes in the energy sector.<sup>2</sup> It adopted a recommendation concerning the encouragement of investment in the rational use of energy.<sup>3</sup> It examined in greater depth the Commission's communication entitled 'An energy strategy for the Community: the nuclear aspects'.<sup>4</sup> Lastly, the Council held a general debate on the communication concerning the role for coal in Community energy strategy.

#### *1990 objectives: Member States' programmes*

2.1.167. The Council meeting of 13 July reached a broad measure of agreement on the need to pursue the efforts already begun to attain the 1990 objectives and to progress in the periodic review of the Member States' energy policies carried out by the Commission. Taking as its basis the Commission's report,<sup>5</sup> the Council examined recent developments on the energy markets and the rate of structural change observed in regard to the 1990 objectives; it noted signs that energy and oil demand will again fall off in 1982. Expressing satisfaction with the sustained progress in the diversification of Community energy supplies, the Council nevertheless shared the Commission's concern over the uncertainties about the future especially as regards oil price trends and the rate of economic growth. It was decided that all requisite steps should be taken to implement the policies approved in order to en-

sure that neither these uncertainties nor other factors would have the effect of slowing down the rate of structural changes in energy supply and demand.

Emphasizing the importance it attaches to regular reviews of the Member States' energy programmes, the Council welcomed the Commission's intention to improve the review procedure so that the coherence of the Member States' policies can be verified. It noted the Commission's intention to pay particular attention in its future examinations to the priority fields defined in its communication on the development of an energy strategy for the Community.<sup>6</sup>

### Specific problems

#### Energy saving and the rational use of energy

2.1.168. On 28 July the Council formally adopted in the form of a recommendation<sup>7</sup> the communication on the encouragement of investment in the rational use of energy.<sup>8</sup> The Economic and Social Committee had issued its opinion at its session held on 30 June and 1 July.<sup>9</sup> The adoption of this recommendation demonstrates the importance attached by the Council to investment, confirming what it had already stated on 16 March.<sup>10</sup> The aim of the recommendation is to intensify efforts to achieve more rational use of energy by providing firms with greater incentives to increase their investments and by seeing that the need for rational use of energy is better reflected in investment generally.

<sup>1</sup> Point 2.1.167.

<sup>2</sup> Point 2.1.173.

<sup>3</sup> Point 2.1.168.

<sup>4</sup> Point 2.1.171.

<sup>5</sup> Bull. EC 6-1982, point 2.1.157.

<sup>6</sup> Bull. EC 9-1981, points 1.1.1 to 1.1.8.

<sup>7</sup> OJ L 247, 23.8.1982.

<sup>8</sup> Bull. EC 2-1982, points 1.2.1 to 1.2.6.

<sup>9</sup> Point 2.4.46.

<sup>10</sup> Bull. EC 3-1982, point 2.1.111.

## Oil and gas

2.1.169. On 27 July, the Council approved, in implementation of the Regulation of 9 November 1973,<sup>1</sup> the allocation of 25 977 600 ECU for 36 technological development projects in the hydrocarbons sector over the period 1982-84. The aim of these support measures is to encourage technological development projects directly linked to hydrocarbons prospecting, extraction, shipment and storage which are likely to improve the security of Community energy supplies.

Since 1974, the Council, acting on proposals from the Commission, has granted something like 250 million ECU in support measures for the execution of 278 projects.

2.1.170. On 5 August, the Commission transmitted to the Council a proposal for a Directive<sup>2</sup> on crude oil saving through the use of substitute fuel components in petrol. The aim is to prevent or remove legal or administration barriers to the production, sales distribution or use of certain substitute fuels in the Member States.

## Nuclear energy

2.1.171. The Council, following the exploratory debate which it held on 16 March<sup>3</sup> and in the light of the opinions delivered meanwhile by Parliament<sup>4</sup> and the Economic and Social Committee,<sup>5</sup> examined in depth the Commission communication entitled 'An energy strategy for the Community: the nuclear aspects'.<sup>6</sup> Its conclusions very broadly endorse the Commission's analysis. In particular, the Council recognized that the development of nuclear electricity generation possesses economic advantages likely to be reflected in industrial competitiveness, and it emphasized the need for speeding-up within the Community—with due allowance for the policies of the individual Member States—the measures to be taken to install capacity for the intermediate storage and reprocessing of irradiated fuels; the Council further gave its approval to the active pursuit of bilateral and/or multilateral collaboration over the nuclear fuel cycle as a whole, including the

management and storage of radioactive wastes.

## Energy saving and new energy sources

2.1.172. On 19 July,<sup>7</sup> the Council formally adopted the Commission's proposals to increase the financial support for projects to exploit alternative energy sources and for demonstration projects leading to energy savings.<sup>8</sup> The increase in the total sum allocated to these projects is 55 million ECU. The Council had already approved this increase last February.<sup>9</sup>

2.1.173. The Council meeting (Energy) of 13 July held an initial discussion on the Commission's communication concerning the evaluation of Community demonstration programmes in the energy sector.<sup>10</sup> In the light of this discussion, the Council instructed its competent bodies to consider the communication in detail and report soon enough to permit the Council to take the necessary decisions in November.

2.1.174. Following the conclusions of that communication on the evaluation of demonstration programmes,<sup>11</sup> the Commission submitted two proposals for Regulations to the Council on 5 August: the first concerned the granting of financial support for demonstration projects relating to the exploitation of alternative energy sources, energy-saving and the use of substitute fuels to replace hydrocarbons,<sup>12</sup> and the second concerned pilot industrial projects and demonstration projects relating to the liquefaction and gasification of solid fuels. The purpose of these proposals is to replace the corresponding

<sup>1</sup> OJ L 312, 13.11.1973.

<sup>2</sup> OJ C 229, 2.9.1982.

<sup>3</sup> Bull. EC 3-1982, point 2.1.115.

<sup>4</sup> Bull. EC 6-1982, point 2.1.163.

<sup>5</sup> Point 2.4.47.

<sup>6</sup> Bull. EC 2-1982, point 1.2.7.

<sup>7</sup> OJ L 219, 28.7.1982.

<sup>8</sup> Bull. EC 10-1980, point 2.1.96.

<sup>9</sup> Bull. EC 2-1982, point 2.1.103.

<sup>10</sup> Bull. EC 6-1982, point 2.1.159.

<sup>11</sup> Point 2.1.173.

<sup>12</sup> OJ C 227, 1.9.1982.

basic regulations;<sup>1</sup> they have been drafted in consideration of the expiry dates set in those regulations. The proposed new regulations will make it possible, among other things to make the management of the projects smoother, simplify the procedures and broaden the range of demonstration projects.

2.1.175. In pursuance of the Regulation of 12 June 1978<sup>2</sup> on the granting of financial support for projects to exploit alternative energy sources, the Commission decided on 7 July to grant 4 367 169 ECU to a third series<sup>3</sup> of eight geothermal energy demonstration projects.

## **Nuclear safety**

2.1.176. In February the Commission decided to evaluate the role that the Community could play in nuclear safety.<sup>4</sup>

On 22 July, as a result of this examination, the Commission laid down the framework for possible Community projects and decided to make political approaches to the Member States.

## **Research and development**

### **Development of the common policy**

#### **Revision of the Joint Research Centre programme for 1983**

2.1.177. On 2 August the Commission transmitted to the Council a proposal for the revision of the JRC multiannual research programme (1980-83) for 1983. The purpose of this revision is to bring the JRC research programme more closely into line with the Commission's R & D strategy as it appears in its communication entitled 'Scientific and technical research in the European Community: proposals for the 1980s'.<sup>5</sup>

The broad lines of this reorientation<sup>6</sup> of JRC activities were submitted to the Council of Research Ministers, meeting on 30 June,<sup>7</sup> and must be included in the new multiannual programme for the period 1984-87.

The revision for 1983 would therefore serve as a bridge in anticipation of the changes in the next programme and would help to prevent delays on certain projects. In particular, resources for the Super-Sara project<sup>8</sup> on the safety of light-water reactors need to be set on a sound footing. The revised programme concentrates clearly on the basic options of the future framework programme, especially those concerned with the improvement of energy resources management, aid to developing countries and the promotion of agricultural competition by means of remote sensing from space.

The Commission has taken care to limit the financial consequences of the revision and to maintain a balance within the programme as a whole. Certain projects in the 1980-83 programme will, therefore, be slowed down or in some cases terminated.

#### **Stimulating the Community's scientific potential**

2.1.178. On 4 August the Commission transmitted to the Council a communication setting out the guidelines for the experimental phase of a project designed to stimulate the Community's scientific and technological potential, on the basis of 'poles of excellence'. This document was produced in response to a request made by the Council on 30 June<sup>9</sup> for the Commission to put forward suitable fields and operational procedures for the preliminary phase in 1983 with a view to testing the specific ways and means for a project of this type.

The purpose of this activity is to consolidate Community R & D through a multidisciplinary, multinational project, pinpointing

<sup>1</sup> OJ L 158, 16.6.1978; OJ L 93, 12.4.1979.

<sup>2</sup> OJ L 158, 16.6.1978.

<sup>3</sup> Bull. EC 7/8-1981, point 2.1.140; Bull. EC 11-1981, point 2.1.125.

<sup>4</sup> Bull. EC 2-1982, point 2.1.104.

<sup>5</sup> Bull. EC 10-1981, point 2.1.152; also: 'A new impetus for the common policies', Supplement 4/81 — Bull. EC.

<sup>6</sup> Bull. EC 5-1982, point 2.1.143.

<sup>7</sup> Bull. EC 6-1982, point 2.1.165.

<sup>8</sup> Fifteenth General Report, point 549.

<sup>9</sup> Bull. EC 6-1982, point 2.1.164.

rapidly the most interesting needs and directions, thereby enabling action to be taken without the constraints of fixed-term planning. Thus, promising ideas can be tested prior to the preparation of any major programme and personnel mobility and exchanges of ideas improved. Such activity is an integral part of the framework programme and a vital complement to the sectoral activities covered by the programme in that it allows a response to real needs to be made with specific, fast and flexible projects.

The system used to evaluate the requirements will centre on Codest (Committee for the European Development of Science and Technology) which is soon to replace CERD. The areas of activity listed in the communication as being appropriate for this type of action include: pharmacobiology, solid state physics, optics, combustion and ignition phenomena, photometry/photoacoustics, interface phenomena and climatology. Provision has been made for an overall budget of 5 million ECU.

#### Cooperation with non-member countries

2.1.179. In its opinion of 9 July,<sup>1</sup> Parliament approved the Commission's proposal<sup>2</sup> concerning a concerted action project in the field of shore-based maritime navigational aid systems.

#### Scientific and technological objectives

##### Energy

##### *New sweep loops for Petten reactor*

2.1.180. New sweep loops have been brought into successful operation in the high flux reactor (HFR) at the Petten establishment of the Joint Research Centre. Sweep loops make it possible to purge and measure particle releases from fuel elements through the circulation of an inert gas such as helium. The characteristics of fuel elements can thus be assessed under various temperature and power output conditions.

The installation at Petten has six circuits with which an independent and automatic assessment can be made of fuel elements

from the gas-cooled high-temperature reactor (HTR).

The test will provide the nuclear industry with the necessary data for an initial specification for new fuel elements. The substitution of uranium and thorium for the plutonium/uranium fuel cycle for HTRs makes it possible to establish a common fuel cycle with light-water reactors.

##### Raw materials

2.1.181. The Advisory Committee on management of the urban and industrial waste recycling programme met on 7 and 8 July to discuss proposals submitted for the second phase. Of the 131 proposals received, 20 were selected for part-financing, representing a total commitment for the Commission of around 1.6 million ECU.

2.1.182. As part of the sectoral programme on raw materials<sup>3</sup> the Commission has again<sup>4</sup> asked for proposals for participation, this time in connection with research on ceramics and substitution and materials technology.<sup>5</sup>

An appropriation of 10.5 million ECU will be made available from the Community budget to cover half the costs of individual research projects in the field of substitution and materials technology. The five areas covered are substitution of materials in (i) the electronics and electrical industry, (ii) surface treatment and coatings and (iii) cutting and machining tools, research into steels and alloys, and other uses (soldering, brazing and tanning).

There is no specific budget for Community participation in research projects in the fields of clay-based materials for the ceramics industry and technical ceramics. Individual projects will be financed either from the sub-programme for metals and minerals for which a budget of 25 million ECU has been

<sup>1</sup> OJ C 238, 13.9.1982.

<sup>2</sup> OJ C 256, 8.10.1981; Bull. EC 9-1981, points 2.1.117 and 2.1.134.

<sup>3</sup> OJ L 174, 21.6.1982.

<sup>4</sup> Bull. EC 6-1982, point 2.1.174.

<sup>5</sup> OJ C 163, 30.6.1982; OJ C 171, 9.7.1982.

made available or from the 10.5 million ECU earmarked for the substitution programme.

## Industrial competitiveness

### *Information technology (Esprit)*

2.1.183. On 17 August the Commission transmitted to the Council detailed proposals for pilot schemes in the field of information technology. This document was the follow-up to the communication of 25 May<sup>1</sup> in which the Commission identified the weaknesses of the European situation and pointed to the need for a European strategic programme in this field. The communication was received favourably by the Council in June.<sup>2</sup>

The pilot projects are part of the initial phase designed to enable the main programme to be launched gradually, while at the same time helping to establish ways in which a broad range of European industries can collaborate.

Fifteen projects are proposed, covering the five sectors embraced by the Esprit programme: advanced microelectronics, software technology, advanced data-processing, office automation and computer-integrated manufacturing. A sixteenth project deals with an information exchange system. With respect to the pilot projects, provision has been made for a budget of 23 million ECU, of which half will be drawn from the Community budget.

The communication to the Council also includes a working paper outlining Esprit from the technical point of view. This document, in common with the one on the pilot phase, is an initial draft to be used as a basis for more detailed technical discussions.

The general purpose of Esprit is to provide the basic technology needed by European industry in order to compete with Japan and the United States.

### *Textiles and clothing*

2.1.184. The Advisory Committee for management of the R & D programme on textiles and clothing met on 1 July to examine

the 46 research proposals received in reply to the call for proposals.<sup>3</sup> Thirty-six were accepted, representing financing and around 3.5 million ECU in the form of shared-cost contracts.

### *Biomolecular engineering*

2.1.185. During its first phase (1982-83) the main objective of the biomolecular engineering programme (1982-86) is the application of enzymatic engineering methods and genetic engineering to agriculture and to the agri-food industries.<sup>4</sup>

145 proposals for shared-cost research contracts were examined by the Commission and the ACPM at a meeting in Brussels on 29 and 30 June. Because of the limited funds available for the programme (8 million ECU for the first phase) only 34 proposals were finally accepted, covering three main sectors:

- construction of bio-reactors for synthesis of substances with high added value;
- development of genetic engineering methods for processing wood compounds and for preparing products, such as livestock vaccines and enzymes for industrial use, which are important in agriculture and the agri-food industries;
- preparation of genetic transfer methods and of *in vitro* cultures to improve vegetable crops and to strengthen the symbiotic relationships between plants and microorganisms.

### *Living and working conditions*

#### *Medicine and public health*

2.1.186. On 17 August the Council adopted a concerted-action programme of research in the field of medicine and public health (1982-86).<sup>5</sup> The Commission had submitted its proposal<sup>6</sup> to the Council in

<sup>1</sup> Bull. EC 5-1982, point 2.1.152.

<sup>2</sup> Bull. EC 6-1982, point 2.1.166.

<sup>3</sup> Bull. EC 4-1982, point 2.1.103.

<sup>4</sup> Bull. EC 12-1981, point 2.1.166.

<sup>5</sup> OJ L 248, 24.8.1982.

<sup>6</sup> OJ C 291, 12.11.1981; Bull. EC 10-1981, point 2.1.156.



October 1981 and amended it in July following the Opinion delivered by Parliament.<sup>1</sup> The programme is for a five-year period back-dated to 1 January 1982, and will consist of Community-level coordination of the Member States' research activities to the tune of around 300 million ECU. Coordination costs are estimated at 13.3 million ECU drawn from the Community budget.

The programme is divided into three sub-programmes. The first deals with health problems and the establishment of information on biological, epidemiological, technological and organizational methods of improving medical care at birth, during the growth period and in old age.

It will also seek to improve methods of prevention and treatment aimed at reducing invalidity which may result in problems of congenital or acquired handicaps. The outcome of this research should have considerable implications for the biomedical and pharmaceutical industries. Quantification of risk and the way in which individuals adapt to social and psychological stress also form part of this research, particularly in the field of health at work.

The second research area covers health resources, with the emphasis on promoting the development of research into health services in changing social, demographic, environmental and working contexts. The study will also deal with the transfer of health technologies, new procedures and the question of improving the calibre of research workers

in an area in which knowledge and techniques are advancing rapidly.

The third sub-programme covers nutrition and pharmaceutical products. Attention will focus on the role of dietetic factors with regard to hypertension in order to identify appropriate means of preventing their effects. The studies could have a considerable effect on the European food industry at the production and marketing level. It is also proposed that the coordination of certain establishments which test the effectiveness of medicinal products when they first appear on the market should be encouraged. A project to study the side-effects of certain medicinal products will be facilitated if information can be assembled on a Community level.

#### Developing countries

2.1.187. Following the Opinion expressed by Parliament,<sup>2</sup> the Commission has amended its proposal<sup>3</sup> for a programme of research and development in the field of science and technology for development (1982-85).

<sup>1</sup> OJ C 238, 13.9.1982.

<sup>2</sup> OJ C 182, 19.7.1982; Bull. EC 6-1982, point 2.1.180.

<sup>3</sup> Bull. EC 4-1981, point 2.1.91.

## 2. Enlargement and external relations

### Enlargement and bilateral relations with applicant countries

2.2.1. In two resolutions adopted on 8 July<sup>1</sup> Parliament stressed the need to continue the accession negotiations without further delay and was concerned to see the Community's internal difficulties settled as soon as possible.

#### Portugal

##### Accession negotiations

2.2.2. The 21st meeting of the EEC-Portugal Conference at deputy level was held in Brussels on 16 July. Agreement was reached on a considerable number of points regarding the chapters on customs union, the ECSC, external relations, right of establishment and taxation.

##### EEC-Portugal bilateral relations

2.2.3. Under the agreement in force since 1 January 1981,<sup>2</sup> making available 275 million ECU of pre-accession financial aid for Portugal, the Commission and the Portuguese Republic signed a new financing agreement on 30 July.

This agreement provides for a Community contribution of 1.4 million ECU in the form of a grant to the basic sanitation programme for the Algarve, which the Portuguese Government has implemented to meet growing and pressing needs in this region as regards availability and efficient use of drinking water resources and the disposal and treatment of waste water. Over the last few years, the rapid growth in the resident and tourist population of the Algarve has brought about a considerable deterioration in its sanitary infrastructure. This Community measure will help to produce a better regional balance in the development of the country, in particular by creating the necessary infrastructure, and more generally it will improve the situation in the tourist trade, in view of the latter's important role in reducing Portugal's balance of payments deficit.

#### Spain

##### Accession negotiations

2.2.4. On 19 July the Spanish Foreign Minister, Mr Perez Llorca, had talks with Mr Thorn and Mr Natali as part of the consultations being conducted by the Commission following the request made to it by the European Council on 28 and 29 June to list the problems affecting enlargement.<sup>3</sup>

2.2.5. On 20 July the 21st deputy-level meeting of the negotiations for Spain's accession to the European Community was held in Brussels.

The Community submitted a statement on customs union.

The Spanish delegation's statements were on customs union, ECSC and external relations.

### Commercial policy

#### Implementing the common commercial policy

##### Import arrangements

##### Easing of restrictive measures

2.2.6. Under the Council Regulation of 4 December 1980<sup>4</sup> on import arrangements in respect of State-trading countries, the Commission decided on the following measures:

##### Opening of quotas

2.2.7. *Italy-Czechoslovakia/Romania:* aluminium alloy waste recast into ingots containing not more than 97.5% aluminium and porcelain insulators (Type CA 125).<sup>5</sup>

*Italy-Albania/USSR:* textile products belonging to categories 2, 20/39 and 76.<sup>6</sup>

<sup>1</sup> OJ C 238, 13.9.1982.

<sup>2</sup> Fifteenth General Report, point 624.

<sup>3</sup> Bull. EC 6-1982, point 1.5.7.

<sup>4</sup> OJ L 353, 29.12.1980.

<sup>5</sup> OJ C 166, 3.7.1982.

<sup>6</sup> OJ C 179, 16.7.1982.

*France-Bulgaria:* radio and television receivers, and spare parts.<sup>1</sup>

*United Kingdom-Poland:* leather gloves, including gloves of leather and fur or leather and artificial fur, but not including those made up of leather and knitted or crocheted parts.<sup>2</sup>

*Italy-Czechoslovakia:* synthetic organic dyestuffs.<sup>3</sup>

*Italy-German Democratic Republic:* synthetic organic dyestuffs.<sup>4</sup>

*Italy-Poland:* wrought plates of unwrought aluminium, containing 99.9% aluminium.<sup>4</sup>

### *Liberalization*

*France-State-trading countries:* food preparations falling within Nimexe heading (1980) 21.07.27.<sup>5</sup>

### **Trade protection**

2.2.8. The Council decided to impose a definitive anti-dumping duty on imports of standardized multi-phase electric motors having an output of more than 0.75 kW but more than 75 kW, originating in the USSR,<sup>6</sup> and on mechanical wrist-watches<sup>7</sup> and upright pianos,<sup>8</sup> also originating in the USSR.

2.2.9. However, it decided to repeal the definitive anti-dumping duty on imports of certain cotton yarns originating in Turkey.<sup>9</sup>

2.2.10. The Commission for its part decided to impose a provisional anti-dumping duty on imports of the following: photographic enlargers originating in Poland and the USSR;<sup>10</sup> chemical fertilizers originating in the United States of America;<sup>11</sup> trichloroethylene originating in the German Democratic Republic and Poland,<sup>12</sup> broad-flanged beams originating in Spain;<sup>8</sup> and methylamine, dimethylamine and trimethylamine originating in the German Democratic Republic.<sup>8</sup>

2.2.11. The Commission also decided to review<sup>1</sup> the definitive anti-dumping duty imposed on imports of certain chemical fertilizers originating in the United States and to amend<sup>9</sup> the Regulation of 22 July 1982 imposing a provisional anti-dumping duty on these imports.<sup>11</sup> It also decided to amend the

ECSC recommendation of 11 May 1982 imposing a provisional anti-dumping duty on certain sheets and plates of iron or steel originating in Brazil<sup>13</sup> and to extend the application of this duty.<sup>14</sup>

2.2.12. The Commission decided to initiate anti-dumping proceedings concerning imports of the following: barium chloride originating in China and the German Democratic Republic;<sup>15</sup> broad-flanged beams originating in Spain;<sup>15</sup> methenamine (INN) (hexamethylenetetramine) originating in the German Democratic Republic, the USSR, Czechoslovakia and Romania;<sup>16</sup> and out-board motors originating in Japan.<sup>17</sup>

2.2.13. The Commission also decided to reopen an anti-subsidy proceeding concerning imports of certain seamless tubes of non-alloy steel originating in Spain<sup>18</sup> and to initiate an anti-dumping/anti-subsidy proceeding concerning imports of sheets and plates of iron or steel originating in Brazil.<sup>19</sup>

2.2.14. The Council decided to terminate the proceeding regarding imports of multi-phase electric motors originating in the German Democratic Republic, Romania, Czechoslovakia, Bulgaria and Poland.<sup>6</sup>

2.2.15. The Commission terminated the proceeding regarding trichloroethylene

<sup>1</sup> OJ C 179, 16.7.1982.

<sup>2</sup> OJ C 186, 21.7.1982.

<sup>3</sup> OJ C 199, 3.8.1982.

<sup>4</sup> OJ C 201, 5.8.1982.

<sup>5</sup> OJ C 185, 20.7.1982. These products have been liberalized on an *erga omnes* basis.

<sup>6</sup> OJ L 220, 29.7.1982.

<sup>7</sup> OJ L 207, 15.7.1982.

<sup>8</sup> OJ L 238, 13.8.1982.

<sup>9</sup> OJ L 246, 21.8.1982.

<sup>10</sup> OJ L 212, 21.7.1982.

<sup>11</sup> OJ L 214, 22.7.1982.

<sup>12</sup> OJ L 223, 31.7.1982.

<sup>13</sup> OJ L 128, 11.5.1982.

<sup>14</sup> OJ L 221, 30.7.1982.

<sup>15</sup> OJ C 207, 10.8.1982.

<sup>16</sup> OJ C 211, 13.8.1982.

<sup>17</sup> OJ C 215, 19.8.1982.

<sup>18</sup> OJ C 196, 30.7.1982.

<sup>19</sup> OJ C 197, 31.7.1982.

originating in Czechoslovakia, Romania, Spain and the United States.<sup>1</sup> It also decided to accept the undertaking and terminate the anti-dumping proceeding concerning photographic enlargers originating in Czechoslovakia,<sup>2</sup> to accept the undertaking and terminate the anti-dumping proceeding concerning paracetamol (INN) crystals originating in China<sup>3</sup> and to accept the undertaking and terminate the proceeding concerning imports of methylamine, dimethylamine and trimethylamine originating in Romania.<sup>4</sup>

It also decided to review the definitive anti-dumping duty imposed on kraftliner paper and board originating in the United States and to accept undertakings given by Austria, Canada, Finland, Portugal, the USSR and Sweden.<sup>5</sup>

Its review of the special measures in respect of imports of certain iron or steel nuts originating in Taiwan was terminated.<sup>6</sup>

#### *Treaties and trade agreements: extension or automatic renewal*

2.2.16. On 12 August the Council authorized<sup>7</sup> the extension or automatic renewal of certain trade agreements between the Member States and non-member countries (third batch for 1982).

The agreements in question were due to expire or be terminated between 1 August and 31 October.

#### *Export credits*

##### **Guidelines for officially supported export credits**

2.2.17. Negotiations on amending the Arrangement on Guidelines for Officially Supported Export Credits (the 'Consensus') took place in Paris in May;<sup>8</sup> following these negotiations Mr Wallen, the chairman of the OECD working party on the Consensus, put forward a compromise proposal. Certain amendments having been requested by the Community, a revised proposal was submitted by Mr Wallen on 19 June.

On 30 June the Council expressed its agreement in principle to the revised proposal and

on 28 July it formally adopted the text of the new arrangement.

The revised 'Consensus', which will be valid from 6 July 1982 to 1 May 1983, provides for:

- an increase in interest rates for relatively rich countries (Category 1) and intermediate countries (Category 2);
- a general reclassification of buyer countries on the basis of objective criteria;
- specific provisions as regards interest rates and the duration of credits for countries newly classified in Category 2;
- an adjustment of the rules for low interest rate countries;
- a new definition of prior commitments;
- additional commitments undertaken by participants, in particular: a commitment not to depart from the rules on the duration of credits or interest rates from 15 October 1982 onwards and not to grant any support to tied-aid credits with a grant element of less than 20%.

##### **OECD Understanding on Export Credits for Ships**

2.2.18. On 28 July the Council extended until 31 January 1983 the validity of the OECD Understanding on Export Credits for Ships, which was due to expire on 31 July.

#### **Sectoral commercial policy measures**

##### *Iron and steel products*

2.2.19. Following the anti-dumping suits filed by the American steel industry several months ago against many Community producers,<sup>9</sup> the Commission decided, in agree-

<sup>1</sup> OJ L 223, 31.7.1982.

<sup>2</sup> OJ L 212, 21.7.1982.

<sup>3</sup> OJ L 236, 11.8.1982.

<sup>4</sup> OJ L 238, 13.8.1982.

<sup>5</sup> OJ C 217, 21.8.1982.

<sup>6</sup> OJ L 254, 31.8.1982.

<sup>7</sup> OJ L 244, 19.8.1982.

<sup>8</sup> Bull. EC 5-1982, point 2.2.9.

<sup>9</sup> Bull. EC 1-1982, point 2.2.24.

ment with the Member States, not only to defend the interests of the threatened industries against the moves by the American authorities and within the appropriate international bodies but also to try and conclude with the American authorities an arrangement on the voluntary restraint of Community exports, which would put an end to existing proceedings. This arrangement was negotiated on 6 August, but its entry into force is conditional on the American industry withdrawing its suits; this withdrawal will either have to be made or refused by 15 September. The arrangement provides for Community restraint of exports, for the period from 1 October 1982 until 31 December 1985, of 11 categories of ECSC and EEC iron and steel products.<sup>1</sup> Meanwhile, on 24 August, the American authorities established the definitive level of the subsidy margin they allege against the Community industries; its level is considerably lower than had been provisionally estimated.

#### Relations with non-member countries

2.2.20. The Commission held consultation meetings in July with a number of non-member countries which are partners in the steel arrangements.

Routine consultations took place on 12 July with Spain on all the products which remain covered by the arrangement after the exclusion on 1 July<sup>2</sup> of wide-flanged beams from the prices rules because of persistent and unjustified undercutting.

Meetings took place with Poland on 6 and 28 July, with Bulgaria on 15 July and with Romania on 29 and 30 July. The Commission urged its partners to acknowledge the considerable increase in imports during the first six months of 1982 compared with 1981, and the danger of the quantities laid down in the arrangements being exceeded in several cases.

In the particular case of Czechoslovakia, whose exports to the United Kingdom have considerably exceeded the annual quota because of indirect imports (over which the exporting country has little control), on 27 July the Commission authorized the United

Kingdom Government, with the agreement of the Czech authorities, to introduce a binding autonomous national quota.

2.2.21. All the 1982 steel arrangements, with the exception of the arrangements with the EFTA countries, contained a clause providing for a half-yearly review, under which the agreed tonnages could be increased if market prospects for the second half of the year were favourable. These prospects are not encouraging and the Commission consequently told its partners that it saw no reason for consultations on this basis, though they were free to ask that consultations be arranged if they so wished. None of the partner countries took up this offer.

#### Textile products

##### Renewal of bilateral agreements

2.2.22. Negotiations for the renewal of the bilateral textile agreements, which had begun in May,<sup>3</sup> were continued by the Community in July.

Following the satisfactory conclusion of the negotiations with Pakistan and Sri Lanka in May and with Peru and Uruguay in June, agreements were initiated in July with Bulgaria, Poland, Hungary, Romania, Czechoslovakia, Thailand, Guatemala, Haiti and Bangladesh, bringing the number of agreements renewed to 13 out of the 26 which expire at the end of the year.

2.2.23. In addition, the Community began negotiations in July with Mexico, Yugoslavia and Macao. It also held consultations regarding the existing agreement with Indonesia, which resulted in an agreement on the level of exports of certain clothing products in 1982.

The Commission has to report to the Council on the results of the negotiations by the end of September. All negotiations not yet

<sup>1</sup> Point 1.1.1 *et seq.*

<sup>2</sup> OJ L 189, 1.7.1982.

<sup>3</sup> Bull. EC 5-1982, point 2.2.10; Bull. EC 6-1982, point 2.2.15.

completed with the Community's MFA partners will be resumed before that date.

As regards preferential countries, arrangements have been concluded with Malta and Tunisia; negotiations are continuing with Portugal and Turkey.

## Development

### Generalized preferences

#### Proposed scheme for 1983

2.2.24. On 26 July the Commission sent the Council its GSP proposals for 1983. These deal with the practical measures to be taken within the framework of the scheme adopted by the Council in December 1980<sup>1</sup> for the period 1981-85.

#### *Agricultural products*

2.2.25. Responding to Parliament's opinion on the 1982 proposals,<sup>2</sup> the Commission is suggesting a major extension of the extra concessions offered to the least-developed countries, by including in the scheme, for their benefit only, all dutiable products in CCT Chapters 1 to 24 on which ACP suppliers already receive preference and which are not further protected by a levy or similar device. For the other GSP beneficiary countries the Commission considered the scope for further concessions much more limited. Nevertheless, it is proposing:

improvements in preferential margins on 18 products already included in the GSP, such as certain plants, bay leaves, mangoes, chocolate, pineapple juices and certain tobacco products;

the inclusion of nine new products, including horseradish, okra (frozen or dried), dates and snails;

for products already subject to GSP quotas, i.e. cocoa butter, soluble coffee, canned pineapple both in slices and in cubes and Virginia-type unmanufactured tobacco, a revision of quota shares;

the extension of the offer in its entirety to the People's Republic of China.

#### *Industrial products*

2.2.26. With a full year's experience of operating the new machinery to control preferential imports of sensitive industrial products and confirmation that the objectives of differentiation in the allocation of benefits and simplification of administration were being achieved, the Commission was in a position to tailor its proposal for modifications and improvements in the industrial sector much more closely to the situation of individual products and particular supplying countries. It had in any case to take account of the far from healthy position in which many key sectors of Community industry find themselves, and therefore felt unable to propose any liberalization measures other than the transfer of eight items from the sensitive to the non-sensitive list, a move which had to be balanced by adding two types of product—certain fertilizers and footwear—to the sensitive list. The Commission also felt obliged to propose nine new individual country quotas, though judging that seven other such quotas could be eliminated. Taking a similar case-by-case approach, it is suggesting increases ranging generally between 5% and 15% in the values of specific country quotas and ceilings, in line with the situation for each individual product; in a number of obvious problem areas, of course—steel, footwear and leather, parts of the chemical industry—no increase was felt to be possible. Only for non-sensitive products is a uniform across-the-board improvement of 15% proposed. Finally, the Commission is calling for some further modest improvements in product coverage in the special regimes applying to China and Romania.

<sup>1</sup> OJ L 354, 29.12.1980; Bull. EC 12-1980, point 2.2.19.

<sup>2</sup> OJ C 273, 26.10.1981.

## Textiles

2.2.27. For MFA products the Commission is proposing a 5% improvement in both allocated and non-allocated ceilings, except for three 'dominant' suppliers and two State-trading countries, a recalculation of the 'basket-exit' volumes and a streamlining of the procedure.

In view of the success of the system of individualized ceilings introduced in the industrial sector, the Commission is proposing to extend this form of control to non-MFA products as well, to replace the existing system of global ceilings.

## Annual programme of seminars

2.2.28. As part of the Commission's annual programme of seminars, a Commission delegation held two seminars in Ecuador on the Community's generalized preferences system. The first, which took place in Quito on 6 and 7 July, was for representatives of the five member countries of the Andean Group, while the second, in Guayaquil on 8 and 9 July, was for exporters only.

The aim of the seminars, organized by the Republic of Ecuador's Ministry of Industry, Trade and Integration, was to bring home to both businessmen and officials the considerable possibilities the Community's GSP scheme offers middle-ranking developing countries in this second phase of its operation thanks to a streamlined and liberalized administration, virtually complete operational transparency, and greater security for users.

## Aid to non-associated developing countries

### Trade promotion

2.2.29. The following were organized:

- (i) a trade mission for the Philippines to investigate the US market;
- (ii) a refresher course in business studies in Manila for Philippine business circles;
- (iii) a seminar on export trading methodology in Bangkok for Thai businessmen.

## Financing decisions

2.2.30. On 15 July the Commission approved financing for the following two projects in Bangladesh:

- (i) a loan of 3.6 million ECU (for a project costing 8.8 million ECU in all) to develop cereal seed production;
- (ii) 2 million ECU for the construction of fertilizer storage centres — the whole project costing 4 million ECU.

## Food aid, emergency aid and exceptional aid

### Food aid

### Emergency measures

2.2.31. On 12 July<sup>1</sup> the Council authorized an increased allocation of food aid to Zimbabwe in the form of skimmed-milk powder and butteroil, valued at 5.61 million ECU. This was the first year's allocation under a four-year programme.

2.2.32. On 28 July<sup>2</sup> the Council authorized the allocation of emergency food aid to Mozambique, in the form of cereals valued at 2.88 million ECU.

2.2.33. Also on 28 July,<sup>3</sup> the Council authorized the allocation of emergency food aid to UNHCR for Afghan refugees in Pakistan (skimmed-milk powder).

2.2.34. On 17 August the Commission authorized the allocation of emergency food aid to UNHCR for South-East Asian refugees in Thailand (colza oil: 0.40 million ECU) and for Afghan refugees in Pakistan (colza oil/sugar and skimmed-milk powder: 2 million ECU).

<sup>1</sup> OJ L 211, 20.7.1982.

<sup>2</sup> OJ L 236, 11.8.1982.

<sup>3</sup> OJ L 221, 30.7.1982.

## **Exceptional aid**

### **Emergency aid**

2.2.35. On 1 July the Commission approved an emergency aid allocation of 125 000 ECU to the European Aid Committee for Cambodian Refugees (CEAR) for its programme to prepare refugees for repatriation, and a further 125 000 ECU allocation to UNHCR for its repatriation programme.

2.2.36. On 20 July the Commission approved three further allocations of aid for Lebanon: 70 000 ECU to the ICRC to help with its programme of health measures for West Beirut, 50 000 ECU to Lebanese NGOs to help victims of the fighting, and 280 000 ECU to the German Red Cross to provide relief supplies to those in need.

2.2.37. On 29 July the Council decided to release 10 million ECU to enable the Commission to meet the urgent needs of victims of the fighting in Lebanon.

### **Relations with non-governmental organizations**

2.2.38. By the end of August 251 admissible projects worth a total of 27 384 810 ECU had been presented to the Commission by 119 NGOs.

To date, the Community has committed grant aid totalling 11 459 570 ECU for 119 projects.

In addition, 28 schemes to educate the European public about development issues have been cofinanced for a total of 743 440 ECU.

## **International organizations and conferences**

### **United Nations**

#### **Economic and Social Council**

2.2.39. The Community took part as an observer in the second regular session of the Economic and Social Council (Ecosoc) for 1982, held in Geneva from 7 to 30 July.

In the course of the general debate statements were made by the Danish Ambassador, Denmark being the State holding the Presidency of Council, and by a representative of the Commission. The Commission representative referred to the difficult economic situation existing in the Community, but stressed that the Community had nevertheless maintained its position as the largest worldwide trading partner for developing countries. The great importance which the Community attaches to global negotiations was underlined yet again by his references to the various operations in progress, such as the Community's aid programmes, Stabex and the plan of action against hunger in the world.

References were made by Argentina to the Falklands conflict, and accusations of economic aggression were levelled at the Community; the Presidency, and the United Kingdom where appropriate, replied. A draft resolution entitled 'Economic measures as a means of political and economic coercion against developing countries' sponsored by Argentina, Brazil, Cuba, Nicaragua, Peru and Venezuela, was presented late in the session by Venezuela. The Saint Lucian representative proposed that no decision be taken on the draft resolution. The subsequent vote was in favour of no action being taken.

A number of resolutions and decisions were then adopted on, among other matters, the revitalization of the Economic and Social Council, industrial development cooperation and certain problems relating to Africa (e.g. the Sudano-Sahelian region, assistance to the oppressed peoples of South Africa, the transport and communications decade and regional programming).

Two further resolutions, on food and harmful substances, were the subject of lengthy discussions, but no satisfactory conclusion was reached. They will be forwarded in draft form to the 37th United Nations General Assembly for its consideration.

The President (Mr Komatina, Yugoslavia) closed the second regular session of the Economic and Social Council with a statement in which he urged all governments to agree on the launching of global negotia-



tions; he stressed the need for urgent action by the international community in order to reverse the deterioration in the world economic situation, which was having a critical effect upon many developing countries. He reiterated the need to strengthen and promote the multilateral and bilateral economic cooperation for development established via the United Nations system or by its Member States.

### **United Nations Conference on Trade and Development**

2.2.40. On 2 July the UNCTAD Trade and Development Board adopted by majority vote the draft provisional agenda for the Sixth Conference, due to take place in Belgrade from 6 to 30 June 1983. The USA and Israel were unable to join in the consensus and voted against the draft. All others, including the Community Member States, voted in favour.

The draft provisional agenda, which will be submitted to the UN General Assembly for approval, is built around five main themes: a general survey of the critical aspects of the world economic situation; the examination of three major areas (namely commodities, international trade in goods and services, the development of the monetary and financial situation in relation to trade and development); a fifth area grouping specific questions currently under review by UNCTAD (technology, shipping etc.).

In its closing statement the Community made clear its strong belief that in the course of future work in UNCTAD, everything possible must be done to recreate consensus by effectively preparing individual agenda items and by keeping an open mind with regard to any useful additional ideas that might be brought forward concerning the agenda as a whole.

### **Exploration and peaceful uses of outer space: Unispace 1982**

2.2.41. The Community was represented at the second United Nations conference on the exploration and peaceful uses of outer space

(Unispace 1982) held in Vienna in August. The Community's interest in Unispace stems primarily from its work in remote sensing and telecommunications. The Community's activities in these two areas, as presented in Vienna, are important on two counts: its advanced research is consistent with the scientific objectives of Europe and makes a large number of industrial applications; and furthermore such activities contribute to the development of the Third World.

In addition to aspects of remote sensing and telecommunications, the subjects covered by the conference included outer space, the arms race, access to limited resources (geostationary orbit, frequency spectrum), direct broadcasting of television programmes and access to remote-sensing satellite data. The final report of the conference will be submitted to the next UN General Assembly.

To demonstrate the peaceful use of outer space the conference used satellite telecommunications techniques throughout to interpret and to translate and produce documents from New York.

### **Unesco ministerial meeting**

2.2.42. The Commission was represented at the Unesco ministerial meeting on cultural policies (Mondiacult) held in Mexico from 26 July to 6 August. The meeting culminated in the unanimous endorsement of the Mexico declaration on cultural policies and the adoption of a weighty report and a large number of resolutions and recommendations encompassing culture in the development context, cultural identity, cultural democracy, cultural heritage, financial resources for the promotion of culture, organizational problems and cultural cooperation at world, regional and local levels.

The Commission representative addressed the meeting on the following subjects: Community development aid tailored to cultural factors — specific cases, the link between unemployment, culture and education, and the Commission's cultural activities, notably in conjunction with the Council of Europe. A joint paper produced by both organizations was circulated.

## **General Agreement on Tariffs and Trade (GATT)**

### **GATT Council**

2.2.43. At recent GATT Council meetings, the Community has taken the lead in an attempt to put an end to the subsidization of US exports through the Domestic International Sales Corporation (DISC) legislation. A report produced in December 1981 by a GATT panel had shown that this legislation in some cases had effects which were not in accordance with US obligations under Article XVI(4).

At the 29 June meeting of the GATT Council, the Community urged the United States to bring its DISC legislation into line with its GATT obligations. Since the US Government refused and continued to claim that its legislation was in accordance with GATT rules, the Community requested the other Contracting Parties at the 21 July GATT Council meeting for authorization to take countervailing measures in accordance with Article XXIII(2).

The United States has requested the GATT Council to establish a panel to examine the tariff preferences accorded by the Community to certain Mediterranean countries on citrus fruit. It claims that these arrangements are inconsistent with GATT provisions, whereas the Community view is that they have been considered in GATT as being in accordance with the provisions relating to free trade areas (Article XXIV). The GATT Council, after these two meetings, has not yet decided on the action to be taken.

### **GATT ministerial meeting**

2.2.44. At its meeting on 19 and 20 July the Council requested the Commission to take part in the preparatory discussions for the GATT ministerial meeting in November, on the basis of the general guidelines set out in its communication of 1 July and of the observations made by the Member States' delegations during the discussions.

### *Work of the Preparatory Committee*

2.2.45. Preparations for the November ministerial meeting gathered momentum in June and July, through a series of informal consultations organized by the Chairman of the Preparatory Committee (Ambassador McPhail, Canada). These consultations have helped clarify the positions of Contracting Parties on a wide variety of current issues including subsidies, safeguards, agriculture, dispute settlement, and possible new initiatives in the services and investment sectors. There was also further work on items such as the draft agreement on commercial counterfeiting, dual pricing and variations in exchange rates, in which the Community has expressed particular interest.

2.2.45a. In addition, the Consultative Group of Eighteen met from 7 to 9 July, also to prepare for the November ministerial meeting. The main topics discussed in this context were the general political declaration which ministers are expected to make, safeguards, GATT dispute settlement measures and subsidies.

### **Committee on Tariff Concessions**

2.2.46. At its eighth meeting on 13 July, the Committee on Tariff Concessions determined the procedures to be followed within GATT for adopting the harmonized commodity description and coding system. It looked at the results of the study by the GATT Secretariat on the progressive rates of customs duties for copper and discussed possible approaches to the examination of these two topics at the GATT ministerial conference in November.

### **Government Procurement Committee**

2.2.47. A short formal meeting of the Government Procurement Committee was held on 6 July to discuss the US complaint on the Community's operation of the threshold in accordance with Article VII (6) of the Agreement on Government Procurement. This problem of the operation of the threshold

arose because the Community does not include value added tax in the value of a procurement contract when it determines whether a contract falls above or below the threshold laid down in the Agreement (i.e. whether or not it comes under the Agreement). The Community has expressed the view that its practice is not in breach of the Agreement. This discussion was relatively brief and it was agreed that Article VII(6) consultations would have to be continued at the next meeting of the Government Procurement Committee in November.

## **Organization for Economic Cooperation and Development**

### **Trade Committee**

2.2.48. At its meeting on 1 and 2 July, the OECD Trade Committee focused mainly on the problem of integrating the most advanced developing countries into the open trading system. There was unanimous agreement on the need to encourage these countries to assume more obligations; there were, however, many differences of opinion as to how to bring about this integration. The Committee's working group undertook an initial examination of a US suggestion that a new round of North-South negotiations be launched.

The discussions then moved on to an Australian proposal (made by the Prime Minister) for a standstill on protective measures, a GATT agreement on a formula for reducing protection, and the reduction of aids and subsidies by means of a plan to be worked out, and the Australian delegation's intention to obtain undertakings in these spheres from the GATT ministerial conference in November. Most of the delegations reacted by stressing the need to maintain a realistic view of the results which could be expected from this ministerial conference.

The remainder of the discussions dealt mainly with trade in high technology products, an Australian proposal concerning agricultural trade and the effects on trade of fluctuating exchange rates.

## **Industrialized countries**

### **EFTA countries**

#### *EFTA rules of origin*

2.2.49. On 19 July the Council agreed to the principle of introducing, for a three-year trial period, an alternative percentage rule laying down—with a few exceptions—a uniform maximum percentage for components of products falling within CCT Chapters 84 to 92 which originate in non-member countries and are intended to be incorporated in originating products. Firms in the Community and the EFTA countries will be given this choice because of the economic interdependence, the similarity of industrial structures, the importance of trade and the reciprocity of the free trade agreements.

#### *Relations with EFTA*

2.2.50. On 19 July the Council adopted the fifth Coreper report on the development of cooperation with the EFTA countries. As the free trade agreements with the EFTA countries were signed 10 years ago (22 July 1972), the Council at the same time made a statement stressing the special importance which the Community attaches to relations with the EFTA countries. Together, the Community and the EFTA countries form a zone of trade and monetary stability and security within which the countries concerned conduct nearly two-thirds of their trade.

The Council expressed satisfaction at the excellent functioning of the free trade agreements and the great progress made in cooperation in many fields outside the agreements. It declared its desire to keep up the momentum of this cooperation.

It stressed the political importance which it attached, in a crisis-torn world where the maintenance of worldwide free trade is increasingly under threat, to western European solidarity and cooperation which supplements the bilateral relations.

### Sweden

2.2.51. The second high-level meeting<sup>1</sup> between the Commission and Sweden took place in Brussels on 12 and 13 July. The Swedish Commerce Minister, Mr Molin, accompanied by senior officials, had talks with Commission Vice-President Mr Haferkamp and top Commission officials. Mr Molin was also received by President Thorn, Mr Davignon, Mr Narjes and Mr Dalsager.

The two parties expressed their satisfaction at the fact that the free trade agreements, which this year celebrated their tenth anniversary, had operated smoothly throughout the period. An in-depth discussion of bilateral matters and many problems connected with international trade revealed that there was a broad measure of agreement.

### United States

2.2.52. The Community's initial response to the measures taken by the US Government on 11 June regarding Community steel exports to the United States<sup>2</sup> was to try and settle the matter amicably. On 15 and 16 July, Mr Haferkamp and Mr Davignon, went to Washington to continue the discussions started in Brussels with Mr Baldrige, the US Secretary of Commerce. This meeting was the last high-level attempt to achieve an amicable solution.

On 19 and 20 July the Council, noting the failure of the attempt to achieve a solution which would be valid until 1985 (voluntary restraint undertaken by the Community in exchange for renunciation by the United States of countervailing duties and anti-dumping proceedings), set its sights on an emergency partial solution consisting of obtaining suspension of the countervailing duties in exchange for Community concessions and restrictions concerning solely the products and firms affected by those duties.

What this Community approach meant in practice was joint action by the Commission and each of the Member States concerned, namely Belgium, France, Italy, Luxembourg, the Netherlands and the United Kingdom, which had been the subject of a preliminary

Department of Commerce decision imposing the countervailing duties.

As the United States rejected the offer presented on 22 July by the Community and the four Member States most affected by the advance fixing of the countervailing duties, the Council, at a special meeting on 24 July, gave the Commission an overall mandate to negotiate with the US authorities. The steel negotiations between the Community and the United States were finally concluded on 6 August with an agreement limiting European steel exports in exchange for the termination of current proceedings. The agreement concerns 11 products and covers the period 1 October 1982 to the end of 1985.

2.2.53. With regard to the measures taken on 22 June extending to European firms the December 1981 embargo on exports of equipment for the Siberian gas pipeline<sup>3</sup> the Community transmitted to the US Department of State on 14 July an *aide-mémoire* in which it formally contested the extra-territorial and retroactive nature of the measures taken and called upon the US authorities to lift the embargo.

The Community again approached the US State Department on 12 August, repeating its great concern over the effects of the measures adopted on 22 June, and renewed its call for their withdrawal. On the same occasion the Community transmitted its 'comments' regarding the legal, political and economic aspects of the US measures, including their impact on the Community's commercial policy.

### Canada

2.2.54. On 9 July Canada reintroduced quota restrictions for imports of leather footwear, applicable until 30 November 1984, in addition to the existing import restriction applied to non-leather footwear.

The Community asked for immediate consultations with Canada under Article XIX of

<sup>1</sup> Fifteenth General Report point 720.

<sup>2</sup> Bull. EC 6-1982, points 2.2.41 and 2.2.42.

<sup>3</sup> Bull. EC 6-1982, point 2.2.43.

the GATT and these accordingly took place in Brussels on 27 July. The Community contested the argument that imports from the EEC are causing injury to Canadian production and asked the Canadian authorities to withdraw the quota while reserving its rights under Article XIX of the GATT.

## Japan

### *Consultations under Article XXIII of the GATT*

2.2.55. The Community and Japanese delegations met for a second time in Geneva on 9 and 10 July for an exchange of views under the GATT Article XXIII(1) procedure initiated by the Community. The Japanese were primarily concerned with seeking to refute the arguments put forward by the Community at the first meeting regarding the great difficulty of penetrating the Japanese market because of obstacles relating to the particular characteristics of Japan's economic structures and policies. Other items such as the role of the yen and access to the Japanese capital market were also discussed. The Community was unable to endorse the Japanese agreements.

### *High-level EEC-Japan consultations*

2.2.56. At a six-monthly meeting on 14 July, chaired by Mr Matsunaga, Japan's Deputy Foreign Minister, and Sir Roy Denman, Director-General for External Relations at the Commission, and preceded by a preparatory working meeting the day before, the two parties held a detailed exchange of views on the development of the economic and social situation in Japan and the Community. The different problem areas in trade relations between the Community and Japan were examined. Those fields in which positive cooperation is envisaged were looked at, in particular the North-South dialogue, development aid, and scientific and technical cooperation, where the bright prospects are to be explored in greater detail.

2.2.57. At the Council meeting on 19 and 20 July Mr Haferkamp set out the main points of a Commission communication tak-

ing stock of relations with Japan. The Council decided to continue with this examination at its September meeting.

## Australia

2.2.58. The Hon. P. Jones, Western Australia's Minister for Resources Development, Mines, Fuel and Energy, visited the Commission on 13 July, when he had discussions on the situation in the European iron and steel industry and the demand for iron ore. Mr Jones stressed the importance of the long-term relationship; Western Australia wished to build up its exports of raw materials, as well as encouraging greater on-the-spot mineral processing involving the use of European technology.

## Mediterranean countries

### Turkey

2.2.59. On 7 July Mr Thorn expressed grave concern at the prison sentence passed by the Turkish Government on the former Prime Minister, Mr Bulent Ecevit.

The Commission had earlier criticized a previous sentence on Mr Ecevit in November 1981.<sup>1</sup>

Mr Thorn stated that the sentence was a setback to efforts to restore a pluralist parliamentary democracy to which the Commission attached fundamental importance in its relations with Turkey, as it had made clear ever since the present Turkish authorities had come to power.

2.2.60. The European Parliament adopted a resolution on the political situation in Turkey on 8 July.<sup>2</sup>

### Malta

2.2.61. A Commission team visited Malta from 21 to 23 July for discussions with the Maltese authorities on the island's relations with the Community. The team looked specifically at the 'special relationship' advocated by Malta, and the economic and financial implications involved.

<sup>1</sup> Bull. EC 11-1981, point 2.2.42.

<sup>2</sup> Point 2.4.9; OJ C 238, 13.9.1982.

The Commission will shortly be reporting to the Council so that the future of relations between the parties can be discussed at ministerial level.

### Yugoslavia

2.2.62. An initial round of negotiations to determine the arrangements for trade in textiles between Yugoslavia and the Community for the period 1983-86 was held from 30 June to 3 July. The two sides clarified their positions regarding, among other things, the legal and quantitative provisions of the prospective package.

A second round of talks, to include discussion of tariff questions, will take place this autumn and is expected to conclude the matter.

### Maghreb, Mashreq and Israel

2.2.63. On 23 July<sup>1</sup> the Commission reported to the Council on the outcome of the negotiations with Algeria and Tunisia for new financial protocols, which have just been initialled. This concludes the series of such negotiations with the Maghreb and Mashreq countries and Israel authorized by the Council in July 1981.<sup>2</sup>

## Developing countries

### ACP States and OCT

2.2.64. From 27 July to 1 August Mr Thorn made his first official visit to Africa in his capacity as President of the Commission. He went first to Kenya, currently chairing the OAU, then to Mali and then to Senegal, meeting Mr Arap Moi, President of Kenya, Mr Traore, President of Mali, and Mr Diouf, President of Senegal, along with members of their respective governments.

Topics discussed included bilateral relations between the States visited and the Community, with particular reference to food strategy, as well as general cooperation policy and North-South relations.

2.2.65. From 22 to 30 July Mr Pisani, Member of the Commission with special re-

sponsibility for development, made his first official visit to the Caribbean countries which are signatories to the Lomé Convention. He visited six of the 12 ACP countries of the region—Barbados, Dominica, Grenada, Trinidad and Tobago, Guyana and Jamaica. He also visited the leaders of the two main regional institutions in the Caribbean, Mr William Demas, President of the Caribbean Development Bank, and Mr Kurleigh King, Secretary General of Caricom.

### Accessions

2.2.66. The State of Antigua and Barbuda, a United Kingdom OCT which gained independence in November 1981, acceded to the Lomé Convention on 30 July<sup>3</sup> and thus became an ACP State.

### Export earnings

#### Stabex

2.2.67. Pursuant to the mandate given by the ACP-EEC Council of Ministers in Libreville,<sup>4</sup> the ACP-EEC Committee of Ambassadors agreed on the terms for applying Article 34 of the Convention (concerning the reduction of transfers in the event of a shortfall in resources) so that the Stabex transfers for 1981 could be paid in September.

2.2.68. On 14 July, following the results of the ACP-EEC Council in Libreville, the Council decided<sup>5</sup> to allocate an amount of 30 753 710 ECU for compensatory payments under the Stabex system for 1981.

#### Sysmin

2.2.69. The Commission decided in July to contribute 40 million ECU to the financing of projects to maintain the production and increase the productivity of a company which is Zaire's major copper and cobalt producer.

<sup>1</sup> OJ C 222, 26.8.1982.

<sup>2</sup> Bull. EC 7/8-1981, point 2.2.47.

<sup>3</sup> OJ L 242, 17.8.1982.

<sup>4</sup> Bull. EC 5-1982, points 2.2.51 and 2.2.59.

<sup>5</sup> OJ L 211, 20.7.1982.

The project cost is estimated at 47.5 million ECU, of which 40 million ECU will be provided by the Community in the form of a special loan (1% interest, duration 40 years, with a 10-year grace period).

Project completion is expected within three years, but most project elements will become operational between now and the end of 1983.

### European Development Fund

2.2.70. In July the Commission took decisions involving the allocation of fourth and fifth EDF resources totalling 182 856 500 ECU, in respect of Commission-administered projects and programmes and emergency aid, to finance operations in the following sectors:

	(ECU)
Emergency aid	10 700 000
Industrialization	13 229 000
Sysmin	40 000 000
Rural production	53 880 000
Fisheries and stockfarming	3 440 000
Economic infrastructure	34 153 500
Health	3 350 000
Training	3 330 000
Water engineering	10 000 000
Micro-projects	10 000 000
Trade promotion	774 000
	182 856 500

2.2.71. In August the Commission decided to grant emergency aid of 500 000 ECU to Cape Verde.

### Latin America

#### Brazil

2.2.72. On 12 July, under Article 54, second paragraph, of the ECSC Treaty, the Council gave the assent which the Commission had requested for a loan to Brazil for the cofinancing of capital projects with a view to operating the Carajas iron mine and transporting and loading the ore at the port of Ponta de Madeira.

The loan, which would amount to USD 600 million, would be made to the Vale do Rio Doce company.

This decision does not preclude the financing of similar projects in other regions, particularly Africa.

### Central America

2.2.73. At its meeting on 18 and 19 July the Council, following on from the conclusions of the European Council in June,<sup>1</sup> gave its agreement in principle to the Commission proposal<sup>2</sup> for special measures in Central America.

## State-trading countries

### Poland

2.2.74. On 8 July the Commission decided on a further instalment of emergency humanitarian aid for Poland amounting to 1 950 000 ECU. This instalment is part of the 7.5 million ECU package<sup>3</sup> which the Council approved on 30 June.

The aid, which is intended for the poorest sections of the population (families of detainees, children, infants, old people) and also includes help for detainees, consists as in the past<sup>4</sup> of essential foodstuffs, toilet requisites and medicines. It will be channelled through European non-governmental organizations.

### China

2.2.75. On 7 and 8 July the Commission organized a seminar in Brussels for bankers, traders and officials of the Member States' foreign trade organizations. This seminar, which was organized as part of the follow-up to the EEC-China Business Week held in spring 1981,<sup>5</sup> enabled the participants to gain a clearer picture of recent changes in

<sup>1</sup> Bull. EC 6-1982, point 1.5.6.

<sup>2</sup> Bull. EC 5-1982, point 2.2.62.

<sup>3</sup> Bull. EC 6-1982, point 2.2.71.

<sup>4</sup> Bull. EC 4-1982, point 2.2.63.

<sup>5</sup> Bull. EC 4-1981, point 1.3.1 *et seq.*

China's foreign trade system, in particular the measures to decentralize decision-making down to local bodies and the recently-created special economic zones. The seminar was addressed by a delegation of senior officials from China's central and local trade organs.

## Diplomatic relations

2.2.76. The President of the Council and the President of the Commission received Their Excellencies Mr Christian Berg-Nielsen, Mr Sahr Matturi and Mr J. Rudolph Johnson, who presented their letters of credence as Head of the Kingdom of Norway's Mission to the European Communities, Head of the Republic of Sierra Leone's Mission to the European Communities and Head of the Republic of Liberia's Mission to the European Economic Community respectively, with effect from 19 July.<sup>1</sup>

The new ambassadors succeed Mr Sverre Gjellum (Norway), Mr S.H. Kanu (Sierra Leone) and Mr S. Othello Coleman (Liberia).

## European political cooperation

2.2.77. On the occasion of the Council meeting held in Brussels on 19 and 20 July the Foreign Ministers of the Ten held a political cooperation meeting.

The Ministers debated again the situation in the Middle East (Lebanon, conflict between Iran and Iraq) in the light of the latest developments in the region and the results of the official visits by the Dutch Prime Minister, Mr Van Agt, to Cairo at the beginning of July and by Mr Genscher, the German Foreign Minister, to Amman on 13 and 14 July and to Cairo on 15 and 16 July.

2.2.78. On 8 July the European Parliament adopted a resolution on the political situation in Turkey.<sup>2</sup>

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<sup>1</sup> OJ C 204, 7.8.1982.

<sup>2</sup> Point 2.4.9.; OJ C 238, 13.9.1982.

# 3. Financing Community activities

## Budgets

### General budget

#### Budgetary conciliation procedure

2.3.1. In accordance with the procedure first applied in 1981<sup>1</sup> and following the agreement reached on the classification of expenditure (Joint Declaration of 30 June 1982),<sup>2</sup> the members of the Council met a parliamentary delegation on 27 July before the Council meeting on budgetary matters.

During the discussions the members of Parliament highlighted the political choices they wished to see reflected in the budget in 1983, and in particular the Community policies which directly or indirectly would enable the Community to make a contribution to the fight against unemployment and those with an impact on restructuring and innovation in the Community economies;

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<sup>1</sup> Bull. EC 7/8-1981, point 2.3.60; OJ C 101, 4.5.1981; Bull. EC 4-1981, points 2.3.1 and 2.3.6.

<sup>2</sup> OJ C 194, 28.7.1982; Bull. EC 6-1982, points 1.1.1 to 1.1.5.



they also stressed the importance they attached to an increase in items of spending which demonstrate solidarity with the developing countries.

The delegation underlined Parliament's concern to see the speedy adoption of a supplementary and amending budget for 1982 earmarking funds for priority needs such as the fight against unemployment and world hunger and emergency aid to Central America.

With regard to cooperation between the two arms of the budgetary authority all the participants stressed the high hopes they placed in the application of the Joint Declaration of 30 June.<sup>1</sup>

**Preliminary draft supplementary and amending budget No 1-1982**

2.3.2. At its meeting on 27 and 28 July the Council discussed the Commission's preliminary draft supplementary and amending budget No 1 but decided that it should not adopt a draft amending budget on that basis.

It stated, however, that it was prepared to examine with an open mind any proposals for transfers of appropriations that the Commission submitted to the budgetary authority to make the changes requested in the preliminary draft. The Council agreed in principle to a transfer of 65 million ECU to the Social Fund.

Mr Tugendhat expressed the Commission's disappointment that the Council had decided not to adopt a draft supplementary and amending budget, which the Commission felt was the best way of reallocating the considerable savings achieved in the management of the common agricultural policy. The Commission, he said, would endeavour to attain the same objectives by means of transfers within the current budget.

**1983 draft budget**

2.3.3. On 29 July, after lengthy discussions, the Council adopted the draft general budget for 1983. It totals 22 389 million ECU in appropriations for commitments and

21 094 million ECU in appropriations for payments, which, leaving aside the appropriations for supplementary measures in favour of the United Kingdom, represents an increase of 3.65% and 3.78% respectively on the 1982 budget but is 6.44% (1 541 million ECU) and 3.69% (807 million ECU) less than the preliminary draft proposed by the Commission.<sup>3</sup>

In non-compulsory expenditure, the Council increased appropriations for commitments by only 6.60% and appropriations for payments by only 8.18%; this compares with the rates of increase proposed by the Commission of 33.19% and 24.60% respectively. The maximum rate of increase for non-compulsory expenditure for 1983 is 11.8%.

Mr Tugendhat voiced the Commission's disappointment with the swingeing cuts the Council had made in the amounts proposed by the Commission. He stressed that the very moderate overall increase in expenditure—especially agricultural expenditure—scheduled for 1983 would offer scope for substantial increases in what were considered priority areas not only by the Commission and Parliament but by the European Council too, notably measures to combat unemployment.

The appropriations entered by the Council in its draft breakdown as follows by major sector:

*Structural funds:* the amounts agreed by the Council are as follows (Commission proposals in brackets):

		<i>(million ECU)</i>	
ERDF	commitment	1 910	(2 400)
	payment	1 175	(1 410)
Social Fund	commitment	1 442	(1 800)
	payment	1 155	(1 264)
EAGGF Guidance Section	commitment	774	(787)

*EAGGF Guarantee Section:* the Council endorsed the 14 050 million ECU proposed by

<sup>1</sup> OJ C 194, 28.7.1982; Bull. EC 6-1982, points 1.1.1 to 1.1.5.  
<sup>2</sup> Bull. EC 6-1982, point 2.3.3.  
<sup>3</sup> Bull. EC 6-1982, point 2.3.2.

the Commission, which accounts for 66.61% of the budget.

*Development aid:* the following appropriations were entered in the draft budget:

	<i>(million ECU)</i>	
commitment	978	(1 189)
payment	865	(1 022)

*Energy, industry, research and transport:* the following appropriations were entered in the draft budget:

	<i>(million ECU)</i>	
Energy	commitment	42 (169)
	payment	57 (106)
Research	commitment	425 (538)
	payment	411 (477)
Industry	commitment	25 (48)
	payment	35 (49)
Transport	commitment	1.4 (32)
	payment	1.4 (51)

Parliament will hold its first reading of the draft budget at a part-session in October.

Tables 1 and 2 show the changes made to each budgetary area at each stage of the procedure.

### Own resources

2.3.4. On 16 July the Commission sent to the Council a proposal<sup>1</sup> amending and extending by three years the term of validity (due to end on 31 December 1982) of the Regulation of 19 December 1977<sup>2</sup> concerning uniform arrangements for collecting VAT own resources and the procedures for applying these arrangements.

2.3.5. On 23 July the Commission submitted a report to the Council on the application of the Regulation of 19 December 1977<sup>3</sup> implementing the Decision of 21 April 1970<sup>4</sup> on the replacement of financial contributions from Member States by the Communities' own resources. The report was accompanied by proposals for amendments to the Regulation.

### 1980 discharge

2.3.6. In response to the request expressed by Parliament in its Resolution of 20 April 1982<sup>5</sup> on the discharge for 1980, the Com-

mission forwarded to Parliament on 31 August a report on certain aspects of the management of Community funds in 1980; the points covered included certain items of EAGGF expenditure, food aid and development aid, the management of appropriations under the provisional twelfths system and borrowing and lending operations.

## Financial operations

### Borrowing and lending operations

2.3.7. As required by Article 29 of the Financial Regulation of 21 December 1977,<sup>6</sup> on 5 August the Commission sent to the Council and to Parliament the report on the Community's borrowing and lending operations in 1981.

### ECSC

#### Loans raised

2.3.8. In July the Commission concluded two private placings in DM for the equivalent of 33 million ECU, one private placing in FF for 4.3 million ECU and a bank credit in UKL for 6.3 million ECU.

#### Loans paid out

2.3.9. Acting under Articles 54 and 56 of the ECSC Treaty, the Commission made loans in July amounting to a total of 57.43 million ECU.

#### Industrial loans

2.3.10. Industrial loans (Article 54) totalling 14.84 million ECU were paid out during the period. They were to finance the following projects:

<sup>1</sup> OJ C 200, 4.8.1982.

<sup>2</sup> OJ L 336, 27.12.1977.

<sup>3</sup> OJ C 231, 4.9.1982.

<sup>4</sup> OJ L 94, 28.4.1970.

<sup>5</sup> Bull. EC 4-1982, points 2.3.5 and 2.4.6.

<sup>6</sup> OJ L 356, 31.12.1977.

**France**

Centrale Sidérurgique de Richemont, Uckange (Moselle): Renovation of two 115 MW units.

Imphy SA, Paris: Modernization of the production of special steels at the Imphy plant (Nièvre).

**United Kingdom**

Roddymoor Colliery Ltd, Witton le Wear: Installation of a new plant at Roddymoor, Durham, to replace the Ramshaw plant which was closed as a result of flooding.

**Italy**

La Magona d'Italia Spa, Florence: Installation in the Piombino plant of a second coating line (varnished thin steel plate).

**Subsidized housing**

2.3.11. Loans for the building of subsidized housing amounted to 1 100 000 ECU, of which 1 030 000 ECU was for steelworkers and 70 000 ECU for mineworkers.

**Conversion loans**

2.3.12. In July conversion loans (Article 56) totalling 41.49 million ECU were granted to the following firms:

*Federal Republic of Germany:* Industriekreditbank AG — Deutsche Industriebank, Düsseldorf (for small and medium-sized firms).

*France:* Nord-Pas de Calais: Compagnie des Produits Industriels de la Clarence CPIC, Marles-les-Mines (Béthune works).

*Netherlands:* Limburg: De Nationale Investeringsbank NV, The Hague (for Rockwool Lapinus, Melick/Herkenbosch/Roermond).

*United Kingdom:* West Midlands: Danks Engineering Ltd, Netherton, Dudley;

Gwent: Mitel Telecom Ltd, Newport;

Cleveland: Cleveland Offshore, Darlington, Port Clarence, Middlesbrough;

Finance for Industry, London (for small and medium-sized firms);

Scottish Development Agency, Glasgow (for small and medium-sized firms);

Barclays Bank Ltd, London (for small and medium-sized firms).

2.3.13. Acting under Article 54 of the ECSC Treaty, in August the Commission paid out an industrial loan and loans for subsidized housing amounting to 5.39 million ECU.

The industrial loan was granted to Hellenic Ferroalloys SA in Athens for the working and enrichment of chromite and its conversion into ferrochrome.

**NCI-EEC****Loans raised**

2.3.14. In July the Commission concluded a private placing in HFL for 23 million ECU.

**Euratom****Loans raised**

2.3.15. In July the Commission concluded a private placing in LFR for 18.8 million ECU.

Table 1 — *Community expenditure by sector*  
*Appropriations for payments*

	1982 budget		1983 preliminary draft budget		Change (2/1)		Council draft first reading		Change (4/1)	
	1	%	2	%	3	%	4	%	5	%
<b>I. Section IIIB — Commission (operating appropriations)</b>										
<i>A. Agricultural market guarantees</i>										
• EAGGF Guarantee (Ch. 10 to 29)	13 671 300 000	62.19	14 050 000 000	64.15	+ 378 700 000	+ 2.77	14 050 000 000	66.61	+ 378 700 000	+ 2.77
<i>B. Fisheries (Ch. 30 to 36)</i>										
	87 611 000	0.40	85 432 000	0.39	- 2 179 000	- 2.49	84 110 000	0.40	- 3 501 000	- 4.00
<i>C. Agricultural structures</i>										
• EAGGF Guidance (Ch. 40 to 43)	759 100 000	3.45	628 520 000	2.87	- 130 580 000	- 17.20	612 620 000	2.90	- 146 480 000	- 19.30
• Specific measures (Ch. 48)	14 499 000	0.07	38 656 350	0.18	+ 24 157 350	+ 166.61	38 462 950	0.18	+ 23 963 950	+ 165.28
Total C	773 599 000	3.52	667 176 350	3.05	- 106 422 650	- 13.76	651 082 950	3.09	- 122 516 050	- 15.84
<i>D. Regional policy</i>										
• Regional Fund (Ch. 50 and 51)	1 075 000 000	4.89	1 410 000 000	6.44	+ 335 000 000	+ 31.16	1 175 000 000	5.57	+ 100 000 000	+ 9.30
• EMS (Ch. 52)	200 000 000	0.91	200 000 000	0.91	—	—	200 000 000	0.95	—	—
• Supplementary measures (UK) (Ch. 53)	1 654 212 000	7.52	token entry	—	- 1 654 212 000	—	token entry	—	- 1 654 212 000	—
• Miscellaneous (Ch. 54 and 55)	18 750 000	0.09	49 680 000	0.23	+ 30 930 000	+ 164.96	16 800 000	0.08	- 1 950 000	- 10.40
Total D	2 947 962 000	13.41	1 659 680 000	7.58	- 1 288 282 000	- 43.70	1 391 800 000	6.60	- 1 556 162 000	- 52.79
<i>E. Social policy</i>										
• Social Fund (Ch. 60, 61 and 62)	911 317 200	4.15	1 264 500 000	5.77	+ 353 182 800	+ 38.76	1 155 400 000	5.48	+ 244 082 800	+ 26.78
• Miscellaneous (Ch. 64, 65, 68 and 69)	89 371 000	0.41	113 520 000	0.52	+ 24 149 000	+ 27.02	92 961 000	0.44	+ 3 590 000	+ 4.02
• Education and culture (Ch. 63 and 67)	10 736 500	0.05	18 850 000	0.09	+ 8 113 500	+ 75.57	12 505 000	0.06	+ 1 768 500	+ 16.47
• Environment and consumers (Ch. 66)	10 800 000	0.05	16 166 000	0.07	+ 5 366 000	+ 49.69	8 545 000	0.04	- 2 255 000	- 20.88
Total E	1 022 224 700	4.66	1 413 036 000	6.45	+ 390 811 300	+ 38.23	1 269 411 000	6.02	+ 247 186 300	+ 24.18

<b>F. Research, energy, industry, transport</b>												
• Energy policy (Ch. 70 and 71)	49 060 000	0.22	106 007 000	0.48	+	56 947 000	+ 116.08	57 718 000	0.27	+	8 658 000	+ 17.65
• Research and investment (Ch. 72 and 73)	337 760 000	1.54	477 443 000	2.18	+	139 683 000	+ 41.36	411 017 000	1.95	+	73 257 000	+ 21.69
• Information and innovation (Ch. 75)	10 471 000	0.05	13 355 000	0.06	+	2 884 000	+ 27.54	10 275 000	0.05	-	196 000	- 1.87
• Industry and internal market (Ch. 77)	36 950 000	0.17	49 206 000	0.22	+	12 256 000	+ 33.17	35 256 000	0.17	-	1 694 000	- 4.58
• Transport (Ch. 78)	1 500 000	0.01	31 950 000	0.15	+	30 450 000	+ 2.03	1 400 000	0.01	-	100 000	- 6.67
<b>Total F</b>	<b>435 741 000</b>	<b>1.98</b>	<b>677 961 000</b>	<b>3.10</b>	<b>+</b>	<b>242 220 000</b>	<b>+ 55.59</b>	<b>515 666 000</b>	<b>2.44</b>	<b>+</b>	<b>79 925 000</b>	<b>+ 18.34</b>
<b>G. Repayments and reserves</b>												
• Repayments to the Member States (Ch. 80)	962 410 000	4.38	1 014 622 000	4.63	+	52 212 000	+ 5.43	1 014 622 000	4.81	+	52 212 000	+ 5.43
• Other repayments (Ch. 82 and 86)	158 456 820	0.72	109 890 036	0.58	-	48 566 784	- 30.66	106 142 329	0.50	-	52 314 491	- 33.02
• Financial mechanism (Ch. 81)	token entry	—	token entry	—	—	—	—	token entry	—	—	—	—
• Miscellaneous (Ch. 79, 83, 84 and 85)	token entry	—	token entry	—	—	—	—	token entry	—	—	—	—
• Reserves (Ch. 101 and 102)	5 000 000	0.02	5 000 000	0.02	—	—	—	5 000 000	0.02	—	—	—
<b>Total G</b>	<b>1 125 866 820</b>	<b>5.12</b>	<b>1 129 512 036</b>	<b>4.72</b>	<b>+</b>	<b>3 645 216</b>	<b>+ 0.32</b>	<b>1 125 764 329</b>	<b>5.34</b>	<b>-</b>	<b>102 491</b>	<b>- 0.01</b>
<b>H. Development cooperation and non-member countries</b>												
• EDF (Ch. 90 and 91)	token entry	—	token entry	—	—	—	—	token entry	—	—	—	—
• Food aid (Ch. 92)	503 600 000	2.29	596 950 000	2.73	+	93 350 000	+ 18.54	531 400 000	2.52	+	27 800 000	+ 5.52
• Non-associated developing countries (Ch. 93)	119 635 000	0.54	139 450 000	0.64	+	19 815 000	+ 16.56	123 635 000	0.59	+	4 000 000	+ 3.34
• Specific and exceptional measures (Ch. 94 and 95)	28 455 000	0.13	38 315 000	0.17	+	9 860 000	+ 34.65	27 705 000	0.13	-	750 000	- 2.64
• Cooperation with Mediterranean countries (Ch. 96)	121 800 000	0.55	193 557 000	0.88	+	71 757 000	+ 58.91	136 457 000	0.65	+	14 657 000	+ 12.03
• Miscellaneous (Ch. 97, 98 and 99)	43 321 000	0.20	54 512 500	0.25	+	11 191 500	+ 25.83	46 090 900	0.22	+	2 769 900	+ 6.39
<b>Total H</b>	<b>816 811 000</b>	<b>3.71</b>	<b>1 022 784 500</b>	<b>4.67</b>	<b>+</b>	<b>205 973 500</b>	<b>+ 25.22</b>	<b>865 287 900</b>	<b>4.10</b>	<b>+</b>	<b>48 476 900</b>	<b>+ 5.93</b>
<b>Total Section IIIB</b>	<b>20 881 115 520</b>	<b>94.98</b>	<b>20 705 581 886</b>	<b>94.54</b>	<b>-</b>	<b>175 533 634</b>	<b>- 0.84</b>	<b>19 953 122 179</b>	<b>94.59</b>	<b>-</b>	<b>927 993 341</b>	<b>- 4.44</b>
<b>II. Section IIIA — Commission (Staff and administrative appropriations)</b>	<b>728 830 650</b>	<b>3.32</b>	<b>790 993 000</b>	<b>3.61</b>	<b>+</b>	<b>62 162 350</b>	<b>+ 8.53</b>	<b>737 990 800</b>	<b>3.50</b>	<b>+</b>	<b>9 160 150</b>	<b>+ 1.26</b>
<b>Commission total</b>	<b>21 609 946 170</b>	<b>98.30</b>	<b>21 496 574 886</b>	<b>98.15</b>	<b>-</b>	<b>113 371 284</b>	<b>- 0.52</b>	<b>20 691 112 979</b>	<b>98.09</b>	<b>-</b>	<b>918 833 191</b>	<b>- 4.25</b>
<b>III. Sections I, II, IV and V — Other institutions</b>	<b>374 495 370</b>	<b>1.70</b>	<b>405 019 920</b>	<b>1.85</b>	<b>+</b>	<b>30 524 550</b>	<b>+ 8.15</b>	<b>403 272 341</b>	<b>1.91</b>	<b>+</b>	<b>28 776 971</b>	<b>+ 7.68</b>
<b>Grand total</b>	<b>21 984 441 540</b>	<b>100.00</b>	<b>21 901 594 806</b>	<b>100.00</b>	<b>-</b>	<b>82 846 734</b>	<b>- 0.38</b>	<b>21 094 385 320</b>	<b>100.00</b>	<b>-</b>	<b>890 056 220</b>	<b>- 4.05</b>

Table 2 — *Community expenditure by sector.*  
Appropriations for commitments

	1982 budget		1983 preliminary draft budget		Change (2/1)		Council draft first reading		Change (4/1)	
	1	%	2	%	3	%	4	%	5	%
<b>I. Section IIB — Commission (operating appropriations)</b>										
<i>A. Agricultural market guarantees</i>										
• EAGGF Guarantee (Ch. 10 to 29)	13 671 300 000	58.78	14 050 000 000	58.71	+ 378 700 000	+ 2.77	14 050 000 000	62.75	+ 378 700 000	+ 2.77
<i>B. Fisheries (Ch. 30 to 36)</i>										
	74 736 000	0.32	92 832 000	0.39	+ 18 096 000	+ 24.21	91 510 000	0.41	+ 16 774 000	+ 22.44
<i>C. Agricultural structures</i>										
• EAGGF Guidance (Ch. 40 to 43)	765 500 000	3.29	787 900 000	3.29	+ 22 400 000	+ 2.93	774 900 000	3.46	+ 9 400 000	+ 1.23
• Specific measures (Ch. 48)	15 218 000	0.07	41 223 350	0.17	+ 26 005 350	+ 170.89	39 529 950	0.18	+ 24 311 950	+ 159.76
<b>Total C</b>	<b>780 718 000</b>	<b>3.36</b>	<b>829 123 350</b>	<b>3.46</b>	<b>+ 48 405 350</b>	<b>+ 6.20</b>	<b>814 429 950</b>	<b>3.64</b>	<b>+ 33 711 950</b>	<b>+ 4.32</b>
<i>D. Regional policy</i>										
• Regional Fund (Ch. 50 and 51)	1 759 500 000	7.56	2 400 000 000	10.03	+ 640 500 000	+ 36.40	1 910 000 000	8.53	+ 150 500 000	+ 8.55
• EMS (Ch. 52)	200 000 000	0.86	200 000 000	0.84	—	—	200 000 000	0.89	—	—
• Supplementary measures (UK) (Ch. 53)	1 654 212 000	7.11	token entry	—	- 1 654 212 000	—	token entry	—	- 1 654 212 000	—
• Miscellaneous (Ch. 54 and 55)	18 750 000	0.08	62 880 000	0.26	+ 44 130 000	+ 235.36	16 800 000	0.08	- 1 950 000	- 10.40
<b>Total D</b>	<b>3 632 462 000</b>	<b>15.62</b>	<b>2 662 880 000</b>	<b>11.13</b>	<b>- 969 582 000</b>	<b>- 26.69</b>	<b>2 126 800 000</b>	<b>9.50</b>	<b>- 1 505 662 000</b>	<b>- 41.45</b>
<i>E. Social policy</i>										
• Social Fund (Ch. 60, 61 and 62)	1 242 764 800	5.34	1 800 000 000	7.52	+ 557 235 200	+ 44.84	1 442 000 000	6.44	+ 199 235 200	+ 16.03
• Miscellaneous (Ch. 64, 65, 68 and 69)	90 421 000	0.39	115 220 000	0.48	+ 24 799 000	+ 27.43	93 241 000	0.42	+ 2 820 000	+ 3.12
• Education and culture (Ch. 63 and 67)	10 736 500	0.05	18 850 000	0.08	+ 8 113 500	+ 75.57	12 505 000	0.06	+ 1 768 500	+ 16.47
• Environment and consumers (Ch. 66)	13 300 000	0.06	21 316 000	0.09	+ 18 016 000	+ 60.27	7 645 000	0.03	- 5 655 000	- 42.52
<b>Total E</b>	<b>1 357 222 300</b>	<b>5.84</b>	<b>1 955 386 000</b>	<b>8.17</b>	<b>+ 598 163 700</b>	<b>+ 44.07</b>	<b>1 555 391 000</b>	<b>6.95</b>	<b>+ 198 168 700</b>	<b>+ 14.60</b>

<b>F. Research, energy, industry, transport</b>												
• Energy policy (Ch. 70 and 71)	66 810 000	0.29	169 645 000	0.71	+	102 835 000	+ 153.92	42 795 000	0.19	-	24 015 000	- 35.95
• Research and investment (Ch. 72 and 73)	400 476 000	1.72	538 512 000	2.25	+	138 036 000	+ 34.47	425 719 000	1.90	+	25 243 000	+ 6.30
• Information and innovation (Ch. 75)	13 855 000	0.06	17 755 000	0.07	+	3 900 000	+ 28.15	11 175 000	0.05	-	2 680 000	- 19.34
• Industry and internal market (Ch. 77)	63 950 000	0.27	48 526 000	0.20	-	15 424 000	- 24.12	25 406 000	0.11	-	38 544 000	- 60.27
• Transport (Ch. 78)	11 500 000	0.05	51 950 000	0.22	+	40 450 000	+ 351.74	1 400 000	0.01	-	10 100 000	- 87.83
<b>Total F</b>	<b>556 591 000</b>	<b>2.39</b>	<b>826 388 000</b>	<b>3.45</b>	<b>+</b>	<b>269 797 000</b>	<b>+ 48.47</b>	<b>506 495 000</b>	<b>2.26</b>	<b>-</b>	<b>50 096 000</b>	<b>- 9.00</b>
<b>G. Repayments and reserves</b>												
• Repayments to the Member States (Ch. 80)	962 410 000	4.14	1 014 622 000	4.24	+	52 212 000	+ 5.43	1 014 622 000	4.53	+	52 212 000	- 5.43
• Other repayments (Ch. 82 and 86)	158 456 820	0.68	109 890 036	0.46	-	48 566 784	- 30.65	106 142 329	0.47	-	52 314 491	- 33.02
• Financial mechanism (Ch. 81)	token entry	—	token entry	—	—	—	—	token entry	—	—	—	—
• Miscellaneous (Ch. 79, 83, 84 and 85)	token entry	—	token entry	—	—	—	—	token entry	—	—	—	—
• Reserves (Ch. 101 and 102)	5 000 000	0.02	5 000 000	0.02	—	—	—	5 000 000	0.02	—	—	—
<b>Total G</b>	<b>1 125 866 820</b>	<b>4.84</b>	<b>1 129 512 036</b>	<b>4.72</b>	<b>+</b>	<b>3 645 216</b>	<b>+ 0.32</b>	<b>1 125 764 329</b>	<b>5.03</b>	<b>-</b>	<b>102 491</b>	<b>- 0.01</b>
<b>H. Development cooperation and non-member countries</b>												
• EDF (Ch. 90 and 91)	token entry	—	token entry	—	—	—	—	token entry	—	—	—	—
• Food aid (Ch. 92)	503 600 000	2.17	596 950 000	2.49	+	93 350 000	+ 18.54	531 400 000	2.37	+	27 800 000	+ 5.52
• Non-associated developing countries (Ch. 93)	198 135 000	0.85	307 950 000	1.29	+	109 815 000	+ 55.42	209 635 000	0.94	+	11 500 000	+ 5.80
• Specific and exceptional measures (Ch. 94 and 95)	28 455 000	0.12	39 815 000	1.17	+	11 360 000	+ 39.92	30 705 000	0.14	+	2 250 000	+ 7.91
• Cooperation with Mediterranean countries (Ch. 96)	184 400 000	0.79	190 512 000	0.80	+	6 112 000	+ 5.31	160 512 000	0.72	-	23 888 000	- 12.95
• Miscellaneous (Ch. 97, 98 and 99)	43 321 000	0.19	54 512 500	0.23	+	11 191 500	+ 25.83	46 090 900	0.21	+	2 769 900	+ 6.39
<b>Total H</b>	<b>957 911 000</b>	<b>4.12</b>	<b>1 189 739 500</b>	<b>4.97</b>	<b>+</b>	<b>231 828 500</b>	<b>+ 24.20</b>	<b>978 342 900</b>	<b>4.37</b>	<b>+</b>	<b>20 431 900</b>	<b>+ 2.13</b>
<b>Total section IIIB</b>	<b>22 156 807 120</b>	<b>95.26</b>	<b>22 735 860 886</b>	<b>95.00</b>	<b>+</b>	<b>579 053 766</b>	<b>+ 2.61</b>	<b>21 248 733 179</b>	<b>94.90</b>	<b>-</b>	<b>908 073 941</b>	<b>- 4.10</b>
<b>II. Section IIIA — Commission (Staff and administrative appropriations)</b>												
<b>Commission total</b>	<b>728 830 650</b>	<b>3.13</b>	<b>790 993 000</b>	<b>3.31</b>	<b>+</b>	<b>62 162 350</b>	<b>+ 8.53</b>	<b>737 990 800</b>	<b>3.30</b>	<b>+</b>	<b>9 160 150</b>	<b>+ 1.26</b>
<b>III. Sections I, II, IV and V — Other institutions</b>												
<b>Grand total</b>	<b>23 260 133 140</b>	<b>100.00</b>	<b>23 931 873 806</b>	<b>100.00</b>	<b>+</b>	<b>671 740 666</b>	<b>+ 2.89</b>	<b>22 389 996 320</b>	<b>100.00</b>	<b>-</b>	<b>870 136 820</b>	<b>- 3.74</b>

## 4. Institutional and political matters

### European policy and relations between the institutions

#### European policy

##### European union

2.4.1. On 6 July Parliament passed a Resolution<sup>1</sup> moved by Mr Spinelli on guidelines for the reform of the Treaties and the completion of European union. The aim of the wide-ranging operation which is being tackled by the institutional committee set up by Parliament in July 1981<sup>2</sup> is to ensure that, by the 1984 elections, Parliament can present to the electorate an outline for European union and put forward the policies which Europe needs, together with proposals on how the institutions responsible for these policies should operate. The institutional committee has now finished the first phase of its work.

Next year a detailed resolution dealing with all aspects of this question will be moved. Parliament will vote on this and then a formal draft of the reforms will be adopted and submitted for ratification by the Member States before the 1984 elections.

### Institutions and organs of the Communities

#### Parliament<sup>3</sup>

##### Strasbourg: 5 to 9 July

2.4.2. The July part-session saw a number of debates on political issues, some of which—notably the plans for European union and the budgetary dialogue—will play a decisive role in the future of Parliament and the Community.

The House's other business included its first reading of the Community's preliminary draft budget for 1983, relations between the Community and the United States, enlargement and improvements to the common organization of the market in wine. Resolutions were passed on Community relations

with Turkey and the idea of a European judicial area.

During the part-session the Danish Foreign Minister and new Council President, Mr Olesen, reported on the results of the European Council of 28 and 29 June and then presented the Danish Presidency's programme for the coming half-year.<sup>4</sup>

##### European union: confirmation

2.4.3. On the basis of the report presented by Mr Altiero Spinelli (*Com/I*) setting out initial guidelines for the achievement of European union, the House adopted by 257 votes against 37 with 21 abstentions a resolution endorsing the conclusions of the Committee on Institutional Affairs and instructing it to pursue its deliberations along the lines it had followed so far.

This completes the first stage of the work towards a reform of the Treaties, which began with the deliberations of the 'Crocodile Club' and the resolution passed in the House on 9 July 1981,<sup>5</sup> setting up a standing committee on institutional affairs, which started work last February.

Now that this Committee has received the go-ahead from the House, it will be able to continue its work by assigning to six rapporteurs and a coordinator the task of present-

<sup>1</sup> Point 2.4.3; OJ C 238, 13.9.1982.

<sup>2</sup> Bull. EC 7/8-1981, point 2.3.4.

<sup>3</sup> 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 238, 13.9.1982 and the report of the proceedings is contained in OJ Annex 286. The political groups of members are indicated in brackets by the following abbreviations: *Soc* = Socialists; *EPP* = European People's Party — Christian Democratic Group; *ED* = *European Democratic Group*; *Com* = Communists and Allies; *Lib* = Liberals and Democrats; *EPD* = European Progressive Democrats; *Ind* = Group for the Technical Coordination and 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* = The Netherlands, *UK* = United Kingdom.

<sup>4</sup> Point 3.4.1.

<sup>5</sup> OJ C 234, 14.9.1981; Bull. EC 7/8-1981, point 2.3.5.



ing a set of proposals early in 1983. Depending on what emerges from the discussions on these proposals, a preliminary draft Treaty will be prepared for submission to Parliament in autumn 1983.

The resolution passed at the end of this first stage describes the role of European union, which is to be defined in accordance with a basic principle of subsidiarity, meaning that the union will only undertake those tasks that can be executed more effectively in common than by the Member States separately. Subject to that principle, its competence will extend to all fields of activity: the economy, industry, agriculture, energy, trade, monetary matters, regional development, social policy, environment, development aid, etc., and also international relations and security. On the institutional side Parliament would see its political role strengthened so that it could exercise legislative power jointly with the Council. On the matter of the budget, the apportionment of tax resources between the union and the Member States would be reviewed at regular intervals in accordance with their respective tasks and obligations.

During the debate 42 speakers took the floor, a very large majority of whom supported Mr Spinelli's report and resolution.

On the basis of a similar analysis of the problems involved members were divided between a certain scepticism and the hope of creating, through this discussion, a motive force for the 1984 elections. Hope from Mrs Veil (*Lib/F*), for whom the union project was not an idle dream but a real need if Europe was to play its role between the two super-powers. Hope, too, from Mr Pflimlin (*EPPF*), who called for stronger powers for Parliament so that the public could have a say in Community decision-making. He hoped that with these greater powers Parliament could help to counter a certain disenchantment which was spreading even to those working for the construction of Europe, turning them into 'priests who had lost their faith'. This lack of faith was also highlighted by Mr Chambeiron (*Com/F*) whose final comment was: 'Let us beware of building cathedrals when faith is lacking'.

He had argued that emphasis on the difficulties with the operation of the institutions when the political will to resolve certain problems was missing could show the Community to be more concerned with form than with substance.

Several other members also believed that this question of powers was but part of a broader debate on the Europe of tomorrow. Mr Jaquet (*Soc/F*) felt that not only did the institutions need revitalizing but the common policies as well. What was the point of having institutions which worked better, if they had to work in a vacuum? Mr Glinne (*Soc/B*) felt that Europe needed 'a second wind', a search of conscience, while Mr de la Malène (*EPD/F*) urged ambition but without losing sight of reality, for dreamers were not builders.

In the same vein Mr Andriessen, speaking for the Commission, stressed the vital importance of the two-front approach: the institutional approach so that Parliament could secure greater powers and the step-by-step political approach in order to improve present practice. The Commission intended to play its full part in the debate. Citing the conciliation procedure<sup>1</sup> and Parliament's involvement in the drafting and conclusion of international agreements and accession treaties,<sup>2</sup> Mr Andriessen reminded the House that the Commission had already submitted proposals which entailed no amendments to the Treaties.

In conclusion, Mr Andriessen called for the Community to be vested with political instruments that would allow it to play its role for peace and security, which meant that it had to achieve political unity.

#### **Enlargement: determination**

2.4.4. Parliament expressed its determined support for the enlargement of the Community and in a resolution asked the Commission to submit a progress report on the accession negotiations for October. Parliament's resolution expressed a dual concern

<sup>1</sup> Bull. EC 12-1981, points 1.3.1 to 1.3.7.

<sup>2</sup> Bull. EC 5-1982, points 2.4.2 to 2.4.9.

to see the negotiations conducted with a will to succeed and to ensure that the Mediterranean regions and the less-favoured areas did not suffer as a result of an ill-prepared enlargement. In answer to questions from several members, Mr Natali told the House that the Community's internal problems must not overshadow the expectations of the applicant countries, which had been encouraged by clear political commitments. 'If we disappoint those expectations—and they will surely be disappointed if we go on with non-decisions, requests for studies and more detailed consideration—we will assume a heavy political responsibility. The Commission could not agree with such tactics.' The Vice-President concluded by reminding the House that the Commission had never made a secret of the difficulties of enlargement and the problems to be solved—to which it had devoted enormous energy—and yet it was often accused of taking too technocratic an approach 'when it had made no bones about pointing out difficulties to optimists, genuine or occasional, of whatever colour'.

#### Budgetary procedure: ratification

2.4.5. On 8 July Parliament ratified by 125 votes to 28 with 8 abstentions the joint declaration on various measures to improve the budgetary procedure, signed by the Presidents of the three institutions on 30 June.<sup>1</sup> Despite firm opposition from the Liberal Group and some indecision on other benches, the House considered that the agreement secured was a step forward. In its resolution it gave its interpretation of the joint declaration and stressed that the new classification of expenditure determined on the basis of the present state of the negotiations would have to be reviewed subsequently in line with changes in the interpretation of the budgetary rules.

It was recalled that the Council had endorsed this idea as early as 1970, as indicated in a declaration introducing the distinction between compulsory and non-compulsory expenditure.

The House took the view that the joint declaration should ensure full compliance with Article 203 of the Treaty, in particular as regards the requirement to complete the

budgetary procedure before the beginning of the financial year. It met the requirement of compliance with the powers conferred on the President of Parliament, whose right it was to declare the budget finally adopted; it confirmed the concept of margin for manoeuvre and Parliament's right to use that margin in the context both of the annual budget and, for the remaining portion, of supplementary or amending budgets adopted during the financial year; it confirmed that future legislative provisions must not fix ceilings on expenditure; it permitted appropriations to be entered in the budget even in the absence of a specific regulation and enabled appropriations not supported by a specific regulation to be implemented during the financial year, unless they related to significant new Community action.

During the debate several members criticized the vagueness of certain passages in the declaration; Mr Aigner (*EPD/F*) regretted that it had had two different readings while Mrs Scrivener (*Lib/F*) believed that no agreement at all was better than a bad agreement. Mr Gouthier (*Com/I*) claimed that Parliament did not have to make any concessions; it had nothing to give and all to play for. For the European Democratic Group Mr Price (UK) expressed misgivings over how the Council would apply the arrangements which provided for entry of appropriations by Parliament in the absence of a regulation.

An amendment tabled by the EPD Group and adopted by the House reserves the right for Parliament to re-assert its full legal rights if, at any time in the future, the Council or the Commission fail to adhere to the joint declaration.

#### 1983 budget: disappointment

2.4.6. Parliament examined the preliminary draft budget for 1983 in the light of the guidelines it had presented in April. The report by the Committee on Budgets had shown some disappointment both in regard to the amounts entered for the Social and Regional Funds (the House had hoped that in 1983 the Social Fund would account for

<sup>1</sup> Bull. EC 6-1982, point 1.1.1 *et seq.*

nearly 10% of the budget) and in respect of the structure of the budget, where it was regretted that a better balance had not been achieved between agricultural and other expenditure and that certain commitment appropriations, particularly those for industrial policy, had been cut.

All the rapporteurs for the committees deplored the inadequacy of the appropriations allocated for policies other than agriculture. The spokesmen for the political groups were more divided.

In response to the criticisms about the inadequacy of the appropriations for the Social Fund, Mr Tugendhat, for the Commission, claimed that to consider an increase of 55% as pitiful showed no conception of the real world in which we were living. 'Don't let us pretend that money grows on trees', he concluded.

2.4.7. Parliament did, however, approve the preliminary draft of supplementary and amending budget No 1/1982<sup>1</sup> and asked the Council at all events not to entertain any idea of not re-using—notably for the Social Fund and development aid—the sums saved on agriculture.<sup>2</sup>

### Community-United States: apprehension

2.4.8. There was virtually unanimous support for a resolution on trade relations between the US and the Community, moved by the Socialist, EPP, ED and Liberal Groups, in which Parliament voiced its concern over the American measures on steel and the embargo imposed on imports of American technology for the construction of the Siberian gas pipeline.

Caught between the speakers who took a firm stance, believing that Europe must learn its lessons from the American decision, and those who pleaded for a dialogue to persuade the Americans to change their minds, Mr Haferkamp and Mr Davignon appraised the situation and put the Commission's view. Mr Davignon, who was against any renegeing on the contracts already signed with the Soviet Union, said that compromises could be reached, but they must not harm our legitimate interests.

### Turkey: understanding

2.4.9. The situation in Turkey was the subject of a debate which ended with the adoption by 105 votes to 100 with 9 abstentions of a resolution expressing a cautiously positive attitude towards the Turkish authorities who last December had undertaken to restore democratic rule in the country from the end of 1983 or early 1984. After a debate which clearly revealed the division between right and left (the Greek members voted with the left) and involved the tabling of 92 amendments (most of them from the parties of the left) the Communist and Socialist Groups voted against the resolution, which to their minds failed to give a clearcut response to a situation that had got no better since the beginning of the year.

While condemning the violations of human rights, the resolution showed some understanding for the situation inside Turkey and called for reserve to allow the Turkish authorities time to give effect to their intentions of organizing the process of a return to democracy. It nevertheless carried a request to the Turkish National Security Council to demonstrate that human rights were being respected, particularly in the case of persons on trial or in detention, and to allow a delegation from the International Red Cross to carry out an objective investigation of the situation in Turkish prisons.

2.4.10. The House also adopted a resolution in which the Member States were urged to grant Turkish workers in possession of a work and residence permit for another Member State a one-year visa free of charge. Such a measure, which was on essentially humanitarian grounds to facilitate transit, would not conflict with the reasons which have prompted some Member States to introduce visa requirements.

### Unity of Europe: a token

2.4.11. A resolution passed by 78 votes to 62 with 10 abstentions contained an idea from Parliament's Political Affairs Committee: it proposed keeping an empty seat in the Chamber during one annual debate.

<sup>1</sup> Bull. EC 6-1982, point 2.3.2.

<sup>2</sup> Point 2.3.2.

This empty seat would symbolize the fact that the Community was open to any European State which subscribed to its ideals, its resolve not to forget the nations of Europe living under the hegemony of a foreign power and Parliament's hope that, in time, the representatives of all the nations of Europe would be united within a free political union.

The House would keep this 'symbolic' seat empty during an annual debate on the political and economic situation of Europe as a whole, based on the 1975 Helsinki Final Act.

#### **Wine: call for renewed consultation**

2.4.12. At the end of a lengthy debate on the crisis in the wine sector Parliament adopted by 89 votes to 44 and 9 abstentions the report of its Committee on Agriculture but rejected the proposal for a Commission Regulation changing the common organization of the wine market,<sup>1</sup> by 60 votes to 47 with 11 abstentions. The reason for these two rather surprising votes would seem to be that the initial proposal for a Regulation, on which the House was giving its opinion, had been altered so much over the months that it was no longer relevant. The President, moreover, immediately announced that he would ask for the House to be reconsulted on the guidelines adopted by the Council. The debate on the Committee's report once again allowed the many speakers to state their views on the questions of distillation, sugaring, the viticultural land register, over-production, imports from non-member countries, and so on.

The French Communists seized the opportunity to reiterate their formal opposition to enlargement and tabled an amendment, asking for the negotiations to be stopped. This was rejected.

#### **European judicial area: definition**

2.4.13. By 81 votes to 54 with 10 abstentions Parliament passed a resolution on the European judicial area, which urged the Commission to make proposals for a Directive for combating terrorism in the Member

States and establishing common principles for extradition.

The small number of votes cast reflected the difficulty of arriving at a satisfactory definition of what constituted terrorism.

Though they felt that the concept of political motive should never serve to justify denial of extradition following acts of terrorism within the borders of the Community, many members feared that the right of asylum might be compromised.

Calling for action at Community level the resolution once again urged the Member States to ratify the European Convention on the Suppression of Terrorism drawn up by the Council of Europe in 1976 or—at the very least—the agreement reached at the 1979 Dublin European Council concerning the application of the Convention between the Member States.

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2.4.14. The House also passed resolutions on:

- (i) the Community economy in 1982;
- (ii) the drought in Italy: a million hectares were affected, involving production losses of durum wheat amounting to 300 000 to 500 000 tonnes;
- (iii) the exceptionally bad weather in Northern Italy last June;
- (iv) Community aid for the Puglia region: the Commission was asked to investigate all aspects of the water situation in the region;
- (v) the outbreak of foot-and-mouth disease: the Commission was requested to take immediate steps to ensure that the Swedish and Norwegian restrictions on trade with Denmark were lifted;
- (vi) the Community's inland waterways: the House deplored the fact that the network was still incomplete and that construction was running down; the Commission was urged to draw up a pilot programme;
- (vii) relations between the Community and CMEA countries in the field of transport:

<sup>1</sup> OJ C 177, 19.10.1981; Bull. EC 10-1981, points 1.3.1 to 1.3.5.

Parliament called for concerted action on the part of the Community so that a principle of reciprocity would apply in bilateral trade as well as in relation to the freedom to canvass for cargoes and the right of establishment.

2.4.15. Parliament gave its opinion on a number of proposals, in particular:

(i) a Commission communication to the Council on economic trends in the Community during the first half of 1982;<sup>1</sup>

(ii) a proposal for a regulation on speeding up agricultural development in Greece;<sup>2</sup>

(iii) a proposal for a Council Decision on the collection of information concerning the activities of road hauliers carrying goods to and from certain non-member countries;<sup>3</sup>

(iv) the Commission report to the Council on bottlenecks in transport infrastructures;<sup>4</sup>

(v) a proposal for a Council Decision adopting a concerted action project in the field of shore-based maritime navigation aid systems;<sup>5</sup>

(vi) a proposal for a Council Decision adopting a sectoral research and development

programme in the field of medical and public health research (1982-86);<sup>6</sup>

(vii) a proposal for amending the Directive on the marketing of seed of oil and fibre plants.<sup>7</sup>

## Council

2.4.16. The Council held six ordinary meetings and one special meeting in July and August. 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.

<sup>1</sup> Bull. EC 3-1982, point 2.1.6.

<sup>2</sup> OJ C 84, 3.4.1982; Bull. EC 2-1982, point 2.1.85.

<sup>3</sup> OJ C 36, 12.2.82; Bull. EC 1-1982, point 2.1.72.

<sup>4</sup> Bull. EC 6-1980, point 2.1.127; Bull. EC 9-1982, point 2.1.107.

<sup>5</sup> OJ C 256, 8.10.1981; Bull. EC 9-1981, point 2.1.117 and 2.1.134.

<sup>6</sup> OJ C 256, 8.10.1981; Bull. EC 9-1981, point 2.1.117.

<sup>7</sup> OJ C 136, 28.5.1982; Bull. EC 5-1982, point 2.1.118.

Table 3 — Council meetings in July

Number, place and date of meeting	Subject	President	Commission	Main items of business
786th Brussels 12 July	Economic and financial affairs	Mr Ivar Nørgaard	Mr Ortoli, Mr Narjes	<i>Economic situation.</i> <sup>1</sup> Second quarterly review; discussion of Commission communication on budget discipline and economic convergence. <i>Medium-term economic policy.</i> <sup>1</sup> Agreement on fifth programme. <i>Harmonization of consolidated accounts.</i> <sup>2</sup> National positions came closer. <i>Investment promotion.</i> <sup>1</sup> General review of all factors to be considered in an overall strategy.
787th Brussels 13 July	Energy	Mr Poul Nielson	Mr Davignon	<i>Energy situation and prospects of structural changes.</i> <sup>3</sup> Recent trends and rate of structural change on energy markets discussed. <i>Community demonstration programmes in the energy sector.</i> <sup>3</sup> Initial exchange of views.

Table 3 (continued)

Number, place and date of meeting	Subject	President	Commission	Main items of business
788th Brussels 19 and 20 July	Agriculture	Mr Bjørn Westh	Mr Dalsager	<p><i>Investment in the rational use of energy.</i><sup>3</sup> Agreement on recommendation concerning promotion of investment.</p> <p><i>Nuclear aspects of energy strategy — macroeconomic aspects.</i><sup>3</sup> Detailed review.</p> <p><i>Oil refining industry.</i></p> <p><i>Energy labelling of household appliances.</i> Review.</p> <p><i>Role of coal in a Community energy strategy.</i> General debate on importance of coal and other solid fuels for Community's energy supply.</p> <p><i>Wine.</i><sup>4</sup> Nine delegations agreed on draft regulations on adjustment of <i>acquis communautaire</i>.</p> <p><i>Proposal for a decision authorizing the United Kingdom to permit the Isle of Man authorities to apply a system of special import licences to sheepmeat and beef and veal.</i><sup>4</sup> Approved.</p> <p><i>Adjustment of acquis communautaire for Mediterranean products (fruit and vegetables).</i> Progress report.</p> <p><i>Manioc supply problems.</i><sup>4</sup> Review.</p> <p><i>Minimum standards for the protection of laying hens in battery cages.</i> Discussions continued.</p> <p><i>Health problems in trade in fresh poultrymeat.</i><sup>4</sup> Derogations enjoyed by certain Member States extended until 1 August 1984.</p>
789th Brussels 19 and 20 July	Foreign affairs	Mr Kjeld Olesen	Mr Thorn, Mr Ortoli, Mr Haferkamp, Mr Natali, Mr Davignon, Mr Tugendhat, Mr Narjes, Mr Pisani	<p><i>Aid to Lebanon.</i> The Council stated that it was important for the Community to act.</p> <p><i>Central America.</i><sup>5</sup> Agreement on special economic and social development activities in Central America.</p> <p><i>Relations with Japan.</i><sup>6</sup> Brief preliminary exchange of views.</p>

Number, place and date of meeting	Subject	President	Commission	Main items of business
				<p><i>Progress in cooperation with the EFTA countries.</i><sup>6</sup> Declaration on tenth anniversary of free trade agreements—agreement on new percentage rules applicable to products originating in Community or in EFTA countries.</p> <p><i>Manioc.</i><sup>4</sup> Three agreements on manioc with Thailand, Indonesia and Brazil approved.</p> <p><i>Portugal.</i> Community position on trade in textile products and clothing adopted.</p> <p><i>Law of the sea—progress at the third UN conference.</i> Commission statement.</p> <p><i>EEC-US relations.</i><sup>7</sup> Detailed discussion of serious problems currently affecting commercial relations, in particular steel trade and DISC legislation.</p> <p><i>Preparations for GATT ministerial meeting.</i><sup>8</sup></p> <p><i>Compensation to United Kingdom for 1982.</i> Further discussion.</p> <p><i>Right of establishment—Freedom to provide services by hairdressers.</i><sup>2</sup> Directive adopted.</p>
790th Brussels 20 and 21 July	Fisheries	Mr Karl Hjortnaes	Mr Contogeorgis	<p><i>Common fisheries policy.</i><sup>9</sup> Discussion of both internal and external aspects resumed.</p>
Brussels 24 July	Foreign affairs	Mr Kjeld Olesen	Mr Haferkamp, Mr Davignon	<p><i>Relations with the United States—steel.</i><sup>7</sup> Exclusive mandate which the Commission asked for to negotiate a general agreement approved.</p>
791st Brussels 27 to 29 July	Budget	Mr Otto Møller	Mr Tugendhat, Mr Burke	<p><i>Meeting between delegation from Parliament and the Council.</i><sup>10</sup> Broad exchange of views on preliminary draft supplementary and amending budget No 1/1982 and preliminary draft general budget for 1983.</p> <p><i>Preliminary draft general budget for 1983.</i><sup>10</sup> Established.</p>

Table 3 (continued)

Number, place and date of meeting	Subject	President	Commission	Main items of business
				<p><i>Preliminary draft supplementary and amending budget for 1982.</i><sup>10</sup> The Council decided not to establish a draft, but approved principle of transfer of 65 million ECU to the Social Fund.</p> <p><i>Wine.</i><sup>4</sup> Formal adoption of regulations amending Regulation No 337/79 on the common organization of the market in wine and Regulation No 338/79 laying down special provisions relating to quality wines produced in specified regions.</p>

<sup>1</sup> Economic and monetary policy.<sup>2</sup> Internal market and industrial affairs.<sup>3</sup> Energy.<sup>4</sup> Agriculture.<sup>5</sup> Developing countries.<sup>6</sup> Industrialized countries.<sup>7</sup> Point 1.1.1 *et seq.*<sup>8</sup> International organizations and conferences.<sup>9</sup> Fisheries.<sup>10</sup> Financing Community activities.

## Commission

### Visit by Mr Jean Rey

2.4.17. Mr Jean Rey, President of the Commission from 1967 to 1970, was the Commission's guest at a reception on 14 July to mark his 80th birthday. Mr Thorn paid tribute to him as an apostle and artisan of Europe, whose example was still a source of inspiration for the Commission. In his reply Mr Rey congratulated the Thorn Commission on its record, referring in particular to its recent success in reopening the possibility of majority voting in the Council.

### Activities

2.4.18. The Commission held three ordinary meetings in July spread over four sittings. It also met for a contemplative weekend session at Stuyvenberg (Belgium) to define its policy line on the major issues of the day and to set its priorities for work in the second half of the year.

### Decisions, communications and proposals

2.4.19. At its July meetings the Commission adopted a number of communications and proposals. The main areas covered were: agriculture (extending to Greece the Directives on mountain and hill farming (75/268) and Regulation No 355/77 on improving the conditions in which agricultural products are processed and marketed); research (stimulating scientific and technical potential, revision of the JRC's 1980-83 research programme in 1983, establishment of the Esprit programme); development aid (special action in favour of Central America) and commercial policy (communication on the French memorandum on the strengthening of the common commercial policy, fixing the scheme of generalized tariff preferences for 1983-85 and opening the scheme applicable in 1983).

On budgetary matters, the Commission formally approved the text of the joint declaration by the three institutions on measures to



improve the budgetary procedure;<sup>1</sup> it followed closely the first phase of discussions in the Council on the 1983 budget<sup>2</sup> and took note of Parliament's initial reactions to the preliminary draft. It also adopted a report to Parliament on the discharge for 1980 in response to the request contained in the Key resolution of 20 April.<sup>3</sup>

It adopted a number of proposals for regulations concerning New Zealand butter imports into the United Kingdom in 1983, production aid for certain processed fruit and vegetable products, financial support for demonstration projects relating to alternative and substitute energy sources and for pilot projects relating to the liquefaction and gasification of solid fuels and a proposal for a directive on oil saving through the use of substitute fuel components in petrol.

It approved the principle of emergency aid for the Falkland Islands in the light of recent events there.

On the administrative side, the Commission decided to establish a department responsible for litigation within the Directorate-General for Budgets, created the post of Hearings Officer in the Directorate-General for Competition and approved Part Two of the studies programme for 1982, stipulating that contracts would be expressed and fees paid in ECU.

#### *Discussions, policy debates and work in hand*

2.4.20. The Commission began preparatory work on the report on enlargement requested by the European Council<sup>4</sup> and set up a working party under the authority of Mr Natali. It also continued its deliberations on the application of Article 92 of the EEC Treaty to regional aids, the review of the rules governing the operation of the Social Fund and the proposals for adjustments which it intends to put before the Council in the autumn.

The Commission held an initial policy debate on the Danish request for a change in the status of Greenland. It will return to the matter after Mr Burke has made a fact-finding visit to Greenland in September.

#### *Mediterranean policy: talks with the Member States*

2.4.21. The Commission having adopted an 'interim report on possible Community operations for the Mediterranean regions'<sup>5</sup> on 9 June, Mr Natali, Vice-President responsible among other things for Mediterranean policy, paid official visits to Greece on 5 July, Italy on 6 July and France on 12 July. The purpose was to brief the authorities of those Member States on the Commission's general policy and seek their reactions before moving on to the final stage of preparatory work on the detailed proposals for integrated programmes which in its May mandate report<sup>6</sup> the Commission undertook to devise 'in close collaboration with the Member States concerned so as to incorporate the objectives of national regional plans'. They will be presented to the Council and Parliament before the end of 1982.

#### **Changes at Director-General level**

2.4.22. On 14 July Mr Leslie Fielding was appointed Director-General for External Relations to succeed Sir Roy Denman, who has been appointed Head of the Commission Delegation in Washington.

#### *Directorate-General for External Relations*

##### *Appointment*

##### **Leslie Fielding**

Born 29 July 1932.

Married, one child.

University of Cambridge; School of Oriental and African Studies, University of London.

1956: Foreign Office official, postings in Tehran, Singapore, Phnom Penh and Paris.

1970-1973: Adviser and then Deputy Head of the Policy Planning Staff at the Foreign Office.

<sup>1</sup> Bull. EC 6-1982, points 1.1.1 to 1.1.5.

<sup>2</sup> Point 2.3.3.

<sup>3</sup> Bull. EC 4-1982, point 2.3.5.

<sup>4</sup> Bull. EC 6-1982, points 1.5.1 to 1.5.7.

<sup>5</sup> Bull. EC 6-1982, point 1.2.4.

<sup>6</sup> Supplement 1/81 — Bull. EC.

- 1973-1977: Director in the Directorate-General for External Relations, responsible for relations with the United States, Canada, Australia, New Zealand, South Africa, commercial questions with respect to agriculture, external offices and protocol.
- 1977-1978: Visiting Fellow at St Antony's College, Oxford.
- 1978-1982: Head of the Commission Delegation in Tokyo.
- 1 September 1982: Director-General for External Relations.

### Court of Justice<sup>1</sup>

#### Composition of the Court

2.4.23. By decision of 8 July,<sup>2</sup> the representatives of the Governments of the Member States made the following appointments (partial replacement of the Court of Justice):

- (i) Judges for the period from 7 October 1982 to 6 October 1988: Mr Giacinto Bosco, Lord Mackenzie Stuart, Mr Thymen Koopmans, Mr Ulrich Everling (renewal of their appointments); Mr Kai Bahlmann and Mr Yves Galmot (replacing Mr Adolpho Touffait and Mr Fernand Grévisse);
- (ii) Advocates-General for the period from 7 October 1982 to 6 October 1988: Mrs Simone Rozès (renewal of appointment); Mr Federico Mancini (replacing Mr Francesco Capotorti).

#### *Analysis of judgments delivered between 1 April and 30 June 1982*

##### General

2.4.24. The Court again had occasion to rule on the admissibility of applications by private individuals on the basis of Articles 173 and 175 of the Treaty.<sup>3</sup> The applicant, who had requested the Commission in writing to take certain measures in respect of airlines which he alleged had entered into an anti-competitive agreement, had received a written reply from the Commission listing a

number of measures which it had already taken. Under these circumstances, he brought an action against the Commission based alternatively on Articles 173 and 175.

This action was dismissed by the Court, which held that the applicant had not asked the Commission to take a decision concerning him but had asked it to initiate an enquiry procedure with regard to third parties and to take decisions concerning them. Although he had an indirect interest, like other users, he was not in the specific legal position of the person to whom an act subject to annulment, within the meaning of the second paragraph of Article 173, was addressed, nor in the position of the person to whom a legal act which the Commission was obliged to take, pursuant to the third paragraph of Article 175, would be addressed.

2.4.25. The Court also delivered two important judgments on the implementation of directives.<sup>4</sup> In the case of two Directives on water quality,<sup>5</sup> the Court held that the obligations arising out of them can be assumed either by the central authorities or by the regional authorities of the Member States. Since the Directives are based on Article 100, the national provisions adopted for the purpose of implementing them must, however, be binding.

The two judgments also contain important observations on the obligations of the Member States and the Commission with regard to the supervision of the implementation of directives. The Court held that the Member States are required, pursuant to Ar-

<sup>1</sup> For more detailed information, see the texts published by the Court of Justice in the *Official Journal* and the *European Court Reports*, and the publications of its Information Office (e.g. the annual synopsis of the work of the Court or the information quarterly).

<sup>2</sup> OJ L 211, 20.7.1982.

<sup>3</sup> Case 246/81 *Lord Bethell v Commission*: not yet reported.

<sup>4</sup> Cases 96 and 97/81 *Commission v Netherlands*: not yet reported.

<sup>5</sup> Council Directives 75/440/EEC of 16 June 1975 (OJ L 194, 25.7.1975) and 76/160/EEC of 8 December 1975 (OJ L 31, 5.2.1976).

ticle 5 of the EEC Treaty, to give the Commission a clear indication of the laws, regulations and administrative provisions by means of which they consider that they have satisfied the obligations arising out of the directive. With regard to the procedure laid down in Article 169, the Court held that it is the Commission's task to establish the existence of the alleged infringement. In so doing, it cannot rely on any presumptions.

Because the judgments in question are expressed in quite general terms, they have a significance which far transcends the cases in point, and will have far-reaching consequences on the supervision of the implementation of directives.

2.4.26. With regard to agri-monetary provisions, the Court reaffirmed<sup>1</sup> its earlier judgments concerning the conditions to be fulfilled in order to give retroactive effect to a Community act.<sup>2</sup> The Court ruled that while, as a general rule, the principle of legal certainty precluded a Community act from being retroactive, the situation might be different in exceptional cases where the objective to be attained so required and the legitimate expectations of the persons concerned were duly respected. It held that these conditions were fulfilled in the case in point, which concerned the situation created by the fact that Regulation (EEC) No 652/79<sup>3</sup> on the impact of the European Monetary System on the common agricultural policy expired on 31 March 1980, while the Council had not adopted in sufficient time the Commission's proposals to consolidate the existing agri-monetary provisions or to extend the above Regulation until 30 June 1980. The Council subsequently extended Regulation (EEC) No 652/79 until 30 June 1980, with effect from 1 April, only on 23 April 1980.<sup>4</sup> In the meantime, as a result of monetary changes, the Commission found it necessary to continue the application of the system as provided for in Regulation (EEC) No 652/79.<sup>5</sup> In its judgment, the Court held that the retroactive effect was necessary in order to avoid an interruption in the maintenance of agricultural prices, which might have disrupted the agri-monetary system as a whole. As regards respect for the legitimate

expectations of the persons concerned, the Court held, *inter alia*, that the situation at the time was not such that the firms concerned could have expected the system in question to be abolished after 31 March 1980. Under these circumstances, the Court did not find it necessary to rule on the validity of the Commission's Regulations adopted during the interim period and hence on the Commission's powers in the event of a legal vacuum.

2.4.27. In Case 54/81,<sup>6</sup> the Court ruled that, in the present situation of Community law, it is compatible with that law for a Member State to charge interest on wrongly-paid Community denaturing premiums, pursuant to the provisions of its national law, provided that those provisions do not create any difference in treatment which cannot be justified objectively between traders receiving such premiums and those who, as the case may be, obtain similar benefits of a purely national character. The Court also held that the interest in question must be credited to the national budget and not to the EAGGF budget, in the absence of any provision for the interest to be paid to Community funds.

2.4.28. In Case 44/81,<sup>7</sup> the Court delivered an important judgment concerning the powers conferred on the Commission by implication. It held that the duty entrusted to the Commission of administering and controlling the European Social Fund and the requirements relating to the sound administration of Community finances necessarily imply that the Social Fund's accounts must be cleared within a reasonable period and that

<sup>1</sup> Case 84/81 *Staple Dairy Products Ltd v Intervention Board for Agricultural Produce*: not yet reported.

<sup>2</sup> Case 98/78 *Firma A. Racke v Hauptzollamt Mainz* [1979] ECR 69, and *Weingut Gustav Decker KG v Hauptzollamt Landau* [1979] ECR 107.

<sup>3</sup> OJ L 84, 4.4.1979.

<sup>4</sup> Council Regulation (EEC) No 1011/80 of 23 April 1980 (OJ L 108, 26.4.1980).

<sup>5</sup> Commission Regulations (EEC) Nos 846/80 of 2 April 1980 (OJ L 91, 7.4.1980) and 967/80 of 19 April 1980 (OJ L 103, 21.4.1980).

<sup>6</sup> *Fromme v BALM*: not yet reported.

<sup>7</sup> *Federal Republic of Germany and Bundesanstalt für Arbeit v Commission*: not yet reported.

the Commission is empowered to determine that period and attach to it penalties to ensure that it is observed. Given the importance of that period for the sound administration of the Social Fund, it is impossible to rule out the possibility that the penalties provided for may include the loss of the right to payment as a result of the fixing of a preclusive period.

The principle of legal certainty nevertheless requires that it be made clear in any provision laying down such a period that it is preclusive.

### Customs union

2.4.29. In addition to the interpretation of the Common Customs Tariff<sup>1</sup> and of the preferential tariff arrangements in respect of textile products originating in developing countries,<sup>2</sup> the Court was asked to rule on the compatibility with Community law of the repayment, in accordance with national revenue law, of overpayments of customs duty.<sup>3</sup> The Court held that the provisions of Regulation (EEC) No 1430/79 on the repayment of import duties do not apply to decisions taken before the entry into force<sup>4</sup> of the Regulation and reaffirmed that, where there are no applicable Community rules, a Member State may apply its national law, on equitable grounds, to an application for the remission of customs duties.<sup>5</sup>

2.4.30. The Court also ruled on the compatibility of national measures with Articles 30 to 36 of the Treaty.

In one case, the Court held *inter alia* that a law on the protection of animals which laid down minimum measurements for enclosures for calves<sup>6</sup> was compatible with Article 34 of the Treaty. It thus reaffirmed its restrictive interpretation of the concept of a measure having an effect equivalent to a quantitative restriction on exports.<sup>7</sup>

The Court also ruled in a reference for a preliminary ruling and in infringement proceedings on the compatibility with Community law of a security required in respect of the advance payment for imported goods, which then becomes forfeit to the State if the

goods are not imported within a prescribed period following the advance payment.<sup>8</sup> The Court held that such a restriction constitutes a measure having an equivalent effect, contrary to Article 30, in so far as it covers not only payments for speculative purposes but also normal and current payments concerning intra-Community transactions.

Case 220/81<sup>9</sup> concerned national rules prohibiting the sale of silver-plated articles which did not bear the prescribed hallmark. The Court held that Article 30 does not preclude the application of such a rule to goods imported from another Member State in which they have been lawfully marketed, provided that they have not been stamped, in accordance with the law of the exporting State, with a hallmark containing information equivalent to that provided by the hallmarks laid down by the law of the importing State and intelligible to consumers of that State.

### Competition

2.4.31. By two orders for the adoption of interim measures,<sup>10</sup> the Court approved the Commission's new practice of suspending the collection of fines where the decisions

<sup>1</sup> Cases 49 and 50/81 *Paul Kaders GmbH v Hauptzollamt Hamburg-Waltershof*: not yet reported.

<sup>2</sup> Case 231/81 *Weidenmann*: not yet reported.

<sup>3</sup> Case 113/81 *Otto Reichelt GmbH v Hauptzollamt Berlin-Süd*: not yet reported.

<sup>4</sup> *Amministrazione delle Finanze dello Stato v Meridionale Industria Salumi Srl* [1981] ECR 2735, in which the Court gave the same interpretation of Regulation (EEC) No 1697/79 concerning the post-clearance recovery of import duties.

<sup>5</sup> Case 265/78 *H. Ferwerda BV v Produktschap voor Vee en Vlees* [1980] ECR 617 on the similar application of a principle of national law concerning legal certainty.

<sup>6</sup> Joined Cases 141 to 143/81 *Holdijk*: not yet reported.

<sup>7</sup> Case 15/79 *P.B. Groenveld BV v Produktschap voor Vee en Vlees* [1979] ECR 3409 and Case 155/80 *Oebel* [1981] ECR 1993.

<sup>8</sup> Joined Cases 206, 207, 209 and 210/80 *Italo Orlandi e Figlio v Italian Ministry for Foreign Trade* and Case 95/81 *Commission v Italy*: not yet reported.

<sup>9</sup> *Robertson and Others*: not yet reported.

<sup>10</sup> Case 107/82 *AEG-Telefunken v Commission*; Case 85/82 *Hasselblad v Commission*: not yet reported.

imposing such fines are subject to appeal and making the suspension conditional upon the payment of the interest in respect of the period of suspension and the lodging of a bank guarantee covering the amount of the fine and the interest. The firms concerned requested the unconditional suspension of the fine. Dismissing their applications, the Court reaffirmed that the conditions laid down by the Commission in the decisions in question were justified.

2.4.32. The Court stated in its judgment in Case 155/79<sup>1</sup> that Article 14 of Regulation No 17/62 gave the Commission broad powers of investigation and that in principle it was for the Commission to decide whether or not a document must be produced. However, the Court recognized the general principle of the confidentiality of correspondence between companies and their legal advisers, subject to two conditions: firstly, the correspondence in question must fall within the framework of the rights of the defence in the case in question, even where it precedes the initiation of the proceedings, provided that it is related to the subject matter of the proceedings; secondly, the correspondence must have been conducted with a lawyer who is not an employee of his client. As regards the procedure for ensuring such confidentiality, the Court rejected the applicant's suggestion, supported by the United Kingdom, of using an independent arbitrator. The Court ruled that the question was solely a matter for the Commission, subject to supervision by the Court.

2.4.33. The Court held<sup>2</sup> that there were no grounds for regarding breeders' rights in respect of seeds as industrial and commercial property rights of such a specific nature that they necessitate, with regard to the rules on competition, treatment different from that applied to other industrial and commercial property rights. The specific nature of the products which form the subject of breeders' rights may, however, be taken into account when examining a licence agreement in respect of such rights.

In the light of these considerations, the Court held that, because of the specific na-

ture of the products in question (maize seeds), the grant of an open exclusive licence, i.e. a licence which does not have regard to the situation of third parties, is not in itself incompatible with Article 85(1) of the Treaty.

In the same judgment, the Court reaffirmed its earlier rulings that agreements which provide for absolute territorial protection for a licensee are incompatible with the rules on competition.

### Common agricultural policy

2.4.34. The Court delivered several judgments on the common agricultural policy.<sup>3</sup> In a case involving the principle of proportionality, the Court held<sup>4</sup> that where a product has been imported without any levy being charged, if the period allowed for processing it is exceeded, albeit only very slightly, this may justify the total forfeiture of the security lodged on importation. This consequence is not contrary to the principle of proportionality if the period prescribed is in accordance with the objective of the arrangement in question.<sup>5</sup>

2.4.35. In Case 217/81<sup>6</sup> the Court confirmed its earlier decision<sup>7</sup> to the effect that

<sup>1</sup> Case 155/79 *AM & S v Commission*: not yet reported.

<sup>2</sup> Case 258/78 *Nungesser and Eisele v Commission*: not yet reported.

<sup>3</sup> Joined Cases 141-143/81 *Holdijk*: not yet reported; Case 11/81 *Dürbeck v Commission*: not yet reported; Joined Cases 66/81 and 99/81 *Pommerehne and Franzen v BALM*: not yet reported; Case 126/81 *Wünsche v Bundesamt für Ernährung und Forstwirtschaft*: not yet reported; Case 54/81 *Fromme v BALM*: not yet reported, point 2.4.27 above; Joined Cases 146/81, 192/81 and 193/81 *Baywa and Others v BALM*: not yet reported; Case 84/81 *Staple Dairy Products Ltd v IBAP*: not yet reported, point 2.4.26 above; Case 3/81 *Wünsche v BALM*: not yet reported.

<sup>4</sup> Case 147/81 *Merkur v HZA Hamburg-Ericus*: not yet reported.

<sup>5</sup> See also Case 122/78 *Buitoni v Forma* [1979] ECR 677; Case 240/78 *Atalanta v Produktschap* [1979] ECR 2137.

<sup>6</sup> *Compagnie Interagra v Commission*: not yet reported.

<sup>7</sup> Case 133/79 *Sucrimex v Commission* [1980] ECR 1299.

the application of the Community provisions on export refunds is a matter for the national bodies appointed for this purpose, and that the Commission has no competence to take decisions on the interpretation of those provisions, but can merely express its opinion, which is not binding on the national authorities. Consequently, the Court dismissed as inadmissible an action for damages by a trader seeking compensation for the loss he had suffered by reason of the conduct of the Commission in allegedly imposing on the French intervention body an erroneous interpretation of a regulation temporarily suspending the advance fixing of export refunds for butter and butter oil.

The Court pointed out that in this case the appropriate means of redress was an action before the national courts, which remained free to refer preliminary questions to the Court under Article 177.

### Common commercial policy

2.4.36. Case 17/81 was concerned with Article 53(1) of the Association Agreement between the Community and Greece, which performs the same function as Article 95 of the EEC Treaty. The Court held<sup>1</sup> that this provision had direct effect, since it formed part of a group of provisions designed to prepare for Greece's entry into the Community.<sup>2</sup>

### Taxation

2.4.37. In Case 89/81<sup>3</sup> the Court ruled that a person who habitually provides services to business firms free of charge cannot be regarded as a taxable person within the meaning of Article 4 of the Second VAT Directive.<sup>4</sup>

In Case 15/81,<sup>5</sup> a private individual habitually resident in The Netherlands had purchased a second-hand pleasure boat in France. Transactions between private individuals are not subject to VAT since none of the parties are taxable persons. Nevertheless, the Dutch authorities charged VAT when the boat was imported. The customs agent contended that this involved double taxation, since VAT had been charged on the boat

when it was new, and no allowance had been made for the residual part of the VAT incorporated in the second-hand price.

The Court first considered whether as a general rule VAT could be charged in such circumstances. It observed that importation was a distinct transaction taxable as such, and VAT was therefore chargeable. However, it held that in order to satisfy the requirements of Article 95, the State into which a second-hand article is imported must, in charging VAT, take into account the residual part of the tax incorporated in the purchase price, even if that tax was paid in another Member State. Only if that is done will the charge to VAT on import be compatible with Article 95.

This judgment is an extremely important one, since it makes it clear that the maintenance of tax frontiers cannot be used as a means of maintaining practices contrary to the spirit of Article 95.

### Convention of 27 September 1968 on Jurisdiction and Enforcement of Judgments in Civil and Commercial Matters

2.4.38. The Court further clarified<sup>6</sup> its previous decisions on the interpretation of Article 5(1) of the Brussels Convention, which provides that in matters relating to a contract the defendant may be sued in the courts of the place of performance of the obligation in question. In a dispute between an employed agent and his employer, the Court ruled that the obligation to be taken into account is that which characterizes the contract. In practice this means that the action may be brought in the court of the place where the work is performed, which provides a measure of security for the employee.

<sup>1</sup> *Pabst and Richarz v HZA Oldenbourg*: not yet reported.

<sup>2</sup> See generally Case 270/80 *Polydor v Harlequin Record Shops*: not yet reported.

<sup>3</sup> *Staatssecretaris van Financien v Hong Kong Trade Development Council*: not yet reported.

<sup>4</sup> Directive 67/228 (OJ 71, 14.4.1967).

<sup>5</sup> *Gaston Schul v Inspecteur der Invoerrechten en Accijnzen*: not yet reported.

<sup>6</sup> Case 133/81 *Ivenel v Schwab*: not yet reported.

## 2.4.39. New cases

Case	Subject	Basis
<b>ECSC — Steel</b>		
204/82 — Metallourgiki Halyps v Commission <sup>1</sup>	Production quotas for steel	Article 33 of the ECSC Treaty
219/82 — Klöckner-Werke AG v Commission <sup>2</sup>	Production quotas for steel	Article 33 of the ECSC Treaty
220/82 and 220/82 R — Moselstahlwerk GmbH & Co. KG v Commission <sup>3</sup>	Production quotas for steel	Article 33 of the ECSC Treaty
221/82 — Walzstahl-Vereinigung v Commission <sup>1</sup>	Production quotas for steel	Article 33 of the ECSC Treaty
226/82 — Thyssen AG v Commission	Production quotas for steel	Article 33 of the ECSC Treaty
179/82 — Lucchini Siderurgica SpA v Commission <sup>4</sup>	Imposition of a fine for exceeding production quotas for steel	Article 33 of the ECSC Treaty
188/82 — Thyssen AG v Commission <sup>5</sup>	Imposition of a fine for exceeding production quotas for steel	Article 33 of the ECSC Treaty
<b>Free movement of goods</b>		
181/82 — Roussel Laboratoria BV v The Netherlands (Minister for Economic Affairs and Minister for Health and the Environment) <sup>6</sup>	Compatibility with Articles 30 and 7 or 85 and 86 of the EEC Treaty of the Netherlands Decree of 1982 on the prices of registered pharmaceutical products	Article 177 of the EEC Treaty
199/82 — Amministrazione delle Finanze dello Stato v SpA San Giorgio <sup>7</sup>	Repayment of certain charges unduly levied (including, in particular, for health inspection) in order to clarify the decisions of the Court in Cases 61, 811 and 826/79	Article 177 of the EEC Treaty
222/82 — The Apple and Pear Development Council v K. & J. Lewis Ltd and Others <sup>3</sup>	Is the establishment in part of a Member State of a body responsible for promoting trade in apples and pears, requiring certain producers to register, furnish information and pay an annual charge, compatible with Articles 30 and 34 and/or 38 to 47 of the EEC Treaty and/or Articles 42 and 60 of the Act of Accession and/ or Regulation (EEC) No 1035/72	Article 177 of the EEC Treaty
<b>Customs union</b>		
175/82 — Hans Dinter GmbH & Co v HZA Köln-Deutz <sup>9</sup>	Tariff classification of salted and seasoned poultry meat	Article 177 of the EEC Treaty

Case	Subject	Basis
186/82 and 187/82 — Ministero delle Finanze v Esercizio Magazzini Generali SpA, and Others <sup>10</sup>	In two cases concerning the payment of customs duties on products (tobacco and whisky) stolen by unknown persons from a customs warehouse, the Corte di Appello, Catania, asks whether such thefts are to be treated as cases of <i>force majeure</i> and justify exemption from payment of such duties	Article 177 of the EEC Treaty
192/82 — Kaffee-Contor Bremen GmbH & Co KG v HZA Bremen-Nord <sup>10</sup>	Tariff classification of jewellery boxes, of polystyrene, covered with varnished paper	Article 177 of the EEC Treaty
216/82 — Hamburg University v HZA Hamburg-Kehrwieder <sup>11</sup>	Procedure to be followed by a private individual who wishes to have a Commission Decision addressed to the Member States invalidated (procedure laid down in Article 173 or Article 177 of the EEC Treaty). Validity of Decision 78/851/EEC excluding a scientific apparatus from admission free of CCT duties	Article 177 of the EEC Treaty
<b>Competition</b>		
177/82 — Openbaar Ministerie v Jan van de Haar <sup>10</sup>	Compatibility with Community law of a Netherlands legal provision concerning the taxation of manufactured tobacco products. Interpretation of Articles 30, 85 and 5 of the EEC Treaty	Article 177 of the EEC Treaty
178/82 — Openbaar Ministerie v Kaveka De Meern BV <sup>10</sup>	Compatibility with Community law of a Netherlands legal provision concerning the taxation of manufactured tobacco products. Interpretation of Articles 30, 85 and 5 of the EEC Treaty	Article 177 of the EEC Treaty
180/82 and 180/82 R — British Sugar PLC v Commission <sup>12</sup>	Annulment of the decision of a Member of the Commission not to propose that the Commission take interim measures prohibiting Berisford from acquiring the majority of British Sugar's shares	Articles 173 and 175 of the EEC Treaty
<b>Agriculture</b>		
205 to 215/82 — Deutsche Milchkontor GmbH, and Others, v Federal Republic of Germany (Bundesamt für Ernährung und Forstwirtschaft) <sup>2</sup>	In a series of cases concerning the recovery of aids for skimmed-milk powder, the Verwaltungsgericht Frankfurt raises questions relating to the methods of production of such powder, the obligation on the part of national authorities to supervise such production and the circumstances in which aid granted unlawfully may be recovered	Article 177 of the EEC Treaty
224/82 — Firma Meiko-Konservenfabrik v Federal Republic of Germany (Bundesamt für Ernährung und Fortswirtschaft) <sup>3</sup>	Validity of Article 1 of Regulation (EEC) No 2546/80 amending for the 11th time Regulation (EEC) No 1530/78, inasmuch as it prescribes retroactively a time-limit by which processing contracts for the 1980/81 marketing year must be forwarded to the appropriate agency	Article 177 of the EEC Treaty



Case	Subject	Basis
<b>Commercial policy</b>		
191/82 — EEC Seed Crushers' and Oil Processors' Federation (FEDIOL) v Commission <sup>7</sup>	Commission Decision of 25 May 1982 refusing to initiate anti-subsidy proceedings against the importation of soya groats from Brazil	Article 173 of the EEC Treaty
200/82 Chris International Foods Ltd v Commission <sup>13</sup>	Commission Decision of 28 May 1982 and an application for damages	Articles 173, 178 and 215 of the EEC Treaty
218/82 — Commission v Council <sup>2</sup>	Annulment of Council Regulation (EEC) No 1699/82 of 24 June 1982 (ACP 1982/83 rum quota)	Article 173 of the EEC Treaty
<b>Infringements</b>		
202/82 — Commission v France <sup>14</sup>	Importation into France of Italian macaroni, spaghetti and similar products	Article 169 of the EEC Treaty
203/82 — Commission v Italy	Sickness insurance taxation	Article 169 of the EEC Treaty
<b>Convention on Jurisdiction and Enforcement of Judgments in Civil and Commercial Matters</b>		
201/82 — Gerling Konzern Speziale Kreditversicherungs AG, and Others, v Amministrazione del Tesoro dello Stato <sup>14</sup>	Interpretation of Articles 17 and 18 of the Convention	

**Disputes between the Community and its staff**

v Commission: 176/82,<sup>15</sup> 182 to 185/82,<sup>11</sup> 190/82,<sup>10</sup> 225/82,<sup>1</sup> and 217/82<sup>11</sup>

v Council: 189/82,<sup>10</sup> 193 to 198/82.<sup>5</sup>

v Parliament: 223/82.<sup>1</sup>

<sup>1</sup> OJ C 241, 15.9.1982.  
<sup>2</sup> OJ C 236, 10.9.1982.  
<sup>3</sup> OJ C 240, 14.9.1982.  
<sup>4</sup> OJ C 207, 10.8.1982.  
<sup>5</sup> OJ C 216, 20.8.1982.  
<sup>6</sup> OJ C 213, 17.8.1982.  
<sup>7</sup> OJ C 223, 27.8.1982.  
<sup>8</sup> OJ C 243, 17.9.1982.  
<sup>9</sup> OJ C 192, 27.7.1982.  
<sup>10</sup> OJ C 215, 19.8.1982.  
<sup>11</sup> OJ C 230, 3.9.1982.  
<sup>12</sup> OJ C 209, 12.8.1982.  
<sup>13</sup> OJ C 233, 7.9.1982.  
<sup>14</sup> OJ C 226, 31.8.1982.  
<sup>15</sup> OJ C 197, 31.7.1982.

2.4.40. Judgments

Date and case	Held
<p><b>ECSC — Steel</b></p>	
<p>7.7.1982, 119/81 — Klöckner-Werke AG v Commission<sup>1</sup></p>	<p>Application dismissed (production quotas for steel)</p>
<p><b>Customs union</b></p>	
<p>1.7.1982, 208/81 and 209/81 — Palte &amp; Haentjens v Inspecteur der Invoerrechten en Accijnzen<sup>2</sup></p>	<p>Interpretation of CCT subheading No 11.02 B I a) 2 aa) — 'clipped oats'</p>
<p><b>Taxation</b></p>	
<p>1.7.1982, 221/81 — BAZ Bausystem AG v Finanzamt München für Körperschaften<sup>2</sup></p>	<p>Subparagraph (a) of the first paragraph of Article 8 of the Second Council Directive on turnover taxes does not cover interest awarded to an undertaking because of late payment</p>
<p>15.7.1982, 216/81 — COGIS v Amministrazione delle Finanze dello Stato<sup>3</sup></p>	<p>Article 95 of the ECC Treaty prohibits a system of taxation affecting differently whisky and other spirits</p>
<p>15.7.1982, 270/81 — Felicitas Rickmers Linie KG &amp; Co v Finanzamt für Verkehrssteuern Hamburg<sup>4</sup></p>	<p>Circumstances in which the shares in a company can be considered to have a nominal amount within the meaning of Article 5(2) of Directive 69/335/EEC</p>
<p><b>Agriculture</b></p>	
<p>1.7.1982, 145/81 — HZA Hamburg-Jonas v L Wünsche &amp; Co<sup>2</sup></p>	<p>Confirmation of the Court's judgments according to which the decisive criterion for determining the tariff classification of goods must be sought in the objective characteristics and properties as defined by the wording of the CCT heading, and of the notes relating to its sections or chapters</p>
<p>15.7.1982, 245/81 — Edeka Zentrale AG v Federal Republic of Germany, represented by the Bundesamt für Ernährung und Forstwirtschaft<sup>3</sup></p>	<p>Consideration of the question raised has disclosed no factor of such a kind as to affect the validity of Commission Regulation (EEC) No 1102/78 of 25 May 1978</p>
<p><b>Competition</b></p>	
<p>6.7.1982, 188/80, 189/80 and 190/80 — France, Italy and United Kingdom v Commission<sup>5</sup></p>	<p>Applications dismissed</p>

Date and case	Held
<b>Infringements</b>	
6.7.1982, 61/81 — Commission v United Kingdom <sup>1</sup>	By failing to introduce into its national legal system in implementation of the provisions of Council Directive 75/117/EEC of 10 February 1975 such measures as are necessary to enable all employees who consider themselves wronged by failure to apply the principle of equal pay for men and women for work to which equal value is attributed and for which no system of job classification exists to obtain recognition of such equivalence, the United Kingdom has failed to fulfil its obligations under the EEC Treaty
15.7.1982, 40/82 — Commission v United Kingdom <sup>4</sup>	Partial condemnation of the measures taken by the United Kingdom to prevent imports of poultry products and eggs from other Member States (Newcastle disease)
29.6.1982, 150/81 — Commission v France <sup>5</sup>	Order for removal from the Court Register (Second Directive on company law)
29.6.1982, 281/81 — Commission v Netherlands <sup>4</sup>	Order for removal from the Court Register (Directives 76/117 and 79/196 — electrical equipment)
14.7.1982, 187/81 — Commission v Denmark <sup>6</sup>	Order for removal from the Court Register (formation of public limited liability companies)
14.7.1982, 134/82 — Commission v Luxembourg <sup>4</sup>	Order for removal from the Court Register (Directive 79/370 — packaging and labelling of dangerous substances)
<b>Convention on Jurisdiction and Enforcement of Judgments in Civil and Commercial Matters</b>	
15.7.1982, 228/81 — Pendency Plastic Products BV v Pluspunkt Handelsgesellschaft <sup>3</sup>	Circumstances in which the recognition and enforcement of a judicial decision may be refused pursuant to Article 27(2) of the Brussels Convention.

**Disputes between the Community and its staff**

v Commission:

1.7.1982, 567/79 A<sup>7</sup>

Application dismissed

1.7.1982, 618/79 A<sup>7</sup>

Application dismissed

1.7.1982, 1205/79<sup>7</sup>

Application dismissed

1.7.1982, 5 and 18/80<sup>2</sup>

Application dismissed

1.7.1982, 109/81<sup>2</sup>

Judgment for the applicant

8.7.1982, 189/81<sup>1</sup>

Application dismissed

### Orders for removal from the Court Register

- 29.6.1982, 120/81 — Halyvourgiki Inc. v Commission<sup>5</sup>  
29.6.1982, 195/81 — Halyvourgiki Inc. v Commission<sup>5</sup>  
29.6.1982, 248/81 — Halyvourgiki Inc. v Commission<sup>5</sup>  
29.6.1982, 254/81 — Halyvourgiki Inc. v Commission<sup>5</sup>  
29.6.1982, 65/82 — Halyvourgiki Inc. v Commission<sup>5</sup>  
7.7.1982, 313/81 — Frank v Court of Auditors<sup>3</sup>  
7.7.1982, 89/82 — Wölker v Commission  
14.7.1982, 72/82 — Council v Parliament<sup>3</sup>  
14.7.1982, 73/82 — Concil v Commission<sup>3</sup>  
15.7.1982, 260/81 — Regul-Eberhardt v Commission<sup>3</sup>  
15.7.1982, 142/82 — Copine v Commission<sup>3</sup>  
15.7.1982, 147/82 — Alaimo v Commission<sup>3</sup>
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- <sup>1</sup> OJ C 200, 4.8.1982.  
<sup>2</sup> OJ C 195, 29.7.1982.  
<sup>3</sup> OJ C 204, 7.8.1982.  
<sup>4</sup> OJ C 209, 12.8.1982.  
<sup>5</sup> OJ C 201, 5.8.1982.  
<sup>6</sup> OJ C 207, 10.8.1982.  
<sup>7</sup> OJ C 192, 27.7.1982.
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## Economic and Social Committee

### 199th plenary session

2.4.41. The Economic and Social Committee held its 199th plenary session on 30 June and 1 July<sup>1</sup> with Mr Roseingrave in the chair. Mr Ortoli, Vice-President of the Commission, was present when the Committee drafted its opinions on the economic and social situations in the Community.

This was the last plenary session to be held by the Committee as constituted at that time (the term of office of its members was due to end on 18 September), and Mr Roseingrave took the opportunity to make a critical assessment of the Community's economic and social situation and indicate a number of remedies, mainly institutional, to revive Community activities.

### Opinions

#### *Economic and social situations*

2.4.42. The two own-initiative opinions on the economic situation in the Community (mid-1982) and on social developments in the Community in 1981 were adopted after a joint discussion attended by Mr Ortoli.

In his address, Mr Ortoli recalled the four objectives which the Commission had outlined in its recent communications<sup>2</sup> on investment and the economic situation, namely: a more stable world economic climate, the modernization of structures, greater economic convergence and an improvement in the employment situation. He mentioned that the rise in the exchange rate of the dollar and the high level of interest rates in the United States and Europe were having an adverse effect on the Community economy. Nevertheless, he hoped that a moderate recovery would lead to a growth rate of 1.5% in 1982 and 2.5 to 2.6% in 1983, and that unemployment would then rise more slowly (to 9.2% in 1982 and 9.3% in 1983).

Mr Ortoli once again stressed the need to revive investment, in particular to meet the demand from advanced technology. Finally, he pointed out that one of the conditions for success was for international economic stability to be established with the Community's partners.

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<sup>1</sup> OJ C 252, 27.9.1982.

<sup>2</sup> Bull. EC 6-1982, points 1.5.3 and 2.1.5.

The various speakers at the debate were pessimistic about unemployment, inflation and the dangers of protectionism.

In its opinion on the economic situation in the Community (mid-1982), adopted by 74 votes to 8 with 18 abstentions, the Committee stressed that national policies should be coordinated and concerted. It again insisted that the first and foremost aim of the Community must be to combat unemployment, and that aid from the Social Fund should be used to that end.

2.4.43. The second opinion, on social developments in the Community in 1981, was adopted by 45 votes to 11 with 15 abstentions; the Committee considered that basic social policy measures should not be put at risk and that the need for social balance should be borne in mind whenever decisions were taken on how the necessary savings were to be made.

Finally, the Committee warned against relying on short-term job creation programmes as the sole solution and proposed that a graduated employment strategy be introduced.

On the question of migrant workers, the Committee demanded that every effort should be made to stamp out illegal immigration and illegal labour sub-contracting, but still considered that workers who had been employed in the Community for a certain length of time and who wished to stay here should be put on an equal footing with the nationals of their host country.

#### *Merger control*

2.4.44. With 115 votes in favour and 17 abstentions, the Committee approved the amendment of the proposal for a Council Regulation on the control of concentrations between undertakings.<sup>1</sup> The amendment limits the scope of the future Regulation and provides that the effects of international competition should also be taken into account in deciding whether a merger is compatible with the common market. The Committee also approved the proposal that a turnover threshold of 350 million ECU be set for extending the scope of the Regulation

to financial and commercial firms, provided the threshold was subject to periodic review.

#### *Agriculture*

2.4.45. The Committee unanimously adopted an opinion on a proposal for a Council Regulation on the acceleration of agricultural development in certain regions of Greece.<sup>2</sup> Although it approved the Commission's proposal, the Committee was not convinced that the sum of 197.9 million ECU earmarked for this operation was enough, and considered that it might have to be increased in view of the number of regions concerned and the scale of their needs.

The Committee also demanded that the establishment and operation of cooperatives and associations should be encouraged. Lastly, it considered that the Regulation should require the Greek Government to see that the general public was properly aware of Community-funded projects.

#### *Rational use of energy*

2.4.46. With 110 votes in favour and one abstention, the Committee approved the Commission communication concerning investment in the rational use of energy.<sup>3</sup> But it considered that the list of projects and programmes should be extended and that the Member States should take specific practical measures to promote a policy on the rational use of energy which could have an impact on both employment and the economy as a whole.

#### *Nuclear energy strategy*

2.4.47. In its opinion on the Commission Communication to the Council concerning an energy strategy for the Community: the nuclear aspects,<sup>4</sup> the Committee mentioned that the Community does not at present have a common nuclear energy policy and

<sup>1</sup> Bull. EC 12-1981, point 2.1.31.

<sup>2</sup> Bull. EC 3-1982, point 2.1.85.

<sup>3</sup> Bull. EC 2-1982, points 1.2.1 to 1.2.6; OJ C 107, 28.4.1982.

<sup>4</sup> Bull. EC 2-1982, point 1.2.7.

that national policies in this sphere diverge rather than converge. It also dealt with the processing of spent nuclear fuel, the question of the acceptability of nuclear energy to the public at large and reactor safety. The opinion was adopted by 95 votes to 7 with 3 abstentions.

2.4.48. The Committee also adopted opinions on:

(i) an amendment of the Directive on the approximation of laws relating to certain partly or wholly dehydrated preserved milk for human consumption;<sup>1</sup>

(ii) the fifth amendment of the Council Directive on the approximation of laws relating to cosmetic products;<sup>2</sup>

(iii) the first periodic report on the economic and social situation of the regions of the Community.<sup>3</sup>

## ECSC Consultative Committee

### 228th meeting

2.4.49. The ECSC Consultative Committee met in Luxembourg on 2 July with Mr Robert in the chair. The meeting began with a report by the Commission on activities under the ECSC Treaty.

Mr Davignon underlined the fact that the third quarter of 1982 would be bad because the usual seasonal decline was combined with rising stocks under the influence of slack demand in the traditional sectors.

Turning to the difficulties with the United States, Mr Davignon stated that the main thrust of the American measures was to reduce imports from the Community and impose a total ban on some products. He emphasized the Commission's efforts to reach agreement and the United States' disinclination to negotiate.<sup>4</sup>

2.4.50. The Consultative Committee examined the Community industrial strategy;<sup>5</sup> it attached particular importance to promoting investment in new technologies of special interest to European industry.

It also considered the problem of expanding and coordinating the ECSC's financial resources for conversion.

In its resolution,<sup>6</sup> adopted unanimously with four abstentions, the Committee approved the determination to promote productive investment, thereby creating a climate of confidence with regard to investment for both public and private enterprises, and the stress laid upon a rapid return to competitiveness.

2.4.51. Since no criticism had been made of the abatement rates, the Consultative Committee approved the forward programme for steel<sup>7</sup> for the third quarter of 1982.

2.4.52. The Committee adopted a resolution on aids to the steel industry which insists that, in the application of the code<sup>8</sup> and, more generally, in its decisions concerning aids, the Commission should take account of restructuring measures carried out before 1980 in order to avoid all discrimination between undertakings.

## European Investment Bank

### Operations in July and August

2.4.53. In July and August the European Investment Bank announced loans totalling 542.5 million ECU<sup>9</sup> for investments within the Community, of which 79.8 million ECU was financed from the new Community borrowing and lending instrument (NCI-the 'Ortoli facility').<sup>10</sup> This total was made up of 201.5 million ECU in Italy, 97.7 million ECU in France, 78.8 million ECU in the United Kingdom, 72.2 million ECU in

<sup>1</sup> Bull. EC 2-1982, point 2.1.8; OJ C 84, 3.4.1982.

<sup>2</sup> Bull. EC 12-1981, point 2.1.94; OJ C 36, 12.2.1982.

<sup>3</sup> Bull. EC 12-1981, point 2.1.61.

<sup>4</sup> Point 1.1.1 *et seq.*

<sup>5</sup> Bull. EC 10-1981, point 2.1.20.

<sup>6</sup> OJ C 195, 29.7.1982.

<sup>7</sup> Bull. EC 6-1982, point 2.1.26.

<sup>8</sup> OJ L 228, 13.8.1981.

<sup>9</sup> The conversion rates at 30 June used by the EIB in statistics for the current quarter were 1 ECU = DM 2.36, UKL 0.55, FF 6.55, LIT 1 327, HFL 2.61, BFR 45.01, LFR 45.01, DKR 8.18, DR 66.53, IRL 0.69, USD 0.96.

<sup>10</sup> OJ L 298, 25.10.1978; Bull. EC 10-1978, point 2.1.10.

Denmark, 60.3 million ECU in Ireland and 32 million ECU in Greece. Outside the Community the Bank lent 95 million ECU in Mediterranean countries and 19.75 million ECU in ACP States.

## Community

### Italy

2.4.54. In Italy the loans totalled LIT 267 600 million, including LIT 75 000 million from the resources of the New Community Instrument: LIT 100 000 million was lent to AGIP, a subsidiary of the ENI group (Ente Nazionali Idrocarburi), to develop three natural gas deposits in the Adriatic off Venezia, the Marches and Emilia-Romagna; total recoverable reserves are estimated at 10 800 million cubic metres, the equivalent of 9.3 million tonnes of oil. A 3% interest subsidy has been allowed on this loan under the arrangements made when Italy joined the European Monetary System.<sup>1</sup>

LIT 75 000 million was lent from the resources of the New Community Instrument as Community aid to rebuild areas damaged by the November 1980 earthquakes. The loan has been made to the Italian State and carries a 3% interest subsidy covered by the Community budget. It involves the repair of the Pugliese aqueduct, a key link in the water supply system in Apulia; which used to cover almost 50% of the area's water requirements. The loan covers the entire cost of the project which will provide close on 1.7 million people with two-thirds of normal supplies until the aqueduct is completely repaired.

LIT 58 100 million went to industrial investment in the Mezzogiorno: LIT 28 100 million to finance conversion of a flat glass plant at Salerno to the float process, involving lower energy consumption; LIT 20 000 million to Centrobanca (Banca Centrale di Credito Popolare) as a global loan to be on-lent for small and medium-scale ventures in industry and tourism; LIT 10 000 million to modernize a washing machine factory in Naples, involving construction of new buildings and the acquisition of new equipment to im-

prove productivity and thus safeguard 800 existing jobs.

Finally, LIT 34 500 million went to finance improvements on national highways providing access to eight frontier crossings into France and Switzerland: the Fréjus tunnel, the Montgenèvre and Mont Cenis passes, the Mont Blanc and Grand St Bernard tunnels and the Petit St Bernard, Simplon and Ponte Ribella passes. More than 40 000 vehicles use these routes every day.

### France

2.4.55. In France the loans totalled FF 608 million and went mainly to the energy sector with FF 600 million lent to Electricité de France (EDF) for the construction of the first two 1 300 MW units of the Belleville (Cher) nuclear power station on the left bank of the Loire between Nevers and Orléans. These two units are equipped with a pressurized water reactor and should come on stream in 1986 and 1987, leading to an energy saving of 3.5 million tonnes oil equivalent a year. FF 8 million has been granted to enlarge the commercial port of La Rochelle-Pallice (Charente Maritime) which handles imports of timber and wood-pulp and exports of cereals.

### United Kingdom

2.4.56. UKL 43.5 million was lent in Scotland and Wales for energy and infrastructure projects: UKL 20 million for the construction of the Torness nuclear power station (East Lothian), equipped with two advanced gas-cooled (AGR) reactors, each rated at 600 MW, the first scheduled to come on stream in 1986/87, the second in 1987/88. When in full operation, this station will reduce oil consumption by some 1.6 million tonnes a year. UKL 10 million went to road construction in the Lothian region of Scotland to link the M8 and M9 motorways near Armadale and to build the south-western section of the Edinburgh by-pass; UKL 5 million was used for water supply works and sewerage schemes in the Grampians area

<sup>1</sup> OJ L 200, 8.8.1979; Bull. EC 7/8-1979, point 2.1.2.

and for enlargement of the Aberdeen through road and the construction of part of the Peterhead ring road. UKL 4.5 million will go towards the cost of laying a submarine cable to transmit 20 MW of power to the Orkneys distribution network which is currently supplied by an oil-fired power station; this power station will then be used as no more than a back-up, thus reducing the consumption of petroleum products. Finally, UKL 4 million went on road construction in the Cardiff area of Wales, mainly to improve access to the city's dockland and industrial development areas; the works include 11.1 km of the new peripheral distributor road which, once completed, will connect the industrial development areas with the M4 South Wales-London motorway.

#### *Denmark*

2.4.57. In Denmark loans totalled DKR 590 million: DKR 560 million for the development of the Aarhus district heating network to connect it to a new combined heat and power station and to expand it to cover some 90% of the town's heating requirements. The project, which also includes pump stations, heat exchangers and a grid control system, will serve to reduce oil consumption appreciably. The useful life of the new facilities is estimated at 23 years, by which reckoning the total savings should come to something like two million tonnes, achieved partly through the substitution of coal for oil, and partly through the improved efficiency of the new installations. A further DKR 30 million went to a research centre at Hirtshals North Jutland, to help the fishing industry diversify production, adjust capacity, methods and equipment and train fishermen in new skills.

#### *Ireland*

2.4.58. In Ireland loans totalled IRL 41.4 million: IRL 16 million from the resources of the New Community Instrument for the expansion of peat-fired power stations at Shannonbridge (Co. Offaly) and Lanesborough (Co. Longford), where two new generating sets (45 MW each) are being in-

stalled to raise output by some 60% and cope with the growth in electricity consumption.

This equipment should reduce dependence on imported fuel by about 115 000 tonnes a year. IRL 7.9 million will go towards construction of advance factories and clusters of small factory units, offering 34 000 square metres of floorspace to companies wishing to set up or expand their existing businesses, thus creating some 900 jobs. IRL 7 million will go towards the road network, in particular the construction of urban roads in the Dublin, Cork, Limerick and Dundalk areas and the improvement of inter-city connections, especially those serving industrial areas. IRL 5 million was used to help finance 16 water supply schemes and 22 sewerage schemes in the east and south-east regions (Counties Dublin, Kildare, Kilkenny, Meath, Tipperary, Waterford, Wexford and Wicklow) to meet expanding industrial and agricultural requirements and to contribute to more effective protection of the environment, in particular lakes and watercourses. IRL 3 million went to land drainage works covering some 58 000 hectares in Counties Meath, Limerick and Mayo. IRL 2.5 million has been lent to the Agricultural Credit Corporation (ACC) in the form of a global loan to help finance small-scale on-farm investment on items such as buildings, machinery and equipment, notably for livestock farming.

Nearly all of the funds—IRL 38.9 million—are being lent with a 3% interest subsidy under the arrangements made when Ireland joined the European Monetary System.

#### *Greece*

2.4.59. In Greece the loans totalled DR 2 000 million: DR 1 000 million to the Telecommunications Organization (OTE) for improving telecommunications in less developed areas of the country in order to establish an almost fully automated network and extend or modernize equipment in less well equipped areas or in areas which have so far not been covered by the service. DR 700 million has been advanced to complete work on modernizing and widening the



Thessaloniki-Serres section (78 km) of the Thessaloniki-Serres—Bulgarian frontier road, and DR 300 million on establishing five industrial estates at Komotini (Thrace), Kavala (Macedonia), Volos (Thessaly), Patras (Peloponnese) and Heraklion (Crete), covering more than 500 hectares and including the provision of water supplies and construction of small electricity sub-stations plus effluent treatment plant.

## Outside the Community

### *Mediterranean basin*

2.4.60. The EIB lent 55 million ECU for investment in Portugal: 35 million ECU for the construction of the first two 300 MW units of a coal-fired power station at Sines, 100 km south of Lisbon, which, when fully operational, will reduce oil imports by some 800 000 tonnes. A further 20 million ECU went to investment in very small-scale industrial and tourism ventures in the country's less developed regions. This aid took the form of a global loan advanced to Caixa Geral de Depositos (CGD).

2.4.61. In Spain 40 million ECU was lent for a railway loopline around Barcelona, where traffic is congested. The old line will be made double-track and a new link built. The whole line will be electrified and several

bridges and tunnels built or rebuilt. The project is all the more necessary in view of the expected upturn in traffic as a result of Spain's future accession to the Community.

### *ACP States*

2.4.62. The EIB lent 16.6 million ECU in the Republic of the Ivory Coast: 10 million ECU to extend international telephone facilities, including participation in the new Atlantis cable (South America-Africa-Europe) and the installation of a fully electronic international telephone exchange with the other countries of West Africa. A further 6.6 million was for extending latex processing capacity for rubber produced at three factories in the south of the country at Bongo, Ousrou and Rapides Grah. In the Republic of Malawi 3 million ECU is being used to extend the capacity of the Capital Hotel in the capital, Lilongwe; this sum consists of a subordinated loan of 1.8 million and a conditional loan of 1.2 million, both drawn from risk capital resources provided for under the Convention and managed by the EIB. Finally, 150 000 ECU, also drawn from risk capital resources, went to the Democratic Republic of Madagascar for a feasibility study on conditions for operating a chromium mine in the centre of the country and on an investment plan to improve profitability.





**PART THREE**  
**DOCUMENTATION**

# 1. ECU

## Definition

3.1.1. The ECU is a 'basket' unit made up of specific amounts of Member States' currencies, determined mainly by reference to the size of each Member State's economy.<sup>1</sup>

The ECU is made up of the following amounts: BFR 3.66, LFR 0.14, HFL 0.286, DKR 0.217, DM 0.828, LIT 109, FF 1.15, UKL 0.0885, IRL 0.00759.

The Act of Accession of Greece to the Communities provides that the drachma is to be effectively included in the ECU before 31 December 1985 if the composition of the basket is changed before then pursuant to the procedures and under the conditions laid down in the Resolution of the European Council of 5 December 1978 on the European Monetary System.

In any event, the drachma will be included by 31 December 1985 at the latest.

## Calculation and publication

3.1.2. The equivalent of the ECU in any currency is equal to the sum of the equivalents of the amounts making up the unit.

It is calculated each day on the basis of representative rates for each Community currency against the dollar, which is used simply as a common reference for expressing exchange rates. The exchange rates are established on each exchange market at 2.30 p.m. by the relevant central bank; on the basis of these rates, the Commission establishes an ECU equivalent in the Community currencies and in the other major currencies.

These equivalents are published each day in the *Official Journal of the European Communities* ('C' edition) and may also be obtained from the Commission by telex automatic answering service; they are also reported by the main European press agencies and are published in many newspapers (see Table 1 below).

## 'Green' rates

3.1.3. Agricultural prices are fixed in ECU.<sup>2</sup> The ECU equivalent in national currencies ('green rates') is fixed by the Council, as were the earlier representative rates.

## Values in national currencies of one ECU

31 August 1982 <sup>1</sup>	
Belgian franc and Luxembourg franc (convertible)	45.1920
Belgian franc and Luxembourg franc (financial)	47.7157
German mark	2.35866
Dutch guilder	2.58226
Pound sterling	0.549484
Danish krone	8.23409
French franc	6.62690
Italian lira	1 327.69
Irish pound	0.685907
Greek drachma	66.8162
United States dollar	0.943465
Swiss franc	2.00458
Spanish peseta	106.612
Swedish krona	5.81552
Norwegian krone	6.34574
Canadian dollar	1.16895
Portuguese escudo	81.5625
Austrian schilling	16.5767
Finnish mark	4.50787
Japanese yen	245.018
Australian dollar	0.976672
New Zealand dollar	1.29686

<sup>1</sup> OJ C 227, 1.9.1982.

NB. Explanatory notes on the ECU and 'green' rate can be found in Bull. EC 12-1981, points 3.1.1 to 3.1.3.

<sup>1</sup> For the background to the introduction of the ECU, see Bull. 12-1980, point 3.1.2.

<sup>2</sup> Use of the ECU in the CAP is provisional.

**Representative rates ('green' rates)**

*Conversion rates into national currencies for the ECU used in connection with the common agricultural policy*

July-August 1982	
National currency	Value in national currency of one ECU
Belgian franc and Luxembourg franc	42.9772
Danish krone	8.23400
German mark	2.57524 <sup>1</sup> 2.65660 <sup>2</sup>

Greek drachma	64.8597 <sup>3</sup> 66.5526 <sup>2</sup>
French franc	6.19564
Irish pound	0.691011
Italian lira	1 289.00 <sup>4</sup> 1 258.00 <sup>5</sup> 1 227.00 <sup>2</sup>
Dutch guilder	2.75563 <sup>1</sup> 2.81318 <sup>2</sup>
Pound sterling	0.618655

<sup>1</sup> For sugar and isoglucose, milk and milk products, beef and veal, sheepmeat, and (in August) for cereals, eggs and poultry-meat.

<sup>2</sup> For other products.

<sup>3</sup> For dried grapes and olive oil.

<sup>4</sup> For sugar and isoglucose, milk and milk products, beef and veal, sheepmeat, wine and seeds.

<sup>5</sup> For pigmeat, olive oil and fish.

## 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 1-1982

#### Point 2.1.39

Proposal for a Council Directive concerning airborne noise emitted by household appliances  
OJ C 181, 19.7.1982

### Bull. EC 4-1982

#### Point 2.1.5

Proposal for a Council Directive amending Council 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 positive-ignition engines of motor vehicles  
OJ C 181, 19.7.1982

### Points 2.4.45 to 2.4.51

Opinions given by the Economic and Social Committee during its session of 28 and 29 April 1982  
OJ C 178, 15.7.1982

### Bull. EC 5-1982

#### Point 2.1.122

Commission Decision of 19 May 1982 concerning applications for advance payments in respect of the development of agriculture in the French overseas departments

Commission Decision of 19 May 1982 concerning applications for the reimbursement under Regulation (EEC) No 1054/81 establishing a common measure for the development of beef cattle production in Ireland and Northern Ireland  
OJ L 198, 6.7.1982

#### Point 2.1.135

Commission Decision of 18 May 1982 amending Decision 78/975/ECSC on the authorization of special Deutsche Bundesbahn tariffs in favour of coal and steel producers in the Saar  
OJ L 206, 14.7.1982

*Points 2.4.29 to 2.4.34*

Opinions given by the Economic and Social Committee during its session of 27 and 28 May 1982  
OJ C 205, 9.8.1982

**Bull. EC 6-1982**

*Points 1.1.1 to 1.1.5*

Joint declaration by the European Parliament, the Council and the Commission on various measures to improve the budgetary procedure  
OJ C 194, 28.7.1982

*Point 2.1.10*

Draft Council resolution on the easing of the formalities relating to checks on citizens of Member States at the Community's internal frontiers  
OJ C 197, 31.7.1982

Proposal for a Council Regulation on loans for projects covered by exploration programmes for non-energy mineral raw materials within the territories of the Member States  
OJ C 203, 6.8.1982

*Point 2.1.12*

Commission Directive of 7 June 1982 adapting to technical progress Council Directive 76/890/EEC on the approximation of the laws of the Member States relating to the suppression of radio interference with regard to fluorescent lighting luminaires fitted with starters  
OJ L 222, 30.7.1982

*Point 2.1.13*

Commission Directive of 7 June 1982 adapting to technical progress Council Directive 76/889/EEC on the approximation of the laws of the Member States relating to radio interference caused by electrical household appliances, portable tools and similar equipment  
OJ L 222, 30.7.1982

*Point 2.1.14*

Commission Directive of 10 June 1982 adapting to technical progress Council Directive 73/173/EEC on the approximation of the laws, regulations and administrative provisions of the Member States relating to the classification, packaging and labelling of dangerous preparations (solvents)  
OJ L 213, 21.7.1982

*Point 2.1.21*

Council Directive of 29 June 1982 on measures to facilitate the effective exercise of freedom of establishment and freedom to provide services in respect of activities of self-employed persons in certain services incidental to transport and travel agencies (ISIC Group 718) and in storage and warehousing (ISIC Group 720)  
OJ L 213, 21.7.1982

*Point 2.1.28*

Proposal for a Council Decision amending Council Decision 79/783/EEC of 11 September 1979 adopting a multiannual programme (1979 to 1983) in the field of data-processing  
OJ C 193, 28.7.1982

*Point 2.1.30*

Proposal for a Council Decision concerning a plan for the transnational development of the supporting infrastructure for innovation and technology transfer (1983 to 1985)  
OJ C 187, 22.7.1982

*Point 2.1.57*

Proposal for a 14th Council Directive on the harmonization of the laws of the Member States relating to turnover taxes — Deferred payment of the tax payable on importation by taxable persons  
OJ C 203, 6.8.1982

*Point 2.1.80*

Council Decision of 24 June 1982 establishing a reciprocal exchange of information and data from networks and individual stations measuring air pollution within the Member States

Council Decision of 24 June 1982 on a supplement to Annex IV to the Convention on the protection of the Rhine against chemical pollution  
OJ L 210, 19.7.1982

*Point 2.1.92*

Council Directive of 24 June 1982 concerning the risk of major accidents in certain industrial activities  
OJ L 230, 5.8.1982

*Point 2.1.96*

Council Decision of 24 June 1982 on the conclusion of the Convention on the conservation of migratory species of wild animals  
OJ L 210, 13.7.1982

**Point 2.1.103**

Proposal for a Council Regulation amending Regulation (EEC) No 1418/76 on the common organization of the market in rice

OJ C 193, 28.7.1982

**Point 2.1.119**

Amendment to the proposal for a Council Directive laying down minimum standards for the protection of laying hens kept in battery cages

OJ C 187, 22.7.1982

**Point 2.1.22**

Council Directive of 30 June 1982 concerning certain products used in animal nutrition

OJ L 213, 21.7.1982

**Point 2.1.129**

Council Regulation (EEC) No 2057/82 of 29 June 1982 establishing certain control measures

for fishing activities by vessels of the Member States

OJ L 220, 29.7.1982

**Point 2.1.175**

Proposal for a Council Decision adopting a research and development programme for the European Economic Community in the field of applied metrology and reference materials (Community Bureau of Reference — BCR) (1983 to 1987)

OJ C 187, 22.7.1982

**Point 2.1.178**

Council recommendation of 30 June 1982 concerning the registration of work involving recombinant deoxyribonucleic acid (DNA)

OJ L 213, 21.7.1982

### 3. Infringement procedures

#### Initiation of proceedings for failure to implement Directives

3.3.1. In July and August the Commission sent letters of formal notice to Member States for failure to implement Directives in the following 178 cases:

Council Directive 64/433/EEC of 26 June 1964 (OJ No 121, 29.7.1964) on health problems affecting intra-Community trade in fresh meat (Italy);

Council Directive 75/130/EEC of 17 February 1975 (OJ L 31, 22.2.1975) on the establishment of common rules for certain types of combined road/rail carriage of goods between Member States (Italy — 2 infringements);

Council Directive 75/363/EEC of 16 June 1975 (OJ L 167, 30.6.1975) concerning the coordination of provisions laid down by law, regulation or administrative action in respect of activities of doctors (Netherlands);

Council Directive 76/207/EEC of 9 February 1976 (OJ L 39, 14.2.1976) on the implementation of the principle of equal treatment for men and women as regards access to employment, vocational training and promotion, and working conditions (United Kingdom, France);

Council Directive 79/693/EEC of 24 July 1979 (OJ L 205, 13.8.1979) on the approximation of the laws of the Member States relating to fruit jams, jellies and marmalades and chestnut puree (Federal Republic of Germany, Denmark, France, Ireland, Italy, Netherlands);

First Commission Directive 79/1066/EEC of 13 November 1979 (OJ L 327, 24.12.1979) laying down Community methods of analysis for testing coffee extracts and chicory extracts (Belgium, France, Ireland, Italy);

First Commission Directive 79/1067/EEC of 13 November 1979 (OJ L 327, 24.12.1979) laying down Community methods of analysis for testing certain partly or wholly dehydrated preserved milk for human consumption (Ireland, Italy, United Kingdom, Netherlands);

Council Directive 80/597/EEC of 29 May 1980 (OJ L 155, 23.6.1980) amending for the second time Directive 74/329/EEC on the approximation of the laws of the Member States relating to emulsifiers, stabilizers, thickeners and gelling agents for use in foodstuffs (Belgium, France, Ireland, Netherlands);

Council Directive 81/20/EEC of 20 January 1981 (OJ L 43, 14.2.1981) amending for the seventh time the Directive of 23 October 1962 on the approximation of the rules of the Member States concerning the colouring matters authorized for use in foodstuffs intended for human consumption (Belgium, France, Federal Republic of Germany, Italy);

Council Directive 81/214/EEC of 16 March 1981 (OJ L 101, 11.4.1981) amending for the sixteenth time Directive 64/54/EEC on the approximation of the laws of the Member States concerning the preservatives authorized for use in foodstuffs intended for human consumption (Federal Republic of Germany, Belgium, France, Italy, Netherlands);

Sixth Council Directive 77/388/EEC of 17 May 1977 (OJ L 145, 13.6.1977) on the harmonization of the laws of the Member States relating to turnover taxes — common system of value-added tax: uniform basis of assessment (Federal Republic of Germany, Ireland, United Kingdom);

Council Directive 77/101/EEC of 23 November 1976 (OJ L 32, 3.2.1977) on the marketing of straight feedingstuffs (France, Ireland, Italy, United Kingdom, Luxembourg);

Council Directive 79/372/EEC of 2 April 1979 (OJ L 86, 6.4.1979) amending Directive 77/101/EEC on the marketing of straight feedingstuffs (France, Ireland, Italy, United Kingdom, Luxembourg);

Council Directive 79/373/EEC of 2 April 1979 (OJ L 86, 6.4.1979) on the marketing of compound feedingstuffs (France, Ireland, Italy, United Kingdom, Luxembourg);

First Commission Directive 79/797/EEC of 10 August 1979 (OJ L 239, 22.9.1979) amending

the Annex to Council Directive 77/101/EEC on the marketing of straight feedingstuffs (France, Italy, United Kingdom, Luxembourg, Ireland);

Thirtieth Commission Directive 80/131/EEC of 9 January 1980 (OJ L 30, 7.2.1980) amending the Annexes to Council Directive 70/524/EEC concerning additives in feedingstuffs (Federal Republic of Germany, Italy, United Kingdom, Luxembourg);

Thirty-first Commission Directive 80/440/EEC of 8 April 1980 (OJ L 104, 22.4.1980) amending the Annexes to Council Directive 70/524/EEC concerning additives in feedingstuffs (Federal Republic of Germany, Luxembourg, Italy, United Kingdom);

Council Directive 80/502/EEC of 6 May 1980 (OJ L 124, 20.5.1980) amending Directive 74/63/EEC on the fixing of maximum permitted levels for undesirable substances and products in feedingstuffs (Luxembourg, Italy, Netherlands, United Kingdom);

First Commission Directive 80/509/EEC of 2 May 1980 (OJ L 126, 21.5.1980) amending the Annex to Council Directive 79/373/EEC on the marketing of compound feedingstuffs (France, Luxembourg, Ireland, Italy, United Kingdom);

Second Commission Directive 80/510/EEC of 2 May 1980 (OJ L 126, 21.5.1980) amending the Annex to Council Directive 77/101/EEC on the marketing of straight feedingstuffs (France, Luxembourg, Ireland, Italy, United Kingdom);

Commission Directive 80/511/EEC of 2 May 1980 (OJ L 126, 21.5.1980) authorizing, in certain cases, the marketing of compound feedingstuffs in unsealed packages or containers (France, Luxembourg, Ireland, Italy, United Kingdom);

Thirty-third Commission Directive 80/678/EEC of 4 July 1980 (OJ L 185, 18.7.1980 and L 320, 27.11.1980) amending the Annexes to Council Directive 70/524/EEC concerning additives in feedingstuffs (Luxembourg, Italy);

Council Directive 80/213/EEC of 22 January 1980 (OJ L 47, 21.2.1980) amending Directive 72/461/EEC on animal health problems affecting intra-Community trade in fresh meat (Federal Republic of Germany, Denmark, France, Ireland, Italy, United Kingdom);

Council Directive 80/214/EEC of 22 January 1980 (OJ L 47, 21.2.1980) amending Directive 77/99/EEC on health problems affecting intra-Community trade in meat products (Federal Republic of Germany, Belgium, Denmark, France, Ireland, Italy, United Kingdom);



Council Directive 80/216/EEC of 22 January 1980 (OJ L 47, 21.2.1980) amending Directive 71/118/EEC on health problems affecting trade in fresh poultrymeat (France);

Council Directive 80/217/EEC of 22 January 1980 (OJ L 47, 21.2.1980) introducing Community measures for the control of classical swine fever (France, Luxembourg);

Council Directive 80/219/EEC of 22 January 1980 (OJ L 47, 21.2.1980) amending Directive 64/432/EEC as regards tuberculosis and brucellosis (France, Italy);

Commission Directive 80/879/EEC of 3 September 1980 (OJ L 251, 24.9.1980) on health marking of large packagings of fresh poultrymeat (France, Ireland, Italy, Netherlands);

Council Directive 80/1098/EEC of 11 November 1980 (OJ L 325, 1.12.1980) amending Directive 64/432/EEC with regard to swine vesicular disease and classical swine fever (France, Italy);

Council Directive 80/1099/EEC of 11 November 1980 (OJ L 325, 1.12.1980) amending Directive 72/461/EEC with regard to swine vesicular disease and classical swine fever (Denmark, France, Italy, Luxembourg);

Council Directive 80/1100/EEC of 11 November 1980 (OJ L 325, 1.12.1980) amending Directive 80/215/EEC with regard to swine vesicular disease and classical swine fever (Denmark, France, Italy, Luxembourg);

Council Directive 80/1102/EEC of 11 November 1980 (OJ L 325, 1.12.1980) amending Directive 64/432/EEC with regard to enzootic bovine leucosis (Federal Republic of Germany, France, Italy, Netherlands, United Kingdom);

Second Commission Directive 80/695/EEC of 27 June 1980 (OJ L 188, 22.7.1980) amending the Annex to Council Directive 79/373/EEC on the marketing of compound feedingstuffs (France, Luxembourg, Ireland, Italy, United Kingdom);

Thirty-sixth Commission Directive 80/1156/EEC of 28 November 1980 (OJ L 343, 18.12.1980) amending the Annexes to Council Directive 70/524/EEC concerning additives in feedingstuffs (Luxembourg, Italy, Netherlands);

Thirty-seventh Commission Directive 81/332/EEC of 9 April 1981 (OJ L 131, 18.5.1981) amending the Annexes to Council Directive 70/524/EEC concerning additives in feedingstuffs (Luxembourg, Netherlands, United Kingdom);

Commission Directive 81/680/EEC of 30 July 1981 (OJ L 246, 29.8.1981) amending Directives 71/250/EEC, 71/393/EEC, 72/199/EEC, 73/46/EEC, 74/203/EEC, 75/84/EEC, 76/372/EEC and 78/633/EEC establishing Community

methods of analysis for the official control of feedingstuffs (France, Luxembourg, Ireland, Italy, Netherlands, United Kingdom);

Ninth Commission Directive 81/715/EEC of 31 July 1981 (OJ L 257, 10.9.1981) establishing Community methods of analysis for the official control of feedingstuffs (France, Luxembourg, Ireland, Italy, Netherlands, United Kingdom);

Council Directive 79/967/EEC of 12 November 1979 (OJ L 293, 20.11.1979) amending Directives 66/403/EEC; 70/457/EEC and 70/458/EEC on the marketing of seed potatoes. The common catalogue of varieties of agricultural plant species and the marketing of vegetable seed (Federal Republic of Germany, France, Denmark, Italy, Luxembourg, Netherlands, United Kingdom);

Commission Directive 80/304/EEC of 25 February 1980 (OJ L 68, 14.3.1980) amending Annex II to Council Directive 69/208/EEC on the marketing of seed of oil and fibre plants (Belgium, Italy, Luxembourg, Netherlands);

Commission Directive 79/700/EEC of 24 July 1979 (OJ L 207, 15.8.1979) establishing Community methods of sampling for the official control of pesticide residues in and on fruit and vegetables (Belgium, France, Denmark, Netherlands);

Commission Directive 80/428/EEC of 28 March 1980 (OJ L 102, 19.4.1980) amending Annex II to Council Directive 76/895/EEC relating to the fixing of maximum levels for pesticide residues in and on fruit and vegetables (Federal Republic of Germany, Belgium, Denmark, France, Netherlands);

Council Directive 81/36/EEC of 9 February 1981 (OJ L 46, 19.2.1981) amending Annex II to Directive 76/895/EEC relating to the fixing of maximum levels for pesticide residues in and on fruit and vegetables (Federal Republic of Germany, Belgium, Denmark, France, Netherlands, United Kingdom);

Council Directive 80/665/EEC of 24 June 1980 (OJ L 180, 14.7.1980) on the control of potato ring rot (Belgium, Italy, Luxembourg, Netherlands);

Commission Directive 80/754/EEC of 17 July 1980 (OJ L 207, 9.8.1980) amending Annex II to Council Directive 66/401/EEC on the marketing of fodder plant seed (Italy, Luxembourg, Netherlands).

## Reasoned opinions

3.3.2. In July and August the Commission delivered 44 reasoned opinions concerning 9 Member States, in the following cases:

Council Directive 78/1026/EEC of 18 December 1978 (OJ L 362, 23.12.1978) concerning the mutual recognition of diplomas, certificates and

other evidence of formal qualifications in veterinary medicine, including measures to facilitate the effective exercise of the right of establishment and freedom to provide services (Netherlands, Italy);

Council Directive 78/1027/EEC of 18 December 1978 (OJ L 362, 23.12.1978) concerning the coordination of provisions laid down by law, regulation or administrative action in respect of the activities of veterinary surgeons (Netherlands, Italy);

First Commission Directive 76/331/EEC of 29 March 1976 (OJ L 83, 30.3.1976) amending the Annexes to Council Directive 66/400/EEC of 14 June 1966 on the marketing of beet seed (Belgium);

First Commission Directive 77/629/EEC of 28 September 1977 (OJ L 257, 8.10.1977) amending the Annexes to Council Directive 68/193/EEC on the marketing of material for the vegetative propagation of the vine (Belgium);

Council Directive 78/55/EEC of 19 December 1977 (OJ L 16, 20.1.1978) amending Directives 66/400/EEC, 66/401/EEC, 66/402/EEC, 68/193/EEC, 69/208/EEC, 70/458/EEC and 70/457/EEC on the marketing of beet seed, fodder plant seed, cereal seed, material for the vegetative propagation of the vine, seed of oil and fibre plants, vegetable seed and the common catalogue of varieties of agricultural plant species (Belgium);

First Commission Directive 78/388/EEC of 18 April 1978 (OJ L 113, 25.4.1978) amending the Annexes to Directive 69/208/EEC on the marketing of seed of oil and fibre plants (Belgium);

Council Directive 78/692/EEC of 25 July 1978 (OJ L 236, 26.8.1978) amending Directives 66/400/EEC, 66/401/EEC, 66/402/EEC, 66/403/EEC, 68/193/EEC, 69/208/EEC and 70/458/EEC on the marketing of beet seed, fodder plant seed, cereal seed, seed potatoes, material for the vegetative propagation of the vine, seed of oil and fibre plants and vegetable seed (Belgium);

Council Directive 75/129/EEC of 17 February 1975 (OJ L 48, 22.2.1975) on the approximation of the laws of the Member States relating to collective redundancies (Denmark, Belgium, Ireland);

Council Directive 77/187/EEC of 14 February 1977 (OJ L 61, 5.3.1977) on the approximation of the laws of the Member States relating to the safeguarding of employees' rights in the event of transfers of undertakings, businesses or parts of businesses (France);

Council Directive 79/267/EEC of 5 March 1979 (OJ L 63, 13.3.1979) on the coordination of laws, regulations and administrative provisions relating to the taking up and pursuit of the busi-

ness of direct life assurance (Federal Republic of Germany, France, Ireland, Italy, Luxembourg, Netherlands);

Council Directive 79/1070/EEC of 6 December 1979 (OJ L 331, 27.12.1979) amending Directive 77/799/EEC concerning mutual assistance by the competent authorities of the Member States in the field of direct taxation (Italy);

Council Directive 79/1071/EEC of 6 December 1979 (OJ L 331, 27.12.1979) amending Directive 76/308/EEC on mutual assistance for the recovery of claims resulting from operations forming part of the system of financing the European Agricultural Guidance and Guarantee Fund, and of the agricultural levies and customs duties (Italy);

Second Council Directive 79/32/EEC of 18 December 1978 (OJ L 10, 16.1.1979) on taxes other than turnover taxes which affect the consumption of manufactured tobacco (France, Italy);

Sixth Council Directive 77/388/EEC of 17 May 1977 (OJ L 145, 13.6.1977) on the harmonization of the laws of the Member States relating to turnover taxes—Common system of value-added tax: uniform basis of assessment (Luxembourg);

Council Directive 79/409/EEC of 2 April 1979 (OJ L 103, 24.4.1979) on the conservation of wild birds (Belgium, Italy);

Council Directive 78/319/EEC of 20 March 1978 (OJ L 84, 31.3.1978) on toxic and dangerous waste (Italy);

Council Directive 80/51/EEC of 20 December 1979 (OJ L 18, 24.1.1980) on the limitation of noise emissions from subsonic aircraft (Luxembourg, Italy);

Council Directive 79/112/EEC of 18 December 1978 (OJ L 33, 8.2.1979) on the approximation of the laws of the Member States relating to the labelling, presentation and advertising of food-stuffs for sale to the ultimate consumer (France);

Commission Directive 79/76/EEC of 21 December 1978 (OJ L 17, 24.1.1979) adapting to technical progress Council Directive 72/276/EEC on the approximation of the laws of the Member States relating to certain methods for the quantitative analysis of binary textile fibre mixtures (Ireland);

Council Directive 78/659/EEC of 18 July 1978 (OJ L 222, 14.8.1978) on the quality of fresh waters needing protection or improvement in order to support fish life (Belgium);

Council Directive 77/452/EEC of 27 June 1977 (OJ L 176, 15.7.1977) concerning the mutual recognition of diplomas, certificates and other evidence of the formal qualifications of nurses responsible for general care, including measures to facilitate the effective exercise of this right of es-

establishment and freedom to provide services (Belgium, Netherlands);

Council Directive 77/453/EEC of 27 June 1977 (OJ L 176, 15.7.1977) concerning the coordination of provisions laid down by law, regulation or administrative action in respect of the activities of nurses responsible for general care (Belgium, Netherlands);

Council Directive 75/362/EEC of 16 June 1975 (OJ L 167, 30.6.1975) concerning the mutual recognition of diplomas, certificates and other evidence of formal qualifications in medicine, including measures to facilitate the effective exercise of the right of establishment and freedom to provide services (Netherlands);

Council Directive 77/93/EEC of 21 December 1976 (OJ L 26, 31.1.1977) on protective measures against the introduction into the Member States of harmful organisms of plants or plant products (Federal Republic of Germany, Netherlands);

Council Directive 74/329/EEC of 18 June 1974 (OJ L 189, 12.7.1974) on the approximation of the laws of the Member States relating to emulsifiers, stabilizers, thickeners and gelling agents for use in foodstuffs (France);

Council Directive 78/612/EEC of 29 June 1978 (OJ L 197, 22.7.1978) amending for the first time Directive 74/329/EEC on the approximation of the laws of the Member States relating to emulsifiers, stabilizers, thickeners and gelling agents for use in foodstuffs (France);

Council Directive 78/663/EEC of 25 July 1979 (OJ L 223, 14.8.1978 and OJ L 296, 21.10.1978) laying down specific criteria of purity for emulsifiers, stabilizers, thickeners and gelling agents for use in foodstuffs (France);

First Commission Directive 79/796/EEC of 26 July 1979 (OJ L 239, 22.9.1979) laying down Community methods of analysis for testing certain sugars intended for human consumption (France, Netherlands, Ireland);

Council Directive 76/893/EEC of 23 November 1976 (OJ L 349, 9.12.1976) on the approximation of the laws of the Member States relating to materials and articles intended to come into contact with foodstuffs (Denmark, France, Ireland, Federal Republic of Germany);

Commission Directive 80/590/EEC of 9 June 1980 (OJ L 151, 19.6.1980) determining the

symbol that may accompany materials and articles intended to come into contact with foodstuffs (Federal Republic of Germany, Denmark, France, Ireland);

Council Directive 77/94/EEC of 21 December 1976 (OJ L 26, 31.1.1977) on the approximation of the laws of the Member States relating to foodstuffs for particular nutritional uses (France, Ireland, Netherlands);

Council Directive 78/142/EEC of 30 January 1978 (OJ L 44, 15.2.1978) on the approximation of the laws of the Member States relating to materials and articles which contain vinyl chloride monomer and are intended to come into contact with foodstuffs (France, Ireland, Netherlands);

Council Directive 78/609/EEC of 29 June 1978 (OJ L 197, 22.7.1978) amending for the fifth time Directive 73/241/EEC on the approximation of the laws of the Member States relating to cocoa and chocolate products intended for human consumption (Federal Republic of Germany, Denmark, Ireland, Italy);

Council Directive 76/628/EEC of 20 July 1976 (OJ L 223, 16.8.1976) amending for the fourth time Directive 73/241/EEC on the approximation of the laws of the Member States relating to cocoa and chocolate products intended for human consumption (Ireland, Italy);

Council Directive 79/168/EEC of 5 February 1979 (OJ L 37, 13.2.1979) amending Directive 75/726/EEC on the approximation of the laws of the Member States concerning fruit juices and certain similar products (Denmark, Ireland, United Kingdom);

Council Directive 77/436/EEC of 27 June 1977 (OJ L 172, 12.7.1977) on the approximation of the laws of the Member States relating to coffee extracts and chicory extracts (Ireland, Italy);

Charges for health control purposes (oysters, mussels and shell-fish) (France);

Contribution to the purchase of buses in Sicily (Italy);

Restrictions on the transportation of milk by road (Italy);

Legislative and administrative provisions governing radio and television programmes (Ireland);

Restrictions on the importation of meat extracts originating from third countries (Italy).

## 4. Council statement on the Danish Presidency

Strasbourg, 7 July<sup>1</sup>

3.4.1. Mr President, as a Member of this Assembly following the direct elections it gives me particular pleasure to be reporting to you on the deliberations in the European Council on 28 and 29 June of this year.

I should, Mr President, first of all to express my great appreciation for the work done by the Belgian Presidency, since the Belgian Government was responsible for both the preparations and the conduct of the meeting itself. I am sure I speak for all those who took part in this meeting when I say that Belgium did this work with the skill for which it is renowned in its work for the Community.

The meeting of the European Council was preceded, from 4 to 6 June 1982, by a world economic summit in Versailles. We are acquainted with the results of this summit, which was also chaired by a Community Member State, i.e. France, from the communiqué which was issued. This in itself provided a good opportunity for the Community to put forward those viewpoints which the Community is pressing toward. This clearly also applied in that four of the seven participant countries were Community Member States. It was also the first time that the Community presidency was held by a country which was not one of those which normally takes part in world economic summits.

The results achieved at this summit, and the views put forward by the various participants naturally contributed to the preparations for and discussions at the meeting of the European Council on 28 and 29 June. As the European Parliament will be aware from Mr Martens' speech of 21 April this year, the European Council in March agreed to make a special effort regarding investment and employment. At that meeting, agreement had already been reached on a procedure involving preliminary discussion at the June European Council with a view to taking stock subsequently of the work done on these questions at the European Council's meeting at the end of the year. The discussion of the economic and social situation, including investment policy, was marked by the seriousness which present economic conditions dictate. It is no secret that the economic outlook is bleak. It would appear that the current economic recession has become firmly entrenched and that it will be very difficult to get the economy back on its feet again. Certain limited results have been achieved in the fight against inflation. On the other hand, the national

budgets and balances of payments continue to show major deficits. The international monetary situation continues to be very unsettled, partly as a result of high and fluctuating American interest rates. It is encouraging, however, that the European Monetary System continues to work entirely satisfactorily.

The European Council agreed at its meeting to confirm the conclusions that had been adopted at the March meeting regarding both a coordinated policy for combating unemployment by promoting productive investment and increasing productivity and the development of a Community industrial strategy based on a technology and innovation policy. This shows the understanding that exists in all the Member States of the European Community regarding the need to make an effort to reduce employment.

At the meeting, three main areas for action were singled out. Firstly, the modernization of European economic structures, which will only be possible by means of increased investments. In order to avoid misunderstandings, I should like to stress that we are not thinking in terms of investment aimed at directly creating jobs, but of introducing a new structure in the Member States which will make it possible for them to solve the major problems which the rapid and radical developments in technology have brought with them.

Before the meeting, the Commission submitted a communication regarding investment policy which will be discussed by the Council of Ministers of Finance and Economic Affairs and will form a good basis for further discussions.

The European Council also expressed its wish that proposals for the development of a new technology should be drawn up. The Commission submitted a communication in this field too, which may serve as a basis for the necessary proposals.

Secondly, there is the question of economic convergence within the Community. We all realize the need for improved harmonization of economic development in the Member States. If we are to achieve this convergence, there must be an increase in investments, which will mean that a serious effort will have to be made to convince public opinion, economic circles and both sides of industry of the need to transfer resources in favour of both public and private productive investment.

<sup>1</sup> Statement in Parliament by Mr Olesen, President of the Council, on the six-month Danish Presidency then beginning.

There can be no doubt that economic and social development will be jeopardized if the people of our countries lose heart and capitulate in the face of the economic and social difficulties. We, as politicians, have a responsibility to live up to here.

Thirdly, the European Council recommended that the Council should, at a special meeting which the Ministers of Finance and Economic Affairs and Social Affairs would attend, adopt firm proposals for the combating of unemployment, particularly among young people. The special meeting is envisaged for November of this year.

In addition to the economic and social situation, the European Council devoted considerable attention to the question of the relations between the Community and the United States. The Member States of the European Community have for a long time taken the view that American economic policy has implications for the international interest rate which will, in the long term, cause considerable harm not only to the economies of the countries of Europe, but to the world economy as a whole. On various occasions, the concern which we in Europe feel at the high and fluctuating interest rates has been made clear to the American administration. It was agreed at the European Council to stress the fact that a reduction in the interest rate was absolutely vital for the recovery of the world economy. At the same time, the hope was expressed that the American Government and Congress would take the necessary measures with a view to solving the problem of the budgetary deficit.

As regards trade policy, a number of serious problems have arisen recently which have made it necessary for the Community to react to US policy.

At the meeting of the Foreign Ministers on 21 and 22 June, criticism and deep concern was expressed regarding the American attitude and the steps taken by America in connection with three questions, i.e. the steel market, export and licensing of equipment for laying the gas pipeline, and the common agricultural policy.

The European Council confirmed this position at its meeting.

The European Council also emphasized its view that the maintenance of the open world trade system would be seriously jeopardized by unilateral and retroactive decisions on international trade, by attempts to exercise extra-territorial legal powers and by measures preventing the fulfilment of existing trade contracts. It was, however, clearly agreed at the meeting of the European Council that the specific trade policy problems should not be allowed to develop into a real trade policy

confrontation. There was need for dialogue and negotiation. Moreover, there had to be a willingness on all sides.

Against this background, the European Council agreed firstly, to defend vigorously the Community's legitimate interests in the appropriate bodies, particularly GATT, secondly, to take the necessary steps to deal swiftly and effectively with trade questions and thirdly, to establish a genuine and effective dialogue between the United States and the Community in those areas where there was risk of disagreement.

The European Council also discussed the enlargement of negotiations with Spain and Portugal and reaffirmed its earlier statements—particularly the declaration made at the London meeting in November 1981—to the effect that the Member States were in favour of progress in these negotiations. However, the Commission was at the same time requested to draw up an overview of the difficult problems which would result from the enlargement for the Community as a whole and the various Member States. As I understand, the Commission intends to submit a proposal for a solution to these problems for consideration by the Council.

Political matters discussed included the situation in the Middle East, the conflict between Iraq and Iran and relations with Latin America.

As regards the situation in the Middle East, the Ten upheld their firm condemnation of the Israeli invasion of the Lebanon and said that the present ceasefire must be maintained at all costs. The ceasefire should be accompanied by the immediate withdrawal of the Israeli troops from their positions around Beirut as an initial step towards their total withdrawal from the Lebanon. At the same time the Palestinian forces should withdraw from West Beirut. The conditions for withdrawal should be agreed between the parties involved.

The European Council stressed that it was vital that all foreign troops including the Israelis should withdraw from the country. The only exceptions should be those forces which had received special permission from the Lebanese Government to stay in the country. The Ten decided to continue their humanitarian aid to the people of the Lebanon and expressed their willingness to help in the subsequent reconstruction of the country.

The Ten also pointed out that restoration of peace and security in the region would have to be achieved through negotiations based on the principles of security for all States and justice for all peoples in the region. All the parties concerned should take part in these negotiations and accept one another's existence. The Ten stressed in this

connection that Israel would not obtain the security which it sought by using force. It could find this security only by satisfying the legitimate aspirations of the Palestinian people, who should have the opportunity to exercise their right to self-determination with all that that implied.

The Ten considered that for the negotiations to lead to a result the Palestinian people would have to be actively associated with them. It continued to be the Ten's position that the PLO should take part in these negotiations. Finally, it was the Ten's wish that the Palestinian people should be put in a position to pursue their demands through political channels and that this should be done with respect for and in recognition of the existence and security of all.

The conflict between Iran and Iraq is also a serious threat to the security and stability of the Middle East. The European Council therefore appealed for an end to hostilities and that a negotiated settlement be found, as advocated by the Ten's Foreign Ministers on 24 May of this year. The European Council also called for an intensification of current peace efforts and declared itself

ready to allow the Ten to lend their assistance in these.

In the wake of the cessation of hostilities over the Falkland Islands, the European Council also discussed the Ten's relations with the countries of Latin America and the Caribbean. The Ten attach great importance to the development of their relations with the peoples of this part of the world, which enjoys so many links with Europe. They feel that this part of the world has an expanding international role to play. The European Council therefore instructed the Foreign Ministers to study appropriate means of strengthening cooperation between the Ten and Latin America. At the same time the European Council asked the Community bodies actively to pursue the study which was already under way on the problem of aid to Central America. In this connection, it also discussed how the Ten, with the agreement of the countries concerned, could help to reduce tension and promote peace in the region.

Mr President, these were the points I wanted to make regarding the meeting of the European Council.

# **Publications of the European Communities**

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# Publications of the European Communities

7/8 — 1982

## 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 only listed in that language; otherwise another version, but only one, is included, in the following order of choice:

French,	Spanish,
German,	Portuguese,
Italian,	Greek,
Dutch,	others.
Danish,	

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.

## Arrangement

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 only appear in the classified list as cross-reference entries, full entries being found in Part II.

**Part II — The list of 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 sequence numbers to the entries in Part I of the monthly catalogue. These indexes cumulate throughout the year.

**How to obtain publications.** 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.

Orders for priced publications should be directed to the Sales Offices listed on the last page.

All orders should quote the full title, as well as the ISBN or ISSN where such a number precedes the prices in the catalogue.

**Abbreviations and conventional signs.** The text languages of publications are indicated by the following abbreviations :

DA Danish	GA Irish
DE German	IT Italian
GR Greek	NL Dutch
EN English	ES Spanish
FR French	PT Portuguese

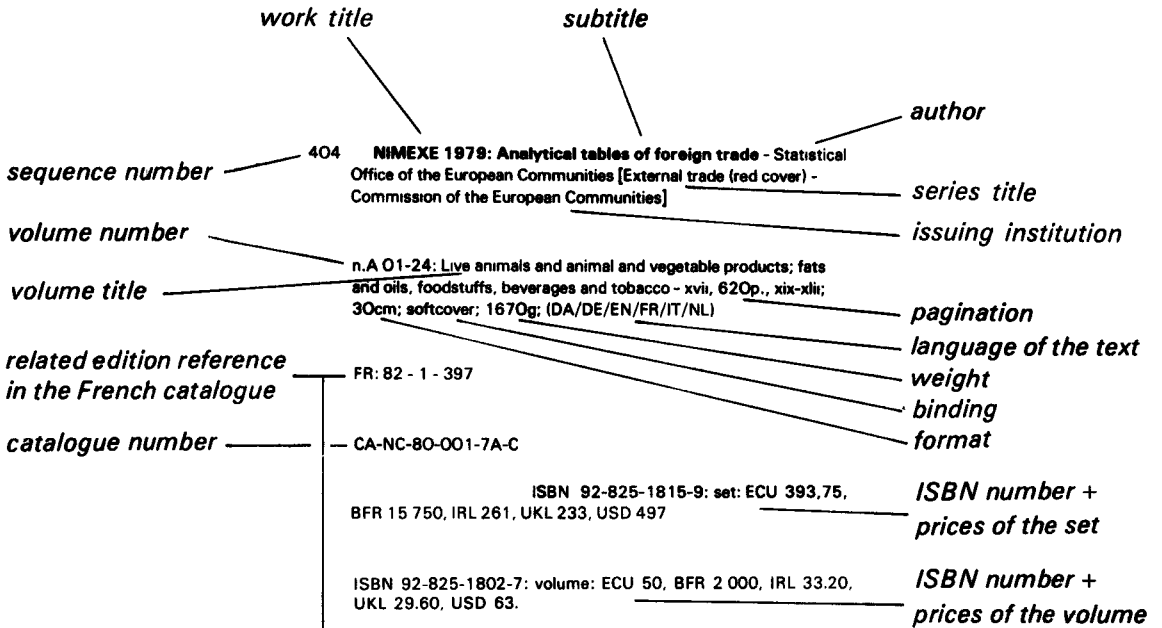
A string of such symbols separated by diagonal strokes denotes a publication in which different language versions of the same text appear under one cover.

The abbreviation 'multi' indicates a publication with a mixed multilingual text.

Prices, which exclude any value-added tax which may be chargeable, are fixed in various currencies, using the following abbreviations :

BFR Belgian franc	HFL Dutch guilder
DKR Danish crown	IRL Irish pound
DM German mark	LIT Italian lira
DR Greek drachma	PTA Spanish peseta
ESC Portuguese escudo	UKL Pound sterling
FF French franc	USD US dollar





397      **NIMEXE 1979: Tableaux analytiques du commerce  
extérieur - Office statistique des Communautés européennes  
[Commerce extérieur (couverture rouge) - Commission des  
Communautés européennes]**

n.A O1-24: Animaux vivants et produits des règnes animal ou  
végétal, graisses et huiles, aliments, boissons et tabacs - xvii,  
62Op., xix-xlii; 30cm; broché; 1670g; (DA/DE/EN/FR/IT/NL)  
EN: 82 - 1 - 404  
CA-NC-80-001-7A-C      ISBN 92-825-1815-9: ensemble:  
Écu 393,75, BFR 15 750, FF 2 266  
ISBN 92-825-1802-7: volume: Écu 50, BFR 2 000, FF 288.

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## 1 General, political and institutional matters

### MONOGRAPHS AND SERIES

- 1 **Europe 25 years after the signature of the Treaties of Rome: Speeches made at the official celebration at the Palais des Académies in Brussels on 29 March 1982** - Council of the European Communities - 34pp.: 21cm: stapled: 70g: (EN)  
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- 5 **Guide pratique pour l'utilisation du schéma des préférences tarifaires généralisées des Communautés européennes: 1er avril 1982** - Commission des Communautés européennes - 354p.: 30 x 21cm: broché: 910g: (FR)  
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- 6 **Bestimmungsgrößen der Eigentums- und Pachtverhältnisse, sowie der Mobilität und Nutzung von Agrarland in der Bundesrepublik Deutschland** - Generaldirektion Landwirtschaft - 313S.: 30cm: broschiert: 420g: (DE) [Mitteilungen über Landwirtschaft: 83 - Kommission der Europäischen Gemeinschaften]  
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- 16 **Records of the Luxembourg Conference on the Community patent 1975** - General Secretariat: Council of the European Communities - 334pp.: 30cm: softcover: 850g: (EN) BX-33-81-190-EN-C ISBN 92-824-0089-1: ECU 35,99, BFR 1600, IRL 25, UKL 20.50, USD 39.50.

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- 17 **Inventory of taxes: 1981 edition** - Commission of the European Communities: Directorate- General Financial Institutions and Taxation - 671pp.: 30cm: softcover: 1800g: (EN) FR:82-7-18 CB-32-81-657-EN-C ISBN 92-825-2904-5: ECU 22,63, BFR 1000, IRL 16, UKL 13, USD 24.

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- 18 **Financial report: European Coal and Steel Community - Commission of the European Communities 1981** - 69pp.: 5ill.(col.), 3graphs (col.): 30cm: softcover: 230g: (EN) DE:82-7-19. FR:82-7-19. IT:82-7-19. NL:82-7-18 CB-35-82-077-EN-C ISBN 92-825-3061-5: ECU 7,78, BFR 360, IRL 5.40, UKL 4.40, USD 8.
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**14 Regional policy****15 Environment and consumer affairs**

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- 28 **Employment and unemployment 1974-1980** - Statistical Office of the European Communities [Population and social conditions (yellow cover) - Commission of the European Communities]  
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- P4 Avrupa** - Commission of the European Communities - Ankara - 27 cm: (TR) - monthly.  
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