

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



BULLETIN OF THE EUROPEAN COMMUNITIES

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

**Commission of the European Communities
General Secretariat
Brussels**

**no.7/8
1975
8th year**

contents

1ST PART EVENTS AND STUDIES

| | |
|---|----|
| 1. European Union: Positions taken by the European Parliament, the Court of Justice and the Economic and Social Committee | 6 |
| 2. The European Community and the CSCE | 8 |
| 3. Towards a 'Europe for citizens' | 12 |
| 4. Action programme for taxation | 14 |
| 5. Multiannual Community research programmes: Commission proposals | 16 |

2ND PART ACTIVITIES IN JULY/AUGUST 1975

| | |
|--|----|
| 1. Functioning of the common market | 20 |
| — Customs union | 20 |
| — Internal common market | 22 |
| — Competition policy | 24 |
| — Fiscal policy and financial institutions | 33 |
| 2. Economic and monetary union | 35 |
| — Economic, monetary and financial policy | 35 |
| — Regional policy | 40 |
| — Social policy | 41 |
| — Environment and consumer protection | 45 |
| — Agricultural policy | 46 |
| — Industrial and technological policy | 55 |
| — Science, research and development, education, scientific and technical information | 55 |
| — Energy policy | 57 |
| — Transport policy | 60 |

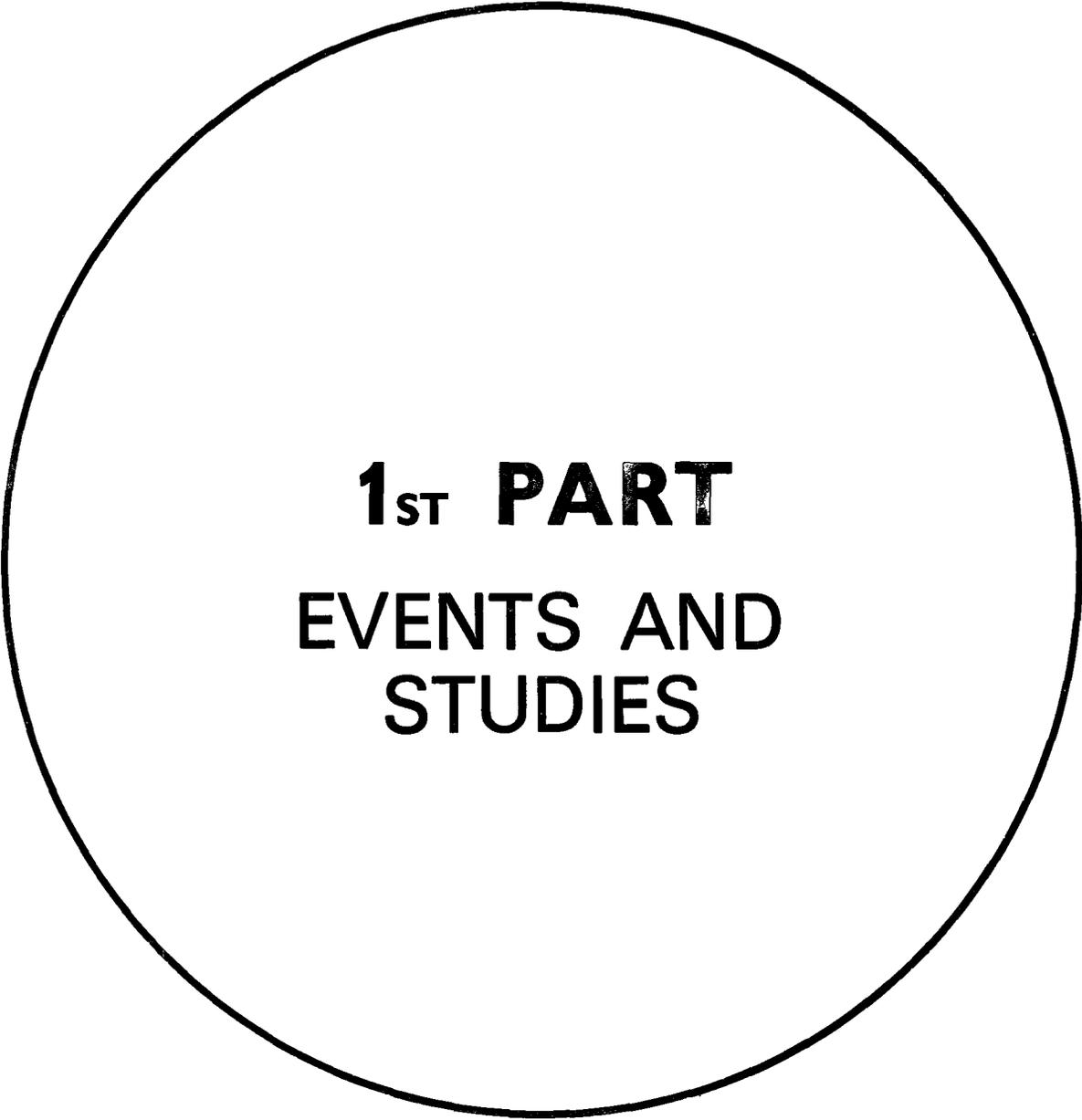
| | |
|--|------------|
| 3. External relations | 61 |
| — Multilateral negotiations | 61 |
| — Commercial policy | 63 |
| — Development and cooperation | 66 |
| — Commodities and world agreements | 67 |
| — International organizations | 68 |
| — Mediterranean countries | 70 |
| — African, Caribbean and Pacific countries | 72 |
| — Non-member countries | 75 |
| — Diplomatic relations of the Communities | 77 |
| 4. Institutions and organs of the Communities | 78 |
| — European Parliament | 78 |
| — Council | 89 |
| — Commission | 93 |
| — Court of Justice | 94 |
| — Economic and Social Committee | 99 |
| — ECSC Consultative Committee | 100 |
| — European Investment Bank | 101 |
| — Financing Community activities | 104 |
| — Audit Board | 108 |
| 5. Institutional questions — European policy | 111 |

3RD PART **DOCUMENTATION**

Publications of the European Communities

Supplements 1975

- 1/75 The Community's supplies of raw materials
- 2/75 Stocktaking of the common agricultural policy
- 3/75 Community measures for the approximation of laws (1972-1974)
- 4/75 Statute for European companies (amended proposal for a regulation)
- 5/75 Report on European Union
- 6/75 Development and raw materials—Problems of the moment
- 7/75 Towards European citizenship



1ST PART
EVENTS AND
STUDIES

1. European Union

Positions taken by the European Parliament, the Court of Justice and the Economic and Social Committee

1101. At the Paris Summit Conference of 19 and 20 October 1972, the Heads of Government made it their major objective, by the end of the current decade and in strict compliance with the Treaties signed, to transform all the relations of the Member States into a European Union. The Community institutions were therefore asked to prepare by the end of 1975, a report on the subject, to be presented to a later Summit Conference.¹ The objective of European Union was confirmed by the Summit Conferences in Copenhagen on 14 and 15 December 1973² and in Paris on 9 and 10 December 1974.³ At the Paris meeting, the Heads of Government considered that the Nine should agree as soon as possible on an overall concept of European Union. Confirming the importance they attached to the reports of the Community institutions, they asked the Parliament, the Commission and the Court of Justice to bring forward their presentations to the end of June 1975. It was agreed to delegate Mr *Tindemans*, the Belgian Premier, to provide the Heads of Government by the end of 1975 with a summary report based on the reports of the institutions, and his talks with the governments and those representing public opinion within the Community.

1102. The Commission adopted its report on European Union on 25 June 1975.⁴ On its side, the Council had sent for review to the Member States' governments and other Community institutions, a 'questionnaire on establishing the European Union', finalized by the Committee of Permanent Representatives, with the help of a group of experts from the Member States.⁵

European Parliament

1103. Early in 1973, Parliament instructed its Political Affairs Committee to report on European Union. The Committee then designated Mr *Alfred Bertrand* (Christian Democrat Group) as rapporteur.

On the strength of an interim report, Parliament passed a first Resolution on European Union on 17 October 1974.⁶

Parliament presented its report on European Union in the form of a Resolution,⁷ adopted after a major political debate⁸ on 10 July. The House felt that the Union must be designed as a pluralist and democratic community whose priority aims are as follows: to ensure strict respect for liberty and human dignity; to promote social justice and solidarity between the Member States and the citizens of the Community through the establishment of an economic order ensuring full employment and the equitable distribution of incomes and wealth; to oppose resolutely any cause of conflict or tension, in order to contribute towards the maintenance of peace and freedom; to take part in efforts to reduce tension and settle disputes by peaceful means throughout the world and, in Europe, to develop cooperation and security between States. The Union must be based on an institutional structure which will ensure its coherence, in particular: on a body, within which participation by the Member States in the

¹ Bull. EC 10-1972, Part 1, Chapter I.

² Point 16 of Final Communiqué, Bull. EC 12-1973, point 1106.

³ Bull. EC 12-1974, point 1104.

⁴ Supplement 5/75 — Bull. EC; see also Bull. EC 6-1975, points 1101 to 1106.

⁵ Bull. EC 6-1974, point 2507; Eighth General Report, point 8.

⁶ Bull. EC 10-1974, point 2403.

⁷ Supplement 9/75 — Bull. EC.

⁸ Point 2406.

decision-making process of the Union will be guaranteed; on a Parliament having budgetary powers and powers of control, which would participate on at least an equal footing in the legislative process, as is its right as the representative of the peoples of the Union; on a single decision-making centre which will be in the nature of a real European government, independent of the national governments and responsible to the Parliament of the Union; on the European Court of Justice; on an Economic and Social Council, as a consultative body; on a European Court of Auditors. The powers and responsibilities of the Union must be progressively widened, in particular in: foreign policy, security policy, social and regional policy, educational policy, economic and monetary policy, Community budgetary policy, policy on energy and supplies of raw materials, a scientific and technical research policy. The Union, based on the collective exercise of common responsibilities, must remain open to new tasks.

Court of Justice

1104. The Court of Justice set out its *suggestions on European Union* in a paper addressed to the other Community institutions on 15 July 1974, as an internal document of the Community. The suggestions were turned over to Mr *Tindemans*, the Belgian Premier, by Mr Robert *Lecourt*, President of the Court of Justice, on 22 July. In this paper, which confines itself to the legal and judicial fields, the Court states that the Community is governed by the rule of law and considers that a genuine rule of law in the European context implies binding rules which apply uniformly and which protect individual rights. European Union would lack any force if it was based upon rules that imposed neither obligations nor sanctions on Member States in their relations with one another or with individuals. European legal rules must take precedence over all internal measures; their authority

would be assured by one common court which had the task of declaring the law for all the States and their inhabitants; legal certainty involves that powers once transferred may not be withdrawn. If the Union were to include an elected Parliament exercising legislative powers, the question would arise of a possible review of the conformity of legislative enactments with the Treaty. The Court of Justice would be the appropriate body to exercise such a review.

Economic and Social Committee

1105. During the plenary session of 16 and 17 July, the Economic and Social Committee adopted *an Opinion on European Union*.¹ Prepared from the report by Mr *De Bruyn* (Belgium—General Interests) it was turned over to Premier *Tindemans* by Mr *Henri Canonge*, the Committee's Chairman, on 22 July. In its Opinion, the Committee proposes that a Charter be drawn up defining the objectives of European Union. This document should establish the foundations of the Union in compliance with the rules of democracy and political, philosophical and cultural pluralism. It should define the rights of European citizens and restate the economic and social objectives which it is proposed to attain.

The Union must possess effective institutions whose functions and interrelations are clearly defined.

As regards the Union's institutions, the Committee emphasized the need for a Parliament elected by universal suffrage and voting Community laws. It wished to see the Economic and Social Committee raised to institutional rank, as an Economic and Social Council.

¹ Supplement 9/75 — Bull. EC.

2. The European Community and the CSCE

European Union

To give practical shape to its aims and the aims it will decide to adopt for the future, and to apply the policies essential to achieving them, the Union must be vested with certain powers transferred from national to Community level, and should accordingly possess appropriate authority.

1201. The final stage of the Conference on Security and Cooperation in Europe took place in Helsinki from 30 July to 1 August, when the Final Act of the Conference was signed by the Heads of State or Government of the thirty-five States taking part.

Before the start on 22 November 1972 of the preparatory work on the Helsinki Conference, the Community in the Communiqué of the Paris Summit Conference of October 1972, had stated its intention to make a concerted and constructive contribution to the Conference preparations.¹ The preparatory stage, at which the mandates were defined for the three Committees who were to study the various aspects of security and cooperation, and during which the European Commission acted mainly as coordinator for the spheres within the competence of the EEC, concluded with the formal opening of the Conference at Foreign Minister level from 3 to 8 July 1973. At that meeting, the Danish Minister, Mr *Andersen*, as President-in-Office of the Council of the Communities, announced that the Communities agreed the mandate and confirmed that the Community would be involved as such in the future work of the Conference, in conformity with its own competences.²

The second phase of the Conference, which went on in Geneva from 18 September 1973 to 21 July 1975, saw the Community participate according to the form agreed by the Council in September 1973;³ meaning that the Commission representatives were included, clearly and distinctly, in the delegation of the Member States holding Presidency of the Council with their rank and post within the Commission indicated, and took part in the proceedings of Committee II, expressing the Community view in so far as

¹ Point 13 of the final Communiqué. Bull. EC 10-1972, Part 1, Chapter 1.

² Bull. EC 6-1973, point 1501.

³ Bull. EC 9-1973, point 1203.

competences and procedures so required. Committee II was assigned to prepare the drafts of the final documents of the Conference on the economic side (trade, cooperation, science and technology, environment, transport, labour, tourism etc.).

The results of the two years' work of the second stage were reviewed by the European Council, meeting in Brussels on 17 July, which signified its agreement on the texts drawn up during this stage and adopted in the Final Act of the Conference. In a statement,¹ the Council acknowledged the joint efforts of the Community countries at the Conference as 'a shining example of constructive cooperation'; it also highlighted the value of the Conference in that it had affirmed common principles of conduct in relations between the participating States.

Finally, on 1 August, at the Summit Meeting in Helsinki, the third stage of the Conference, Mr Aldo Moro signed the Final Act in his dual capacity as President of Italy's Council of Ministers and President-in-Office of the Council of the European Communities.

Statement by the President-in-Office of the Council

1202. Mr Moro made the following statement on behalf of the Community:

'In the context I have just described, of a dynamic outlook and an enrichment of the loom of political and human relationships, as President-in-Office of the Council of the European Communities, I would like to recall the declaration, on behalf of the Community, by Mr Andersen, Denmark's Minister for Foreign Affairs on 3 July 1973. Mr Andersen had drawn his colleagues' attention to the fact that, depending on the matter in hand, the Community might be involved, according to its compe-

tence and own procedures, in the work of the Conference, and that implementing the results of negotiations on those subjects would hinge on Community agreement. The Communities have examined the conclusions of the Conference on these matters and I am privileged to inform you that they have accepted them.

I shall therefore sign the Final Act of the Conference in my dual capacity: as the representative of Italy, on her behalf, and as President-in-Office of the Council of the Communities on their behalf. Non-member countries will thus be assured that the conclusions of the Conference will be implemented by the Community, as far as they are concerned, in respect of the matters now falling within, or eventually falling within its competence.

As regards these matters, the term "participating States" in the Final Act will be understood as applying also to the European Communities.

With respect to implementing the conclusions of the Conference, the Community views will be expressed in accordance with its internal rules, whenever matters falling within its competence are involved.

Here I would like to remind you that, by their unceasing efforts towards economic and social progress in the Member States, and with the aim of expanding and improving international economic relations, the Communities have already made a significant contribution to the goals of our Conference. Mindful of the Community's forward-moving character, the Member States consider that the results of the Conference do not impede the process of European unification, as they freely intend to pursue it. This process, a factor for peace and security, is a positive contribution towards cooperation in Europe. They are determined to go on collaborating together with all the participating countries to attain this goal.

¹ Point 1204.

The cohesion of the Nine has proved of value in the work of the Conference and this has really helped in discovering points of common agreement with the participating States. It is a token of the open spirit in which those countries plan to continue their multilateral dialogue for *détente*, peace and cooperation.¹

Results of the Conference

1203. Any review of the features of the CSCE should highlight the splendid Community cooperation which prevailed throughout each of its stages. The work of the Committee responsible for economic, scientific and technical cooperation enabled the guidelines to be established in a large number of areas involving the Community. The preamble to the Committee's final document defines the basic concepts of economic cooperation, among which should be mentioned reciprocity, of crucial importance in the context of relations with State-trading countries, since, despite the difference between the economic systems, it aims for an 'equitable distribution of the benefits and obligations of comparable proportions'.

This means that the partners at the Conference grant one another concessions of comparable proportions, contract obligations equally, and thus obtain benefits of equal magnitude. This is a concept which had not hitherto been mutually acknowledged as a basic principle of international relations, and particularly of relations with the State-trading countries.

The preamble is followed by detailed texts concerning trade, industrial cooperation, science and technology, environment etc. Among its general provisions, the text on trade contains meaningful ideas such as diversification of trade, broadening the scope for choice of products, safeguards against market disruption etc. All these ideas are certainly not new, but they have

now been assembled for the first time into a single document signed at top level.

The other important texts include the document on economic and trade information which highlights the value for economic relations and cooperation of better available information in respect of production, consumption and foreign trade statistics, trade regulations, economic forecasts etc. Other chapters deal with business arrangements and contacts, marketing, projects of common interest, harmonization of standards, arbitration, repatriation of profits, cooperation in transport, tourism and migrant labour. The chapter on industrial cooperation is particularly significant since it is the first multilateral paper on the subject.

On the economic side, the results of the CSCE, on which so many governments have rightly set much store, can in short be said to have clarified the basic concepts and more sharply defined the forms and methods of economic cooperation, thus producing factors which can help to improve and normalize relations between East and West in Europe.

Naturally, the statements emerging from the Conference are not sufficient in themselves; everything hinges on how effectively the participants apply the principles. As Mr Moro pointed out on behalf of the Community, it is ready to implement the conclusions of the Conference in respect of those matters which fall or will fall within its competence, with the aim of strengthening inter-European cooperation.

With this in mind, it should be recalled that the European Community has already demonstrated its resolve to act in the spirit of the Conference, by indicating in practical terms, at the end of 1974, that it was always ready to initiate negot-

¹ Provisional translation.

iations to establish contractual relationships with the State-trading countries,¹ so as to provide the required impetus to such trade relations.

The same positive and constructive spirit as inspired the Community delegates during the Conference itself will also permeate the implementation of the provisions of the final act.

Statement by the European Council on the CSCE

1204. The European Council, meeting in Brussels on 16 and 17 July, adopted the following statement on the CSCE.

1. Viewing the final stage of the Conference on Security and Cooperation in Europe, the European Council is glad to find that after two years of negotiation, thirty-five countries of Europe and North America have succeeded in defining the guidelines for their future relations.

2. The Conference was marked by the concerted contribution made by the member countries of the Community, in accordance with the intention expressed by their Heads of Government meeting in Paris on 22 October 1972, just before the consultations opened in Helsinki. The Helsinki and Geneva negotiations afforded the Nine the opportunity to take up a common task which became a shining example of constructive cooperation; they also showed that the process of growing unity in which the Community countries embarked, fully aware of their responsibilities to history, has now reached the stage of maturation.

3. The convening of the Conference was possible as a result of the improved relations between the States of Europe, deriving from the quadripartite Agreement on Berlin and the Treaty between the two States of Germany. Nevertheless, this improvement has not eliminated the differences between the ideologies and the political, economic and social systems. These

emerged in the discussions of the Conference and in certain instances, particularly on those issues involving the movement of individuals, ideas and information, were the reason why it was not possible to go further. But it is of great importance that a searching debate could be initiated on many aspects of the relations between the participating States, and that on each of these, it was possible to affirm the common principles of conduct and to express, in the most practical possible way, the States' intention to allow and to foster the development, all over Europe, and therefore in Berlin also, of cooperation, trade and contacts in which individuals will be given major consideration.

Among the principles voiced, each one of which is to be interpreted mindful of the others, the Conference confirmed both the inviolability of frontiers and the possibility of changing them, in compliance with international law, by peaceful means and through agreement.

4. The European Council believes that the substance of the Final Act is a milestone on the road of *détente*, whose true significance can be gauged only in terms of the effective application, on the part of each participating State, of all the principles reaffirmed, and of the action agreed. For their part, the Nine are resolved to adhere to the principles voiced by the Conference and to take any measures in their power to ensure that as far as they are concerned, the conclusions are put into practice. Thus the climate of mutual trust could be established which would allow the barriers to be opened in order to bring the peoples more closely together.

Moved by the firm hope that implementing the conclusions of the CSCE will lead to a real improvement in relations between the States taking part in the Conference, the Nine feel that, on such a basis, continuation of the multilateral dialogue instituted by the CSCE will be of value

¹ Bull. EC 11-1974, point 1301.

3. Towards a 'Europe for citizens'

Community and CSCE

in the future. They declare themselves already resolved to cooperate towards this in the positive spirit which inspired their contribution to the work of the Conference.

5. The Nine recognize that the Conference made it possible to affirm in principle and emphasize in fact the close links between security and cooperation in Europe and security and cooperation in the Mediterranean. Convinced of the need for *rapprochement* and a fruitful dialogue between the Community, with its member countries, and the non-European Mediterranean countries, they declare themselves resolved to develop their relationships with those countries and to pursue the major efforts already made in this respect.

6. The Member States of the Community continue to adhere to their resolve to pursue their efforts for closer and closer unity between themselves, to strengthen their relations in all fields with the other participating States.

They reaffirm their conviction that the progress which they make towards their unification will foster the development of cooperation in Europe; they will thus be able to make a better contribution to the further process of *détente* and constructive dialogue in Europe and the world.¹

1301. Beyond what could be called the 'Europe of materials', the Member States' Governments and the Commission are now concerned with development towards a Europe for citizens.

Following up the action taken by the Paris Summit Conference of 9 and 10 December 1974¹ concerning (a) the Passport Union and (b) conferring 'special rights' (civil and political) on Member States' citizens, the Commission, on 3 July, addressed technical reports on both these subjects to the Council.

This action by the Heads of Government can be identified with the prospect of European Union, a goal set by the Summit Conference of October 1972,² which between now and the end of 1975 will be the subject of a report by Mr Tindemans, the Belgian Premier, based on reports from the Community institutions, including the Commission's paper published in June.³

At its meeting of 16 and 17 July 1975, the European Council clearly indicated that it had not forgotten the initiative taken in precisely these two areas by the Summit of December 1974, as well as in the matter of election of the European Parliament by direct universal suffrage.⁴ The Council of Foreign Ministers was instructed to hasten the work begun, and to prepare a report on each of these points.

Passport Union

1302. The Final Communiqué of the Paris Summit Conference of 9 and 10 December 1974 (point 10) stated that 'a working party will be set up to study the possibility of establishing a Passport Union and in anticipation of this, the introduction of a uniform passport. If possible,

¹ Bull. EC 12-1974, points 1101 to 1106.

² Bull. EC 10-1972, Part 1, Chapter 1 (point 16 of the Declaration).

³ Supplement 7-75 — Bull. EC.

⁴ Point 2418.

¹ Provisional translation.

this draft should be submitted to the Governments of the Member States before 31 December 1976. It will provide, in particular, for stage-by-stage harmonization of legislation affecting non-nationals, and for the abolition of passport control within the Community.'

It had been agreed with the Member States that the Commission would give thought to the problems which the creation of a Passport Union could cause between the Member States. So the report to the Council on 3 July analyses the text of point 10, the main problems that could arise and then puts forwards some ideas on the setting up of a working party to handle the matter.

In its report, of a technical nature, the Commission summarizes the three following considerations:

- The Passport Union emerges as a venture with two immediate and two more distant objectives. The first immediate one is the *uniform passport*, which would be issued by each Member State to its nationals, in lieu of the current passports of various shapes and sizes, and would establish a certain identity with the Communities. As a longer-term objective, consideration would be given to negotiating with non-member countries to get them to treat all those bearing the uniform passport in the same way, regardless of nationality.

The second immediate objective is to *abolish checks on people at the internal frontiers of the Community*, whether they be nationals of the Member States or of non-member countries. But because of this, it will be necessary to reorganize the Community's external frontier checks, to be made by each Member State on behalf of all the others. From then on, and on a longer-term basis, a common attitude could develop on the part of the Member States which would treat nationals of all non-member countries in the same way.

- The working party will have to examine whether the proposed outline of the Passport

Union is feasible and, if so, clearly indicate the conditions and the timetable. But the two immediate objectives, just described, should be attainable quite soon, despite a few thorny problems.

- In view of the many links between the Passport Union and the free movement of individuals within the Communities, and the fact that the Commission is a focal point for organizing free movement, the Council, in deciding to form a working party made up of Member States' senior officials, would do well to designate the Commission to act as Chairman and secretary of the group.

Civil and political rights of Community nationals

1303. The final Communiqué of the 1974 Summit Conference indicated that 'a working party will be instructed to study the conditions and the timing under which the citizens of the nine Member States could be given special rights as members of the Community'.

Here again, it had been agreed with the Member States that the Commission would consider the problems which might arise. Its technical report to the Council of 3 July reached three main conclusions.

- The special rights, which it is planned to confer in each Member State on the nationals of other Member States, are *certain civil and political rights*, and they are based on a principle parallel with that underlying the Community Treaties, namely the same economic footing as nationals.

- The special political rights would be mainly the right to vote and the right of eligibility for and access to public office. Among these rights, the working party should study the possibility of conferring, at the very least, *voting rights and*

4. Action programme for taxation

Europe for citizens

eligibility at municipal level, and access to public office, in connection with the rights of eligibility.

- Since conferring special rights is the logical goal of the principle of national treatment and integration into the host country, the Council, in deciding to form a working party, here again made up of Member States' senior officials, should preferably designate the Commission to act as chairman and secretary of the group, as in the case of the Passport Union.

1401. In a Communication to the Council on 30 July, the Commission proposed an action programme for taxation. This envisages measures to establish the taxation conditions for economic and monetary union, plus a number of longer-term provisions.

Grounds

1402. The Commission started from the premise that the results of the work over recent years to harmonize taxation are very disappointing. Despite its commitments in several Resolutions on the first stage of Economic and Monetary Union, particularly those of 22 March 1971¹ and 21 March 1972,² the Council has not ruled on any of the major Proposals presented by the Commission to implement these texts.

Presentation of such a programme allows the Commission to reiterate the importance and urgency of Proposals already made, and urge the Council to rule on them swiftly.

It then gives the Commission an opportunity to spell out the Proposals which will be laid before the Council over the coming years to complete the work of establishing the taxation conditions for economic and monetary union. In sum, it enables the Commission to make known its thinking on the action to be taken in the long-term, with swifter integration in mind.

This action programme was not adopted until the trade unions, occupational organizations and national tax authorities had been consulted. The suggestions and proposals made largely take note of opinions gathered from these consultations, and reflect the requirements indicated by various social and business circles.

¹ OJ C28 of 27.3.1971.

² OJ C38 of 18.4.1972.

Establishing the taxation conditions for economic and monetary union

1403. Despite the disappointing experience of the first stage, the achievement of economic and monetary union is still the priority objective to be attained on the way to the construction of Europe; it requires certain action to be undertaken or renewed regarding taxation.

So the first part of the proposed programme stresses the need to complete the work on establishing taxation conditions which will lead to the highest possible degree of freedom in the movement of individuals, goods, levies and capital, plus the interpenetration of economies. This includes, in particular, measures to harmonize the structures and methods of applying the various types of taxes and charges.

In the first place, the Council is asked to rule quickly on the following Proposals: for the Directive on a standard basis for VAT, Directives harmonizing the excise duty structures, Directives on the taxation arrangements for mergers, parent companies and subsidiaries.

Proposals to the Council are then announced in the following areas:

- *VAT*: the Proposals will lay down uniform measures for recovery of own resources deriving from VAT, simplify intra-Community frontier formalities and resolve a certain number of specific problems (temporary admission, repair work, mail order sales).

- *Excise duties and other indirect taxes*: the aim of the Proposals will be to ensure that the duties are properly collected and that the formalities and checks are made more flexible. They would also harmonize indirect taxes on security transactions.

- *Exemptions for private individuals*: consideration should be given to extending the range of exemptions and to periodical increase or adjustment of the amounts involved.

- *Direct taxes*: a Proposal for a Directive to harmonize methods of taxing companies, and systems of tax deduction at the source on dividends, based on a common imputation system, was approved on 23 July by the Commission (and addressed to the Council on 1 August).

- *International tax evasion and avoidance*: Proposals will be made in respect of direct taxes and indirect taxation to organize effective deterrents, at Community level, against such practices. As regards direct taxes, the first objective will be to set up effective collaboration between national tax authorities; and in respect of indirect taxation, to organize mutual assistance in enforcing the recovery of tax due.

Longer-term action

1404. In view of the many constraints on harmonizing taxation, the Commission believes that for the near future, it is better to concentrate on the essentials, and therefore to restrict Community action to measures which simply must be applied. But it clearly points out that, in the longer-term, further action will be required for fuller integration.

In the second part of the programme, the Commission indicates that work should be done on aligning the burden of taxes and charges, which have a major impact in this respect. This is also connected with the role of taxation as an instrument of common policies, whose implementation has been provided for in the Treaty, or decided by the Council.

Stress is therefore laid on the need gradually to align fiscal charges, over a set period, which should result in fairly rapid harmonization of the basis of taxation on company profits, plus VAT rates, excise duties and company taxes.

Finally, the Commission points out that its Communication to the Council makes no claim to have drawn up a final and exhaustive list of

5. Multiannual Community research programmes

Action programme for taxation

the action to be taken by the Community in respect of taxation over the years ahead. The programme would have to be regularly reviewed in relation to the progress made in defining and establishing the European union.

It is impossible in any event to plan in advance for all cases where taxation could prove a useful instrument for attaining specific economic and social objectives. The Commission is well aware of this and will be including the necessary measures in the Proposals it will be making for those areas.

The Commission is also aware that tax problems are cropping up in external relations; these mainly have to do with investment and the taxing of capital and income deriving from it. Lastly, the growing cooperation with the developing countries, on which the Community has embarked, also has a tax angle, which hitherto was dealt with mostly through bilateral agreements. The Commission intends to look into possibilities which, on a Community basis, would offer member countries more effective means of solving these problems and consequently easing the application of industrial cooperation policy with the developing countries.

Commission Proposals

1501. Four multiannual research programmes to take up the running from those which finish at the end of 1975 were the subject of new Proposals adopted by the Commission on 15 July and then addressed to the Council.

These programmes, which will cost some 335 000 000 u.a., are 'indirect actions' to be carried out in collaboration with laboratories in the Member States.

Two of them are to be implemented under the Euratom Treaty over the period 1976-80. They concern controlled thermonuclear fusion and plasma physics (265 000 000 u.a., i.e., the bulk of anticipated expenditure), biology-health protection (47 800 000 u.a.). The other two, based on the EEC Treaty, bear on protection of the environment (18 500 000 u.a. for the period 1976-80), and reference materials and methods (Community Bureau of References—CBR): 3 900 000 u.a. over three years.

Controlled thermonuclear fusion and plasma physics

1502. The programme on controlled thermonuclear fusion and plasma physics gets the biggest overall financial appropriation in view of what is involved, i.e., securing a new source of energy which will considerably reduce harmful effects and which uses an abundant, widely distributed and easily storable fuel. Thus, Europe, a big consumer of energy, could be assured of real independence in energy.

Like the three preceding five-year programmes, the 1976-80 fusion programme covers all the activities now running in this field in the Member States. It is coordinated by a scheme of 'indirect-action' contracts of association between

the Community and the qualified laboratories in the Member States. Sweden has also asked to take part.¹

Seven hundred career scientists are working under these contracts; with technical and administrative staff, the total complement is about three thousand. The overall anticipated cost of the programme comes out at 615 000 000 u.a. over five years; the financial contribution from the Commission would be roughly 43%.

Since plasma physics research has made substantial progress during the third research programme, Community experts now consider that confinement of plasma at the required temperatures in a fusion reactor can in fact be achieved. Here, a highly significant advance has been made with the Tokamak, and this work will be actively pursued. Results already obtained highlight the need to carry out experiments in devices of a larger scale than those used hitherto.

Hence a major item in the programme is the joint construction by the Commission and the associated laboratories of a large-scale experimental device, the JET (Joint European Torus) the plans for which have been prepared by a European team of engineers and physicists at Culham (UK). This big Tokamak would produce and contain a plasma with the properties required for a fusion reactor. The JET is expected to cost 135 000 000 u.a., of which the Commission would bear 108 000 000. Some three hundred engineers and technicians will be working on it.

Work along the *Stellarator* line will be concentrated at Garching, where the second stage of the larger-scale experiment (Wendelstein 7) will be completed during the programme.

Research on the '*high beta*' line will be continued under the programme, on medium-size machines.

Provision has also been made for research on very high density plasmas (fusion by laser) and in

fusion reactor technology. Theoretical studies and basic plasma physics research are to go on.

The body of the proposed programme fits well into the worldwide research context; through the associated laboratories, the Community should have easy access to the results of major projects in other parts of the world.

Biology and health protection

1503. The proposed 1976-1980 biology—health protection programme is of vital importance in safeguarding human health and protecting the environment. The foreseeable increased use of nuclear energy, the forward development of nuclear plants, the various uses of ionizing radiation and radioisotopes all entail adequate preventive measures and controls. The preparation of basic standards for protection against ionizing radiation is a major constituent of a common health policy for radiation safeguards.

The proposed research work in this field should provide the scientific and technical data necessary for setting these basic standards and regularly checking their validity. The work will also provide the means to assess the biological and ecological consequences of using nuclear energy and ionizing radiations.

The programme carries five main avenues of research: behaviour of radionuclides and irradiation levels, hereditary effects, short-term effects, late-developing effects, and dosimetry.

The Commission also approved an 'applications' programme to develop and adapt nuclear techniques to be applied to agricultural research. This programme includes improvement of plants by induced mutagenesis, radiogenetic methods of insect pest control, improvement of beef production, and preservation of foodstuffs.

¹ Point 2268 and Bull. EC 2-1975, point 2247.

Environment

1504. The main objective of the Commission's proposed programme for the environment is to lay out the solid scientific base (of which there are as yet only certain constituents) to carry the necessary harmonized Community legislation for protecting the environment, as part of the relevant Action Programme adopted by the Council in 1973.

The programme will bear on four major avenues of research:

- Work on the quantitative relationships between the burden of harmful products and their effect on man and the environment;
- Gathering of reliable data on the properties of harmful products and development of methods to disseminate the information swiftly and accurately (ECDIN project);
- Prevention and reduction of pollution and perfection of clean technologies, salvage of waste;
- Improving the natural environment.

The JRC environment research programme is closely coordinated with the indirect-action programme outlined above.

Reference materials and methods (CBR)

1505. The aim here is to intensify, marshal, harmonize and supplement national initiative. The determination of intrinsic properties of substances, at all levels of trade, industrial and scientific processes, must be done in such a way that the results of measurements can be fitted into a homogeneous and consistent scheme.

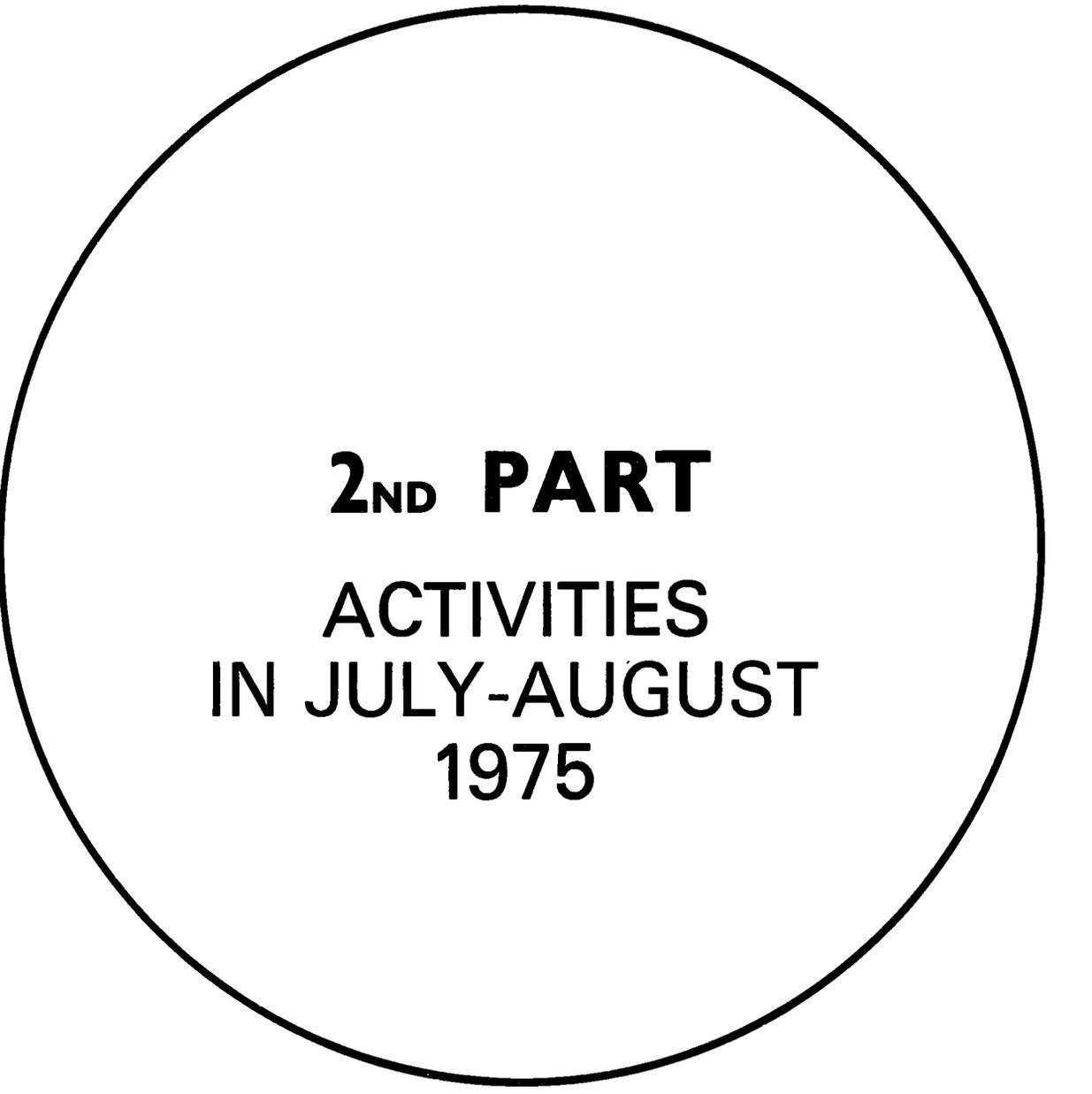
Reference materials enable checks to be made on the functioning and accuracy of measuring tech-

niques and instruments and help in comparing the result of any one laboratory or country with those of another.

Research proposed under this programme bears on:

- compiling the fullest possible list of all projects under way and requirements in the various sectors;
- consolidating cooperation structures laid down during the first 1973-1975 programme;
- defining short-, medium- and long-term programmes;
- organizing inter-laboratory comparisons and developing and analysing reference materials and methods.

The Joint Research Centre is sharing in all the work of the CBR involving activities under the direct-action programme for 'standards and reference materials' (certified reference materials).



2ND PART
ACTIVITIES
IN JULY-AUGUST
1975

1. Functioning of the common market

Customs union

Tariff measures

Suspensions

2101. By its Decision of 25 July¹ the Commission, under Article 59(4) of the Act of Accession, authorized Denmark, the United Kingdom and Ireland to suspend totally until 31 December 1975 the customs duties applicable to the importation from other Member States of *certain fats and oils of fish* and marine animals.

Postponed alignment with CCT duties

2101. On 9 July² the Commission authorized the Benelux countries to postpone for a further period of one year raising their customs tariff duties to CCT level for certain manufactured *tobacco* falling within tariff subheadings 24.02 A, B, C and D. This actually renews a Decision of 8 May 1974 which expired on 30 June 1975.

Tariff quotas

2103. On 10 July,³ on a Proposal by the Commission, the Council adopted several Regulations on the opening, allocation and administration of autonomous Community tariff quotas for:

- *ferro-silicon*: 12500 tonnes at a duty of 7%;
- *ferro-silico-manganese*: 14000 tonnes at a duty of 4%;
- *ferro-chromium* containing up to 0.10% by weight of carbon and over 30% but not over 90% by weight of chromium (*super refined ferro-chromium*): 14330 tonnes at a duty of 5.5%;

- *ferro-chromium* containing not less than 4% by weight of carbon etc. ... (*carburized ferro-chromium*): 20000 tonnes at a duty of 3%.

These apply until 31 December 1975.

2104. On 10 July⁴ the Council also adopted a Regulation on the opening, allocation and administration of a duty-free Community tariff quota of 1870000 u.a. of added value, for processing work in respect of certain textile products under Community outward processing arrangements with Switzerland. This quota, which was opened for the period 1 September 1975 to 31 August 1976, is divided into three processing categories.

2105. On 22 July⁵ the Council also adopted a Regulation increasing the Community tariff quota opened for 1975 in respect of certain hand-woven silk fabrics, and amending the list of textile products to be admitted under the quotas opened.

Customs value and charges having equivalent effect

2106. The Council amended⁵ Article 10 of the Regulation of 27 June 1968 on the customs valuation of goods which, in respect of the date of applying, fixes the conditions under which the price paid or payable may be accepted as the customs value of the goods imported.

Under the new provisions, prices relating to contracts antedating the valuation date by 12 months will henceforth be accepted as qualifying for general tolerances. Furthermore the Com-

¹ OJ L 195 of 26.7.1975.

² OJ L 237 of 9.9.1975.

³ OJ L 184 of 15.7.1975.

⁴ OJ L 186 of 17.7.1975.

⁵ OJ L 183 of 14.7.1975.

mission will list the items which usually take longer than 12 months to deliver and will set the time limits, not exceeding 24 months. Provision has been made for the suspension of all tolerances during periods of price instability.

Harmonization of customs legislation

2107. Following a Commission Proposal¹ on the *duty-free importation of educational, scientific and cultural material*, the Council, having regard to the needs of the customs union, laid down on 10 July² the conditions under which such material may be admitted into Member States of the Community free of CCT duties.

The existence of a single customs territory for the whole of the Community, the principle of free movement of Community products within the customs union and the interdependence of the economies of Member States as a result of the application of the Rome Treaty, cannot be reconciled with measures which would constitute derogations from the CCT, and would apply differently from one Member State to another.

The Regulation of 10 July includes all the customs provisions of the Florence Agreement drawn up under UNESCO auspices and goes even further. However, duty-free admission for scientific instruments and equipment will be allowed only if no instruments or equipment of equivalent scientific value are available in the Community (and not, as at present, only in the Member State in which the importation takes place).

2108. The provisions adopted by the Council on 23 July 1969³ relating to the duties on goods contained in travellers' personal luggage (total exemption up to 25 u.a., application thereafter of an *ad valorem* customs duty of 10%) have been extended by a new Council Regulation of 10 July.⁴ Henceforth these provisions will also

apply to goods, liable to agricultural levies or other import charges under the CAP, which again are contained in travellers' personal luggage.

Customs arrangements and the movement of goods

2109. On 11 August the Commission sent the Council⁵ a draft Regulation introducing into the area of Community *transit* some of the measures announced in February⁶ in its programme for the simplification of customs formalities.

The most important provision proposed is the introduction of greater flexibility into the Community transit guarantee system. In many cases, in fact, the risk of non-recovery of customs duties and other charges following an irregularity during the course of the transit operation is negligible, or even non-existent.

Moreover it is now clearly possible to establish the principle of automatic exemption from the need to lodge a security for goods coming under Articles 9 and 10 of the Rome Treaty, when these are chargeable only under VAT, in the Member States. A list of exceptions will be drawn up of goods where transportation is more hazardous owing to their nature or the high level of charges to which they are liable.

2110. The Agreement signed on 11 June between the Community and *Austria*⁷ on the simplification of formalities in respect of goods traded between the EEC on the one hand and

¹ OJ C14 of 15.2.1974 and Bull. EC 1-1974, point 2107.

² OJ L184 of 15.7.1975.

³ OJ L191 of 5.8.1969.

⁴ OJ L185 of 16.7.1975.

⁵ OJ C204 of 6.9.1975.

⁶ Bull. EC 2-1975, point 2101.

⁷ Bull. EC 6-1975, point 2109.

Greece and Turkey on the other, when such goods are re-exported from Austria, was formally concluded by the Council on 10 July.¹

2111. The Commission programme for the simplification of customs formalities was the subject of an Opinion from the *European Parliament* on 7 July² and from the *Economic and Social Committee* at its session of 16 and 17 July.³

Internal common market

Free movement of goods

Removal of technical barriers to trade

2112. Deciding on 25 July⁴ to adapt its Directive of 26 July 1971⁵ to technical progress, in respect of *the brakes of certain motor vehicles*, the Commission presented several Proposals to the Council which would remove technical barriers to trade in several areas.

2113. One was a Proposal presented on 8 July⁶ for a Directive on *taximeters*. This Proposal on the approximation of Member States' laws covers one of the areas mentioned in the general programme for the removal of technical barriers to trade⁷ and in the Council Resolution of 17 December 1973⁸ on industrial policy. The Proposal provides procedures to make taximeters subject to EEC initial verification and pattern approval, so as to allow the free movement of such meters throughout the Community. The Proposal is 'optional'.

2114. A Proposal was addressed to the Council concerning the *classification, packaging and labelling of paints, varnishes, adhesives and sim-*

ilar products.⁹ It stipulates that packages must be so designed and constructed that the contents cannot escape; the materials from which they are made must not be such as to form harmful or dangerous compounds and clear labelling must enable potential buyers to purchase those products possessing the exact properties for which they are to be used.

As with the other Proposals on dangerous substances, the Proposal is designed with an eye to total harmonization, so as to secure maximum consumer protection.

2115. Two more Proposals for Directives were presented to the Council on 16 July.¹⁰ One concerns *lifting and handling appliances*; the other specifically concerns *electrically operated lifts*.

The first is a Proposal for an outline Directive laying down the administrative procedures applicable to all lifting and handling appliances, i.e., mutual recognition of inspections, symbols or marks on the appliance indicating conformity. The Proposal contains provisions to the effect that appliances and their components must satisfy Community requirements; it also carries a clause on adaptation to technical progress, and a safeguard clause. The Proposal is 'optional'.

Electrically operated lifts were chosen as the first sector to implement the abovementioned outline

¹ OJ L 188 of 19.7.1975.

² Point 2401.

³ Point 2454.

⁴ OJ L 236 of 8.9.1975.

⁵ OJ L 202 of 6.9.1971.

⁶ OJ C 168 of 25.7.1975.

⁷ OJ C 76 of 17.6.1969.

⁸ OJ C 117 of 31.12.1973.

⁹ OJ C 166 of 23.7.1975.

¹⁰ OJ C 222 of 29.9.1975.

Directive because of the economic and social impact of the sector, and because there exist real barriers to the free movement of such appliances.

The technical annexes are based on the work of the European Committee for Standardization (CEN). Only five major structural components, of vital importance for the safety of the equipment and its use, have to undergo EEC component type-approval. These are: locking devices for landing doors; fire resistance of landing doors; safety gears; speed governors and hydraulic buffers. The harmonization method adopted is the 'optional' one.

2116. The Commission also amended several Proposals for Directives affecting the food industry, which it has already addressed to the Council. They concern *cocoa* and *chocolate products* for human consumption,¹ fruit *jams*, jellies and marmalades, and chestnut purée,² and finally *materials and articles which come into contact with foodstuffs*.

Safeguards

Ireland

2117. With its Decision of 10 July,³ the Commission authorized Ireland, as a conservatory measure, to apply a duty of 10% to leather *footwear* imported from and originating in the United Kingdom. This in fact maintains the customs duty running until 30 June.

Footwear production in Ireland has been declining since 1969 and the Irish market has seen a substantial increase in imports, particularly from the United Kingdom. This has hurt the Irish footwear industry, where conditions deteriorated sharply during the early months of 1975, and caused heavy unemployment.

The Commission has said it is prepared to examine the situation, working closely with the Irish Government, on the strength of a reorganization plan for Irish industry which the Government will lay before the Commission by 1 October 1975.

So, with its Decision of 10 July,³ the Commission authorized the Government to impose, as a conservatory measure, a 10% duty on leather footwear imported from and originating in the United Kingdom, the concept of origin being defined in line with the Agreement of 14 December 1965 between Ireland and the United Kingdom, which established a free-trade area. The authorization is confined to the period during which Ireland's reorganization plan is to be appraised and will end on 31 December 1975. The Commission will review its Decision before 1 November.

Free movement of individuals

2118. On 3 July,⁴ the Commission addressed two reports to the Council on implementing Points 10 and 11 of the Paris Summit Conference of 9 and 10 December 1974. These stipulated that working parties would be formed to study the possibility of establishing a *Passport Union* between the Member States, and to accord citizens of all Member States the same range of '*special rights*', both *civil and political*.

¹ OJ C198 of 29.8.1975.

² OJ C202 of 4.9.1975.

³ OJ L212 of 9.8.1975.

⁴ Points 1301 to 1303 of this number and Supplement 7/75 — Bull. EC.

Commercial and economic law

Convention on jurisdiction and the enforcement of judgments in civil and commercial matters

2119. The Protocol of 3 June 1971,¹ concerning interpretation by the Court of Justice of the Convention of 27 September 1968,² on jurisdiction and enforcement of judgments on civil and commercial matters, took effect from 1 September 1975, the six signatory States, having deposited the instruments ratifying the Protocol. Since then, the Court of Justice of the EC is empowered to interpret the Convention of September 1968, which came into force in all the six countries on 1 February 1973.

The Protocol on interpretation specifies the occasions when the Court of Justice may be referred to in a pending case and lists the courts which may or must request the Court for a preliminary ruling. It also offers the competent authority of each Contracting State the possibility of raising a question of interpretation with the Court of Justice, if decisions made by courts or tribunals in that State are in conflict with the interpretation given either by the Court of Justice or by a decision of court or tribunal of another Contracting State. The interpretation given by the Court of Justice following such a request shall not affect the decisions in respect of which the interpretation was requested. The Attorney-Generals at the Supreme Courts of Appeal of the Contracting States and, in Germany, the Attorney-General at the Federal Supreme Court are empowered to request interpretation from the Court of Justice.

Negotiations with the new Member States, namely Denmark, Great Britain and Ireland, on their accession to the Convention of 27 September 1968 and the Protocol of 3 June 1971 on its interpretation, in respect of the required techni-

cal modifications, are making good progress. But it is not expected that the signature and ratification procedures will be completed in all the Member States before 1980.

Competition policy

Restrictive agreements, mergers and dominant positions: specific cases

Favourable decision on a commercial cooperation agreement

2120. The Commission has taken a decision³ to allow the formation of *Intergroup Trading BV* (Amsterdam) by the national Spar chains in various European countries, some of them in the EEC.

These are voluntary chains using the Spar trademarks and emblems, to which 180 wholesalers and some 35 000 retailers in Europe are currently affiliated. They mainly sell food products.

Intergroup, which acts primarily as an intermediary, was authorized by the founder Spar chains and affiliated wholesalers to conclude supply contracts for products bearing Spar trademarks. It can do business in these products for the Spar chains only, since only they are entitled to market them. But in respect of other products it may act for any customer it wishes. The Spar chains for their part are not obliged to buy from abroad through Inter-

¹ OJ L204 of 2.8.1975 and Supplement 4/71 — Annex to Bull. EC 7-1971.

² Supplement to Bull. EC 2-1969 and Supplement 12/72 — Bull. EC.

³ OJ L212 of 9.8.1975.

group. There is no form of sales coordination between Intergroup and its customers, who are free to determine their resale prices.

Apart from the openness of this agreement, the Commission also took account of the fact that Intergroup's business is only on a small scale. It concluded that the agreement does not at present have any perceptible effect on the position of suppliers of the relevant products and is unlikely to do so in the foreseeable future, and therefore found that it had no grounds for action under Article 85(1) of the EEC Treaty.

The consumer benefits by the cooperation between Intergroup customers, and particularly the Spar chains, in that retailers working together can enter foreign markets more easily and import on better terms which can be passed on to the consumer.

This favourable decision on an open cooperation agreement also shows that, from the point of view of its competition policy in general, the Commission is paying attention to agreements concentrating demand, which can be prohibited under Article 85 if they entail major restrictions of competition. But in this case the Commission concluded that the scope for choice on the part of suppliers of the relevant products was not appreciably restricted.

Authorization of exhibition rules

2121. In line with its policy of improving the conditions of competition for trade fairs and exhibitions by ensuring application of the appropriate rules of the EEC Treaty, the Commission has just taken action¹ on the exhibitions of dental equipment (ExpoDental) organized in Italy by UNIDI (Unione Nazionale Industrie Dentarie Italiane), to which almost all the manufacturers of dental equipment in Italy belong.

On April 1974² the Commission received complaints about the conditions governing admission

for exhibitors to the ExpoDental which was to take place the following October in Genoa. The Conditions stipulated that all manufacturers, representatives of foreign firms and dental equipment dealers who wished to exhibit must refrain from showing their products at other similar events in Italy during the twelve months preceding ExpoDental. As ExpoDental has been held annually since 1971, it was impossible in practice under these terms to exhibit dental equipment in Italy at both ExpoDental and other exhibitions.

The complainant exhibitors were in fact allowed to participate in the Genoa ExpoDental and another exhibition held the same year in Italy. The Commission subsequently succeeded in getting UNIDI to change the rules for ExpoDental so that the exhibition is now held every eighteen months and manufacturers and their agents are allowed to show their goods throughout Italy in the nine months following ExpoDental. There is still a restriction on exhibiting during the nine months before ExpoDental, but the Commission felt that it could authorize this as all the tests of Article 85(3) were satisfied.

This decision is along the lines of previous decisions³ on machine tools and textile machinery in that it tries to establish a balance between the period of restriction and the period during which manufacturers are free to exhibit.

Prohibition of an agreement in the aluminium industry

2122. The Commission has ruled¹ that the agreement known as the 'IFTRA Rules for Producers of Virgin Aluminium' constituted an infringement of Article 85 of the EEC Treaty.

¹ OJ L228 of 29.8.1975.

² OJ C103 of 7.5.1975.

³ OJ L69 of 20.3.1969 (European Machine Tool Exhibition) and L227 of 8.10.1971 (Cematex).

ty. The agreement had been signed in 1972 when the economic situation in this sector was said by the parties to have led certain undertakings to engage in unfair competitive practices. The parties maintained that following 1972, market conditions had been so favourable for aluminium producers that there was no practical need to enforce the IFTRA rules. Nevertheless the parties kept the agreement as a 'safety net' to insure against a recession in the market for primary aluminium and they only abandoned the agreement in February 1975 after intervention by the Commission. The Commission has adopted a decision under Article 85 because of the seriousness of the restrictions of competition, the importance of the economic sector involved and the fact that the agreement could not have failed seriously to aggravate the rigidity already present in the aluminium market.

The Agreement was adopted by—Alusuisse Deutschland GmbH, Gebrüder Giuliani GmbH, Kaiser-Preussag Aluminium GmbH, Metallgesellschaft AG, Vereinigte Aluminium Werke AG, Péchiney-Ugine Kuhlmann SA, Holland Aluminium NV and the British Aluminium Company Ltd.—producers situated within the EEC and accounting, with their subsidiaries, for around 85% of the productive capacity of primary aluminium of the EEC.

The agreement was also adopted by major producers in Austria, Norway, Spain, Sweden and Switzerland (Vereinigte Metallwerke Ranshofen Berndorf AG, Årdal og Sunndal Verk, Elkem-Spigerverket A/S, Norsk Hydro A/S, Empresa Nacional del Aluminio SA, Gränges Essem AB, Schweizerische Aluminium AG).

Under the agreement the parties agreed to adhere to 'Fair Trade Practice Rules', to be administered by an agency situated in Liechtenstein known as the International Fair Trade Practice Rules Administration (IFTRA). The 'rules' were presented in the guise of principles of fair trading, but in fact they restricted price competition and

provided for the regulation of dumping by private means. They furthermore required the exchange between competitors of information on prices and, by means of contractual penalties imposed by IFTRA, the parties were given the opportunity to take joint action to prevent normal methods of competition such as price cutting.

This is the second time that the Commission has ruled against such an agreement; a similar decision having been taken on 15 May 1974 in the case of the IFTRA agreements between manufacturers of glass containers.¹

Favourable decision on an exclusive patent-licensing agreement

2123. The adoption by the Commission of the European Communities of a decision approving an exclusive patent and know-how licensing agreement concluded by Kabel- und Metallwerke Gutehoffnungshütte AG (Kabelmetal), Hanover and Ets Luchaire SA, Paris,² makes yet another step in the Commission's policy of encouraging the grant of patent and know-how licence provided the parties concerned remain free to export within the common market.

The agreement covers the use of Kabelmetal's cold extrusion processes—the main principles of which were covered by secret patents registered in Germany before the war, which have now expired—for the manufacture and sale of steel parts (pistons, shock-absorbers, tubes) for the electrical engineering industry in general and the motor industry in particular.

The Commission felt that the licensor's undertaking to grant the licensee the exclusive right to manufacture these products was not an essential feature of the patents concerned and would

¹ OJ L160 of 17.6.1974 and Bull. EC 5-1974, point 2109.

² OJ L222 of 22.8.1975.

restrict competition. Nevertheless, the Commission did not prohibit the agreement under Article 85 of the Rome Treaty, because it recognized that the exclusive nature of the agreement would contribute to promoting technical and economic progress and the parties concerned had deleted all the agreement's restrictive clauses—concerning the licensee's obligations to refrain from exporting to other EEC countries, to grant the licensor ownership of any improvement made to the processes and to refrain from contesting the validity of the patents. The Commission drew particular attention to two provisions of the agreement—the most-favoured-licensee clause (whereby the licensor undertakes not to grant other licensees better terms than those granted to the original licensee) and the grantback clause (whereby the licensee undertakes to grant the licensor or other licensees licences in respect of improvements it may make to the basic processes)—pointing out that in certain circumstances, particularly in an oligopolistic market structure, they would be anticompetitive.

Divestiture plan in the automobile safety glass market

2124. The Commission signified its agreement on the divestiture plan which the *Saint-Gobain/Pont à Mousson* (SGPM) and *BSN/Gervais-Danone* (by far the largest glass manufacturers in continental Europe) had worked out at the end of last year to separate their joint interests in automobile safety glass in France and Germany.

The Commission had been looking into this industry because it seemed to offer little opportunity for the free play of competition or for free trade between the Member States. There were very close links between SGPM and BSN—either contractual links (on the German market, *Sekurit Glas Union*, 100% owned by SGPM, was selling glass manufactured by *Flachglas AG/Dellog-De-tag*, 68% of whose capital was owned by BSN) or joint subsidiaries (in France *Securiglas*, 64%

of whose capital was owned by SGPM and 36% by BSN).

Upon representations by the Commission, the two groups prepared a divestiture plan which they formally undertook to carry through. The relevant Commission department will be keeping an eye on the various transactions provided for by the plan and will check for compliance from time to time. The Commission got the two groups to inform their customers that they would be marketing their products separately, from 1 April 1976.

It may be recalled that the Commission has already had occasion to intervene to persuade SGPM's and BSN's German subsidiaries to terminate their agreement providing for aggregated rebates in the flat glass industry (*GUR-Kartell*).¹

Authorization of joint purchasing agreements

2125. Under Article 65 of the ECSC Treaty, the Commission authorized agreements in the scrap-metal industry between *Sicaworms SA* and *Ets. Léon Giron SA*.

These agreements provide in the main that *Ets. Giron* will form a new company, *Métal Giron SA*, into which they will put all their current activity in the scrap metal business. The new company, 45% of whose capital will be transferred to *Sicaworms*, will, as a semi-wholesaler in the region of Troyes (Aube), do the buying for both its own account and the account of *Sicaworms*.

Sicaworms, which derives from the merger on 1 January of the firms *Cartry-Worms* and *Sirmec*, markets as a wholesaler about a million and a half tonnes of scrap metal, and takes about 20% of the French market. The *Ets. L/ Giron*, as a semi-wholesaler, sells about 55 000 tonnes a year, of which a third is bought by *Sicaworms*.

¹ Bull. EC 10-1974, point 2107.

Scrutiny of the agreements between Sicaworms and Giron revealed that they corresponded entirely to joint purchasing agreements and fulfilled the authorization criteria of Article 65(2).

2126. Again under Article 65 of the ECSC Treaty, the Commission authorized¹ an Agreement between several French steel-producing companies concerning *joint purchase of prereduced iron ore* through the Société Française de Minerais Préréduits SA (SFMP), Paris. The participating firms represent nearly all the crude steel manufactured in France.

Prereduced iron ores are a high quality substitute for scrap metal especially for feeding electric steelworks. The processes are relatively new and Germany is the only Community country where prereduction of iron ores has been used industrially up to now.

The main aim of the SFMP will be to negotiate supply contracts for prereduced iron ore and possibly to set up and operate direct reduction iron ore plants.

Scrutiny of the agreement revealed that in respect of joint buying it satisfied the conditions required by Article 65(2). Regarding the possible setting up and operation of direct reduction plants, it was only an outline agreement the details of which will have to be finalized before the Commission can deliver a final opinion on whether it is compatible with the terms of Article 65(2) or even, where applicable, Article 66(2). Moreover, the Commission must be in a position to monitor the growth of cooperation between iron and steel firms as regards the joint purchase of prereduced iron ore. The Commission therefore made its authorization conditional on the following:

- the firms concerned shall be obliged to notify the Commission of any proposal to set up or operate a direct reduction plant, any change in the number of SFMP shareholders and any amendment to the SFMP agreement or statutes;

- such proposals or amendments may not enter into force until the Commission is satisfied that they are covered by the authorization or that it would have authorized them.

Take-overs in ECSC industries

2127. In implementation of Article 66(2) of the ECSC Treaty, the Commission has approved the acquisition by EGAM (an Italian State-controlled group) of the share capital of Vetrocoke Cokapuania. By virtue of their coke production business both Vetrocoke and EGAM are covered by Article 80 of the ECSC Treaty.

EGAM is also engaged in steel production. The merger will have negligible effects on both markets. The tests for approval are satisfied despite the fact that the takeover will make the EGAM group the only producer of coke for the Italian market. The determining factors here are the low coke consumption of EGAM itself, the high degree of self-sufficiency in metallurgical coke of the steel industry concentrated in the State-owned IRI group and the fact that substitute energy sources account for more than 98% of the rest of the relevant market.

It was possible to confine consideration of the proposal to the merger of EGAM and Vetrocoke Cokapuania since the Italian State-owned corporate groups can be regarded as autonomous commercial enterprises and the fact that these groups and the EGAM group are all controlled by the State will have no anti-competitive effects.

2128. Again under Article 66 of the ECSC Treaty, the Commission authorized the Usines Gustave Boël SA, La Louvière (Boël), a Belgian steel producer, and Helical Bar Limited, London (Helical), a British trader and first-processor, to found the *Queensborough Steel Company Ltd* (QSC), in London.

The new company, which will initially buy, sell and process iron and steel products, has an

¹ OJ L249 of 25.9.1975.

issued and subscribed capital of £500000, on a fifty-fifty basis between each of the founders. Scrutiny of this operation, which leads to a merger between Boël and QSC, revealed that it met the authorization criteria of Article 66(2).

2129. Under Article 66 of the Treaty, the Commission authorized Usinor (Union Sidérurgique du Nord et de l'Est de la France), Paris (Usinor), the ETS. P. Experton Revollier SA Renage (Experton) and BEST (Bayerische Elektro-Stahlwerke GmbH), Meitingen—Herbertshofen (Best), to build and operate under the name *Aciéries et Laminoirs du Rhône et de l'Isère (Rhônacier)*, a steelworks and a rolling mill at Salaise-sur-Sanne, which will have an initial capacity of 150000 tonnes per year, which may subsequently be raised to 300000 tonnes per year.

Half of the capital of Rhônacier will be held by Usinor, a quarter by Experton and a quarter by Best. The management of the new company will reflect this capital distribution. Rhônacier will produce for its members only who will have a right to its production on a *pro rata* basis depending on their share of the capital. As a result, the founders will market their proportion of Rhônacier's output at the same time as their own.

Scrutiny of the operation showed that Usinor, Experton and Best will control Rhônacier as a group; the three founder companies will retain their full independence as traders, both in marketing the products from the new company, and in the wire rod and rolled steel from their own plants; no restriction of competition is to be feared other than that deriving from the partners' joint interest in Rhônacier's investment and production. This operation therefore met the authorization criteria of Article 66(2).

2130. The Commission has authorized *Johnson and Firth Brown Ltd.* of Sheffield (JFB)

under Article 66(2) of the ECSC Treaty, to acquire the entire share capital of *N. Greening & Sons Ltd.*, of Warrington (Greening). Greening is a company which manufactures wire and various products made from wire, using steel products covered by the ECSC Treaty, mainly wire rod. JFB both produces and uses steel products covered by the ECSC, including wire rod. Examination of JFB's application in respect of Article 66(2) of the ECSC Treaty has shown that the proposed acquisition would not have any significant effects on competition in the market for steel products.

State aid

General aid schemes

France

2131. On 3 July, the Commission decided to raise no objections concerning certain measures for economic recovery decided by the French Government. The Government's aim is to *safeguard employment by promoting both public and private company investment* which should ensure economic recovery in non-inflationary conditions. Support to be given to investments in the private sector will take two forms:

- a subsidy equal to 10% of the sum of firm orders by companies for capital goods and tooling (be they agricultural, commercial, industrial or non-industrialized) between 30 April and 31 December 1975; the subsidy will be granted in the form of a deduction of the VAT which the companies should pay in 1975. This will be granted automatically and regardless of the origin of the material ordered (national or other); similar measures had been taken with the same aim in France in 1966 and 1969 and in Germany in 1974;

- major long-term financing resources will be made available to help carry out their investment programmes.

Certain credit institutions (Crédit national, Crédit hôtelier et commercial, Sociétés de développement régional, Caisse nationale des marchés de l'État) will float a loan of FF5 000 million, on the proceeds of which they will grant long-term loans (15 years) in favour of company investment programmes which fit in with developing production capacity, help to create new jobs or achieve energy savings. Programmes must be initiated by 31 December 1975 and completed by 31 December 1976. Interest rates on the loans will be at the rate prevailing on the bond market. But for the first five years it will be lowered to 8.50%, through an interest subsidy accorded by the State.

Under the same conditions and up to an overall financial appropriation of FF1 500 million, the same credit institutions will be able to grant long-term loans which will also benefit from the same subsidized interest, for investment programmes, resulting in increased production capacity, carried out by companies undertaking to raise their exports by 3% during the next three years. Examination of the documentary material and decisions to grant the loans will be the responsibility of the credit institutions concerned. The public authorities will not intervene to order sectoral, regional or specific preferences.

The Commission found that the measures taken by the French Government accorded with the adjusted economic policy guidelines for 1975 which the Commission had suggested in a Communication to the Council, and to which the Council had signified its agreement on 18 March 1975.

In view of the short-term economic problems (negative trend of employment levels, lower industrial output) which the Government has to

solve, and given the terms of the intended aid (investment subsidies limited in time), the Commission did not object, under Article 92 *et seq.* of the EEC Treaty, to the French Government implementing these measures, provided, however, that it advised the Commission in advance of certain major applications of the long-term loans with subsidized interest.

Denmark

2132. On 14 August, the Commission decided to invoke the procedure under Article 93(2), in respect of a Danish law which aims, by setting up a *Fund* whose initial resources consist of a substantial State contribution (Dkr 100 000 000, i.e. about 12 500 000 u.a.), to *support certain companies currently in difficulties as a result of short-term economic trends*.

The Commission had earlier been notified of this law, in draft form, by the Danish Government and had decided on 28 May¹ not to oppose the planned arrangements, considering that such aid, on a temporary basis and resulting from the exceptional short-term economic situation, could claim exemption from Article 92(3b) as aid 'to remedy a serious disturbance in the economy of a Member State'.

In the terms of this Decision, the Commission had considered the fact that, according to the draft law, application of the scheme would terminate on 1 July 1976, the date when a business recovery could be expected; and had insisted that the Danish Government undertake to advise it in advance of the major applications.

But the Commission was obliged to note that an amendment had been made to the draft extending by one year (until 1 July 1977) its period of application. This had been adopted by the

¹ Bull. EC 6-1975, point 2120.

Danish Parliament without the Commission having any opportunity to make its comments known. Moreover, the Danish Government had opposed acceptance of the required prior notification.

The Commission was therefore led to invoke the procedure under Article 93(2).

Maintaining that the scheme in question can be allowed only on the terms indicated in its May Decision, it pointed out that any extension of application beyond 1 July 1976 cannot be made without prior notification, in accordance with Article 93(3) and in good time before that date, so that the Commission can appraise whether further application of the scheme would be justified.

Sectoral aids

Shipbuilding

2133. On 10 July,¹ the Council adopted its third Directive on aid to shipbuilding. It is in keeping with the Directive of 20 July 1972,² which was last extended until 30 June 1975.³

It constitutes a further stage towards eliminating distortion of competition on the shipbuilding market; while taking into account the need to ensure a healthy and competitive shipbuilding industry in the Community. The conditions under which aid and intervention for shipbuilding may be considered as compatible with the common market are specified therein.

The Directive also provides for notification to the Commission, under certain conditions, of the decisions taken by Member States in respect of aid measures for investment in the shipyards, and notification of aid and intervention of a conservatory nature. The Directive will apply until 31 December 1977.

Aid financed by parafiscal charges

Italy

2134. The Commission decided⁴ to invoke the procedure under Article 93(2) of the EEC Treaty, with regard to a *new aid scheme for the press* brought in by Italy under a Law of 6 June 1975, the provisions of which were deemed discriminatory by the Commission.

In November 1974, the Commission had decided to close the procedure under Article 93(2) which it had invoked in respect of aid granted via the ENCC (Ente Nazionale per la Cellulosa e per la Carta) for the benefit of the press.⁵ The Italian Government had adjusted the scheme so that purchase grants to publishers when buying newsprint would also be paid if the material was imported direct, without going through the ENCC.

The Law of 6 June introduced a new aid scheme for the press, providing purchase grants for newsprint bought by publishers. For newsprint distributed to them by the ENCC, the grants vary from 20 to 180 Lit./kg. Newsprint imported directly is excluded from aid.

The new aid scheme was introduced in breach of the provisions of Article 93(3), for the Commission was not informed of the draft law; it involves discrimination identical with that of the previous scheme, before it was amended after the Commission intervened. It was therefore decided to invoke the procedure of Article 93(2) of the EEC Treaty against the new scheme.

¹ OJ L192 of 24.7.1975 and Bull. EC 5-1975, point 2116.

² OJ L169 of 27.7.1972.

³ OJ L38 of 11.2.1974.

⁴ OJ C184 of 13.8.1975.

⁵ Bull. EC 11-1974, point 2116.

Environment aid**Italy**

2135. On 24 July,¹ the Commission also decided to initiate the procedure of Article 93(2) in respect of a proposed Italian law (No 3193) introducing new regulations for *protecting water from pollution*. Article 22 of the proposal contains certain aid measures (State guarantees and interest subsidies) to facilitate the investments which the companies must make in their existing production plant to meet the regulations with which they will have to comply in discharging waste material.

The Commission found that this aid is of a type that meets the criteria of Article 92(1), since its effect on competition and trade could be quite appreciable in sectors where the reduction of harmful discharges entails substantial investment, and also that the measures do not comply with certain conditions defined by the Commission in fitting in environment aid at Community level.²

The Commission therefore requested the Italian Government to modify this aid scheme so that it complies with the limits defined in the 'fitting in', while reiterating that the effect of invoking the procedure of Article 93(2) is to block implementation of the provisions of the law in question, until the Commission has taken a final decision in respect of these. It also gave notice to the parties concerned to submit their comments.

National monopolies of a commercial nature**France***Bessemer slag*

2136. The Commission informed the French Government that it had decided to close the

infringement procedure under Article 37 of the Treaty (concerning national monopolies) which it had invoked in respect of France, concerning the Bessemer slag monopoly.

In June 1974, the Commission had asked the French Government to notify importers through an official notice to be issued within a month that they were not obliged to work through the Société nationale des scories Thomas to market their slag, even during the period required to establish the implementary texts stipulated by the law of 31 December 1973 on adjusting the French Bessemer slag monopoly.³ The official notice took the form of a notice to importers in the *Journal Officiel de la République française* of 25 July 1974. A text implementing the law of 31 December was also published, namely a decree of 18 March 1975 establishing a parafiscal charge and introducing a standardization system for Bessemer slag transport charges.

The Commission considered that like the law of 31 December 1973, the implementary text may be regarded as compatible with the provisions of Article 37 of the EEC Treaty. As to whether it is compatible with the provisions of Article 92, the Commission decided to defer this appraisal until all similar measures existing in other Member States had been studied.

In advising the French Government that the infringement procedure had been closed, the Commission pointed out that it reserved the right, as part of the constant review of existing aid schemes which it carries out with Member States (Article 93(1) of the EEC Treaty) to subsequently re-examine the aid provided for under the new import and export arrangements for Bessemer slag now in force in France.

¹ OJ C180 of 7.8.1975.

² Bull. EC 11-1974, point 2115.

³ Bull. EC 6-1974, point 2124.

Simple potassic fertilizers

2137. On 25 July, the Commission also decided to close the infraction procedure initiated in respect of the French Government concerning the import arrangements for simple potassic fertilizers, since they were now in accordance with the provisions of Article 37 of the EEC Treaty.

On 20 December 1974, the Commission had decided to shelve the infringement procedure in respect of the French Government concerning the import arrangements for *compound* potassic fertilizers, since they had been adjusted to comply with the Commission's requirements. But the Commission warned the French Government that it would be bound to follow up the infringement procedure with regard to simple potassic fertilizers, if within one month the Government had not abolished the system whereby imports of those products from other Member States were subject to prior declaration.¹

Since the French Government had pleaded economic considerations, which made it difficult to abolish prior declarations before 1 May 1975, the Commission without changing its opinion that the arrangements were incompatible with the Treaty, accepted this explanation and suspended the infringement procedure by its Decision of 26 March 1975.

Finding that when a decree of 28 November 1974 took effect on 1 May 1975, the import arrangements involved were now in accordance with the provisions of Article 37(1) of the EEC Treaty, the Commission then decided on 25 July, to close the infringement procedure. But it stipulated that it reserved the right to review at a later date whether the standardization system for carriage charges was compatible with the Treaty provisions in respect of aid.

Italy*Manufactured tobacco*

2138. Since the settlement of foreign exporters' invoices by the Italian tobacco manufacturers monopoly has steadily improved and the situation is now what it was before the Commission received complaints,² it decided on 25 July not to follow up the infringement procedure invoked *vis-à-vis* the Italian Government.

But it pointed out once again that the monopoly arrangements were incompatible with Article 37(1) of the EEC Treaty; the infringement procedure is therefore still open on this point.

**Fiscal policy
and financial institutions****Taxation****Action programme**

2139. On 30 July, the Commission presented an action programme for taxation to the Council.³ This would establish the tax conditions for economic and monetary union, and also carries longer-term measures with an eye to fuller integration.

Direct taxation

2140. On 1 August, the Commission sent the Council a Proposal for a Directive on *harmoniz-*

¹ Bull. EC 12-1974, point 2130.

² Bull. EC 12-1974, point 2131; 2-1975, point 2110, and 3-1975, point 2118.

³ Points 1401 to 1404.

ing corporation systems and arrangements for withholding taxes on dividends. The future Directive will lay down the Community system of taxation for big companies; it is thus a decisive step towards harmonizing direct taxation. This is absolutely necessary to ensure the free movement of capital and the neutrality of competition conditions.

The present coexistence of different systems is creating distortions in capital movements within the Community. The Commission's Proposal operates on the system of partial imputation, the basic principle consisting of a tax credit to the shareholder amounting to a fraction of the corporation tax, which is charged to personal taxes and possibly refunded to the extent that it exceeds the amount of the tax.

This system has a number of advantages. It tends to ensure tax neutrality in respect of the various forms of company financing and the different legal forms of companies etc. It also has many positive features from the angle of taxation fairness and offers less temptation to very rich taxpayers to evade taxes by means of bogus companies.

The aim is equal treatment for each company shareholder, regardless of where he resides in the Community. This principle is also followed, as far as possible, wherever a dividend paid by a subsidiary reaches the final shareholder only through the intermediary of a parent company.

As regards any tax credits granted to residents of non-member countries, the Commission feels that the Member States, together with the Commission, should adopt a common stance in negotiating double taxation agreements with non-member countries.

The same proposed Directive also provides for harmonizing arrangements for withholding taxes on dividends. Although the tax credit already guarantees some tax, it stipulates that a deduction of 25% will be made from dividends, which

has the effect of raising the total deduction a source to roughly 50% and of deterring fraud. The deduction will be fully charged to the personal tax of the recipient and any excess will be refunded.

Financial institutions

Banks

2141. On 25 July, the Commission amended the proposed Directive on coordinating Member States banking legislation, which it laid before the Council on 12 December 1974.¹ The Commission approved many of the technical amendments suggested by the European Parliament and the Economic and Social Committee. The amendments mostly concern the range of application of the Directive (its application to Post Office Giro institutions), the names of banks (obligation to avoid any risk of confusion) and the conditions required for approval as a bank.

Unlike the European Parliament, the Commission considered that the nature of the Contact Committee of banking supervisory authorities (the creation of which was stipulated in the proposed Directive) should continue to be such that it can be integrated into the decision-making process of the Community institutions, a process in which the Commission must be able to play the role devolving on it from the Treaties.

¹ OJ C12 of 17.1.1975 and Bull. EC 12-1974, point 2137.

2. Economic and monetary union

Economic, monetary and financial policy

Economic, monetary and financial policy

Economic situation

Economic policy to be followed in 1975: Communication from the Commission

2201. The economic problems at present facing the Community have continued to command the attention of Commission departments during the summer months. At the beginning of July the Commission sent a Communication to the Council on the economic policy to be followed in 1975 and on the preparation of public budgets for 1976. In this document, which was drawn up in the light of conclusions reached at the Council meeting of 16 June last,¹ the Commission states that, since 1974, industrialized countries have been hit simultaneously by an unusually wide-ranging recession, whose outcome remains uncertain. Forecasts for 1975 and 1976 indicate that there exists some elements favouring a recovery of economic activity in the Community. However, very serious problems remain, especially with regard to employment and rising prices. While attaching prime importance to the fight against inflation, the Commission believes that, in the event of recovery proving too slow or too restricted, new stimuli might be applied in Member States where general conditions allow such action. In implementing the short-term economic policy which must, over the coming months, steer between the twin hazards of inflation and recession, the effect of measures adopted by public authorities, the attitudes of both sides of industry and their interactions must be kept under constant review.

With regard to budgetary guidelines for 1976 it would appear prudent, in most Member States, not to place too much stress on promoting economic activity by using strong budgetary

stimulants. Some policies would appear to be expedient, however, such as adjusting income-tax rates, in part or *in toto*, to inflation, and budget financing of extensions to unemployment benefit periods.

The Council's annual review of the economic situation

2202. On the basis of this Commission Communication, the Council, at its meeting held in Brussels on 10 July, and chaired by Mr Colombo, the Italian Finance Minister, carried out the second review for the year in accordance with its Decision on the attainment of a high degree of convergence of Member States' economic policies.² This study of the economic situation and of the general guidelines presented by the Commission resulted in broad agreement, although prospects for development were judged less favourably. The Council accordingly asked the Commission to work with the Group on Short-term Economic and Financial Policy Coordination in closely following economic developments to enable any necessary additional measures to be adopted at the beginning of autumn.

Main economic policy problems in mid-1975

2203. In the light of the Council's review and at its request, the main economic policy problems facing the Community in mid-1975 were set out in a Commission *Communication to the Heads of Government* of Member States, with a view to the European Council's meeting on 16 and 17 July. After emphasizing that the traditional shape of the business cycle had been fundamentally altered by the longlasting inflationary trends, the energy crisis and the unsettled

¹ Bull. EC 6-1975, point 2202.

² OJ L63 of 5.3.1974.

state of the international monetary system, the Commission indicated that the scale of the recession, and the fact that short-term economic recovery measures had so far produced no tangible results could to a large extent be explained by deep structural changes; so short-term economic action should be supplemented by structural aid more than before.

The Commission points out, however, that the extent to which new overall measures for stimulating economic activity can be adopted is limited, given present budgetary deficit levels, persistent balance of payments deficits, the continuing high rate of price increases and the danger of setting off a new bout of inflation. If the recession persists, however, the Commission will present the Council with proposals which can be implemented both rapidly and flexibly. The Commission points out finally that the difficulties now facing Member States can only be surmounted by common action. Additional measures taken by them should therefore be coordinated as closely as possible. Their impact on the short-term economic climate will be all the greater if they are adopted in common and applied simultaneously.

European Council

2204. These guidelines were confirmed by the European Council when it met in Brussels on 16 and 17 July, chaired by Mr Moro,¹ the Italian Prime Minister. While noting that certain Member States propose adopting joint measures to avoid a worsening of economic conditions later in the autumn, the European Council instructed the Council of Ministers of Finance and Economy to follow economic developments closely and to strengthen coordination of the economic and financial policies of Member States. It acknowledged, moreover, that the present short-term economic problems must be faced jointly with other industrial countries if

effective economic recovery is to be expected and it confirmed its wish to work towards achieving this aim.

Commission Recommendation to Member States

2205. On 23 July² and in accordance with Article 155 of the Rome Treaty, the Commission sent a Recommendation to Member States, in which it pointed out that permanent improvement in the short-term economic situation required the restoration of confidence of private consumers and firms, which implies greater cooperation between both sides of industry, and between Member States.

To this end the Commission suggests that additional reflationary measures be taken, coordinated as regards content and timing, by those Member States with greater scope for manoeuvre, notably the Federal Republic of Germany, the Benelux countries, France and, to a limited degree, Denmark and Italy. These measures should be directed at reducing unemployment and should be as flexible and reversible as possible. In particular the Commission proposes measures to stimulate public sector order, promote private consumption and back private investment.

Conference of Finance Ministers of Member States

2206. The Community economic situation was again examined at the Conference of Economic and Finance Ministers of Member States held in Venice on 24 August. Those taking part decided to pursue a coordinated programme to sustain activity, fight inflation and improve long-

¹ Point 2418.

² OJ L209 of 7.8.1975.

term growth prospects. They agreed in particular that a reflationary effort on the part of Member States whose balance of Payments, prices and public finance situation so permitted, would supplement the measures already adopted by certain countries within a European framework. Such measures should have a positive effect on the economic position in the months to come. Member States will maintain close contact with each other and with Community institutions in order to maintain this effort and adapt it where necessary.

During the course of the summer, reflationary measures have in fact been taken or announced by several Community countries (Germany, Denmark, France, Italy and the Netherlands).

Monetary matters

Return of the French franc to the 'snake'

2207. As forecast,¹ the French franc moved on 10 July from *de facto* to *de jure* membership of the Community exchange system, following the Council meeting in Brussels on that day.² In accordance with the rules of the Community exchange system, the Bank of France must now intervene on exchange markets to maintain a difference not exceeding 2.25% between the rate of the franc and that of the other currencies belonging to the system (DM, Bfrs, Lfrs, Fl and Dkr) or associated with it (Norwegian and Swedish crowns). The base intervention rate of the franc is the same as when France left the 'snake' (21 January 1974).

Operation of the Community exchange system

2208. At this same meeting the Council noted with satisfaction the amendments made at the beginning of July to various rules for operating the Community exchange system by the Board of

Governors of the European Monetary Cooperation Fund (EMCF) and the Central Banks of Member States, following suggestions contained in a French memorandum in May.

In particular, short-term financing, which formerly could be obtained automatically for an average period of six weeks, can now be extended to a maximum period of six months, within the limits of the *pro rata* contributions to short-term monetary support. The rules concerning balances have also been amended: gold is now excluded from the calculations, according to which the debtor must discharge his debt to the EMCF in proportion to the assets held by him; assets still applicable are SDRs, IMF reserve positions and reserve currencies only.

The Swiss franc and the 'snake'

2209. The Belgian Finance Minister, acting on behalf of countries belonging to the 'snake', informed the Council of the present stage of discussions with the Swiss authorities concerning the possible association of the Swiss franc with the Community exchange system.

The Council noted that contacts with Switzerland would continue, it being understood that the final decision on the matter would rest with the Council. It asked the EMCF Board of Governors to report on the technical aspects of such association with a view to a decision being taken at its meeting on 22 September.

International monetary matters

2210. International monetary matters were also raised at the Council meeting of 10 July. The Council held a discussion on the

¹ Bull. EC 6-1975, point 2201.

² Point 2418.

basis of a Monetary Committee report on preparations for meetings in Washington at the end of August and beginning of September, within the framework of the Annual Meeting of the International Monetary Fund (IMF). The Council asked the Committee to continue its work with a view to the adoption of a common position on all of these matters.¹

Community loans

2211. At its meeting on 10 July and on a Commission Proposal presented by Vice-President Haferkamp, the Council authorized the latter to open negotiations with a view to an *initial loan transaction*, as provided for under Article 2 of the Regulation of 17 February 1975 concerning Community loans.²

United Kingdom protective measures for certain capital transactions

2212. On 23 July the Commission adopted a Decision giving the United Kingdom temporary authorization, under Article 108(3) of the Rome Treaty, to maintain existing measures on direct investment by United Kingdom residents in other Member States, and on certain capital movements of a personal nature.³

Under Article 124(1)(a) and (b) of the Treaty of Accession, these capital transactions should have been liberalized on 1 January and 1 July respectively. However, because of the serious situation of the British economy, from both the internal and the external payments aspect, the United Kingdom informed the Commission that it could not fulfil these obligations.

Applying Article 108(1) of the Rome Treaty, the Commission first of all examined the economic situation in the United Kingdom and, on 15 July, sent the British Government its Recommendation on the economic policy to be followed. Then,

by its Decision of 23 July, it authorized the United Kingdom to take temporary protective measures towards maintaining existing restrictions on the capital transactions mentioned. The Commission also decided to follow closely developments in the British economic situation and, before 30 June 1976, to review the situation and the effects of the measures authorized, while reserving the right to amend or revoke its Decision if necessary.

Unit of account and the ECSC

2213. In July the Commission adopted and forwarded for Council discussion a draft Commission Decision on the conversion rate for Member States' currencies into the unit of account used in areas covered by the Treaty establishing the European Coal and Steel Community (ECSC).

This draft Decision, on which the Consultative Committee of the ECSC must give its opinion, provides in particular for the following measures:

The European unit of account, already adopted on 18 March by the Board of Governors of the European Investment Bank, and on 21 April by the Council, to express the amounts involved in the Lomé Convention,⁴ would also be used from 1 January 1976 for ECSC requirements i.e., for calculating the levies (ECSC own resources), for all its operational budget commitment

¹ International monetary matters also appeared on the agenda of the European Council on 16 and 17 July, and on the agenda of the Conference of Finance Ministers on 24 August. Further reference will be made to these matters in Bulletin 9-1975, which will contain the results of meetings held at the IMF.

² OJ L46 of 20.2.1975 and Bull. EC 2-1975, point 2201.

³ OJ L211 of 9.8.1975.

⁴ Bull. EC 3-1975, point 2201.

and expenses (notably aid for readaptation, and financial aid for research) and for drawing up its balance sheet.

As the new unit of account is established on the basis of daily exchange rates, the basic principle is that all the relevant transactions are expressed in European units of account, receipts as well as expenditure, settlement in national currencies being made on the basis of the exchange value of the unit of account against national currencies.

Monetary Committee

2214. In August the Monetary Committee held two meetings, chaired by Mr Oort:

- the 208th meeting, held in Brussels on 11 August; this was devoted mainly to preparing for the Conference of Finance Ministers of Member States, held in Venice on 24 August.¹

- the 209th meeting, held in Washington on 30 August: here, on the eve of the IMF Annual Meeting, the Committee dealt with matters relating to reform of the international monetary system.

The Working Party on *Securities' Markets* held its 30th meeting in Brussels on 10 July, chaired by Mr D'Haeze. Discussion centred on a draft report to the Monetary Committee on protection against inflation, and the exchange guarantee for assets of Community external creditors.

Economic Policy Committee

2215. In July the Economic Policy Committee held three meetings in Brussels:

- On 2 July the Committee met in its reduced 'short-term' format, chaired by Mr Malinvaud. It examined Community economic prospects for the second half of 1975 and for 1976, with the help of the preliminary economic budgets for 1976 and a draft Commission Communication to the Council. The Committee noted

the steady reduction in the rate of inflation in most member countries and the general slow-down in economic activity. It emphasized that the expected recovery was beginning to show itself in the major non-member countries, but was slow in appearing in member countries with a surplus, despite the reflationary measures already taken. The Committee felt finally that the forecasts made by Commission departments were rather optimistic in view of the continuing uncertainty and the date and extent of the recovery anticipated. The Committee concluded by instructing its Chairman to give the Council a verbal account of its conclusions.

- On 3 July the Committee met in its reduced 'budgets' format, chaired by Mr Hullebroeck. This meeting was devoted to examining the quantitative guidelines for the 1976 draft budgets of member countries. The Committee evidenced the growing deterioration in budgetary balances, owing to the slowdown in business activity and the reflationary measures. This deterioration is resulting in a notable increase in public debt, which will eventually reduce the flexibility of budgetary policy and endanger its effectiveness. The Committee therefore asked its Working Party on public finance to include this matter in its analysis of budgetary policy instruments.

- On 18 July the full Committee met, chaired by Mr Malinvaud. The Committee first adopted the report of its Working Party on the structural indicators system, presented by its Chairman, Mr Gabriele. Discussion then followed on the short-term economic situation and, more particularly, on reflationary measures which might be adopted at national and Community level in the event of a slow recovery in economic activity. Finally the Committee continued its study of price indexing for oil and the principal raw materials.

¹ Point 2206.

The Working Party on public finance held its third meeting in Brussels on 8 July, chaired by Mr O'Horgan. It decided to approve its report on 'The effects of inflation on taxation in the Community' and continued its study of budgetary policy instruments.

Study Group on medium-term economic prospects

2216. The members of the Study Group on medium-term economic prospects met in Brussels on 2 and 3 July. Chaired by Mr Kervyn de Lettenhove, the full Group continued discussion of its contribution to preparing the fourth medium-term economic policy programme. In this context it decided to examine in the autumn both an optimistic and a pessimistic reading of the 1975-80 plans. The Sub-group on international economic problems held an initial discussion on the preparation of a report on the prospects for international economic relations and international work division and on their consequences for Community economies.

Study Group on new characteristics of socio-economic development

2217. The group of experts instructed by the Commission to examine the new characteristics of socio-economic development held its first meeting in Brussels on 16 July, chaired by Mr Ruffolo. There was initial discussion on some basic problems, such as the Community's present position in the world and its principal economic problems, the development of social structures in Europe, the effectiveness of social control systems (public authorities and the market), and the question of European integration. With a view to their next meeting, the members agreed to concentrate work on an analysis of the main factors governing socio-economic change and on the examination of possible maladjustments in social control systems.

Regional policy

2218. The start-up of the regional policy was marked in July-August by the first meeting of the European Regional Development Fund Management Committee, on 1 July, the installation of the Regional Policy Committee¹ and the submission of numerous applications for aid from the Fund.

Financing operations

European Regional Development Fund

2219. Most of the Member States' governments have submitted applications to the Commission for aid from the European Regional Development Fund (ERDF).

For certain countries these applications represent a considerable percentage as compared with the commitment appropriations stipulated for 1975. They bear on industrial and infrastructure investment projects.

Redevelopment

2220. Under Article 56(2a) of the ECSC Treaty, the Commission decided, subject to a confirmatory Opinion from the Council, to grant an industrial redevelopment loan of 800 000 u.a. with up to 400 000 u.a. at subsidized interest for the benefit of the firm Johns-Manville, France, to install two fibre-glass production units and a fibre-glass oven in Carling (Lorraine), to produce various ventilation, conditioning, acoustic control and insulation equipment. Completion of the project will create 215 jobs, 20 of which will be offered first to miners in the Lorraine coal field.

¹ Bull. EC 6-1975, points 2208 and 2211.

2221. Under the same Article of the ECSC Treaty, the Commission decided, again subject to a confirmatory Opinion from the Council, to grant an industrial redevelopment loan of some 1330000 u.a. with fully subsidized interest, in favour of Polypac Bal Ltd., to move into bigger premises and expand its manufacturing unit of linings and brakes for pneumatic and hydraulic systems, in Hartlepool, Cleveland (UK). The expansion of Polypac Bal will mean 710 new jobs, 240 of which will be offered first to ECSC workers.

Social policy

Employment

2222. On 14 July the Commission met the two sides of industry to discuss *the employment of young people*. The level of unemployment among young people in the Community has reached disturbing proportions. According to a Commission report the number of young people out of work rose by 50% in 1974 and one-third of these were under 25.

The two sides of industry discussed the various measures proposed by the Commission to reduce unemployment among young people, including the possibility of granting aid from the Social Fund for specific programmes aimed at providing employment for youth. The European Confederation of Trade Unions and the Employers Liaison Committee proposed that the Council should recommend providing additional practical occupational training for these unemployed. The Commission is studying this proposal and further consultations will be held with the two sides of industry on this matter.

A similar meeting took place on 17 July with government experts, who outlined the measures

adopted in the Member States to solve the problems of unemployment among young people. Discussions also covered the possibility of Community intervention, notably through the European Social Fund.

2223. On 17 July the Commission adopted a decision¹ making it compulsory for *steel producers* to provide monthly *figures on employment*: total work force, new workers, redundancies, short-time working. The Commission hopes in this way to monitor closely the effect on employment of the recession in the steel market.

Freedom of movement and social security for migrant workers

2224. At its meeting on 1 July, the *Administrative Committee on Social Security for Migrant Workers*, examined a number of problems relating to the interpretation of Community rules, in particular, the question of entitlement to a UK disablement pension where a worker was not last insured in the UK and would therefore not qualify for the UK pension, since he would not have received sickness benefits over a specific period. The Committee also studied the question of the accumulation of family allowances when a worker is employed in one Member State and the family is resident in another Member State where the spouse is gainfully employed.

2225. At its third meeting held on 2 July the *Advisory Committee on Social Security for Migrant Workers* studied ways and means of ensuring general application of the principles established by the Court of Justice in its rulings on social security for migrant workers. The Committee held an initial discussion on various proposals for improving the Community rules.

¹ OJ L190 of 23.7.1975.

2226. On 28 July the Commission sent the Council a Proposal for a Directive on the *education of the children of migrant workers*,¹ whether they come from other Member States or from non-member countries. This Proposal, which is intended to allow the children of migrant workers to be gradually integrated into the educational and social system of the host country, while ensuring the children's links with the language and culture of their country of origin, is a direct result of the Council Resolution of 21 January 1974, on the Social Action Programme² and the Resolution of the Ministers of Education, meeting in the Council, on 6 June 1974, on cooperation in the field of education.³

Social Fund, re-employment and retraining

Third report on the activities of the Social Fund

2227. On 23 July the Commission adopted the report on the activities of the Social Fund over the past financial year, to be sent to the Council and the European Parliament in accordance with the provisions of the Council Regulation of 24 April 1972.

The third report which covers 1974, although essentially an account of the Fund's activities, also contains forecasts of the 'developments foreseeable in the coming three years in expenditure relating to measures taken pursuant to Articles 4 and 5 of the Council Decision of 1 February 1971'.

The total budget for the Fund in 1974 was 267.8 million u.a. (compared to 222.95 million u.a. in 1973). *Appropriations* set aside for the Fund in the 1975 Budget amount to 355.9 million u.a., as the Chapter of the Budget which covers

expenditure under Article 5 was increased by 39 million u.a. at the instance of the European Parliament, which made use of its powers to amend non-compulsory expenditure.

The report analyses the *use made of Social Fund appropriations* to finance operations under Articles 4 and 5 together with the guidelines and priorities adopted by the Commission based on the opinions of the Fund Committee. It also gives facts and figures about pilot schemes and preparatory studies and preliminary investigations into the effectiveness of aid.

On *guidelines for the future*, the Commission stresses that the Social Fund is essentially an instrument of structural policy and cannot therefore cope with the purely short-term aspects of unemployment. In addition to the guidelines established by Council decisions the Commission has also adopted additional guidelines which while taking account of financial limitations, aim at giving the Fund the role of an incentive.

Since some countries are in greater need than others the Commission felt that it would be desirable to have differential *rates of intervention* to try to help those countries to catch up gradually with their partners.

As regards forecasts of *foreseeable expenditure* over the next three years, the Commission felt that an average annual increase rate of 25% should be adopted as a basic guideline for the present areas of intervention, with the aim of stabilizing its proportion of the public expenditure of member countries. Clearly, any new intervention will involve an increase in expenditure: this is a political choice which will have to be made in the near future if the Fund is to be

¹ OJ C213 of 17.9.1975.

² OJ C13 of 12.2.1973.

³ OJ C98 of 20.8.1974.

extended to cover structural retraining due to the crisis, since the Council has agreed to discuss a Commission proposal by 30 November 1975.

For the 1976 *Budget*, the Commission has asked for 500 million u.a. at current prices to be set aside for appropriations relating to 'Articles 4 and 5'. Expressed in the constant prices of the current financial year, in accordance with Commission budgetary practice on multiannual forecasts, the foreseeable expenditure by the Fund over the next three years (provided there are no new areas of intervention), as compared with the 355 million u.a. for 1975, is estimated at 450 million u.a. for 1976 (or 500 million u.a. at current prices), between 500 and 530 million u.a. for 1977 and between 545 and 600 million u.a. in 1978.

Assistance from the Social Fund

2228. On 22 July the Council formally adopted a Decision,¹ pursuant to Article 4 of the Council Decision of 1 February 1971, extending assistance from the European Social Fund to promote *specific action to facilitate the employment and geographical and occupational mobility of young people under 25 who are unemployed or seeking employment*. The Council also agreed to discuss by 30 November 1975 a Commission Proposal aimed at facilitating the geographical and occupational mobility of workers from industries hardest hit in terms of employment by the recession.

2229. On 15 July the Commission approved in principle the '1975 *Second Series*' of 34 applications for assistance from the Social Fund² submitted in accordance with Articles 4 and 5 of the Council Decision of 1 February 1971. The following amounts are involved:

- Article 4—retraining workers leaving agriculture, workers in the textile industry and handicapped persons:

| Financial year | Amount in million u.a. |
|----------------|------------------------|
| 1975 | 12.2 |
| 1976 | 8.3 |
| 1977 | 2.7 |

- Article 5—schemes to retrain unemployed or underemployed workers in the poorer regions of the Community; or to retrain workers affected by technical or industrial progress:

| Financial year | Amount in million u.a. |
|----------------|------------------------|
| 1975 | 30.7 |
| 1976 | 14.3 |
| 1977 | 5.0 |

The Commission subsequently adopted formal decisions approving each application.

Retraining measures

2230. During the month of July the Commission took decisions under Article 56(2) of the ECSC Treaty to contribute to the cost of retraining workers affected by the partial or total closure of firms in the iron and steel or coal industry in four Member States.

¹ OJ L199 of 30.7.1975.

² Bull. EC 6-1975, point 2215.

Germany: Two grants, one of DM 2 100 000, were made available to assist 1 400 workers hit by the closure of a mine and a coal-mining firm; two previous grants were also increased, one by DM 520 000, the other by DM 534 540.

Belgium: Three grants totalling Bfrs 85 500 000 were made available to assist some 830 workers hit by the closure of coalfields; an existing grant to assist 1 070 workers in the steel industry was increased by Bfrs 10 800 000.

France: Three grants to assist workers hit by the closure of iron ore mines were increased by FF 429 435.58.

United Kingdom: Two grants totalling £328 900 were made available to assist 1 015 workers hit by the closure of steel plants or iron ore mines.

Social security and social action

2231. On 22 July the Council adopted a Decision¹ concerning a programme of *pilot schemes and studies to combat poverty*,² as proposed in the Council Declaration of 21 January 1974 on the Social Action Programme.³

The decision lays down the types of projects and studies to be encouraged and the procedure to be followed in taking specific action against poverty.

Living and working conditions

Forty-hour week

2232. On 22 July the Council adopted a *Recommendation to the Member States*¹ concerning application by 31 December 1978 at the latest of the principle of the forty-hour week and four weeks annual paid holidays—one of the priority issues in the Social Action Programme.

Implementation of this Recommendation will be a major step towards a genuine improvement in living and working conditions.

Housing

2233. The Commission approved the following projects as part of the second tranche of the Seventh ECSC Aid Programme to provide housing for workers in the mining and iron and steel industries: *Denmark* (iron and steel): 37 dwellings (Dkr 1 460 000); *Germany* (Ruhr coal mines): 407 dwellings (DM 3 554 000).

2234. The Commission also approved arrangements for the allocation of 25 million u.a. among the coal and steel industries in the nine Member States, as the *first tranche* of the *Eighth Programme* (1975/1976) of ECSC aid to provide housing for workers in the mining and iron and steel industries.⁴ The aid will be granted in the form of low-interest loans to help finance the construction or modernization of about 9 000 dwellings.

Industrial and occupational relations

2235. On 25 July, the Commission decided to amend the proposal—presented to the Council on 31 May 1974⁵—for a Directive on the approximation of the laws and regulations of the Member States on the *maintenance of workers'*

¹ OJ L199 of 30.7.1975.

² Bull. EC 1-1975, point 2217 and 4-1975, point 2217.

³ OJ C13 of 12.2.1974, and Supplement 2/74 — Bull. EC.

⁴ Bull. EC 11-1974, point 2223.

⁵ Bull. EC 5-1974, point 2214.

acquired rights and benefits in the event of mergers, transfers or amalgamations of companies. These amendments were introduced mainly to take account of the Opinions of the European Parliament and of the Economic and Social Committee.

Health protection

2236. A seminar on biological sampling for *monitoring population exposure to lead* was organized under the joint sponsorship of the Commission and the Western Regional Hospital Board, Galway (Ireland) from 7 to 9 July. The seminar was attended by over 50 participants from the nine Member States and a number of observers from WHO (World Health Organization).

Experiments in analyses to determine blood lead levels has shown that considerable improvements could be made in the Community to make the results obtained in Member States more comparable. A comparative programme along these lines was agreed on at the seminar.

2237. On 31 July the Commission forwarded to the Council a Proposal for a Directive on the *quality of water for human consumption*.¹

2238. On 11 July, the *Mines Safety and Health Commission* examined the circumstances of two group accidents (in the UK and France) and instructed two working parties to formulate proposals on ways of combating the effects of fire damp and dust. In line with the extension of its powers to include all extracting industries, the Committee decided to set up a Working Party on 'oil, gas and other raw materials extracted by boring', and an 'Ad hoc Committee on extracting industries other than coal mining'.

Environment and consumer protection

Environment

Waste disposal

2239. Under the Council Directive of 15 July 1975,² Member States must take all appropriate steps to ensure (i) the prevention, recycling and processing of waste, (ii) the extraction of raw materials and possibly of energy therefrom, and (iii) any other process for the re-use of waste. The Directive indicates for the whole Community the technical conditions under which these aims are to be achieved without endangering human health and without harming the environment.

The competent authorities are required to draw up as soon as possible plans relating in particular to:

- The type and quantity of waste to be disposed of,
- general technical requirements,
- suitable disposal sites,
- any special arrangements for particular wastes.

This Directive constitutes the general framework of specific measures taken by the Community as regards the disposal and recycling of waste. The first Directive on this subject, which has already been adopted, concerned waste oils.³

¹ OJ C214 of 18.9.1975.

² OJ L194 of 25.7.1975.

³ Bull. EC 6-1975, point 2237.

Adaptation to technical progress of legislation on the environment

2240. On 15 July¹ the Council also adopted a Resolution on the adaptation to technical progress of Directives or other Community rules on the protection and improvement of the environment. In order to achieve this adaptation, the Resolution adopts as a solution, in principle, the establishment of committees composed of representatives of the Member States and chaired by a representative of the Commission.

Marine pollution through 'red sludge'

2241. On 18 July the Commission sent to the Council a Proposal for a Directive aiming at the gradual reduction and eventual elimination of marine pollution by 'red sludge'—waste from the titanium dioxide industry.

Most plants producing this dioxide (a pigment used in many products: paints, varnishes, plastics, inks, etc. ...) at present discharge their waste at sea or into estuaries. They rely on the buffer effect of the sea to neutralize the acid part of the waste and on the capacity of the oxygen present to convert the ferrous sulphate to ferric sulphate, the other waste (various oxides of heavy metals) sinking naturally to the sea-bed. It appears from control checks carried out that such waste is potentially or actually harmful to the aquatic environment. Action is all the more necessary because the Community is a major producer of titanium dioxide (almost 40% of the world total), plants are hoping to double their productive capacity over the next ten years, and the production of each tonne of dioxide gives rise to 2.6 tonnes of waste.

The Commission Proposal provides for the following: prior authorization for all dumping; ecological monitoring at the dumping site; a three-stage plan for reducing dumping (a stricter

timetable for new industrial units than for old) with the aim of a 95% reduction in pollution by 1 January 1985.

Waste pollution caused by wood pulp mills

2242. On 16 July the Commission adopted and transmitted to the Council a Proposal for a Directive on the reduction of water pollution caused by wood pulp mills in Member States.

Agricultural policy

2243. The Council was unable to meet its own deadline of 1 August 1975 for adopting certain short and long-term measures to improve conditions on the wine market, where every year sees more and more disruption caused by surpluses. So it was decided to hold a Council meeting, after the summer recess, to deal exclusively with wine growing and marketing matters.

Problems relating to surpluses occur or keep recurring on the milk and milk products markets, and the beef and veal and egg markets. The Council appraised the situation of those markets and agreed certain measures.

The cereal sector was also on the agenda, in view of the increasing cultivation of varieties of high-yield common wheat of poor bread-making quality, and the Commission Proposals to restore production refunds for amylaceous products.

The overall compromise in respect of the agricultural side of the negotiations with the Mediterranean countries was dealt with in initial formal Regulations, particularly concerning processed fruit and vegetables, and wine.

¹ OJ C168 of 25.7.1975.

On the monetary side, the Council adopted a new rate of exchange to be applied, under the CAP, in respect of the Irish and British pounds.

Regarding agricultural research, the Council adopted the joint programmes and coordination schemes in the areas proposed by the Commission on 17 April.¹

In the matter of marketing and processing structures for farm produce common action was proposed to the Council to improve the conditions of processing and sale.

In July, the Commission also presented reports on:

- applying, in 1974, Protocol 8 of the Accession Treaty, which concerns United Kingdom imports of New Zealand butter and cheese;
- the production and marketing of hops from the 1974 crop;
- the fourth EAGGF financial statement covering 1974;
- the 1971 and 1972 results of the EEC Farm Accountancy Data Network.²

Measures in connection with the monetary situation

2244. The monetary situation in July and August enabled several major strides to be taken towards restoring the unity of the market.

When the French franc returned to the 'snake', at its old parity, a problem could have arisen from the use, under the CAP, of a slightly devalued 'green franc'. Theoretically, this could have led to applying monetary compensatory amounts of 1.4% in trade. The Commission felt that such differences were not likely to provoke upheavals in trade and no compensatory amount was reinstated for France.

As from 1 August, the monetary compensatory amounts still applicable in certain sectors in *Italy* (cereals, pigmeat, poultrymeat) were abolished following the recovery of the lira and the adjustment of cereal intervention prices (resulting from the new representative rates set by the Regulation of 27 February³) whose economic effects had been deferred until the start of the cereal year.

This therefore expands the area within which no trade barriers remain inside the Community.

Compensatory amounts applicable in *Ireland* and the *United Kingdom* were also appreciably reduced. On 1 July they had amounted to 12.5 for the Irish pound and 18.6 for the United Kingdom pound and now amount to no more than 4.8 and 10.5 respectively as at 1 September. This has proved possible following a 5% devaluation of the United Kingdom and Irish green pounds, decided⁴ by the Council with effect from 4 August, and as a result of the recovery in sterling rates.

Lastly, two *sectoral measures* were applied:

— Since problems in the shell-egg sector were being aggravated by imports from other Member States, the United Kingdom was authorized⁵ from 7 July to 31 October 1975 not to grant monetary compensatory amounts on imports of shell-eggs other than incubator eggs.

— For beef and veal, a sector where, for a relatively long period, the market price of adult bovine animals had remained below the intervention price, the monetary compensatory amounts could be correspondingly adjusted in application of the Council Regulation of 12 May

¹ Bull. EC 4-1975, point 2252 and OJ L199 of 22.7.1975.

² Bull. EC 10-1972, point 101.

³ OJ L52 of 28.2.1975 and Bull. EC 3-1975, point 2228.

⁴ OJ L195 of 26.7.1975.

⁵ OJ L179 of 10.7.1975.

1971.¹ The basis of calculation in this sector now consists of the intervention price valid for adult bovine animals, reduced by 10%, which results in a corresponding reduction of the compensatory amounts,² from 25 August.

Applying the CAP in the enlarged Community

2245. Under the minimum import price scheme for *tomato concentrates* brought in by the Council Regulation of 22 July³ (because of the appreciable difference in price for these products in the original Community and on the world market, and the risk affecting the competitiveness of producers in the former Community on the markets of the new Member States), the Council³ established 'Accession' monetary compensatory amounts for tomato concentrates. The Commission adopted the methods of applying these.⁴

'Accession' compensatory amounts were also set for *cereals, pigmeat, eggs and poultry*, applicable from 1 August 1975, the start of the 1975-1976 marketing year, and for milk and milk products, to apply from 16 September 1975, the date when the second increase in the 1975-1976 prices for this market organization took effect.⁵

As from 4 August and in line with the Council's Decision to adjust the representative rate for the United Kingdom and Irish pounds, the Commission reduced the coefficients for setting the intervention buying-in prices for *beef and veal* in Ireland and the United Kingdom and also lowered the level of the buying-in prices.⁶

Common organization of the markets

2246. In the *cereal* sector the problem of the increasing cultivation of common wheat with a high yield and protein content but of poor

bread-making quality is becoming a source of concern. In the various Member States indications were that by 1974-1975 the area sown to common wheat of this kind was already 10% to 20% and even 50% of the total area.

In the spirit of Community legislation, the guaranteed prices fixed for common wheat are applied in consideration of its bread-making quality, and are too high for wheat not suitable for bread-making. Since the 1975-1976 marketing year prices have already been set, the disposal of non-bread-making wheats on the feed market must be facilitated. The Commission informed the Council of the intended measures. Moreover, for 1976-1977 farmers should be advised that prices will be fixed in such a way that the producers of wheat not suitable for making bread cannot expect it to be valued at more than the equivalent feed grain value. On 22 July,⁷ the Council approved a relevant Recommendation and adopted a Resolution calling on the Commission to present to it, no later than its price Proposals for the 1976-1977 marketing year, appropriate measures to deal with the various problems raised by the development of wheat varieties not suitable for making bread.

As for 1974-1975,⁸ the denaturing premium for common wheat for the 1975-1976 marketing year was set at zero.⁹

On 22 July¹⁰ the Council adopted a Regulation concerning production refunds in the cereals and rice sector, which includes *inter alia*, a refund of

¹ Bull. EC 5-1971, point 39.

² OJ L223 of 23.8.1975.

³ OJ L198 of 29.7.1975.

⁴ OJ L202 of 1.8.1975.

⁵ Bull. EC 2-1975, point 2225, Table 1.

⁶ OJ L204 of 2.8.1975.

⁷ OJ L209 of 7.8.1975 and OJ C182 of 9.8.1975.

⁸ Bull. EC 7/8-1974, point 2240.

⁹ OJ L202 of 1.8.1975.

¹⁰ OJ L200 of 31.7.1975.

16.10 u.a./t on potato starch, 10 u.a./t on maize starch and a minimum price for potatoes of 162 u.a./t.

In view of world market conditions, the uncertain outlook for impending crops and the actual cereal requirements of importing countries, the Commission, on 31 July,¹ limited the validity period of export licences for common wheat meslin, maize and barley to 30 days. The 90-day validity period still applies to the other basic cereals. Export levies on basic cereals were set from 19 August. They were last set at the end of January 1975.²

2247. To induce Community colza producers to use the new varieties with low erucic acid content, the Commission decided on 14 August³ that as from the next marketing year *colza and rape seeds* whose oil has an erucic acid content of over 15% would be excluded from the benefit of intervention. This measure comes into force on 1 July 1976.

2248. The Council reviewed the two proposed Regulations concerning *fresh fruit and vegetables* which form part of the agricultural concessions under the 'overall Mediterranean approach'.⁴ They will be officially adopted when the European Parliament has given its Opinion.

In adopting, on 22 July,⁵ five Regulations concerning *products processed from fruit and vegetables*, the Council implemented all the points under the Mediterranean agricultural concessions for those products,⁶ except for oranges. A sixth Regulation on extending compensation grants to all quantities of oranges for processing, will be formally adopted after approval by the European Parliament.

In view of these Council Decisions, the Commission adopted several Regulations in particular the Regulation of 31 July on special application methods for the system of import licences and

advance fixing certificates in this sector, and the Regulation of 25 July, introducing Community surveillance of imports of certain products processed from fruit and vegetables, originating in State-trading countries.⁷

For preserved mushrooms, a safeguard clause has existed since August 1974.⁸ Since the Community market is still strained, the Commission modified⁹ certain items in the import arrangements for these products.

2249. Regarding *wine*, two of the three 'Mediterranean' Regulations¹⁰ were adopted by the Council on 22 July.⁵ The elements of the agricultural compromise relating to the Maghreb countries were adopted; the measures in respect of other non-member countries are still awaiting Opinions from the European Parliament.

In the context of a general discussion on the situation of the wine market and on the various Proposals presented by the Commission (amendments of basic Regulations, and planting and replanting arrangements), the Council, aware of current problems on this market, signified its agreement to the granting of aid for the storage of table wines of the 1974-1975 harvest the detailed rules for the application of which were adopted by the Commission on 12 August.¹¹ This refers to wine under storage contract; the subsidy is 1.05 u.a./hectolitre.

¹ OJ L202 of 1.8.1975.

² OJ L24 of 31.1.1975 and OJ L219 of 19.8.1975.

³ OJ L217 of 15.8.1975.

⁴ Bull. EC 6-1975, point 2241.

⁵ OJ L198 of 29.7.1975.

⁶ Bull. EC 6-1975, point 2240.

⁷ OJ L214 of 12.8.1975 and OJ L216 of 14.8.1975.

⁸ OJ L218 of 9.8.1974.

⁹ OJ L190 of 23.7.1975 and L195 of 26.7.1975.

¹⁰ Bull. EC 6-1975, point 2242.

¹¹ OJ L215 of 13.8.1975.

On 10 July,¹ the Council amended the rules relating to table-wine distilling operations,² where distilleries have been obliged to resort to distillation through *force majeure* (extension of the distillation period) and on the order of the public authorities (extension of the dates by which contracts are to be concluded).

2250. On the strength of a Commission Communication, the Council also discussed the state of the *milk product* market. A number of measures were considered and several Regulations³ adopted:

- on granting subsidies for private storage of skimmed-milk powder, in August and September 1975, for contracts for a maximum of three years;
- amending the Regulation of 21 January⁴ concerning the sale of skimmed-milk powder from public stocks for supply to developing countries; the price is lowered to 25% of the intervention price;
- on the exclusion of certain milk products from inward processing arrangements; skimmed-milk powder for processing may not enter the Community, in transit, from 1 August 1975 to 31 March 1977.

With a number of other measures to be taken at Commission level, these Regulations are intended to clear up the milk market situation, especially with regard to skimmed-milk powder, stocks of which now run to 900 000 tonnes.

2251. In the *beef and veal* sector, the Commission adopted several measures under the import arrangements deriving from application of the safeguard clause. It authorized the issue,⁵ from 1 July 1975, of import licences for beef and veal products originating in Botswana, Kenya, Madagascar and Swaziland, within a maximum of 13 624 tonnes of boned meat; the validity period of the licences is limited to 31 December 1975. Every month the Commission will decide for each ACP country what further action may

be taken on applications filed. To this end, the Commission has authorized the issue of all licences requested in July and August 1975, since the quantities required (901 and 1826 tonnes respectively) were far below those made available to the operators.

The Commission determined⁶ the methods for applying the import arrangements⁷ covering beef and veal products originating in the ACP or OCT States. In applying this Regulation, the reduction in import charges for these States was set⁸ for the period 1 July to 30 September 1975. For July and August, the Commission authorized⁹ the issue of import licences, on the basis of the EXIM scheme,⁹ for 10343 tonnes.

Lastly, the Commission decided,¹⁰ as from 1 September 1975, to no longer exempt seasoned meats from the safeguard measures, since imports of such meats had reached a volume incompatible with sound market management.

Moreover, since the Community average of market prices for adult bovine animals has for a relatively lengthy period remained below the intervention price, the monetary compensatory amounts applicable in the beef and veal sector were reduced by the Commission on 22 August 1975.¹¹

2252. The *shell-eggs* market is going through a particularly difficult period. The Member State most affected is the United Kingdom¹². The Community's overproduction crisis

¹ OJ L182 of 12.7.1975.

² Bull. EC 6-1975, point 2247.

³ OJ L200 of 31.7.1975.

⁴ Bull. EC 1-1975, point 2233.

⁵ OJ L168 of 1.7.1975.

⁶ OJ L174 of 5.7.1975.

⁷ OJ L166 of 28.6.1975.

⁸ OJ L212 of 9.8.1975.

⁹ Bull. EC 4-1975, point 2247.

¹⁰ OJ L207 of 6.8.1975.

¹¹ OJ L233 of 23.8.1975.

¹² Point 2245.

worsened in the last weeks of June. During the first five months of 1975, Community egg production rose appreciably as against the same period in 1974.

Against this, consumption is presently neither rising nor falling, so that the growth in output has caused a considerable fall in prices throughout the Community. In June, for instance, prices in the different States dropped between 8 and 15%.

With an eye to the possibilities of disposing of these products, and to obviate an even heavier fall in prices on Community markets, the Commission¹ adjusted the export refunds for eggs as from 7 July. Held at their previous level (6 u.a./100 kg) for exports to non-member European countries, the refunds were doubled (12 u.a./100 kg) for exports to certain non-European non-member countries in particular the Arab countries.

Structural policy

2253. During July and August, the Commission adopted six Decisions² on implementing the *reform of agricultural structures*. The arrangements communicated in 1975 by the Belgian, Luxembourg, British and Irish Governments, and for 1974, by the German Government, may get Community financial support, in application of the three Council Directives of 17 April 1972.³

2254. On 11 August, the Commission sent the Council a proposed Regulation on '*common action to improve the conditions under which agricultural products are processed and marketed*'.⁴ This text supplements the proposed Regulations on producer groups and their associations, already presented to the Council in 1971,⁵ which aims to improve the conditions under which farmers market their products. This new Proposal covers a basic aspect of agricultural structural policy.

Most of the agricultural products in the EEC are in fact processed before reaching the end-consumer and the farming industry depends to a great extent on efficient marketing and processing. Improving them, especially by encouraging better quality and presentation will make it easier to find wider outlets and get better returns from products, and will thus make for greater agricultural productivity.

To obtain a coherent development of the market structure for farm products at European level, the Commission's Proposal stipulated that action by the EAGGF Guidance Section to assist investment projects in processing and marketing, action which is in fact already going on, be gradually restricted to projects forming part of specific multiannual programmes and developed by the Member States and the agricultural community and embodying an in-depth analysis of the situation in that sector and of the improvements planned.

EAGGF

Financial report

2255. On 24 July, the Commission adopted the fourth financial report on the EAGGF, covering its activities for 1974.

Financing by the Guarantee Section took in new sectors (dehydrated fodders and soya) and expenditure increased with the introduction of new measures in the beef and veal sector, which has to deal with surpluses (320 000 000 u.a. as against 16 000 000 u.a. in 1973). But expenditure was reduced for cereals (553 000 000 u.a. less) and milk products (232 000 000 u.a. less).

¹ OJ L173 of 4.7.1975.

² OJ L192 of 24.7.1975 and L212 of 9.8.1975.

³ Bull. EC 4-1972, Part 1, Chapter I.

⁴ OJ C218 of 24.9.1975.

⁵ OJ C75 of 26.7.1971 and Bull. EC 7-1971, Part 1, Chapter IV.

In the Guidance Section, expenditure for common action and specific measures increased (28 900 000 u.a. in 1974 as against 19 400 000 u.a. in 1973). To improve agricultural structures, the endowment of 170 000 000 u.a. determined by the Council for 1973 enabled the Commission in 1974 to approve the financing of 637 specific projects out of the 1 502 submitted.

Regarding checks on expenditure and the detection of irregularities, most of these, in the Guarantee Section, involve cereals and milk products and in the Guidance Section, the expenditure connected with non-marketing premiums in respect of milk and milk products.

Community action was stepped up in the food aid sector, especially in respect of aid programmes involving cereals (20 000 000 u.a.) and milk products (45 000 000 u.a.). For 1974, 204 000 000 u.a. were available.

EAGGF aid

2256. On 15 July, the Commission decided to grant aid from the Guidance Section, for the *second tranche* of 1974. A sum of 139 167 200 u.a. was available; it was allocated as under:

Table 1

| Country | No of projects | Amount in u.a. |
|----------------|----------------|----------------|
| Germany (FR) | 98 | 23 487 208 |
| Belgium | 53 | 9 101 219 |
| Denmark | 18 | 6 697 047 |
| France | 65 | 24 257 629 |
| Ireland | 14 | 7 545 863 |
| Italy | 166 | 40 627 378 |
| Luxembourg | 3 | 862 440 |
| Netherlands | 15 | 7 593 780 |
| United Kingdom | 37 | 18 994 634 |
| Total | 469 | 139 167 198 |

For the whole of 1974, 766 projects received aid totalling 234 999 998 u.a.² It was the second year in which aid was allocated between the nine Member States. Compared with the previous year, the sums allocated to Ireland and Denmark were slightly increased.

As the Directives on reforming agricultural structures have been applied, particularly the Directive on farm modernization, a number of measures such as the building and modernizing of stables, irrigation or internal work on farms, could no longer be considered and were excluded from aid.

Harmonization of laws

2257. On 21 July, the Commission published³ the first complete edition of the *common catalogue of varieties of agricultural plant species*. Here the Commission took account of the three Decisions whereby it authorized Germany, France and Luxembourg to limit the marketing of seeds or plants of certain varieties.

2258. In the *veterinary* field, the two Council Directives of 26 June 1964 were codified.⁴ These concern health problems in the Intra-Community trade in bovine animals, swine and fresh meat.

On 10 July⁵ the Council adopted a Directive constituting the first substantial amendment to the Directive of 1971⁶ on health problems affecting

¹ OJ C 185 of 14.8.1975.

² Bull. EC 1-1975, point 2237.

³ OJ C 164 of 20.7.1975.

⁴ OJ C 189 of 20.8.1975.

⁵ OJ L 192 of 24.7.1975.

⁶ OJ L 55 of 8.3.1971.

trade in fresh poultrymeat and which entered into force as far as the intra-Community trade is concerned in 1973.

The date of application of the Directive on the internal markets of Member States has been changed to 1 January 1977. The cutting premises are now included in the legislation, and consequently official recognition of establishments complying with the specifications of the directive is provided for. The rules for packaging and marking have been modernized and made more flexible. 'On-the-spot' checks by national and Commission veterinarians in abattoirs and cutting premises have been instituted. Simultaneously the ban on the so called 'Spinchiller' refrigeration process, as it was when the Directive was adopted, has been deferred to 1 January 1978 at the latest. In the meantime the Commission will submit to the Council a report on the refrigeration processes not covered by the prohibition.

Collaboration with the food industry

2259. On 3 and 4 July 1975, the first meeting took place of the *Advisory Committee on Foodstuffs*, set up within the Commission for consultations on all problems relating to the harmonization of laws on foodstuffs, with the aim of working out Proposals to be put to the Council. This first meeting, devoted to reviewing a Proposal for a Directive on labelling foodstuffs, enabled viewpoints to be reconciled. The Committee will resume its work on this matter early in September.

The main reason for forming the Committee¹ was that comparing ideas and views will produce better results from the mutual consultation already operating between consumers, the trade and the Commission. Moreover, opinions in the trade coordinated at European level will serve to speed up the Commission's work and facilitate discussion within the Council.

Committee members do not sit as individuals but as the representatives of agriculture, industry, the distributive trade, the workers and the consumers. These groups delegate, for each meeting, the most qualified representatives according to the matters on hand. But each group has two permanently appointed members, to ensure that the work is properly coordinated.

2260. During the part-session from 7 to 11 July, the *European Parliament*² passed a Resolution concerning the third financial report on the EAGGF and gave its Opinion on the Commission's Proposals to the Council to restore the balance of the wine market. The *Economic and Social Committee*,³ meeting on 16 and 17 July, gave its Opinion on the 'stocktaking of the Common Agricultural Policy'⁴ and on the Proposals concerning the wine market.

Industrial and technological policy

Industry

The heavy electrical engineering and nuclear industries

2261. On 18 August, the Commission sent the Council a report in the form of a departmental working document, on the situation and prospects of the heavy electrical engineering and nuclear industries producing equipment for generating electricity.

¹ OJ L182 of 12.7.1975.

² Points 2412 and 2415.

³ Point 2452.

⁴ Supplement 2/75 — Bull. EC.

This paper, which appraises the situation and prospects of the industries concerned, is the first detailed study of this sector by the Commission departments. The conclusions can be summarized as follows:

- The Community industry is able to meet demand, including a proportion for export, until 1980; adaptation of productive plant to technological development must continue in favour of nuclear facilities.
- Community constructors are determined to meet any substantial increase in demand, in so far as this is ascertained sufficiently in advance and indicated in such a way as to give them some assurances against part or all of the uncertainty of forecasts.
- Though the situation is hard to assess, the intra-Community market has in fact not been sufficiently opened up.
- The export market accounts for about a third of the volume of business in the sector; a common export credit policy would help the whole of European industry, encourage 'joint ventures' in exporting and might well obviate internal distortions of competition.
- The Community's heavy electrical engineering and nuclear industries are structurally less integrated than the US industry, in a narrower internal market; it is up to the industry to continue its trend towards concentration on a European basis. The advent of advanced technologies, and specifically the development of fast reactors, offers an opportunity to determine a Community industrial strategy to face world competition in the nuclear field over the coming decades.
- Profitability should be boosted to ensure the dynamism needed in developing advanced technologies; further rationalization of the structures, especially in the nuclear industry, should help towards this.

Technology

Nuclear Safety

2262. On 22 July,¹ the Council officially approved a Resolution concerning technological problems of nuclear safety. The Commission's line of action is sighted on two main targets: gradual harmonization of criteria and standards applied by the Member States in respect of nuclear safety and coordination of nuclear safety research programmes.

The Commission had already taken some action on this early in 1973, particularly by forming Community working parties made up of representatives from the various national inspection and safety authorities, and electricity generating organizations or nuclear power station builders.

The aim of the Council's Decision is to strengthen and intensify the work of the Commission up to now. Thus, in its adopted Resolution, the Council approved the line of action by stages, indicated by the Commission, in respect of the gradual harmonization of safety requirements and criteria, in order to ensure an equivalent and satisfactory level of protection for people and the environment against radiation hazards from nuclear activity.

The Council also agreed that Community efforts be stepped up to coordinate programmes of applied research, aimed at more efficient use of available facilities, so as to obviate wasteful duplication as far possible. Lastly, the Member States were asked to try and find a common stance towards any problem being considered within the international organizations, which involves harmonization of requisites and criteria and the coordination of nuclear safety research.

¹ OJ C185 of 14.8.1975.

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

Science, research and development

Energy research

2263. On 15 July 1975 the Council approved the four-year energy *research and development programme*¹ which it had been unable to adopt at its meeting of 26 June owing to the reservations made by two delegations.² This programme, which will cost 59 million u.a., must relate to the following aims: energy conservation, production and use of hydrogen, solar energy and geothermal energy.

2264. The CREST energy *research and development sub-committee* held its ninth meeting in Brussels on 7 July 1975 with Mr De Meester in the chair. Its discussions were concerned particularly with the suggestion by the Commission's departments to set up an *ad hoc* committee to study the problems which occur in the conversion of solid fuels into hydrocarbons. The sub-committee will re-examine this question at one of its forthcoming meetings, after national experts, whom the Commission must contact, have submitted their opinions.

The sub-committee also dealt with the question of the management and implementation of the 'energy R & D' programme, to be put in hand as soon as it is approved by the Council,³ and with the timetable of work to be pursued. It approved a management structure proposed by the Commission's departments in which the ACPMs (Advisory Committees on Programme Management) will have an important part to play. The next meeting of the subcommittee has been planned to take place on 22 October.

Joint Research Centre

2265. On 15 July 1975 the Council approved the programmes of *new activities* for the *Petten Establishment*⁴ and noted that the Commission will insert the necessary appropriations for the implementation of these programmes in the preliminary draft budget for the 1976 financial year.

The Council also approved the Commission's proposal concerning the *revision of certain objectives* of the multiannual programme² without altering the relevant appropriation. It noted that, before the end of October 1975, the Commission will communicate to it a comprehensive view of the next multiannual programme and it was agreed to discuss this as soon as possible, as part of a review of the development of the Community's research policy.

A decision could not be taken on these two points at the meeting on 26 June, which the Council devoted to research problems, as the German Delegation had made a reservation which has since been withdrawn.

At this meeting on 15 July, the Council also noted the Commission's intention:

- rapidly to submit to it programme proposals on the basis of the guidelines which emerge from this discussion. The Council agreed to discuss them as soon as possible;
- to insert an amount of 900 000 u.a. in the preliminary draft budget for the 1976 financial year, in order to cover the activities in preparation for the next multiannual programme;
- to provide for the necessary resources in this preliminary draft budget to guarantee the normal working of the Joint Research Centre.

¹ Formally adopted on 22 August 1975: OJ L231 of 2.9.1975.

² Bull. EC 6-1975, point 2262.

³ Bull. EC 6-1975, point 2268.

⁴ OJ L231 of 2.9.1975.

Multiannual programme

Submission of four new research programmes

2266. At the end of July the Commission sent the Council four new proposals for multiannual research programmes on: controlled thermonuclear fusion and plasma physics, biology and health protection, the environment and, lastly, reference materials and methods.¹

Scientific and Technical Committee

2267. The Scientific and Technical Committee (STC) met in Brussels on 2 July under the chairmanship of Mr Cesoni. The Committee examined the Commission's Proposal for a further extension of the *Dragon project* as from 1 April 1976.² While approving this Proposal, it expressed the wish that the extension should be limited to three years (instead of five as planned).

The Committee then examined the draft of a *new revision of the JRC multiannual programme*, known as the 'medium-term revision', applicable in 1976, while awaiting the multiannual programme which will follow it. The Committee approved this draft for the most part, observing that it concerned only minor aspects, due allowance being made for the fundamental questions now being raised with regard to the future of the JRC.

The Committee also held a rapid exchange of views on the problem of R & D in the exploitation of *uranium* resources, and the storage and transport of *radioactive waste*. The next STC meeting will be held on 16 and 17 October at Ispra.

Plan for cooperation with Sweden in the field of thermonuclear fusion

2268. The Commission sent the Council a Communication providing for the conclusion

between the Community and Sweden³ of a cooperation agreement in the field of controlled thermonuclear fusion and plasma physics. As a result of this agreement, the Swedish programme would contribute towards the implementation of the Euratom research and training programme in this area, through the adoption of its long-term aims and methods of cooperation.

Education and training

Lawyers

2269. On 25 July the Commission amended its proposed Directive of 1969⁴ on the *equivalence of qualifications and lawyers' freedom to provide services*. The initial proposal was outdated by the enlargement of the Community and the *case law* of the Court of Justice.

In the judgments handed down in two cases (Reyners and van Binsbergen) the Court held that all discrimination based on nationality has been abolished since 1970. However, what still hinders the free movement of lawyers is that each Member State makes access to the profession depend on the possession of qualifications prescribed at national level. The question is now to abolish this hindrance.

As far as some lawyers are concerned, frontiers have already ceased to play a role in practice; what is new is that lawyers must henceforth be able to appear in the courts of other Member States, in both civil and criminal proceedings.

¹ Points 1501 to 1505.

² Bull. EC 5-1975, point 2327.

³ Bull. EC 2-1975, point 2247.

⁴ OJ C78 of 20.6.1969.

Nurses

2270. Furthermore, the Commission proposed to the Council that an 'Advisory Committee on Nursing Training' be set up. Moreover, this approach corresponds to one of the guidelines laid down by the Council in its Resolution of 6 June 1974 relating to the mutual recognition of diplomas, certificates and other evidence of formal qualifications.¹ At the same time the Commission proposed that the terms of reference of the 'Committee of Senior Officials on Public Health'—set up when the directives and decisions concerning doctors were adopted²—should be *enlarged and made applicable to nurses in particular*.

Scientific and technical information and information management

Committee for Scientific and Technical Information and Documentation

2271. At its 14th meeting of 7 to 9 July the Committee for Scientific and Technical Information and Documentation (CIDST) was informed of CREST's³ approval of the *three-year programme* in this field, and of the 1976 budget proposals relating to scientific and technical information and documentation.

Furthermore, the Committee examined the results of a feasibility study of the pilot stage of the *telecommunications network* and adopted a resolution concerning the future configuration of the network to be installed in close cooperation with a subgroup of the *European Conference of Postal and Telecommunications Administrations (CEPT)*. This resolution will serve as the Commission's basis for its negotiations with the national postal authorities and the management boards of the European Informatics Network (COST project 11) and of the European Space Agency (formerly ESRO).

After enquiring into the activities of its working parties and the future work programmes, the CIDST examined the *projects and studies* to be undertaken in 1975. The approved studies will take up approximately 50% of the budget appropriations, fixed by the Council at 1.84 million u.a. for 1975. The other 1975 projects and those to be financed from the 1976 budget will be examined at the meeting which the CIDST will hold in November.

The Committee instructed a restricted *ad hoc* working party to draw up proposals for *dealing with industrial information*. The Committee's standing working party will examine these questions together with a proposal to set up a 'Physics and Mathematics' working party.

2272. On 8 July the *European Parliament* adopted a 'Resolution on the decisions of the Council of the Ministers of Research, dated 26 June 1975'.

Energy policy

Preparing and implementing a Community energy policy

Energy Committee

2273. The Energy Committee met on 4 July, chaired by Vice-President Simonet of the Commission. Its discussions centred on 'Work on the costs and estimates of energy production in the Community for 1974 and 1975' and 'Mini-

¹ OJ C98 of 20.8.1974.

² OJ L167 of 30.6.1975; Bull. EC 2-1975, points 1201 to 1204 and Bull. EC 6-1975, point 2272.

³ Bull. EC 6-1975, point 2264.

mum safeguard level: variants'. It was decided to reopen discussion on these two topics at a later meeting.

The Committee studied the reports on oil imports into the Community, the medium-term prospects for the petroleum market, and small- and medium-sized firms in the oil sector. It welcomed the ideas of Commission departments on support for uranium prospecting, and the introduction of a system of oil price controls.

Energy savings

2274. On 9 July the Commission sent the Council a working paper on establishing objectives for short term energy economies, presentation of which had been notified to the Council at its meeting of 26 June 1975. Mr Simonet had given the Council a verbal outline of the measures which the Commission considered should be taken by public authorities to reduce energy wastage.¹

Notification of investment projects of interest to the Community

2275. On 7 August the Commission sent the Council a draft Proposal amending the Council Regulation of 18 May 1972² on notifying the Commission of investment projects of interest to the Community in the oil, natural gas and electricity sectors. The proposed amendments mainly involved:

- notification of investment projects in the electricity sector on which work is expected to commence within five years, instead of the three years provided for under the existing Regulation;
- notification of information on the stage reached in the decision-making process of each project, and its relation to national planning;

- extension of notification to include investment projects concerning desulphurization in oil refineries, electricity-generating plant with nuclear reactors, and high-voltage electrical transmission cables.

Sectoral problems

Hydrocarbons

Support for Community projects

2276. The Commission presented to the Council a Proposal it had adopted on 25 July on granting support measures for Community projects in the hydrocarbons sector.

This Proposal had been adopted as a result of the Council Regulation of 9 November 1973³ on support for Community projects in the hydrocarbons sector, with a view to promoting technological developments associated with prospecting, extracting, storing or transport, for the purpose of improving the security of Community energy supplies. It relates to 38 of the 120 projects submitted by firms to the Commission in 1975. The amount of support proposed is 44683758 u.a. for the 1975-1977 period. On 17 December 1974⁴ the Council had approved the granting of support measures to an initial series of 21 projects in the sum of 42500000 u.a.

Information and consultation on oil prices in the Community

2277. On 1 August the Commission forwarded for Council approval a draft Regulation

¹ Bull. EC 6-1975, points 2276 and 2280.

² OJ L120 of 25.5.1972.

³ OJ L312 of 13.11.1975, and Bull. EC 11-1973, point 2268.

⁴ Bull. EC 12-1974, point 2269.

regarding 'Community procedure for information and consultation on the prices of crude oil and petroleum products in the Community'.

In its Resolution of 13 February 1975¹ concerning Community policy on hydrocarbons, the Council considered that consumer price policy should be based on competition, and cost and price transparency. These principles could contribute towards ensuring that the levels of such prices based on real supply trend conditions were consistent throughout the Member States.

The purpose of the procedure for information proposed by the Commission is twofold:

- to obtain knowledge of and compare price levels in the different Community countries;
- to study trends in oil product prices and in the costs of crude oil supplies.

To achieve these aims the following guidelines can be applied:

- the Community should provide itself with an information system, which implies a working knowledge of the conditions governing crude oil supplies and oil product prices in the various Community markets. Such a Community system of price information will not prevent Member States from adopting or retaining their selected pricing systems;
- the Commission would use the price levels for oil products to make comparisons, using a method devised to ensure that the information collected is analogous. Such comparisons will require consultations at Community level. If necessary, the oil companies would be asked for their opinion of the results obtained.

The consultations may involve:

- correction, by Community decision, of excessive price differences;
- harmonization at Community level of the decisions which Member States may be induced to take;

- freedom for Member States to draw their own conclusions as to prices, from such consultation.

Coal

Member States' financial aid to the coal industry

2278. On 22 July the Commission sent the Council a report on the financial aid which Member States proposed to give to the coal industry in 1975. In accordance with the Commission Decision of 22 December 1970² on Community rules for interventions by Member States for the benefit of the coal industry, the Commission is obliged to examine these aids and submit a report on them to the Council for consultation.

The coal industry's profitability has improved considerably in 1975 compared with last year. Greater profitability has been achieved not by reducing mining costs but by increasing prices to the level of imported coal and heating oil.

Few problems of competition will arise among the Community's coal producers in 1975, as a result of the relatively low aid for the coal industry. The proper functioning of the common market in coal will not be affected by the existing differences in aid granted by the individual Member States.

The Commission therefore concludes that the aids applied for by the governments of the Member States for 1975 conform to the provisions of the Decision of 22 December 1970.

¹ OJ C153 of 9.7.1975 and Bull. EC 2-1975, point 1402.

² OJ L3 of 5.1.1971.

Technical research

2279. After conferring with the ECSC Consultative Committee and with the assent of the Council, the Commission decided on 24 July to grant 6832000 u.a. under Article 55 of the ECSC Treaty, so that research projects in the fields of mining, coking and coal upgrading could be carried out.

2280. On 8 July¹ the *European Parliament* adopted a Resolution on the Commission Proposal on 'Medium-term guidelines for coal 1975-1985'.²

Transport policy

Functioning of the Market

2281. On 29 July 1975, the Commission sent the Council two reports. The first concerns implementation during 1973 of the Council Regulation of 28 February 1972³ on laying down common rules for *regular and special regular services* performed by coach and bus between the Member States. It contains statistics on traffic trends, assesses the efficiency of procedures applied and comments on possible amendments to the Regulation.

The second report appraises conditions on the transport market in respect of 'reverse shuttle services', referred to in Article 11 of the Regulation for *shuttle services* by coach and bus between the Member States. Finding that the arrangements for these transport services have raised no difficulty, the Commission feels that there are no grounds for amending the current rules.

2282. On 25 July, the Commission decided to *suspend the infringement procedure* it had

invoked against *Italy* for failing to fulfil the obligations on Member States under the provisions of the Council Regulations laying down common rules for regular and special regular services and for shuttle services. This suspension will enable Italy to carry through, by the end of March 1976, the legal procedure which she has initiated to meet those obligations, and to furnish the Commission with the final text of measures which have been adopted by 31 March.

**Ocean and air transport—
Port problems**

2283. The Commission initiated the infringement procedure under Article 169 of the Treaty against Germany, Belgium and France. It contends that all three have infringed several Treaty provisions by signing the United Nations Convention setting up a *Code of Conduct for Liner Conferences*,⁴ despite the repeated warnings of the Commission.

The three countries should actually have signed as part of a common action, and, if necessary, under a Convention concluded by the Community.

But the appropriate Commission authorities are already examining the possibility of defining reservations and amendments which would, if need be, enable the Community and the Member States to become contracting parties to the Convention.

2284. On 17 and 18 July government experts met in Brussels to examine problems arising from the application to air transport of the Treaty rules on the right of establishment. The

¹ Point 2409.

² Bull. EC 11-1974, point 2269.

³ OJ L67 of 20.3.1972.

⁴ Bull. EC 3-1975, point 2264 and 6-1975, point 2292.

3. External relations

Transport policy

meeting, which is part of a series of talks between government experts and the Commission, on air transport, highlighted certain key features of this sector.

Transport Advisory Committee

2285. The Transport Advisory Committee met on 8 and 9 July to review the draft of an interim report on implementing a *structural policy in river shipping*, and in particular, on the problems involving non-industrialized shipping. A draft opinion on the subject will be presented to the Committee at its plenary session of 20 and 21 November.

Multilateral negotiations

Trade Negotiations Committee

Meeting of the TNC

2301. The Trade Negotiations Committee (TNC), formed by the GATT Ministerial Conference meeting in Tokyo¹ in September 1973, which coordinates all the negotiations, met in Geneva on 15 and 16 July with Mr Olivier Long, the Director-General of GATT, in the chair.

The Committee took stock of the work undertaken since the meeting of February 1975, which marked the actual start of the negotiations; then it took note of the reports presented verbally by the Chairmen of the six Groups formed earlier.

The overall impression to be gained is that, in the Tropical Products Group (considered by the Tokyo Declaration to be a priority sector) and in the Non-Tariff Measures Group, the negotiations have made a good start, on practical issues. But in the Tariffs and the Agricultural Group, where the Community had prepared practical proposals, negotiations have not yet really begun, mainly for lack of response, in respect of the substance, on the part of certain delegations, and of the United States Delegation in particular.

The work of the Sector and Safeguards Groups are still at the preliminary stage. This is because in the Sector Group, a sizeable number of delegations, including the Community's, have been reluctant to initiate basic negotiations on this supplementary technique until solutions of a general nature have been hammered out for tariff and non-tariff matters. Again, in the

¹ Bull. EC 9-1973, points 1101 to 1106, and Bull. EC 2-1975, point 2301.

Safeguards Group, certain delegations, the Japanese in particular, have been reluctant to move towards establishing a better practical application of a restrictive mechanism.

For the future, the delegations of the developing countries again expressed the wish to see some progress made in establishing special negotiating procedures between developing and industrialized countries, and in seeking special and differentiated solutions to benefit them. Some delegations (the United States and Australia) suggested that every effort be made to try and get firm, albeit partial, results as soon as possible. The majority of delegations, however, came out in favour of carrying on negotiations on all fronts to ensure a balanced overall advance.

In his conclusions, the Chairman hoped that the Groups would continue their work with renewed vigour, so as to achieve a real advance in areas which could yield balanced and overall progress.

Tariffs

2302. The third meeting of the Tariffs Group met in Geneva from 7 to 10 July. Further discussion on the tariff reduction formulae, basic rates and reference dates made no appreciable headway towards solving these questions.

On the other hand, a broad debate took place on the question of special and differentiated treatment to benefit the developing countries, and on consolidating the generalized preferences scheme, as called for by developing countries. This last request met with some reservations from the developed countries (including the Community) who pointed out that consolidating the generalized preferences arrangements, not all of which are yet in operation, might well produce deadlock, which in the end might negate any improvement. The Group's next meeting will be in October 1975.

Sectoral approach

2303. The Sector Group met from 1 to 3 July. The GATT Secretariat had prepared considerable documentary material on metals and ores and on certain products (fish and fishery products, hides and skins, timber and timber products, etc.) which could be of interest to the developing countries as part of a sectoral approach.

The Group agreed to examine this material in detail at its next meeting in November, before expressing conclusions to the scope offered by the approach in these sectors. A suggestion by the United States for a study of the sectors covering electric machinery, electronics and chemicals will also be considered at the November meeting. The Community reiterated that this negotiation technique was to be regarded as a supplementary one.

Safeguard clause

2304. The Safeguard Group met for the second time from 30 June to 4 July. Information on how the safeguard arrangements are working is now available but was not considered representative enough to decide whether the current arrangements should be improved or not.

The discussion also bore on what was meant exactly by the term safeguard arrangements; the Community felt that Article XIX was by far the most crucial element.

The Group's next meeting is scheduled for the second half of November.

Agriculture

2305. The Agriculture Group met on 9, 10 and 14 July to take stock of the work of its Sub-Groups on cereals, milk products and

meat. It emerged that there are still conflicting opinions within the Group on what constitutes the appropriate framework for negotiations on the tariff and non-tariff elements involving the other agricultural products not covered by the work of the Sub-Groups. In view of this and to meet the requests of the developing countries, the Community declared its readiness to start talks within the Agricultural Group with any countries who so desire. The Group agreed to meet again at the end of September.

Commercial policy

Preparing and implementing the common commercial policy

Trade protection

2306. On 14 August, the Commission introduced authorization arrangements for imports of *certain textile products* originating in *South Korea*.¹ This urgent action had been necessitated by the steadily worsening situation of the Community industry, which had not been checked as hoped by the fourth stage of negotiations for a voluntary restraint Agreement with the Korean authorities.

The arrangements introduce a quota covering the whole Community for three tariff headings (undervests, jerseys, cardigans, bed-jackets, jumpers, shirts) and a quota confined to certain Community regions, more directly involved, for four other headings (synthetic fabrics, synthetic yarns, bed-jackets of synthetic textiles, shirts and blouses).

2307. The Council also adopted two Regulations imposing prior authorizations for six

months for Benelux and German imports of synthetic *socks* originating in *Taiwan*² and on French imports of *gloves* originating in *South Korea*.³ This confirmed the urgent and protective measures actually taken by the Commission.⁴

2308. On 25 July,⁵ the Commission adopted a Regulation introducing Community surveillance on imports of certain processed *fruit and vegetable products originating in State-trading countries*. The surveillance will be both prior and retrospective.

Credit insurance and export credit

A European Export Bank

2309. On 31 July the Commission presented to the Council a Communication on establishing a European Export Bank. This paper considers the advisability of creating a new Community instrument in the field of export credit, as well as the objectives and methods it might adopt. Its analysis shows that the world situation and the problems which exporters from the Community are already facing make it important to achieve progress in this field without delay. The Commission takes the view that a European Export Bank should concentrate firstly on financing and insuring multinational Community contracts for the export of durable goods (and related services) to all countries outside the Community.

The Commission will pursue its consultations with insurers in the public and private sectors

¹ OJ L217 of 15.8.1975.

² OJ L182 of 12.7.1975.

³ OJ L191 of 24.7.1975.

⁴ Bull. EC 5-1975, point 2308 and 6-1975, points 2309 and 2310.

⁵ OJ L216 of 14.8.1975.

specializing in export credit and with bankers and industrialists in the Community and will lay before the Council in the near future a complete proposal taking account of views expressed. The setting up of this agency would help to offset the present lack of any internally consistent pattern in the Community in this area, where each Member State has its own arrangements for financing export credits.

The Commission believes that the bank should be set up in parallel with the existing institutions without any prior need to coordinate their operations more closely or to make major changes in relevant national laws and regulations. Once the bank has been set up, it could contribute to the harmonization of Community practice in other areas of export credit. In any case, the new institutions should not in any way hamper ventures on the part of the private sector, since the bank would not be replacing commercial banks or other banks supporting exports, the aim being rather that it should provide complementary support.

The EEB would allow European firms to act jointly on an equal footing with their main competitors in bidding for major multinational contracts, with credit and insurance being denominated in a single currency.

Specific measures of commercial policy

Textiles

Agreement with Pakistan

2310. The negotiations between the EEC and Pakistan which began in November 1974 were successfully wound up with the finalization of a bilateral agreement on textile products, which was initialled on 4 July. Following the agree-

ment with India,¹ this is the second agreement by the Community under the Multifibres Arrangement and will run from 1 January 1975 to 31 December 1977. It will cover Community imports of cotton fabrics and household cotton linens. The aim of the agreement is to ensure that Pakistan's textile trade develops in such a way as to avoid any material risk of disrupting the Community markets.

Agreement with Hong Kong

2311. The negotiations for an agreement on trade in textiles were wound up on 18 July; the text was initialled in Brussels on 13 August.

This third agreement, negotiated under Article 4 of the Multifibres Arrangement will run until the end of 1977; it stipulates quantitative limits for exports of fourteen categories of textile products from Hong Kong to the Community, and some additional quantitative restrictions for certain Member States.

Negotiations under the Multifibres Arrangement

2312. The first round of formal negotiations between the Community and Japan took place from 22 to 24 July. The two parties, who got down to detailed discussions, agreed to resume in the autumn.

2313. A fourth series of negotiations with South Korea for a textile agreement took place in the first week of August. Although progress had been made during the negotiations, the two delegations agreed that a further meeting, probably the last, would have to be scheduled after the summer recess.

Because of the serious situation of the European textile industry and Korea's reluctance to agree

¹ Bull. EC 4-1975, point 2309.

acceptable temporary measures to settle the most pressing problems, the Community, pending conclusion of the negotiations, considered that it simply must apply unilaterally the safeguard clause provided for in Article 3 of the GATT arrangement. The appropriate measures adopted by the Commission¹ took effect on 18 August.

2314. An initial round of negotiations between the Community and *Mexico* for a textile trade agreement, on the basis of Article 4 of the Geneva Arrangement, took place in Brussels on 29 and 30 July. The discussions have not yet enabled the delegations to reconcile their viewpoints, and it was agreed to resume early in October.

2315. On 6 August, the Commission recommended to the Council that negotiations be opened with *India* and *Bangladesh* for agreements on trade in jute products. The agreements on these products, already negotiated by the Community with *India* and *Bangladesh* in 1973, expire on 31 December 1975. The new agreements to be negotiated should include a 'quantitative aspect', setting certain limits on exports and a 'tariff aspect' allowing the gradual suspension of duties to continue, as part of the generalized preferences.

Importing arrangements for certain textiles originating in Taiwan

2316. On 10 July,² the Council adopted a Regulation which autonomously set quantitative limits in respect of Community imports of certain textile products originating in *Taiwan*. These measures were laid down for a period of three years (1 January 1975-31 December 1977) so as to allow certain questions to be settled, at Community level, arising from the increasing imports of textiles originating in *Taiwan*. The Community's quantitative quotas

have been allocated between the Member States by a Commission Regulation adopted on 18 July.³

Steel

2317. On 4 and 8 July, the Commission adopted two Decisions to derogate from Recommendation 1/64 of the High Authority. They authorize the application of ECSC duty reductions and suspensions decided by the Member States' representatives, so as to allow advance application, in respect of tariffs, of the Lomé Agreement and the Member States' Agreement with *Israel*.

2318. On 17 July,⁴ it also adopted the *six-month derogation* allowing duty-free entry into the Community of products (wire rod, 'electrical' sheets, used rails) which are either not manufactured in the Community to the required qualities or are manufactured in insufficient quantities.

Scrap metal

2319. On 10 July, the Member States' Government Representatives approved various measures concerning scrap metal *exports*. They confirmed for six months the authorization to export alloy steel scrap, rolling-mill cylinders and tonnage scrap involved in outward or inward processing. Regarding scrap which in principle may not be exported, they agreed to allow an overall quantity of 720 000 tonnes to be exported to non-member countries for the second six months.

¹ Point 2306 and OJ L217 of 15.8.1975.

² OJ L182 of 12.7.1975.

³ OJ L189 of 21.7.1975.

⁴ OJ L212 of 9.8.1975.

Development and cooperation

Development cooperation policy

2320. Following the European Council discussions on 16 and 17 July, and its conclusions with regard to the United Nations,¹ the Council of Foreign Ministers met on 22 July and reached common standpoints on the position of the Community and Member States as regards raw materials and cooperation in development, in view of the forthcoming meetings at international level to deal with relations between the industrialized and developing countries.

In May² and June³ the Commission had indicated the contribution it believed the Community could make in solving the problems arising in a new context, concerning development and raw materials.

The communiqué released following the Council's meeting on 22 July emphasized that the object of the common position reached is 'to enable the Community to submit proposals for a programme to be negotiated and implemented at international level although, with the understanding, that final arrangements can only be adopted during the discussions which will take place within the various international bodies, and in the light of proposals submitted by the other partners'.⁴

United Nations Conference on Trade and Development

2321. The Trade and Development Board of UNCTAD held the first part of its 15th meeting in Geneva, from 5 to 16 August 1975. Its work was chiefly devoted to preparing the Fourth UNCTAD Conference which will take place in Nairobi in May 1976. The Board drew up a list

of broad fields of action, and indicated the specific problems to be studied in each. This relatively complete list will be finalized at a further Board meeting, planned for the beginning of October, in the light of the results of the 7th Special Session of the United Nations General Assembly.

2322. Within the framework of UNCTAD, an *intergovernmental group* met in Geneva from 7 to 18 July to examine the progress made in implementing the *special measures to aid the less advanced developing countries* and to propose new steps. The Community, which was represented at this meeting, made known the specific measures provided for in the Lomé Convention with regard to the less-advanced partner countries (17 of the 25 recognized by international bodies), which fully correspond with the recommendations of the intergovernmental group. However, the process of applying generally the measures recommended for all the less-advanced countries is proving slow and difficult, due mainly to divergent interests resulting from different levels of development amongst the group of 77.

2323. The *Manufactured Products Committee* of UNCTAD held its 7th meeting in Geneva from 23 June to 4 July 1975. The meeting was devoted mainly to the study of measures for increasing trade in manufactured products from developing countries.

After much debate, the Committee adopted three main resolutions, constituting a compromise sol-

¹ Point 2333.

² Bull. EC 5-1975, points 1402 to 1405.

³ Bull. EC 6-1975, points 1301 to 1309 and Supplement 6/75 — Bull. EC.

⁴ A chapter will be devoted in the 1st Part of Bull. EC 9-1975 to the 7th Special Session of the United Nations.

ution, which was due mainly to the Community's efforts. These concern: tariff reclassification, the international textile trade, and the convening and terms of reference of a group of experts on restrictive trade practices. They do not provide for fundamentally new measures but, in the present economic climate, their adoption constitutes a political gesture on the part of the developed countries which wished to reaffirm the special attention they intended to accord to the problems of developing countries in the field of manufactured products.

Food aid

Emergency action

2324. On 14 August 1975, the Council approved the emergency supply of 600 tonnes of skimmed-milk powder to the International Committee of the Red Cross, under the food aid programme for *Haiti* where, after an abnormally long period of drought, there is a threat of famine.

2325. On 14 August¹ the Council also approved the grant of additional emergency aid to *Guinea-Bissau* (2500 tonnes of grain and 250 tonnes of skimmed-milk powder) and to the *Cape Verde Islands* (150 tonnes of powdered milk).

2326. On 10 July 1975, the Council, on a proposal from the Commission,² approved the granting of a second tranche of emergency aid to the people of *South Vietnam*. This new tranche—the first was authorized in April 1975³—amounts to 9000 tonnes of milled rice, 6000 tonnes of wheat flour, and 1000 tonnes of butteroil. This aid will be distributed through the International Committee of the Red Cross and the Office of the United Nations High Commissioner for Refugees.

Commodities and world agreements

UNCTAD Committee on Commodities

2327. The UNCTAD Committee on Commodities held the second part of its eighth session in Geneva from 21 to 25 July. This was largely taken up with a review of the integrated programme for commodities presented by the UNCTAD Secretariat-General. The Community took part in this review, mainly in connection with measures concerning several of the areas considered and involved in the Lomé Convention. Many major questions were raised during the review, in particular the possible creation of a common fund for financing commodity stocks.

The need was recognized to actively follow up the work on preparing the integrated programme and on the correlations between its various items, through informal contacts with the governments and organizations involved, so as to make it easier for the Committee to reach its findings next December.

Coffee

2328. The proceedings of the 26th meeting of the International Coffee Council in London from 24 June to 13 July were mainly devoted to *negotiating a new international agreement* carrying economic provisions. The Council took note of the report of a Contact Group assigned to work out appropriate proposals. The Secretariat of the ICC was instructed to prepare a draft agreement based on the guidelines thus set

¹ OJ L219 of 19.8.1975.

² Bull. EC 6-1975, point 2318.

³ Bull. EC 4-1975, point 2317.

out, which will be negotiated during a meeting of the ICC to be held in London from 27 October to 14 November.

Tungsten

2329. The Community took part in the 9th session of the UNCTAD Committee on Tungsten held in Geneva from 28 July to 1 August.

The discussions once again centred on the search for a means to stabilize the tungsten markets and reduce price fluctuations, and on this occasion a step forward was taken by assigning the Committee's existing subsidiary Working Group a new task of examining the feasibility of an intergovernmental producer/consumer arrangement involving ceiling and floor prices. The Group which was given precise terms of reference will probably meet in January-February 1976.

International organizations

OECD

2330. The Commission took part in the 12th special meeting of the *Executive Committee* on 18 July. It was dominated by the major impending international meetings: the 7th Special Session of the United Nations General Assembly, the 'renewal of the dialogue', and the IVth United Nations Conference on Trade and Development (UNCTAD).

The executive Committee examined the preliminary reports of two high level *ad hoc* groups recently formed within the OECD. Regarding relations with the developing countries, the Committee indicated that it preferred to take a

rather pragmatic view, since the efforts of the OECD countries will include measures on trade, the transfer of resources and know-how, and industrial cooperation. On commodities, the Committee felt that studies of measures to stabilize markets and earnings should go together. A list of six products will be studied in greater detail.

General Agreement on Tariffs and Trade

2331. Meeting in Geneva on 11 July, the GATT Council decided to form a *Consultative Group* of Eighteen on a provisional basis for one year. The Group's task will be to help the contracting parties to the General Agreement to discharge their responsibilities in respect of international trade relations. It will also see that commercial policies remain in keeping with the objectives and principles of GATT, and will endeavour to prevent disturbances which could endanger the multilateral trade arrangements.

The Chairman of the *EEC Enlargement Group*, Mr Kitohara, presented his report indicating that the Group had completed its work. The Council also set up two Working Parties to examine the Lomé Convention and the *EEC-Israel* Agreement in the light of the provisions of the General Agreement.

2332. On 4 August, the Commission addressed a Communication to the GATT Secretariat, advising the contracting parties, that following a decision of the EEC Council, the Community was *discontinuing application of Article XXXV of the General Agreement with regard to Japan*. Regarding *Ireland*, the grounds on which she had invoked Article XXXV no longer apply since, in the context of the multilateral trade negotiations, the Community is striving to gain greater flexibility in the application of safeguard clauses.

United Nations

Statement by the European Council on the United Nations

2333. The following statement on the United Nations formed part of the conclusions reached by the European Council in Brussels on 16 and 17 July.

- 'The Heads of Government, having discussed the situation of the United Nations, which this year celebrates its 30th anniversary and in consideration of the forthcoming regular and special meetings of the General Assembly, stress that the growing interdependence of countries and peoples multiplies the problems which must be solved at world level.
- The Nine reiterate their confidence in the United Nations, the main institution of international cooperation. They affirm the need to strengthen the role and effectiveness of the United Nations, the universal and vital means of worldwide dialogue and cooperation.
- The Nine will maintain and foster respect for the Charter, the rights of the member countries and the rules of procedure in force. This underlies the confidence of nations in the United Nations. Thus the Nine consider that any compromise of this principle would prevent the United Nations from playing the role which falls to it.
- The Nine wish to contribute towards a more just basis for international relations, a better preserved independence and equality of States, a more fairly shared prosperity and more assurance of security for all. (Document of 14 December 1973). They are convinced that their union will be of benefit to the whole international community and that particularly within the United Nations it will be a stabilizing factor for balance and a focus of cooperation.

• In this spirit, the Nine signal their resolve to clear their concertation of all obstacles, so that the Community may come out with all the weight of its responsibilities in the direction of conciliation and dialogue, and consequently, a strengthening of the United Nations. They will endeavour to act in such a way that the United Nations will attain its objectives, especially in the preservation of peace, the peaceful settlement of disputes and conflict, the promotion of social and economic progress, preservation of human rights and in the field of humanitarian action.

• Moved by a common resolve for dialogue, the Community and its Member States will offer the international community, in the appropriate areas, proposals for action on a well-balanced series of themes which meet the major concerns of the developing countries, especially in respect of raw materials and development and cooperation. Special consideration will be given to the problems of the poorest countries.

Regarding the Special Meeting of the General Assembly on development and international economic cooperation, the goal of the Community and its Member States is to achieve real progress towards a better balanced and more equitable structure of international economic relations, which involves strengthening the position of the developing countries.

• In affirming the identity of the Community, the Nine confirm their resolve to play an active constructive role within the United Nations with the aim of developing avenues of the broadest possible cooperation.¹

Economic and Social Council (ECOSOC)

2334. The Community attended as an observer the 59th meeting of the United Nations

¹ Provisional translation.

Economic and Social Council in Geneva from 2 to 31 July.

The Community representatives spoke in the general debate on the review of international social and economic policy.

Matters discussed by ECOSOC included the review of the Mid-Decade International Development Strategy, preparations for the 7th Special Meeting of the General Assembly (for which a provisional agenda has been drawn up), the effects of transnational companies, and food problems.

Many liaison meetings between various groups of countries, and particularly between the '77' and the Nine, took place on the fringe of the main meeting, to facilitate the proceedings of the 7th Special Meeting. The positions of the Community in its contacts with the developing countries were presented by a single spokesman; the political significance of this did not go unnoticed.

Mediterranean countries

Overall Mediterranean approach

2335. Following the agreement reached at the end of June between the Ministers of Agriculture on certain long outstanding 'prior considerations' in agriculture,¹ the Council in July took another hard look at Community relations with the Mediterranean countries.

It proceeded to activate the Decisions taken on 23 and 24 June, by adopting a series of Regulations mainly concerned with fruit and vegetables and wine.²

Following its deliberations on the Community's relations with *Malta*, the Council also invited the

Commission to meet the Maltese Delegation and report on the discussion. Lastly, the Committee of Permanent Representatives was instructed to submit drafts for the Directives to be given to the Commission on the various headings of the negotiations which the Community intends to initiate soon with the Machrak countries: *Egypt, the Lebanon, Jordan and Syria*.

Greece

2336. On 1 July the interim agreement came into force³ giving advance effect to the trade clauses of the Additional Protocol, which extends the Association to the three new Member States.

2337. The EEC-Greece *Association Council* met at Ministerial level in Athens on 28 July. It decided on initial measures (mostly involving procedure) which, after the summer recess, will enable practical work to begin on harmonizing agricultural policies, starting, as decided earlier, with the fruit and vegetable and wine sectors.

2338. With this in mind, the Commission on 18 July presented a Communication to the Council on *harmonizing agricultural policies* between the Community and Greece. Another Communication, addressed to the Council on 31 July, concerns the *negotiation of a new Financial Protocol with Greece*.

Turkey

2339. On 19 August, the EEC-Turkey *Association Council* approved its 10th annual activity

¹ Bull. EC 6-1975, points 2239 to 2242 and 2332.

² OJ L 198 of 29.7.1975.

³ OJ L 123 of 15.5.1975; Bull. EC 4-1975, point 2332 and 5-1975, point 2331.

report, which will be reviewed by the Joint Parliamentary Committee whose meeting was set for 18 September in Ankara.

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2340. On 7 July, the *European Parliament* passed a Resolution¹ on the Recommendations adopted on 24 April by the EEC-Turkey Association Joint Parliamentary Committee in Copenhagen.²

Tunisia and Morocco

2341. Pending the outcome of negotiations now underway for new Association Agreements on a broader basis, the Council of the Communities decided on 6 August 1975³ to extend *the trade arrangements* between the Community and the two countries until new agreements come into force and until, at the latest, 31 December 1975.

2342. The *EEC-Tunisia Association Council* met at ambassador level in Brussels on 8 July, to examine, at the request of the Tunisian Government, the situation in the olive oil sector, following the measures taken by the EC Council on 23 June, concerning this product.⁴ The Association Council instructed a group of Community and Tunisian experts to examine the problems raised by the Tunisian Delegation. Once the group had submitted its report on 21 July to the Association Committee, it was agreed that the matter would remain one for the Association Council.

Portugal

2343. Relations between the Community and Portugal were examined by the European Council, at its meeting on 16 and 17 July.

The following 'conclusions' were published on 17 July:

'The European Council reaffirms that the European Community is prepared to initiate discussions on closer economic and financial cooperation with Portugal. It also points out that, in accordance with its historical and political traditions, the European Community can give support only to a democracy of a pluralist nature'.

The Council of Ministers had declared itself in favour of a meeting on 22 July between Portugal and the Community at Ministerial level, thus acceding to a request by the Portuguese authorities in May.

The Portuguese Government has indicated that owing to political developments in Portugal (which have resulted in ministerial changes in Lisbon), it would be advisable to defer this meeting until a later date while reaffirming Portugal's interest in cooperation with the Community, and its hope that the deferred meeting could take place in the near future.

Israel

2344. The *EEC-Israel Agreement*, signed in Brussels on 11 May,⁵ took effect on 1 July. Pending ratification of the Agreement, signed the same day, on products within the competence of the ECSC, the Member States have since 1 July been autonomously applying the trade arrangements stipulated in the Agreement.

¹ Point 2413.

² Bull. EC 4-1975, point 2334.

³ OJ L215 of 13.8.1975.

⁴ Bull. EC 6-1975, point 2246.

⁵ Bull. EC 5-1975, point 2334.

Yugoslavia

2345. The EEC-Yugoslavia *Joint Committee* met at Ministerial level in Brussels on 24 July.

Regarding long-term cooperation, the Committee set up two Sub-Committees responsible, in agriculture and industry respectively, for gathering and releasing the information needed to develop economic cooperation in areas of common interest, and to examine practical projects which both parties might submit to develop such economic cooperation in the markets of the Community or Yugoslavia, as well as in non-member countries.

The Sub-Committee will submit the results of their work to the Joint Committee, with a view to possible recommendations being formulated by the latter to the parties to the Agreement.

In respect of financial cooperation, the Community delegation indicated that the Commission had just presented constructive Proposals to the Council with the aim of meeting the Yugoslav requests.

Outside the meeting, the Member States and Yugoslavia decided to have an initial discussion on the situation of Yugoslav labour in their respective countries, a discussion anticipated in the exchange of letters annexed to the 1973 Agreement.

2346. The Contact Group, between the Commission (ECSC) and Yugoslavia, met for the first time in Belgrade on 1 and 2 July.

Both parties got down to an exchange of information on the general economic situation and on its impact on the Community and Yugoslav steel industries. They also reviewed their respective steel research programmes and expressed satisfaction that a joint project had been agreed, on studies relating to the solidification of steel. The studies will be carried out by the 'Hassan Brkić' Research Centre in Zenica (Bosnia).

African, Caribbean and Pacific countries**Lomé Convention***Signing of internal agreements on implementing the Lomé Convention*

2347. On 11 July, the Member States government representatives signed internal agreements¹ on financing and procedure, in respect of implementing the Lomé Convention signed in Lomé on 28 February 1975.

The agreement on procedure concerns the manner in which the Community position, on matters within the competence of the Member States, is to be adopted, and provides for a number of other measures necessary to implement the Lomé Convention.

The financial agreement established the terms for mobilizing the funds needed to finance Community aid for both the ACP States and the Overseas Countries and Territories, and allocates the costs among the Member States, irrespective of contributions from the EIB. It also lays down the rules governing the administration of Community aid.

Both Agreements will come into force at the same time as the Lomé Convention, following completion of the ratification procedures by the Member States.

Ratification

2348. From 1 July to 31 August 1975, ten new ACP States have advised the Secretariat of the EEC Council that ratification instruments of

¹ Bull. EC 6-1975, point 2342.

the Lomé Convention have been deposited, namely *Fiji* on 8 July, *Senegal* and *Somalia* on 17 July, *Chad* on 24 July, the *Congo* and the *Central African Republic* on 25 July, *Mauritius* on 29 July, the *Sudan* on 30 July, *Ghana* on 7 August and *Guinea* on 25 August 1975. At the end of August, the ACP States who had ratified the Convention thus numbered 17. A single Member State of the Community, *Denmark*, ratified early in July.

Trade arrangements with OCT countries

2349. Interim trade arrangements with the OCT came into force on 1 August 1975, through a Council Regulation adopted on 22 July.¹ Alongside the interim ACP-EEC arrangements applied on 1 July,² the association of the OCT countries was meanwhile renewed for the duration of the Lomé Convention.

The measures adopted involve the practically complete liberalization of imports into the Community originating in the OCT countries, with no obligation of reciprocity on their part.

Moreover, certain provisions applicable to the ACP States since 1 July 1975, also apply to the OCT countries; they bear on the opening of preferences for products under the ECSC originating in the ACP and OCT; and the arrangements covering certain agricultural and processed products, originating in the ACP and OCT.

With regard to rum originating in the OCT, a Regulation adopted on 30 July³ extends temporarily the *status quo* of the arrangements covering exports from the OCT of the founder Member States to the latter, and from the British OCT to the United Kingdom. The Regulation is accompanied by a Council statement indicating that the Council will agree by 30 November 1975 on the eventual arrangements applicable to rum originating in the OCT, taking account of the various

interests cited up to now by the Members of the Council, including Community preference and the customary assurances for Community producers.

Visit by a mission of the United Nations Council for Namibia

2350. A mission of the UN Council for Namibia, led by Mr Fall, Ambassador and Permanent Representative of Senegal to the UN, came to Brussels on 3 July where it was received by Mr Claude Cheysson. During the talks with the Commission, the visitors gave detailed information on their country's situation and the UN decisions concerning it. The various problems arising from Namibia's situation were then discussed.

Yaoundé Convention

European Development Fund

New financing decisions

2351. After a favourable opinion from the EDF Committee, the Commission, on 17 July,⁴ took five financing decisions for a sum of 477 000 u.a. from the resources of the 2nd and 4257 000 u.a. out of the 3rd EDF. A project for 1053 000 u.a. under the 2nd EDF was

¹ OJ L201 of 31.7.1975.

² OJ L166 of 28.6.1975 and Bull. EC 6-1975, point 2342.

³ OJ L201 of 31.7.1975.

⁴ OG C173 of 31.7.1975.

cancelled. Acting on a Commission Proposal, the EEC Council, on 26 June, authorized the financing of a project for the Netherlands Antilles for a sum of 3390000 u.a. out of the 3rd EDF.

Chad—Extensions to the N'Djamena High School of Commercial Studies: CFAF 500000000 or \pm 1800000 u.a. The aim of this project is to adapt the structure and size of the High School, which opened in 1963, to current needs by offering training better suited to the requirements of specific jobs. The extension of the buildings will enable 525 students to be accepted in future, including 280 boarders.

Niger—Building up of livestock population: CFAF 430000000 or \pm 1548000 u.a. (3rd EDF) and CFAF 600000000 or \pm 216000 u.a. (2nd EDF). This financing is intended to assist in building up again the livestock population of Niger following the very heavy losses sustained during the recent exceptional drought in the Sahel. The immediate aim is to provide the necessary livestock to allow 2000 families affected by the drought to return to their nomadic life.

The following projects involve the covering of additional expenditure required to permit projects to be completed.

Burundi—Tora tea plantation and factory: FBu 560000000 or \pm 594000 u.a. (3rd EDF). The purpose of this project, for which 4000000 u.a. has already been provided since its inception, is to improve, by strengthening the structure of production, the expected operating results of this agro-industrial tea estate. This interim phase, which is to be continued under the 4th EDF, will comprise technical assistance, additional infrastructure and a start on the replanting of tea gardens and woodlands.

Mali—Completion of the regional health centre in Mopti: MF 145000000 or \pm 261000 u.a. (2nd EDF). This project was the subject of

financing under the 2nd and 3rd EDFs (813000 u.a.) and concerns the building of a regional health centre at Mopti. Technical adjustments and the increased cost of construction and materials have made this new commitment of funds necessary.

Niger—Improvement of a 13 km section of the Kafin-Matameye track: CFAF 875000000 or \pm 315000 u.a. (3rd EDF). As part of the rural development programme in the Department of Zinder financed under the 2nd EDF, it is planned to build tracks to facilitate the supply of the means of production and disposal of the produce. Since the amount earmarked for completion of the final 13 km of track is insufficient, this additional financing is absolutely necessary.

Surinam—Cancellation of a project to build a boarding school for secondary pupils at Paramaribo. Following completion of the project studies, successive increases in construction costs in Surinam prevented the carrying out of this project for a group of buildings to provide accommodation for 300 boarders. At the request of the Government, the Commission has therefore decided to cancel the project and the amount made available will be allocated subsequently to other investments.

Netherlands Antilles—Improvements to the Bonaire runway: Ant. Fl. 7320000 or \pm 3390000 u.a. As proposed by the Commission, the Council decided to finance this project to widen and extend the runway on Bonaire so that aircraft of the DC 8 and Boeing 707 types may land there. This project follows the Community financing of a new air terminal which is currently being built to promote the development of tourism.

Following these financing decisions, commitments under the 3rd EDF total 834637000 u.a. in respect of 315 financing decisions since the Fund started operating.

Non-member countries

Industrialized countries

United States

2352. Since the US authorities have decided to start investigating the conditions for the sale of imported motor cars, particularly from the Community countries, the Commission, on 8 August, issued the following communiqué:

'The Commission has taken note of the announcement today by the US Treasury that it has initiated a formal investigation into allegations that imported automobiles from a number of countries, including certain Member States (West Germany, the United Kingdom, France, Belgium and Italy) are being dumped on the US market. It regrets that the US authorities thought it right to take this step in spite of the representations made to them by the Commission.

It is too early to comment upon the full implications of the US Treasury's decision, but the Commission notes that the Treasury's statement itself suggests there is substantial doubt that imports are causing injury to the US industry.

The Commission will be following the US investigations with the greatest attention, and will take such action as is appropriate in the light of developments.'

New Zealand

2353. In preparation for the review during 1975 stipulated in Article 5 of Protocol 18 of the Act of Accession, the Commission, as requested at the Conference of Heads of Government in Dublin on 10 and 11 March 1975,¹ presented, on 31 July, a Communication to the Council

concerning the importation of certain quantities of New Zealand butter. The Communication is intended to give the Council some particulars and guidelines in respect of the arrangements specific to importing, which could be applied to New Zealand butter for the years 1977 to 1980.

Asian and Latin-American developing countries

India

2354. An agreement with India on cane sugar¹ was signed on 18 July. The agreement, which is valid for a minimum of seven years, closely follows the Protocol on sugar appended to the Lomé Convention and provides a Community guarantee to purchase annually 25 000 tonnes of sugar at prices to be determined each year before 30 April. It thus fulfils the undertaking given by the Joint Declaration of Intent² annexed to the Treaty of Accession which laid down that, after the expiry on 31 December 1974 of the Commonwealth Sugar Agreement, the question of Indian sugar exports to the Community was to be settled by taking account of the arrangements to be agreed with those sugar exporting countries which eventually become signatories to the Lomé Convention.

Thailand

2355. The *Minister for Foreign Affairs* of Thailand, Mr Chatichai Choonhavan, visited the Commission on 11 July, where he talked with President Ortoli and Sir Christopher Soames. During his conversations, the Minis-

¹ Bull. EC 3-1975, points 1104 and 1502.

² OJ L 190 of 23.7.1975.

³ OJ L 73 of 27.3.1972.

ter conveyed his Government's appreciation of the way in which a closer relationship was developing between the Community and the ASEAN region as a whole and Thailand in particular. The occasion was taken to review some of the principal aspects of this relationship.

Bangladesh

2356. The *negotiations* between the EEC and Bangladesh for a *Trade Cooperation Agreement* opened in Brussels on 2 July.

At this first meeting the two delegations set out their respective points of view concerning the principles on which the projected agreement should be based and on the matters with which it could deal. On the Community side, it was argued above all that, given the current international trade situation a non-preferential agreement covering the various aspects of cooperation linked with trade could be helpful in solving the problems facing the parties. In this connection it was stressed that it would be useful to set up a joint committee to serve as a forum for examining these problems and formulating solutions to be proposed to the two parties. The Bangladesh delegation listed certain fields presenting practical problems in relations between that country and the Community.

At the close of the discussion, it was found that by general agreement the parties could move on to the next stage of negotiation, involving the finalization of the texts. The next round of negotiations was planned for late September or early October.

Sri Lanka

2357. A *Commercial Cooperation Agreement* was signed in Brussels on 22 July between the Community and Sri Lanka (Ceylon); it is the second of its kind concluded with an Asian developing country.

It is to be viewed in the light of the Joint Declaration of Intent on furthering trade relations with the independent developing Commonwealth countries in Asia, as annexed to the Act of Accession. It also fits into the context of the Community's overall policy in respect of cooperation and development.

The Agreement with Sri Lanka very closely follows the model of the Agreement with India.

Besides the usual tariff and trade provisions of non-preferential agreements which it carries, the Agreement itself defines the objectives of trade cooperation and proposes appropriate ways to attain them. The main instrument for this will be a Joint Commission which will meet once a year to check that the major Agreement and any sectoral agreements are running properly and to examine all problems which might hinder expansion and diversification of trade in both directions.

The Joint Commission will also have a watching brief over contacts between public institutions and bodies on both sides, foster cooperation between them and recommend any studies as well as measures required to develop directly or indirectly the flow of trade between the two parties. In carrying out this task, the Joint Commission will consider, as need be, Sri Lanka's development plans, the progress of the Community's economic, industrial, social and other policies as well as the levels of economic development on both sides.

Mexico

2358. The Agreement between the EEC and Mexico² was signed in Brussels on 15 July, by

¹ OJ L247 of 21.9.1975.

² Bull. EC 6-1975, point 2351 and OJ L247 of 23.9.1975.

the President-in-Office of the Council, Mr Mariano Rumor, the President of the Commission, Mr François-Xavier Ortoli and for Mexico by Mr Emilio O. Rabasa, the Minister for Foreign Affairs.

the Communities had been entrusted to the Sudanese diplomatic representation in Paris. The new Ambassador, Mr Izzeldin Hamid El-Hassan, is again stationed in Brussels where both the Chancellery and the Mission are established.

Diplomatic relations of the Communities

2359. On 15 July,¹ the President-in-Office of the Council and the President of the Commission received HE Mr Marcel Cadieux (*Canada*), HE Mr Alvaro Rizo Castellón (*Nicaragua*), HE Mr Izzeldin Hamid El-Hassan (*Sudan*), HE Mr Gustavo Madeiros Querejazu (*Bolivia*) and HE Mr Antonio Francisco Cafiero (*Argentina*), who presented their letters of credence as Heads of Mission for their respective countries to European Communities (EEC, ECSC, EAEC).

The new Canadian and Argentinian Ambassadors succeed Mr James C. Langley (*Canada*) and Mr Ildefonso Recalde (*Argentina*) who have been assigned to other posts.

Mr Alvaro Rizo Castellón is the first Nicaraguan Ambassador accredited to the European Communities, his country having been represented *ad interim* since 23 September 1970 by a *Chargé d'Affaires*.

Similarly, Mr Gustavo Medeiros Querejazu is the first Bolivian Ambassador to the Communities; but diplomatic relations between Bolivia and the Communities had already been established in 1970.

The Democratic Republic of the Sudan had closed its Mission on 31 January 1970 and, following the departure of Ambassador Mohamed Abdel-Magid Ahmed, relations with

¹ OJ C177 of 5.8.1975.

4. Institutions and organs of the Communities

European Parliament

European Parliament

Part-session in Strasbourg from 7 to 11 July 1975

2401. The July part-session was dominated by three major debates, on European Union, the new wine-market organization and the new EC budgetary law. Parliament also discussed the problems of a common energy and research policy, the simplification of frontier formalities within the EEC, questions concerning the environment and association, and auditing matters.¹

Parliament also paid tribute to its longstanding member, Professor Hans Furler who passed away on 4 July. Professor Furler was a member of the ECSC Common Assembly and the European Parliament from 1955 to 1973. From 1960 to 1962 he was President of the Parliament after being President of the Common Assembly. In 1959 and 1960 and from 1962 until 1973 he was Vice-President of the European Parliament.

President Georges Spénale paid tribute to the work of Professor Furler, to whose efforts the House owed its institution as the single Assembly for the three Communities when the Treaty of Rome came into force.

Renewal of the British and Danish Delegations

The Labour Party in Parliament

2402. Two and a half years after the United Kingdom's accession, the British representation in Parliament is now complete. After the pos-

itive outcome of the referendum, the British Labour Party is now taking an active part in the House. This meant a renewal of the British Delegation, which up to now had been made up of Conservatives, Liberals and an Independent. The new delegation, which joined in the business of the House for the first time in the July part-session, includes eighteen Labour members, sixteen Conservatives, one Liberal and one member of the Scottish National Party.

The Labour MPs have joined the Socialist Group, which thus becomes the largest Group in the House.

Parliament ratified the mandates of the new British members and President Spénale welcomed them.

The Labour member, Sir Geoffrey *de Freitas* was appointed to fill the post of Vice-President vacant since the United Kingdom's accession.

2403. The House also ratified the appointments of the Danish Delegation which had been renewed as a result of the last elections to the Folketing.

¹ The report on this part-session of Parliament was prepared from the German edition of 'Informations' published by Parliament's General Secretariat. The Political Group and nationality of members speaking in the debates are indicated in brackets after their names and abbreviated as follows: C-D = Christian Democrats, S = Socialist Group, L = Liberal and Allies Group, C = European Conservatives, EPD = European Progressive Democrats, COM = Communist and Allies Group. B = Belgium, DK = Denmark, G = Federal Republic of Germany, F = France, IRL = Ireland, L = Luxembourg, NL = Netherlands, UK = United Kingdom, I = Italy. The complete texts of the Resolutions passed by Parliament are reproduced in OJ C179 of 6.8.1975 and the verbatim report of the part-session is contained in OJ Annex 193.

2404. The 198 seats in the House are now filled as follows:

| | |
|--------------------------------|----|
| Socialists | 67 |
| Christian Democrats | 51 |
| Liberals and Allies | 25 |
| Conservatives | 17 |
| European Progressive Democrats | 17 |
| Communists and Allies | 15 |
| Independents | 6 |

Council President Rumor in Parliament

(9 July)

2405. On 1 July, Ireland duly handed over the Council Presidency to Italy for the next six months. The new Council President, Italy's Foreign Minister, Mr Mariano Rumor (C-D) spoke to the House on the prospects for his term of office.

The main features of his term would be the approval and ratification of the budget agreements¹ and the Convention on direct election by universal suffrage to the European Parliament, the Tindemans report on European Union and the procedure for approving the Community's 1976 draft budget.

Mr Rumor said that six months was a very short time. Nevertheless, he was resolved to do all he could to steer progress towards stronger Community solidarity and economic and political integration.

European Union

(10 July)

2406. As scheduled for the end of the first half of 1975, Parliament's report on the European Union is now to hand.²

As Mr Bertrand (C-D/B), the rapporteur of the Political Affairs Committee, pointed out, Parliament's report is the fruit of a public and democratic opinion-forming process. There were more than fifty tabled amendments expressing differences of opinion between the Groups and between national entities within them.

In the final vote, taken by call, the Conservatives and Socialists, the two Groups who had put down most of the amendments, both voted for the Political Affairs Committee's much altered resolution motion.

Speaking for the Conservatives, Mr Kirk (UK) said they supported the motion, since their major desired amendments had been incorporated. The Socialists voted for the motion with what, their Chairman, Mr Fellermaier (G), described as an 'overwhelming majority'. He sympathized with the abstentions of the British Labour members, who, having only just taken their seats, had had no chance to look more closely into the subject. He also announced that the Dutch members in his Group would abstain too, since they did not endorse the security policy concepts expressed in the Resolution.

The Christian Democrats' statement on the vote was basically positive; only the section concerning the Union's future powers could, they felt, have come out more 'boldly'. The EPD Group approved the motion although not all its demands were satisfied and it had made reservations concerning the chapters on institutional structure. The Liberals took a positive view. Only a minority of the Danish members were enthusiastic. The remainder referred to the reservations of the Danish Government and Public opinion over the introduction of direct elections to the European Parliament from 1978.

¹ Points 2503 to 2506.

² Supplement 9/75 — Bull. EC.

In the debate, the rapporteur, the Group spokesmen, President *Ortoli* of the Commission and the Belgian Premier, Mr *Tindemans*, were followed by thirty-five speakers who discussed the following four points: the powers of the Union and the institutions; specific policy areas such as economic and monetary affairs, energy etc.; budgetary questions, external policy and security. The rapporteur, Mr Bertrand, felt that an autonomous European government responsible only to the European Parliament was a prerequisite for the Union to work. Turning to Mr *Rumor* (I) he pointed out that the Council's decision on direct election to Parliament by, at the latest, 1978 was a test for the political resolve regarding the Union.

The Chairman of the Political Affairs Committee, Mr *Giraud* (C-D/I) said the report was a realistic paper, exclusively pragmatic; no wild concepts had been entertained. The Socialist spokesman, Mr *Cortier* (G) said that his Group was determined to initiate the necessary action at once. Certainly 1980 could be only an intermediate goal. Concerning direct elections, he pointed out that the European citizen could not be expected to elect a Parliament which was not in a position to impose its will. This inevitably led to the call for a strengthening in practical terms of its powers.

In the Council, majority decisions must be re-established as the usual practice. As part of the external and security policy, an armaments policy for the European Union could obviate waste.

For the Christian Democrats, Mr *Lücker* (G) urged that the Union must become the guarantor of international balance. At all events, the organization structure of the Union had to be a pluralist one and recognize the principle of the division of powers. For the Liberals, Lord *Gladwyn* (UK) approved the motion. It now fell to the governments to establish a time scale for the objective set by the Resolution. The

Conservative spokesman, Mr *Kirk* (UK) declared himself to be a 'federalist' who saw the European Union as something like Switzerland. This Union could not be achieved without the support of public opinion. He made the point that the positive result of the British referendum concerned the Community in its present form, not a future Union.

For the EPD Group, Mr *de la Malène* (F) wanted to see a 'realistic Europe', which for him meant a confederation, a 'pluralism of voices' and agreement on the role of the States. The governments of the Member States would decide the shape the Union should take. The common institutions could take only preliminary decisions.

Mr *Bordu* (F), the spokesman for the Communist and Allies Group, said he did not approve the report or support the Resolution, since it contained obligations which could never be met. He felt there was little point in talking about integration, while even cooperation was failing. He also doubted whether the Nine really wanted an independent Europe. We must develop a European awareness which reflected the interests of the workers and the people.

President *Ortoli* of the Commission said that the debate in the House and the Commission's report¹ served to illustrate the problems of European Union to public opinion and invite general discussion. The Commission had based its own report on two facts of life, that one could not change everything overnight and that the immediate problems could not be overlooked when discussing European Union.

The Belgian Premier, Mr *Tindemans*, who took a keen interest in the debate in connection with his own report, said it was the task of this generation to go on with the half-accomplished unifica-

¹ Supplement 5/75 — Bull. EC.

tion of Europe. A new target must be set for this. He described the prospective direct elections for 1978 as the basis of a democratic Europe.

New budget procedure—Court of Auditors

(11 July)

2407. Parliament approved the establishment of a European Court of Auditors, which, as an autonomous Community institution, was to be responsible for auditing. The House insisted that the appointment of its members must be subject to the assent of Parliament.

The House felt that the draft for a new budgetary procedure only partly respected the commitments assumed in 1970. It bore witness to a lack of political resolve on the part of the Council to ensure the Community's democratic development. But out of political expediency, the House recommended that the text be ratified, since it granted a 'relative and provisional increase' of Parliament's budgetary powers.

As part of the 'ongoing process of increasing Parliament's powers' recognized by the Council itself, the House, in agreement with the Commission, called for measures before 31 December 1976 which would ensure full budgetary powers for Parliament and greater overall transparency for the Community budget, in particular: inclusion of the loans policy in the budgetary procedure; a procedure to be agreed between the House and the Council to establish the Community proportion of VAT revenue; elimination of the dubious and arbitrary distinction between compulsory and non-compulsory expenditure; improvement and extension of the conciliation procedure between the Council and Parliament.

Experience with the conciliation procedure had so far been disappointing for the House.

As improvements, the draft afforded the right of overall rejection of the budget and the right, on a recommendation of the Council, to grant alone the Commission a discharge in respect of the budget. The house felt, however, that both these arrangements needed further improvement.

Both rapporteurs, Mr *Lange* (S/G) and Mr *Aigner* (C-D/G), made no secret of their dissatisfaction. Concerning the budget procedure, Mr *Lange* pointed out that the House was not after a revolution but gradually extended budgetary rights. It had to fight for its powers. He urged the Council, if it could not keep to any time scale for further development, to at least undertake to discuss the outstanding questions with Parliament as a partner with equal rights, and not play the 'boss'.

Mr *Aigner* recalled Parliament's years of effort to get a European Court of Auditors established. This body should act not punitively but constructively; the controls it would introduce would involve no shift of political responsibility. As spokesman for the Christian Democrats, he also took a position on changing the budgetary procedure. Because they were overburdened with national affairs and lacked the detailed knowledge, the ministers who took the decisions on the EC budget were in the hands of officials. This shortcoming in democracy must be remedied without fail.

With some reservations, the rapporteur's views were endorsed by Mr *Kirk* (C/UK) and Mr *Nielsen* (S/DK) for whom developments were moving almost too fast. Mr *Berkhouwer* (L/NL) and Mr *Liogier* (EPD/F) on the other hand supported the demands of the rapporteur.

The new British members, Mr *Hamilton* (S) and Mr *Dalyell* (S) both took an essentially positive view.

Winding up, Mr *Cheysson* of the Commission pointed out that in respect of the Court of Auditors, the only unsettled matter was the

appointment of its members. Of the remaining demands, action could be taken on some items at once, others would need more time. He agreed that a dialogue should be opened at once on the still outstanding demands, so that they could be settled in an agreement as swiftly as possible.

Energy
(8 July)

Council meeting of 26 June

2408. Commission Vice-president *Simonet*, responsible for energy, reported on the Council's meeting concerning energy on 26 June: the Council had taken no decisions. Commission Proposals for joint development of alternative energy sources and joint allocation arrangements in times of crisis¹ were on the Council's desk. All these matters had been referred back to the Permanent Representatives and would be discussed again at the next Council meeting of Energy Ministers in December.

The deliberations on these Proposals should have led to the outlining of a common stance towards the development of alternative energy sources including the introduction of safeguards for those new sources should oil prices fall. Considering the strong negotiating position of the United States, the Member States belonging to the International Energy Agency would have to be able to come up with proposals of their own. Mr *Simonet* warned against the danger of a breach of the Treaty should a crisis occur, when eight Member States were in an IEA allocation scheme and the ninth was excluded.

The Chairman of the Committee on Energy, Research and Technology, Mr *Springorum* (C-D/G) expressed his disappointment that no decisions had been reached.

In practical terms, it was almost inevitable that the EC would break down in a fresh oil crisis, if

an allocation scheme could not be agreed. Parliament's Committee on Energy, Research and Technology was seriously considering withholding its cooperation, if it was not possible to implement a common energy policy.

The debate saw all the speakers reiterate Mr *Springorum*'s fears. British North Sea oil also came under discussion.

A medium-term programme for coal

2409. To ensure the Community's energy supply over the next decade, an appreciably greater contribution had to come from Community hard coal. This was one of Parliament's conclusions in its Opinion on the Commission's Proposal concerning the medium-term guidelines for coal from 1975 to 1985.² Until 1985 nuclear energy could not meet output expectations. The medium-term guidelines for coal must also be expanded into long-term guidelines for the whole energy sector beyond 1985.

The appropriate energy, economic and social policy measures must be taken in good time. All Group spokesmen and Vice-President *Simonet* endorsed Mr *Burgbacher's* (C-D/G) report.

The debate turned substantially on a point in the Resolution motion by the Committee on Energy, Research and Technology, whereby the Member States were to suspend or relax measures they had applied against the recruitment of non-Community manpower for the coal industry. This was enough for the Socialists to move that the report be taken off the agenda and referred back to the Committee.

¹ Bull. EC 6-1975, points 2278 to 2281, 2283 to 2286 and 2427.

² OJ C22 of 30.1.1975.

The motion was rejected, but an amendment tabled by Mr *Córona* (S/I), Mr *Flämig* (S/G), Mr *Vandewiele* (C-D/B), Mr *Giraud* (S/F), Mr *Osborn* (C/UK), Mr *Hougardy* (L/B) and Mr *Ansart* (COM/F) materially changed the Resolution in respect of that point. Job security for all operatives in the coal industry and non-discrimination against non-Community manpower are now urged.

EEC research programme (8 July)

2410. In a unanimously approved Resolution treated under urgent procedure, Parliament strongly urged the Council to take the outstanding decisions on the revision of the Joint Research Centre's multiannual research programme and on common energy research. This was occasioned by the fruitless Council meeting of 26 June at which no agreement had been reached primarily owing to opposition from Germany.¹ Parliament had already approved the Commission's Proposals in April 1975.² The House now warned that irreparable damage might be done to European research. Any interruption or delay in the necessary EEC energy research represented an 'irresponsible threat to the achievement of Community aims'.

Commissioner *Brunner*, responsible for research policy, said he hoped that the energy research programme and possibly other parts of the revised programme could be approved at the Foreign Ministers' meeting on 15 July,³ since after the meeting of 26 June positions had converged. The Commission would then present a new programme strategy with respect to the end of the current multiannual programme in 1976.

The Chairman of the Committee on Energy, Research and Technology, Mr *Springorum*

(C-D/G) told the House that a hearing of his Committee with experts had indicated that the JRC was making progress. He thanked Mr *Dahrendorf* and Mr *Brunner* for all they had done. On the other hand, he was alarmed at the Council's inability to take the necessary decisions. He personally urged Mr *Brunner* to offer his resignation if the Council impeded the JRC any further.

Mr *Flämig* (S/G) countered this, saying that the Socialist Group could well understand that the Council had raised the question of adequate efficiency in the JRC.

Lord *Bessborough* (C/UK) was especially interested to learn something of the prospects for the energy research programmes.

Mr *Noè* (C-D/I) emphasized that only a modest expansion of JRC activity was involved; the bulk of the additional funds (38 000 000 u.a.) was spoken for by salary increases so that the current research programme could be carried out. Mr *Osborn* (C/UK) advocated that a bigger proportion of the programme be carried out through contracts. Mr *Espersen* (S/DK) stressed that the research programme for alternative energy sources must be considered within the Community programme to build nuclear power stations.

Commissioner *Brunner* wound up the debate. He pointed out that Community research had made the most progress in the sector of fusion energy. With a streamlined research programme and assured financing for the JRC new prospects were unfolding.

¹ Bull. EC 6-1975, point 2428.

² Bull. EC 4-1975, point 2410.

³ Point 2421.

Simplifying frontier formalities (7 July)

2411. An urgent task for the Community institutions in the near future was the removal of obstacles to the free movement of persons, goods, services and capital. The House expressed its concern that Community citizens were still subject to controls, although the customs union had been in existence since 1968.

This was the House's reaction to a Commission work programme to simplify customs procedures in the Community.¹

The House approved the measures as economically, politically and psychologically significant and expounded its own suggestions.

The rapporteur, Mr *Mitterdorfer* (C-D/I) paid special attention to public procurement; despite the 1971 Directive to coordinate public procurement, there was still no common market for this sector. The Member States' authorities were more inclined to call in national suppliers in the hope of influencing the short-term economic development, whilst more Community competition would in fact have a positive effect.

Mr Mitterdorfer most strongly urged that public procurement be opened up in public services such as the railways, electric power stations and the postal and telecommunications services.

All the speakers in the debate generally agreed that it was high time that Community citizens got the full benefit of the customs union. Mr *Cifarelli* (S/I) pressed for harmonization of procurement in the public sector, which was constantly expanding.

Mr *Schwörer* (C-D/G) said that tax harmonization was the most urgent demand at a time when tax frontiers had replaced customs frontiers. Mr *De Clercq* (L/B) reminded the House that a phase-out of duties was only the first step towards a true customs union.

Mr *Normanton* (C/UK) highlighted the urgent need for simplification with the example of shipping formalities between Dover and Calais and London and Melbourne: Dover-Calais was twice as complicated.

The responsible Member of the Commission, Mr *Gundelach*, had to concede that the goal of a true customs union with near-national market conditions had not yet been attained, and would not be, even if in two years time the Common Customs Tariff would apply to the entire customs territory of the Nine and the duties between the old and new Member States would be completely phased out. This was because the CCT and the transit provisions were not easy to administer. A further complication was the constantly changing monetary compensatory amounts on the agricultural market. In short, for the customs authorities the customs union was today still an 'extra' and not an 'in lieu of'. Mr *Gundelach* concluded with the warning that the internal market, however incomplete it might be, could not be maintained without progress in other areas.

Agriculture

New organization of the wine market (10 July)

2412. In the context of Commission Proposals for a new organization of the wine market,² Parliament discussed how to eliminate the current imbalances there. These stem from divergent trends in consumption and production. A large proportion of the yield from the 1973/74 harvest could not be disposed of and a bumper harvest is again expected this year.

¹ Bull. EC 2-1975, point 2101.

² Bull. EC 11-1974, point 2245.

The Committee on Agriculture and, as indicated by the voting, the majority of the House considered that the Commission's Proposals could not be approved unless Parliament's proposed amendments were incorporated, as listed in a forty-six point Resolution.

With regard to the wine-growing areas, the House recognized the need for controls on planting, but the limitations on new planting must be in line with regional requirements. The prohibition system should be replaced by a strict authorization system. Parliament agreed that wine should not be made from table grapes, in so far as this fitted in with a policy of quality improvement. The House objected to the use of sugar. The Commission should encourage enrichment by means of grape musts.

Concerning reduction of surpluses, it was regretted that the Commission had almost completely ignored the possibility of boosting disposal and promoting exports to non-member countries. The House agreed to compulsory preventive distillation, but the quality of the products must not be neglected.

The wine-growers must be assured a reasonable income and the possibility of fraudulent practices must be eliminated so that the consumer was guaranteed products of a high quality. The rapporteur, Mr *Della Briotta* (S/I) described the proposed amendments as a 'European compromise'. Referring to the different interests of the growers in the various wine-producing areas, he said the Commission's Proposals were inconsistent and inadequate. The aim had been to recompense the supply side, but at the same time protection of the consumer against falsification had been neglected. He bitterly objected to saving Community funds in respect of wine, while for other products, such as milk, more money could be laid out. There must be no cinderellas of the common agricultural policy.

The spokesman for the Committee on Budgets, Mr *Lange* (S/G) totally rejected the Commission's Proposals since it was impossible to evaluate the financial burden.

The spokesman for the Socialists, Mr *Hansen* (S/L) welcomed the Commission's brave Proposals for limiting production. His Group rejected the idea of disposing of surpluses at give-away prices with high export refunds.

The rest of the debate and the voting on nearly forty tabled amendments highlighted the divergent interests of the two main producer countries of the Community, France and Italy, which make more than 90% of all the Community's wine.

Mr *Boano* (C-D/I) doubted whether production bans would be effective. Moreover, the low withdrawal prices for distillation could result in more poor quality wine being made. Mr *Pintat* (L/F) approved limitations on wine-growing surface areas, but opposed any prohibitions in regions where quality wines were produced. Mr *Scott-Hopkins* (C/UK) warned against the ill effects of massive marketing of alcohol obtained from distillation. Mr *Liogier* (EPD/F) passionately defended the French wine-growers. France had long ago brought in measures to obviate over-production and enhance quality and had established a wine register. But in Italy output had risen unchecked. This had brought prices down. Mr *Liogier* called for a provision to safeguard against unlimited imports of wine not only from non-member countries but from within the Community as well.

Mr *Cipolla* (COM/I) severely criticized the proposed arrangements. Many of the provisions were absurd and impracticable.

Commissioner *Lardinois* acknowledged that little time had been left to the House to study this complex problem. The Commission had also been in difficulty since it had had to wait a long time for the Council's decisions. Mr *Lardinois*

said Parliament's Resolution was in many respects a positive one, even if he could not agree with some of the demands.

External relations

Recommendations of the EEC-Turkey Association Joint Parliamentary Committee

2413. Parliament supported the call for a just and lasting solution to the Cyprus problem, intensified action on the part of the Association's organs, an appraisal of the preference arrangements for Turkish agricultural products, the removal of barriers to free movement of capital, social security for Turkish workers and their families in the Community and better educational opportunities for the children of Turkish workers, all as expressed in four Recommendations to the Council and Member States of the Association by the Joint Parliamentary Committee which met in Copenhagen from 21 to 24 April 1975.

The rapporteur of Parliament's Associations Committee, Mr *Klepsch* (C-D/G) endorsed the Joint Committee's criticism of the work of the Association Council. Concerning Greece's application for membership, Mr Klepsch said that this raised no new problems for Turkey since Greece had stated that in joining earlier, she in no way wished to impede Turkey's accession. Despite the relative deterioration of the import and export relationship between Turkey and the Community, the EC had remained the most favourable trading partner. In view of Turkey's financial problems in connection with her military engagement in the Mediterranean, greater efforts must be made on both sides to develop the Association relationships.

Speaking for the Socialists, Mr *Hansen* (L) opposed the passage in the Opinion of the Committee on Agriculture whereby granting

Turkey at least the maximum in advantages granted to non-member countries was justifiable only if the situation for every individual product was considered globally and not according to country. In his Group, some thought that in agriculture the Community was too protectionist-minded.

The spokesman of the Liberal and Allies Group, Mr *De Clercq* (B) wholeheartedly approved the report, as did Mr *Corrie* (UK) on behalf of the Conservatives. Mr Corrie hoped that Turkey would be more receptive to private investment from the Community. For the EPD Group, Mr *Laudrin* (F) hoped that Turkey would become a full member of the Community as soon as possible.

Commissioner *Gundelach* pointed to the close link between the economic and the political in the Eastern Mediterranean, where countries who alike had close ties with the Community were facing each other in hostile array. The Community therefore had a duty and an interest in promoting cooperation and peace in that region.

Mr Gundelach confirmed that relations between the EC and Turkey would not suffer if Greece joined the Community. The question of Turkish products in competition with other Mediterranean agricultural products must be settled within the Community's overall Mediterranean policy. There must be no discrimination against Turkey; instead she must get a kind of regional most-favoured-nation treatment.

Parliament condemns the terrorist attack in Jerusalem (10 July)

2414. In a Resolution addressed to the Parliaments and Governments of the Member States, the House warned against the dangers which continued terrorist activities constituted for world peace and European/Arab relations. The

House condemned all use of force to solve political problems. The Council and the Commission were asked to express this sentiment in the EC-Arab dialogue.

The Resolution was occasioned by the latest terrorist attack by the PLO in Jerusalem which had claimed many lives. The motion was adopted by a overwhelming majority with four abstentions and three votes against.

Financial matters

Third financial report on the EAGGF

2415. Parliament called for stricter adherence to the time limits and more detailed information on the problems involved in collecting agricultural levies, so that it can discharge its growing responsibilities for financial control. The Council was declared responsible for the increasing irregularities to the detriment of the EAGGF, because it had not taken the necessary preventive measures. The main target of Parliament's criticism was the increasing gap between exchange rates which were being applied in the CAP for one and the same currency.

The budget receipts were calculated according to the official IMF parities, whilst disbursements (aid for instance) were made according to the representative rates laid down in the respective agricultural Regulations and adjusted to the market rates. These rate variations were an advantage to some Member States and a disadvantage to others. The rapporteur, Mr *Durand* (L/F) called for uniform exchange rates.

ECSC Auditor's report for 1973 (11 July)

2416. Parliament endorsed the Auditor's call to the Commission for stricter financial manage-

ment. In general, the House felt that the rendering of accounts must be given greater emphasis, both the policy and financial side, and that the external verification by the Auditor should go beyond the purely accounting aspect.

Question Time

2417. The President of the Council, Mr *Rumor* answered five questions to the Council. Vice-President Sir *Christopher Soames*, Vice-President *Haferkamp*, Mr *Borschette* and Mr *Lardinois* replied to four questions to the Commission.

Multinational companies

Mr *Leenhardt* (S/F) to the Council:

'Why has the Council taken no action following the Commission's Communication on multinational companies and what does it propose to do to remedy this state of affairs?'

Mr *Rumor* pointed out that the Council had examined the Commission's Communication with due care; but it contained no formal proposals. The suggestions therein involved national as well as multinational companies. Some measures had already been implemented, such as the Directive on collective redundancies. Others were still being studied by the Council, such as the Directives on worker protection in company take-overs, the structure of limited companies and merger controls, not forgetting the draft Statute for a European Company.

'Pluton' missiles in Germany

Mr *Ansart* (COM/F) to the Council:

'Since

— the Potsdam Agreement, signed by one of the Member States of the EEC, strongly emphasizes the need for the complete disarmament and demilitarization of Germany, and

— the 1954 London and Paris Agreements, also signed by certain Member States, expressly call on the Federal Republic of Germany to renounce the manufacture and possession of nuclear weapons, does the Council not think that the talks which, according to the German Defence Minister, Mr Georg Leber, are at present being held by the French and West-German Governments on the installation of 'Pluton' nuclear missiles in the Federal Republic run counter to the above agreements and represent a serious threat to the continuation of the process of détente in Europe?

Mr Rumor replied that defence policy did not fall within his competence as Council President of the Community.

Member States' behaviour at the CSCE talks

Mr Adams (S/G) to the Council:

'Has Member States' behaviour at the CSCE talks been in accordance with the joint will of all nine Member States and the interests of the Community?'

Mr Rumor assured the House that the Nine had jointly adhered to the established guidelines during the CSCE in Geneva. The results of the Conference, which had taken the Community's interests fully into account, were proof of cohesion between the Nine and of the valuable contribution which they had made to the Conference.

Frontier changes in the context of European unification

Mr Behrendt (S/G) to the Council:

'Does the Council see the possibilities of peaceful frontier changes in the context of European unification as being in any way restricted by the results of the CSCE talks?'

Mr Rumor assured Mr Behrendt that the outcome of the Conference had in no way impaired the prospects of European unity.

Advantages for Europe in the results of the CSCE

Mr Corterier (S/G) to the Council:

'What political and economic advantages for Europe does the Council expect from the results of the CSCE?'

Mr Rumor said it would not be very diplomatic to talk of advantages before the end of the Conference. In general terms he felt that the principle of reciprocity guaranteed certain advantages.

Commission participation in the CSCE talks

Mr W. Müller (S/G) to the Commission:

'To what extent has the Commission been involved in the CSCE talks and consultations?'

Sir Christopher Soames said that the Commission's delegates had primarily shared in the work of Committee II which handled economic matters. The Committee had also collaborated in preparing all consultations between the Member States to coordinate positions.

Inquiry into the activities of oil companies

Mr Bordu (COM/F) to the Commission:

'In view of the fact that the Commission inquiry has been in progress since December 1973 and in the light of the statement made by Mr Borschette at the sitting of 16 January 1975¹ during discussion of the oral question on oil companies (Doc. 408/74), whereby he undertook "to return to this question at the end of the first half of 1975", is the Commission now in a position to present the initial results of this inquiry?'

Mr Borschette replied that the Commission had closed its inquiries into twenty-two oil companies in the Community countries; but this was still inadequate for an overall opinion on their activities, especially on an international scale. The report to Parliament would therefore be held back for some months. Further inquiries into eleven oil companies were now being made.

Commission reports on economic trends

Mr Blumenfeld (C-D/G) to the Commission:

'To what extent are the Commission's economic analyses and prognoses based on corresponding reports and statements from the governments of the Member States and to what extent does the Commission try to formulate its own views and assessments on economic situations at a given moment, which are then published?'

As the basis for its economic forecasts the Commission used statistics from the EC Statistical Office, which recorded the results of regular company and consumer surveys. The Commission also made use of statistics from the Member States and on reports from qualified institutes and bodies at national and international level. The Commission was assessing from the angle of Community interest but on its own responsibility. This reply by Mr Haferkamp was followed by a number of supplementary questions on the present economic situation, to which he replied that the inflationary trend could be stopped in the short term only if we realized that we could consume only as much as was produced and no more.

Quantitative restrictions on imports

Mr Hougardy (L/B) to the Commission:

'Does not the Commission consider that the regulations on the advertising of alcoholic beverages applicable in France contain measures equivalent in effect to quantitative import restrictions?'

Mr Lardinois explained that as the relevant French conditions could be regarded as quantitative import restrictions, the Commission had decided some time ago to make an inquiry. The French Government, however, had said this interpretation was wrong. The results of further inquiries would be addressed to the questioner when available.

Council

European Council

(Brussels, 16 and 17 July 1975)

2418. *President:* Mr Aldo Moro, President of the Council of the Republic of Italy.

From the Commission: Mr Ortoli, President, Mr Haferkamp, Sir Christopher Soames, Vice-Presidents, Mr Cheysson, Member.

The Heads of Government of the Member States met for the second time as the European Council, in accordance with the decision at the Paris meeting of December 1974. They met in Brussels, in the Charlemagne building, the headquarters of the the EEC Council. On 17 July, they were invited to lunch by King Baudouin, at Laeken.

The proceedings of the European Council centred on the following matters:

Election of the European Parliament by direct universal suffrage; Passport Union; special rights of Member States' citizens: The European Council asked the Council of Foreign Ministers to examine the question of election to the European Parliament by direct universal suffrage, taking account of the draft worked out by Parliament and any points which might arise during the review, in order to present a report to the European Council on this issue by the end of the year.

The European Council instructed the Council of Foreign Ministers to advance the work on instituting a Passport Union and to prepare a report on the subject by the end of the year.

The European Council reiterated Point 11 of the Paris Communiqué of 9-10 December 1974, and instructed the Council of Foreign Ministers to study the question of according special rights to the citizens of the nine Member States as mem-

bers of the Community, with a view to presenting a report at a subsequent meeting of the European Council.

Economic and Monetary Situation: The European Council confirmed the guidelines set out at the meeting of the Council of Ministers for Finance and Economy on 10 July, which are recapitulated in the Commission's summary paper. The Council of Ministers for Finance and economy was instructed to keep a close watch on the trend of the economic situation and to strengthen the coordination of Member States economic and financial policies. It noted that certain Member States intend to apply harmonized measures to avoid any further deterioration of the short-term economic situation in the autumn.

The European Council recognized that the current short-term economic problems must be tackled in collaboration with the other industrialized countries (in particular the United States and Japan) if there is to be any hope of an effective economic recovery, and it affirmed its resolve to work towards that goal.

The European Council instructed the Council of Ministers for Finance and Economy to maintain the effort to restore a more stable international monetary system. With this in mind, it reaffirmed the importance of close collaboration within the Community. It was pleased to note that the French franc had returned to the Community exchange system (the snake) and asked the Council of Ministers for Finance and Economy to study the matter of technical procedures for floating Community currencies.

Lastly, the European Council welcomed the idea of a tripartite Conference, as requested by the European Confederation of Trade Unions, which would be attended by the Ministers for Economic Affairs and the Ministers of Labour. The Commission was asked to put forward proposals in this direction.

United Nations: The European Council issued a statement on the United Nations.¹

Conference on Security and Cooperation in Europe: Just before the CSCE wound up, the European Council approved a statement on the Conference.²

Portugal: The European Council reaffirmed that the Community was prepared to initiate talks on closer economic and financial cooperation with Portugal.³

Relations with China: The European Council welcomed the decision by the Government of the People's Republic of China to establish official relations with the Community. It felt that China's decision opened the way to developing closer relations between China and Europe, on which the Heads of Government set much store.

Energy and raw materials: The European Council reached agreement in principle on calling a new preparatory meeting for the Conference between the industrialized countries and developing countries. It was agreed that the basic questions of energy policy would be studied in detail at Community level and that every effort must be made to ensure a single representation at the Ministerial Conference. The various aspects of the raw materials problem were also discussed. The Community institutions were asked to follow up the preparation of a common stance in respect of raw materials and cooperation and development, for the forthcoming international meetings dealing with relations between the industrialized and developing countries.

¹ For the complete text of the statement, see point 2333.

² For the complete text of the statement, see point 1202.

³ For the complete text of the statement, see point 2343.

After the meeting, Mr Moro, together with Mr Ortolì, President of the Commission and Mr Rumor, Minister for Foreign Affairs, held a press conference.

2419. In July, the Council held five meetings devoted to general matters, economy and finance, and agriculture.

350th Meeting—Finance and economy (Brussels, 10 July 1975)

2420. *President:* Mr Colombo, Italy's Treasury Minister.

From the Commission: Mr Ortolì, President and Mr Haferkamp, Vice-President.

Community exchange system: The Council was pleased to record the French Government's decision to put the French franc back in the Community exchange system, i.e. the snake. It was also pleased to note the adjustments decided on 8 July by the EEC central banks and the Board of Governors of the EMCF, in respect of narrowing the fluctuation margins between currencies.¹

Community loans: The Council authorized the Commission to open the formal negotiations required for an initial loan transaction.²

Second review of the economic situation in the Community: The Council made a second review for 1975 of the economic situation in the Community, in accordance with Article 3 of its Decision of 18 February 1974 on achieving a high degree of convergence between Member States' economic policies.³

European Investment Bank: The Ministers meeting in conference as the Member States' Government Representatives adopted and signed the Treaty amending certain provisions in the Protocol on the Statutes of the European Investment Bank.⁴

351st Meeting—Foreign affairs (Brussels, 15 and 16 July)

2421. *President:* Mr Rumor, Italy's Minister for Foreign Affairs.

From the Commission: Mr Ortolì, President, Sir Christopher Soames, Vice-President, Mr Cheysson and Mr Brunner, Members.

Preparation for the meetings of Heads of Government: The Council carried out a thorough preparation of the subjects likely to be considered by the Heads of Government meeting at the European Council on 16 and 17 July.

Joint Research Centre and new activities for the Petten establishment: The Council discussed and then approved the programmes of new activities for the Petten establishment. It also approved the Commission's Proposal concerning the revision of certain objectives of the multiannual research programme.⁵

Programme of research and development projects for energy: The Council approved the Commission's proposed action programme in respect of energy, for a total of 59 000 000 u.a.⁶

The Council also considered the Mediterranean policy and definitively adopted the Directive on waste materials.⁷

352nd Meeting—Agriculture (Brussels, 21 and 22 July 1975)

2422. *President:* Mr Marcora, Italy's Minister of Agriculture.

From the Commission: Mr Lardinois, Member.

Wine-growing: The Council agreed on granting aid for restorage of table wines from the

¹ Points 2207 and 2208.

² Point 2211.

³ Point 2202.

⁴ Point 2456.

⁵ Point 2265.

⁶ Point 2263.

⁷ Point 2239.

1974/75 harvest and also agreed to hold a special meeting on 9 September to deal exclusively with wine-growing problems and prepare decisions on regulations to clear up the market in the short and longer-term.¹

Overall Mediterranean approach: Under the overall approach, the Council implemented the Decisions of 23 and 24 June, concerning in particular fruit and vegetables and wine, and adopted a number of relevant Regulations.²

Green pounds: The Council signified its agreement on the Regulation concerning the rate of exchange to be applied in agriculture to the Irish and UK pounds.³

Common wheat not suitable for bread-making: By a majority, the Council approved a Recommendation and Resolution on common wheat not suitable for bread-making.⁴

Breeding methods: The Council took note of a memorandum from the German delegation aimed at working out a common position with regard to the breeding of certain domestic stock by modern methods. The Commission indicated that it was planning to form a working party with Member States' experts to investigate the problems raised and draw up Proposals for the Council.

The Council also considered the situation on the milk product market, certain questions involving cereals and rice, and, in respect of sugar, the provisions of Regulations relating to sugar from French overseas departments, as well as the preferential importing arrangements.

353rd Meeting—Foreign affairs (Brussels, 22 July)

2423. *President:* Mr Rumor, Italy's Minister for Foreign Affairs.

From the Commission: Mr Ortolí, President, Sir Christopher Soames, Vice-President, Mr Borschette and Mr Cheysson, Members.

Strengthening the budgetary powers of the European Parliament.

Establishing a Court of Auditors: The Conference of Member States' Government Representatives adopted by common agreement and signed the Treaty amending certain financial provisions of the Treaties establishing the Communities, and the Treaty establishing a single Council and a single Commission, in respect of strengthening the budgetary powers of the European Parliament and establishing a Court of Auditors.⁵

Overall Mediterranean approach: The Council appraised the negotiations running with the Maghreb countries.⁶

Raw materials and cooperation and development: Following the deliberations of the European Council on 16 and 17 July, the Council was asked to complete the work of defining a common stance for the Community and the Member States in respect of raw materials and cooperation and development. Common guidelines were hammered out on all these questions with an eye on the impending international meetings to discuss relations between the industrialized and developing countries.

354th Meeting (Athens, 28 July)

2424. *President:* Mr Rumor, Italy's Minister for Foreign Affairs.

From the Commission: Sir Christopher Soames, Vice-President.

This meeting prepared for the 39th meeting of the EEC-Greece Association Council held on the same day.

¹ Point 2243.

² Point 2248.

³ Point 2245.

⁴ Point 2246.

⁵ Points 2503 to 2506.

⁶ Point 2335.

Commission

Activities

2425. The work of the Commission was dominated by the meeting of the European Council on 16 and 17 July, the economic and social situation in the Community and developments in certain sectors of agriculture.

Economic policy: As regards the economic and social situation in the Community, the Commission adopted a Recommendation to the Member States, asking those in the most advantageous situation to take swift and coordinated action to reboost the economy by stimulating investment and promoting consumption.¹ Through a careful choice of measures which the Commission describes, it means reducing unemployment without setting off a new bout of inflation.

The Commission also approved a Communication to the Council on the main lines of the public budgets for 1976.²

Lastly, the Commission decided to proceed with two major measures presented in President Ortolli's 'programme' speech for 1975.³ The first concerns a Proposal to the Council to set up a Community Institute of Economic Studies and Research ('Medium-term Institute'). The Proposal will be finalized for presentation in September. The second involves a blueprint of what might be the function and structure of a European Export Bank. The Directives adopted by the Commission will allow talks to be started with experts to draw up a formal Proposal which will also go to the Council this year.

Social policy: The Commission adopted a major Proposal for a Directive with the aim of ensuring that Member States provide an education for migrant workers' children which enables them to be taught their own language and national culture alongside the normal lessons given in the

language of the host country.⁴ This part of the curriculum in the child's mother tongue will have to be dovetailed into the standard schooling.

The Commission also adopted a second series of aid from the European Social Fund for the financial year 1975.⁵

Agricultural policy: The Commission studied at length the situation in several agricultural sectors where the trend of the market is causing concern. It appraised the measures applied since May, which it had adopted for the beef and veal market to create scope for importing. It was agreed to resume this review in September immediately after the summer recess, when more comprehensive information would be to hand.

Lastly, noting the considerable increase in stocks of butter and milk powder, the Commission agreed several prompt measures to reduce them. Some of the measures fall within its own authority; others must be discussed at the Council meeting of Ministers of Agriculture on 21 and 22 July. At the same time, the Commission confirmed that it intended to lay Proposals before the Council to restructure the *milk products* sector. As indicated in its stocktaking of the agricultural policy, the Proposals will involve setting up a scheme whereby producers will share the financial responsibility when surpluses build up.

It was decided to form a restricted group assigned to make technical proposals to *improve the objective method of fixing agricultural prices*, in accordance with the Commission's arrangements adopted in the light of the stocktaking of the common agricultural policy.

¹ Point 2205.

² Point 2201.

³ Bull. EC 2-1975, point 1106.

⁴ Point 2226.

⁵ Point 2229.

Passport Union—Special rights: The Commission adopted two documents, in application of two paragraphs in the final Communiqué of the Heads of Government in Paris in December 1974. They concern the granting of special rights within the Member States to citizens of the Member States of the Community. These would essentially be the political right to vote and the right of eligibility for and access to public office. They also concern the establishment of a Passport Union after the introduction of a uniform passport.¹

Multiannual research programmes in the nuclear sector: The Commission adopted four Proposals for the multiannual research programme, the chief of which concerns *controlled thermonuclear fusion*.¹ These are indirect actions enabling the Commission to coordinate a large package and sometimes even all of the research done by the Member States in this field. The proposed programmes cover the five-year period 1976-80.

Departmental Organization: Here the Commission introduced several major changes. Some aim at extending the scope of Members of the Commission to delegate authority for all management decisions and will stipulate the appropriate procedures. The others will ensure stronger interdepartmental coordination. All the changes should improve the functioning of the Commission and its departments allowing the Commission to concentrate more on the Community's political course and momentum.

Court of Justice

New cases

Case 57/75—Mr Fernand Plaquevent, Moers-Scherpenberg, v (1) Caisse primaire d'Assurance

Maladie du Havre, Le Havre, and (2) Regional Director of the Sécurité sociale de Rouen, Rouen

2426. On 2 July 1975 the French Cour de Cassation asked the Court of Justice for a preliminary ruling on the method of calculating a disablement pension for a migrant worker who had completed insurance periods in Member States with different schemes.

Case 58/75—Commission official v Commission

2427. On 7 July 1975 a Commission official brought an action before the Court of Justice to amend the Commission's decision to reinstate him, together with a claim for compensation against the loss suffered as a result of the delay in his reinstatement, and of the negligence of the administration while discharging the formalities required to reinstate him.

Case 59/75—Pubblico Ministero italiano v Flavia Manghero et al.

2428. In a criminal action concerning illegal imports into Italy of tobacco from other Member States, the Tribunale civile e penale of Como asked the Court of Justice on 7 July 1975 for a number of preliminary rulings, in particular on whether Article 37(1) of the EEC Treaty should be interpreted as meaning that from 1 January 1970 monopolies of a commercial character should be adjusted to eliminate any discrimination against exporters in other Member States, and on whether this provision was directly applicable.

The Court also wished to know whether the Council Resolution of 21 April 1970³ concerning

¹ Points 1301 to 1303 and Supplement 7/75 — Bull. EC.

² Points 1501 to 1505 and Supplement 6/75 — Bull. EC.

³ OJ C50 of 28.4.1970.

State manufactured tobacco monopolies of a commercial character could modify the scope of Article 37(1) of the EEC Treaty and, if so, whether this was binding on the Member States.

Case 60/75—Carmino Antonio Russo v Azienda di Stato per gli interventi sul mercato agricolo (AIMA)

2429. In an action for damages by an Italian durum wheat producer, against the Italian intervention agency for agricultural products, because the latter had purchased durum wheat on the world market and sold it in Italy at prices below the purchase price and intervention price, la Pretura of Bovine asked the Court of Justice on 7 July 1975 for a preliminary ruling on whether this action constituted an infringement of Regulation 120/67¹ on the common organization of the market in cereals. If so, the Pretura also wished to know whether there is a principle in Community law which acknowledges the right of individuals to compensation for losses resulting from such infringement.

Case 61/75—Official of the European Parliament v European Parliament

2430. This action is to annul a probationary report.

Case 62/75—Commission official v Commission

2431. A Commission official brought an action before the Court of Justice to annul a list of officials eligible for promotion and decisions to promote certain persons on that list.

Case 63/75—SA Fonderies Roubaix Watrelos, Watrelos, v (1) Société Nouvelle des Fonderies A. Roux, Meyzieux, and (2) Société des Fonderies J.O.L., Chassieu

2432. A French undertaking, which distributes cast-iron runners made in Germany, had concluded a concession agreement with another French firm in order to 'sell at the least expense' a product imported from another Member State, by using the warehouses and distribution network of the second firm. In an action between the two firms concerning the validity of this contract, the Paris Cour d'appel asked the Court of Justice on 16 July 1975 for a preliminary ruling on whether such an agreement should or should not be considered as relating to imports, and therefore whether it should not be subject to the notification laid down in Article 4(1) of Regulation No 17, the first Regulation implementing Articles 85 and 86 of the EEC Treaty.²

Case 64/75—M. le Procureur général près la Cour d'appel de Lyon v (1) Mr Henri Mommessin, Charnay-lès-Mâcon, and (2) Mr Jean Claude Chevalier, St. Etienne-lès-Oullières

2433. In a case on the adulteration of wine, in which private individuals had contested the compatibility with Community provisions of French laws on methods for the analysis of wines, the Cour d'appel de Lyon asked the Court of Justice on 21 July 1975 for a preliminary ruling on whether the methods of analysis laid down by Regulation No 1539/71 determining Community methods for the analysis of wines³ also apply to the detection and elimination of wine frauds.

Case 65/75—Pubblico Ministero italiano v Mr Riccardo Tasca, Conselve

2434. In an action against a retailer accused of having violated the price freeze system in Italy

¹ OJ 117 of 19.6.1967.

² OJ 13 of 21.2.1962.

³ OJ L 163 of 21.7.1971.

(fixing maximum prices) and of failing to discharge an administrative formality when hauling goods, the Pretura unificata of Padua asked the Court of Justice on 22 July 1975 for a preliminary ruling on the compatibility of this system, particularly as regards sugar, with Regulation No 1009/67¹ on the common organization of the sugar market and with the provisions of Article 30 of the EEC treaty prohibiting the application to trade within the Community of all measures having an effect equivalent to quantitative restrictions.

Case 66/75—Official of the European Parliament v European Parliament

2435. This is an action to annul the appointment of an official to two posts.

Cases 67 to 85/75—Ets. Lesieur-Cotelle et Associés SA—Boulogne s/ Seine et al. v Commission

2436. Nineteen french oil mills have brought an action before the Court of Justice against the Commission under the second paragraph of Article 215 of the EEC Treaty for compensation for damages suffered by virtue of the fact that the Commission adopted Regulation No 189/72² repealing the compensatory amounts applicable to fats following the temporary widening of the margins of fluctuation of certain Member States' currencies, and as a result of faulty operation of the common organization of the market in fats deriving therefrom. The plaintiffs maintain that in these circumstances the Community aid provided for purchases of colza seeds produced within the Community was now inadequate; they claimed that the aid should have covered the difference between the Community price and the world market price calculated not on the basis of the official exchange rate of the dollar, but on the real value of that currency.

Case 86/75—EMI Records Limited v CBS Gramofon A/S, Vanløse

2437. In an action, similar to Case 51/75 (protection of trade marks under Community Law),³ pending before the Sø- og Handelsretten of Copenhagen, that Court asked the Court of Justice on 1 August 1975 for a similar preliminary ruling on whether the provisions of the EEC Treaty, and in particular those relating to free movement of goods and to free competition, should be interpreted as precluding manufacturer A from exercising his rights deriving from a national trademark of a Member State in order to prevent manufacturer B from selling, in Member States, products bearing the mark 'Columbia' when these products are manufactured and marked outside the Community in a country where manufacturer B is authorized to use the said mark.

Case 87/75—Ets. Daniele Bresciani, Stochetta, v Amministrazione italiana della finanze

2438. On 4 August 1975 the Tribunale of Genoa asked the Court of Justice for a preliminary ruling on whether the frontier health inspection charge on imports of hides under Order 1265 of 26 July 1934⁴ constitutes a charge having an effect equivalent to customs duties, which is incompatible with Article 13(2) of the EEC Treaty and Article 2(1) of the Yaoundé Conventions of 1963 and 1969. The Court also wished to know whether the latter Article was directly applicable and from which date.

Cases 88 to 90/75—SpA Sadam, Bologna, et al. v Comitato interministeriale dei prezzi

¹ OJ 308 of 18.12.1967.

² OJ L 24 of 28.1.1972.

³ Bull. EC 6-1975, point 2432.

⁴ Lex 1934, page 1397.

2439. The Tribunale amministrativo regionale of Lazio asked the Court of Justice on 8 August 1975 for a preliminary ruling on whether the EEC has sole jurisdiction with regard to controlling sugar prices, whether the Member States may take unilateral action to fix retail sugar prices and whether national rules of this type are compatible with the free movement of goods.

Case 91/75—Hauptzollamt Göttingen v Fa. Wolfgang Miritz GmbH & Co. Göttingen

2440. On 11 August 1975 the Bundesfinanzhof asked the Court of Justice for a preliminary ruling on whether a special countervailing charge applied under the German Law of 23 December 1970¹ to imported spirits is compatible with Article 12 or Article 37(2) of the EEC Treaty, and, if so, with paragraph 4 of the latter Article.

Case 92/75—Commission official v Commission

2441. This is an action to annul the Commission decision to dismiss the plaintiff, and to claim compensation for defamation of character.

Judgments

Joint Cases 4 and 30/74—Commission official v Commission

2442. The two appeals, one relating to the assignment of the plaintiff to other duties and the other to the termination of his duties under the voluntary retirement scheme (volontariat) and a claim for damages against losses suffered as a result of termination, were rejected in the Court's Judgment of 10 July 1975.

Joint Cases 42 and 62/74—Commission official v Commission

2443. In its Judgment of 9 July 1975, the Court rejected an official's appeal as to the

validity of the submissions of an Invalidity Committee formed to judge the plaintiff's case, and his appeal to annul the Commission's decision to apply Article 60 of the Staff Regulations (loss of remuneration for unauthorized absence without medical grounds).

Case 77/74—Official of the European Parliament v European Parliament

2444. In its Judgment of 10 July 1975, the Court of Justice annulled a decision by the European Parliament, concerning an appointment.

Case 80/74—Official of the European Parliament v European Parliament

2445. This action to annul a vacancy notice was struck from the Court Record by order of 10 July 1975.

Case 4/75—Firma Rewe-Zentralfinanz eGmbH, Cologne v Direktor der Landwirtschaftskammer als Landesbeauftragten, Cologne

2446. Following on Case 39/73, in which a German firm had contested the imposition by the German authorities of an administrative charge for health inspections of imported apples as being in breach of Article 13(2) of the EEC Treaty, and in which the Court of Justice had ruled for the plaintiff, the latter lodged an appeal with the Cologne Administrative Court (Verwaltungsgericht, Köln) against health inspections as such.

In dealing with this action, the Cologne Administrative Court had asked the Court of Justice on 13 January 1975 for a preliminary ruling on the interpretation of the words 'quantitative restric-

¹ BGBl. I, 1970, page 1878.

tions on imports and all measures having equivalent effect' in Article 30 of the EEC Treaty and on the compatibility of national health inspection measures with the first sentence of Article 36 of the EEC Treaty after the Directive 69/466/EEC on control of San José scale came into force.¹ In addition, the German Court wished to know whether the fact that only imported apples were subject to health inspection, while apples grown in Germany were not, constituted an 'arbitrary discrimination' within the meaning of the second sentence of Article 36 of the EEC Treaty.

In its Judgment of 8 July 1975, the Court ruled that health inspections of imported vegetable produce are prohibited by Article 30 of the EEC Treaty, subject to the derogations laid down in Article 36. Any necessary additional or stricter provisions, within the meaning of Article 11 of the abovementioned Directive, allow the Member States to carry out health inspections of imported products if effective measures are taken to prevent the marketing of contaminated national produce and if there is reason to believe, *inter alia*, on the strength of experience, that if imports are not inspected, the harmful organism may well spread.

Case 20/75—Mr Gaetano D'Amico, Maricourt, v Landesversicherungsanstalt Rhineland-Palatinate, Speyer

2447. Dealing with a case concerning the right of a migrant worker to early retirement, the Bundessozialgericht had asked the Court of Justice on 12 February 1975 for a preliminary ruling on the interpretation of Article 27(1) of Regulation 3² concerning social security for migrant workers and of Article 45(1) of Regulation 1408/71³ on the application of social security schemes to employed persons and their families moving within the Community. The key question in this case is whether a period of unem-

ployment in another Member State can be considered as a period of unemployment within the meaning of German law.

In its Judgment of 9 July 1975, the Court ruled that the abovementioned provisions did not preclude a national law which, for entitlement to an early retirement pension, requires that the person concerned should have been unemployed for a certain time and therefore available for employment though the labour office of the Member State in question.

Case 21/75—Firma I. Schroeder KG, Hamburg, v (1) Oberstadtdirektor of Cologne and (2) City of Cologne, represented by its Oberstadtdirektor

2448. In a case concerning the payment of dues in connection with the health inspection of meat imported into the Federal Republic from non-member countries, the Verwaltungsgericht Köln (Cologne Administrative Court) had asked the Court of Justice on 12 February 1975 to give a preliminary ruling on whether the charging of same was compatible with Article 17(2) of Regulation 121/67⁴ on the common organization of the pigmeat market and with Article 20(2) of Regulation 805/68 on the common organization of the beef and veal market.⁵

In its Judgment of 9 July 1975, the Court ruled that dues, whatever their amount imposed in connection with health inspections of products imported from non-member countries, and which are determined in accordance with independent criteria and are not comparable with those used to fix charges which may be imposed on similar Community products, should be considered as charges having an effect equivalent to customs duties.

¹ OJ L 323 of 24.12.1969.

² OJ 30 of 16.12.1958.

³ OJ L 149 of 5.7.1971.

⁴ OJ 117 of 19.6.1967.

⁵ OJ L 148 of 28.6.1968.

Case 27/75—Mr Gaetano Bonaffini et al. v Istituto nazionale della previdenza sociale, Enna

2449. On 11 March 1975 the Enna Pretura, which was hearing a case concerning the conditions to be fulfilled by migrant workers to qualify for unemployment benefit, had asked the Court of Justice for a preliminary ruling on the interpretation of the expression 'frontier worker' in Article 71 of Regulation 1408/71¹ on applying social security schemes to employed persons and their families moving within the Community. The Court also wished to know whether Article 69 of that Regulation, which lays down a waiting period of four weeks, during which the unemployed person must remain available for employment in the competent State, meant that the unemployed person could not obtain unemployment benefit in his Member State of origin unless he complied with this waiting period.

In its Judgment of 10 July 1975, the Court ruled that Article 69 is confined to ensuring that under certain conditions and within certain limits, a migrant worker does not lose his right to benefits to which he is entitled, in the event of unemployment, under the laws of the competent Member State, even if the person concerned moves to another Member State.

Economic and Social Committee

132nd plenary session

2450. Chaired by Mr *Canonge*, the 132nd plenary session of the Economic and Social Committee took place in Brussels on 16 and 17 July. A major feature was the adoption of an Opinion on European Union.

Opinions

European Union

2451. Like the other Community institutions, the Economic and Social Committee wished to make its views known to Mr *Tindemans*, the Belgian Premier, in respect of his assignment. Mr *Cerexhe* represented Mr *Tindemans* during the proceedings relating to this Opinion. Prepared from the report by Mr *De Bruyn* (Belgium-General Interests) it was adopted by 68 votes, with 4 votes against and 18 abstentions.¹

Stocktaking of the Common Agricultural Policy

2452. This Opinion prepared from the report by Mr *Bourel* (France-Employers) was adopted by 64 votes, with 16 abstentions. The Committee found that the Commission's approach had much in common with what the Committee itself had adopted in its study of 28 November 1974.² But it was regretted that on a number of major issues (productivity, living standards, structural policy, market management) the Commission had not grasped its opportunity to present public opinion with an exhaustive analysis of the problems, and more detailed policy proposals. The Committee felt that the prominence of the international scene and the internal problems of agricultural development made it absolutely necessary to give the Community's agricultural production policy guidance. In the interests of its farmers, the Community could no longer do without overall production guidance. The Committee felt that from such guidelines, the Community authorities could and should draw conclusions, for instance in

¹ OJ L149 of 5.7.1971.

² Point 1105 and Supplement 9/75 — Bull. EC.

³ Bull. EC 11-1974, point 2445.

the policies of prices, aid or market management, and that the farmers could do likewise in, say, the desirable specialization of production or action concerning structures. The Committee then made a number of assessments regarding the need to improve the procedure for consulting those concerned, price policy, the advisability of instituting a categorical policy on product quality plus market management and producers' shared responsibility. As regards the last item, the Committee pointed out that shared responsibility could not be a substitute for a forceful commercial policy and that it implied prior definition of 'structural surpluses'. The Committee also reiterated that the combined instruments commanded by the CAP must be designed so as to provide a fair income for the farming population, meaning farmworkers as well. Lastly, the Committee once again highlighted the importance of the political role taken by the CAP in the integration of Europe.

Proposal for a Council Regulation on measures to adjust the wine-growing potential to market requirements. Proposal for a Council Regulation amending the Regulations (EEC) 816/70 and 817/70 taking account of the Council's Resolution of 21 April 1975 concerning the new guidelines to stabilize the table-wine market.

2453. This Opinion, prepared from the report by Mr *Guillaume* (France-General Interests) was adopted by 44 votes, with 22 votes against and 6 abstentions. The Committee made the point that European wine-growing which, for certain regions in the Community, constitutes the basic and sometimes sole income of millions of producers, could not be treated any differently from the other major agricultural activities which, under the CAP, enjoyed the advantages of standing intervention arrangements and price guarantees. In view of the special problems besetting the Community wine-growing regions, the Committee deplored this state of affairs. It felt that, as matters now stand in respect of output and demand, and since it remains to be seen whether

the surpluses are cyclical or structural, a planting and replanting scheme should be stipulated on terms more restrictive than those proposed by the Commission. A two-year break in planting was considered too short, and the scheme to be brought in after 1977 should lean towards a Community system of replanting permits granted according to certain criteria (quality, composition of soil, market outlets, etc.). Concerning preventive and compulsory preventive distillation, the Committee held that in the main this must concentrate first on eliminating poor quality wines. The Committee was against compulsory distillation which took account only of the size of the yield.

Commission's work programme to simplify customs procedures and legislation, and institutional methods of examining customs questions

2454. In its Opinion, prepared from the report from Mr *De Grave* (Belgium-Workers) and adopted unanimously, the Committee stressed that the planned simplifications, besides lightening the task of the authorities, must not overlook the burden on the economic sectors involved. It hoped that swift action would be taken and that simplification would not remain a dead letter.

ECSC Consultative Committee

171st Meeting

2455. Chaired by its oldest member, Mr *Eberhard Jung*, the ECSC Consultative Committee met in Luxembourg on 8 July 1975 for the first session of 1975/76 financial year.

After an address by Mr *Jung*, the Committee elected its Chairman and Bureau for the new year. Mr *Alberto Capanna* (Italy, steel pro-

ducers' group) was unanimously elected Chairman. Mr Michel *Arnaud* (France, steel users' group) and Sir David *Davies* (United Kingdom, steel workers' group) were elected Vice-Chairmen. Mr Richard *Chandler* (Ireland, coal users' group), Mr Eric *Conrot* (Luxembourg, steel producers' group), Mr Helmut *Gelhorn* (Germany, coal workers' group), Mr Steffen *Møller* (Denmark, steel workers' group), Mr Marcel *Peeters* (Belgium, steel producers' group) and Mr Servatius *Wijnands* (Netherlands, steel users' group) were all unanimously elected members of the Bureau.

Addressing the Committee, the new Chairman, Mr Capanna spoke of the difficult period through which the coal and steel industries and the economy in general were now passing and of the inherent dangers for European integration. Referring to the Commission's action programme for 1975, Mr Capanna summarized the problems directly involving the Committee. He was glad that there had always been sound cooperation between the Commission and the Committee and hoped that this collaboration would continue in order to attain the economic and political objectives of the Treaties.

European Investment Bank

Amendment of the statute

2456. On 10 July 1975, a conference of representatives of the Governments of the Member States adopted and signed a treaty modifying a number of clauses in the Protocol on the Statute of the European Investment Bank.

The amendments empower the Bank's Board of Directors to alter the definition of the unit of account and the method for converting sums denominated in units of account into national currencies and vice versa.

The treaty will be submitted for ratification under national procedures as soon as possible.

Increase in capital

2457. A decision to raise by 75% the subscribed capital of the European Investment Bank, from 2025 million to 3 543 750 000 European units of account, was taken by the Board of Governors of the European Investment Bank on 10 July 1975.

Article 18 of the EIB Statute stipulates that the total amount outstanding of loans and guarantees granted by the Bank may not exceed 250% of its subscribed capital. This total had already reached 3 700 million u.a. at the end of 1974 and thus the increase will enable the Bank to continue its financing operations in the years ahead.

The increase of 1 518 750 000 u.a. will be subscribed by the Member States in proportion to their share of the already subscribed capital, as follows:

| | |
|----------------|-------------|
| Germany | 337 500 000 |
| France | 337 500 000 |
| United Kingdom | 337 500 000 |
| Italy | 270 000 000 |
| Belgium | 88 875 000 |
| Netherlands | 88 875 000 |
| Denmark | 45 000 000 |
| Ireland | 11 250 000 |
| Luxembourg | 2 250 000 |

As provided for under Article 5(2) of the Statute, the Governors decided that the Member States should pay in 10% of their shares of the agreed increase (i.e., 10% of the sums above, making a total of 1 518 750 000 u.a.). Payments will be made in the national currency of each Member State in eight half-yearly instalments, the first on 30 April 1976.

Loans issued

Denmark

2458. The European Investment Bank has granted a loan equivalent to Dkr 25 million (3600000 u.a.) to Slagteriregion SYD, an agricultural cooperative set up under Danish law and based at Graasten in south-east Jutland. The loan, granted for 10 years at 9.25%, will be used in the construction of a new pig slaughterhouse near the village of Blans, 8 km from Graasten and 13 km from Sønderborg.

The new facilities, of advanced design, will help to improve the profitability of SYD, whose membership covers more than 4000 farmers. Work is scheduled for completion by early 1977. Environmental problems have been studied with particular care; an effluent treatment plant will protect the Als Fjord from any pollution.

France

2459. The Bank has granted a loan equivalent to FF 165 million (31800000 u.a.) to the Société concessionnaire des Autoroutes Paris-Est-Lorraine (APEL), to help finance the construction of a new 100 km section between Rheims and Verdun of the A4 Paris-Metz motorway.

The loan, which has been granted for 12 years at 9.25%, is the second made by the EIB for this motorway.¹

2460. Three loans totalling an equivalent of FF 50 million (9600000 u.a.) have been granted by the Bank to improve and extend the water piping network in the rural areas of Brittany.

Because its geological structure prevents the build-up of adequate groundwater reserves, Brittany faces serious water supply problems which

are greatly aggravated in periods of dry weather. This affects farms and tourism and impedes the industrial growth which is vital to the region.

The loans have been granted for 12 years at 9.25%. FF 14300000 has been allocated to the department of Finistère, FF 15700000 to the department of Morbihan, and FF 20000000 to the department of Ille-et-Vilaine. The funds will be made available to the inter-communal associations and local authorities responsible for the work, which will bring about a considerable improvement in the water supply of many communes. Thus, 27000 new connections, an increase of 26%, will be made in the three departments.

Ireland

2461. Aid granted in Ireland by the European Investment Bank has now passed the £ 40 million mark with the granting of a new loan equivalent to £ 4500000 (7700000 u.a.) to Cement Ltd., Dublin, part of the Cement Roadstone Holdings group. The loan will be used to finance the extension of a cement factory at Platin, Co. Meath.

The loan is for 15 years at 9.25% and is part of a total loan of £ 7500000, of which £ 3 million were granted by the EIB for this project in August 1974.¹

Italy

2462. The Bank has granted six loans totalling an equivalent of Lit. 43000 million (53200000 u.a.) at 9.25% for investments in Italy.

¹ Bull. EC 6-1974, point 2494.

² Bull. EC 7/8-1974, point 2479.

One loan of Lit. 12100 million, granted for seven years, is intended to develop the Malossa oil and gas deposits, discovered by AGIP SpA (ENI group) in the Po plain, about 25 km from Milan. The EIB had already granted Lit. 24100 million in January for the Malossa project.¹

Still in the energy field, a loan of Lit. 7000 million has been granted for ten years to ENI. ENI will make the funds available to its subsidiary SNAM SpA for the laying of four gas pipelines with a total length of 243 km in Calabria, Apulia and Basilicata. The aim of the project is to extend the gas distribution network in the Mezzogiorno following recent gas field discoveries, particularly the 'Campo di Luna' off the coast of Calabria, which received two EIB loans in 1974 totalling Lit. 8000 million.²

In Sicily, two loans of Lit. 8000 million and Lit. 2500 million respectively were granted for projects forming part of the extension and modernization programme of the ANIC SpA (ENI group) petrochemical complex at Gela.

In 1974, the EIB had already granted Lit. 16000 million for a new acrylonitrile production unit and for various types of anti-pollution equipment.³

A loan of Lit. 12100 million, for 12 years, has been granted to the Ente Nazionale per l'Energia Elettrica (ENEL) for the nuclear power station which it is constructing at Caorso, near Piacenza. This is the first industrial-scale nuclear power station in Italy and should be fully operational early next year. In April of this year, the EIB had already granted another loan of Lit. 24100 million, for the same project.⁴

A loan of Lit. 1300 million will help to finance a new plant and equipment complex intended to further the programmes of the Centro Sperimentale Metallurgico SpA (CSM) research centre at Castel Romano, near Rome. Its research is aimed essentially at improving production sys-

tems and product quality and at protecting the environment. One particular beneficiary of these activities will be the steel industry in the Mezzogiorno.

United Kingdom

2463. The European Investment Bank has granted the British Gas Corporation two loans totalling the equivalent of £ 23600000 (40400000 u.a.).

The loans, which have been granted for ten years at 9.50%, are to finance the second phase of the British Gas Corporation's extension of the British gas pipeline network. This extension work will enable gas to be piped in from the Frigg field in the North Sea.

The major part of the work will be the laying of the second of two 36-inch gas pipelines, 279 km long, connecting in parallel the St Fergus terminal on the north-east coast of Scotland, where the Frigg gas will arrive, and the junction point with the existing network off Bathgate, near Glasgow.

Earlier this year, the EIB granted £ 24200000 to finance the first gas pipeline and its extension to Preston, Lancashire, and Bishop Auckland, Co. Durham.⁵

Mauritius

2464. The European Investment Bank has granted the equivalent of 1750000 u.a. (13600000 Mauritius rupees) to improve the electricity supply on Mauritius.

¹ Bull. EC 1-1975, point 2452.

² Bull. EC 9-1974, point 2444, and 12-1974, point 2462.

³ Bull. EC 9-1974, point 2444.

⁴ Bull. EC 4-1975, point 2447.

⁵ Bull. EC 6-1975, point 2454.

The loan has been granted for 15 years to the Central Electricity Board (CEB), the public corporation responsible for ensuring the provision and distribution of electric power on the island. It will be used to extend the capacity of the island's largest thermal power station, situated at Fort Victoria.

Apart from meeting the domestic needs of the island, the increase will allow the CEB over the coming years to cope with the expected growth in demand for electricity from industry and the hotel trade, both of which are developing particularly rapidly.

The EIB loan, which will be guaranteed by the Mauritius Government, is the first of its kind made by the Bank to Mauritius. It will supplement long-term loans by the United Kingdom Ministry of Overseas Development, granted for the same project, the balance being made up by the CEB out of its own resources. The loan is granted under the second Yaoundé Convention as part of the transitional measures taken pending the ratification of the Lomé Convention.

Financing Community activities

Preliminary draft of the 1976 budget

2465. As indicated in the provisions of the Treaties, the Commission is to send the preliminary draft of the budget for the following year to the Council and Parliament by 1 September. The preliminary draft for 1976 was communicated on 25 August. But to improve conditions for reviewing the budget, the Commission this year speeded up the work and in July advised the Council in advance of *certain items* of the preliminary draft.

The preliminary draft for 1976, adopted by the Commission this month, amounts to 6 839 408 087 u.a.

The overall showing of the comparison between 1975 and 1976 is provisional, since the Commission's 1975 appropriations do not include the effect of the Supplementary Budget shortly to be

Table 2—Breakdown of appropriations by institution

(in u.a.)

| Institution | 1975 Appropriations inc. suppl. budgets 1 and 2 | | Preliminary draft budget for 1976 | |
|---------------------|---|-------|---|-------|
| | Amount | % | Amount | % |
| European Parliament | 41 597 229 | 0.69 | 52 242 099 | 0.76 |
| Council | 50 472 467 | 0.83 | 64 450 658 | 0.94 |
| Commission | 5 960 201 337 | 98.33 | 6 711 737 040 | 98.14 |
| Court of Justice | 9 320 020 | 0.15 | 10 978 290 | 0.16 |
| Total | 6 061 591 053 | 100 | 6 839 408 087 | 100 |

submitted for the EAGGF Guarantee Section (Headings 6 and 7), while those for 1976 for the same area are, for the moment, the same as the initial 1975 appropriations. When the 1976 preliminary draft was being drawn up, the Commission wished to reserve the final estimates of appropriations for 1976 under these headings.¹

Actually, in 1974, the Commission's proposed provision under Chapter 98 of the 1975 preliminary draft was not adopted by the Council: so it is necessary to proceed via a supplementary budget in drawing the inferences of last February's decision on agricultural prices and short-term trends in the economic situation.

Movement of appropriations in the main sectors

Regional policy

The payment appropriations for the European Regional Development Fund rise from 150 000 000 u.a. in 1975 to 450 000 000 u.a. in 1976. This increase reflects the decisions by the Heads of Government in December 1974,¹ taking account of the rate at which appropriations are committed. At the present stage of the estimates, this represents the main item of increased expenditure.

Social policy

A substantial effort is proposed in the social sector. The increase in the appropriations, totalling 138 000 000 u.a., stems largely from the reconstituted Social Fund, whose available resources would go up from 335 000 000 u.a. to 500 000 000 u.a. in 1976. (Against this, the appropriations corresponding to the old Social Fund, 13 400 000 u.a., are extinguished, leaving a net increase of 131 600 000 u.a.). These stronger resources of the Social Fund meet the growing needs of training and recycling, owing

largely to the economic situation, and the consequently heavier applications for aid from the Member States.

For the remainder, the increase in expenditure derives from further implementation of the social action programme, particularly the operation of the European Vocational Training Centre.

Research, technology, industry, energy

The proposed appropriations for the whole of this sector are increased by 117 000 000 u.a. The extent of this movement compared with 1975 stems from the development of existing projects and new projects, in line with the Commission's Proposals, some of which have been approved by the Council, others being under review.

Whether it is new expenditure or increased outlay, the most substantial entries involve industrial development contracts, Community projects in the hydrocarbons sector, the research programme in the energy sector and the extended thermonuclear fusion research projects.

Cooperation and development

In this sector, (which does not cover the financial implications of the Lomé Convention, since the European Development Fund is not included in the budget) the proposed appropriations show an increase of 106 000 000 u.a.

¹ In September, the budgetary authority will receive a correcting letter bearing the detailed estimates for 1976 for the EAGGF Guarantee Section. At the same time it will get the preliminary draft of the Supplementary Budget for the 1975 appropriations, in respect of the EAGGF Guarantee Section.

² Point 22 of the Communiqué, Bull. EC 12-1974, point 1104.

They concern, in the main:

— Food aid: the proposed 294 000 000 u.a. correspond to the minimum increase in the volume of food aid as recommended by the Commission in its 1974 Memorandum;

— Financial aid to non-associated countries (105 000 000 u.a.);

— Financial cooperation with the Maghreb countries and Malta (subject to the successful outcome of negotiations now under way, and a decision on whether or not to charge these appropriations) in the budget.

Own resources

2466. In the budget preparation procedure for 1976, estimates of own resources were sent to the Council in the 'revenue' section of the preliminary draft. Despite the increase in own

resources in absolute figures, their proportion in the total financing of the budget has fallen, from 65.09% in 1975 to 59.05% in 1976.

As regards customs duties, 1976 shows an increase in duties transferable to the Communities. From 3 359.7 million u.a. in 1974, they rise to 3 496.2 million u.a. in 1975. The growth in the volume of customs duties transferred by the Member States to the Communities is due to inflation, and to the higher proportion of own resources contributed by the new Member States, which will rise to 79.5% in 1976, whilst the tariff reductions between the Six and the new Member States, and between the Community and the EFTA countries, together with the generalized preferences scheme, result in a fall in customs receipts.

As regards agricultural levies, under the procedure adopted for the EAGGF Guarantee Section, estimates provisionally amount to a straight renewal of the 1975 budget figures.

Table 3—Trend of appropriations in certain sectors

| | 1975 Appropriations ¹ | Preliminary draft budget for 1976 (provisional figures) |
|--|----------------------------------|---|
| (in u.a.) | | |
| <i>Appropriations for intervention</i> | | |
| EAGGF (Guarantee) ² | 3 980 475 000 | ³ |
| EAGGF (Guidance) | 325 000 000 | 325 000 000 |
| Social | 378 665 200 | 516 642 000 |
| Regional | 150 000 000 | 450 000 000 |
| Research, technology, industry, energy | 126 387 998 | 243 525 871 |
| Cooperation and development | 312 797 000 | 419 192 000 ⁴ |
| <i>Administrative expenditure</i> | | |
| Refunds to Member States in respect of collection of own resources | 390 195 517 | 403 898 423 |

¹ Including supplementary budgets 1 and 2 (Regional Fund and contribution to United Nations emergency action).

² Excluding supplementary budget.

³ To be approved in September.

⁴ Subject to the decision on food aid and on whether aid to the Maghreb countries and Malta is to be budgeted for or not.

Table 4—Revenue estimates for 1976

| Type | Budgetary estimates | |
|-----------------------|-----------------------|------------|
| | Amount (million u.a.) | Percentage |
| Own resources: | | |
| — Customs duties | 3 496 176.2 | 51.12 % |
| — Agricultural levies | 433 841.5 | 6.34 % |
| — Sugar contributions | 108 966.5 | 1.59 % |
| Total own resources | 4 038 984.2 | 59.05 % |
| Contributions | 2 724 623.7 | 39.81 % |
| Other revenue | 75 800.2 | 1.11 % |
| Total | 6 839 408.1 | 100.00 % |

Multiannual estimates

2467. The Commission sent the Council the three-year estimates for 1976-78. The straight renewal of EAGGF Guarantee Section appropriations in the 1975 budget was adopted for the time being, pending the correcting letter anticipated for the EAGGF appropriations. So that the estimates can fully play their intended part, it was felt that the preliminary draft budget and the three-year estimates should be presented together. Thus, the Commission for the first time put forward the multiannual estimates as an annex to the preliminary draft budget for 1976.

The estimates show that the overall financial requirements go up from 6061 million u.a. in 1975, to 6709 million u.a. in 1976, 7090 million u.a. in 1977 and 7660 million u.a. in 1978.

Comparison of expenditure with foreseeable own resources indicates revenue requirements in respect of VAT which vary between 0.47% in 1976 and 0.60% in 1980. These percentages

assume a uniform basis, which depends on approval and application of the 6th VAT Directive.

The volume of these estimates demands better and better methods of preparing them. A sub-working group was formed for this purpose within the Advisory Committee on Own Resources, which *inter alia* enabled all the necessary contacts to be established with national authorities.

Participation by Member States in the financing of the Community budget

2468. At the Conference held in Paris on 9 and 10 December 1974, the Heads of Government invited the Community institutions to devise a correcting mechanism which, within the framework of the system of own resources and in harmony with its normal functioning, could prevent conditions from arising during the process of convergence of the economies of the Member States that were unacceptable for a

Member State and incompatible with the smooth working of the Community.¹ Accordingly, in January 1975, the Commission addressed to the Council a Communication entitled 'Unacceptable situation and correcting mechanism'.²

On the basis of this Communication and following the agreement reached within the Council at its meeting on 10 and 11 March 1975,³ the Commission forwarded to the Council on 30 July a proposal for a Regulation on the *setting up of a financial mechanism*,⁴ based on Article 235 of the EEC Treaty. Under the financial mechanism, payments from the Communities' budget will be made to any Member State finding itself in a special economic situation, if the economy of that Member State bears an inappropriate burden in financing the Community budget. At the request of the Member State in question, the Commission will assess its economic situation on the basis of objective economic indicators. The size of the payments to be made will be determined in the light of this situation and according to a sliding scale, but there will be a maximum. Whenever a given Member State has received payments for three consecutive years, a special examination of that country's situation will be automatically undertaken.

The European Unit of Account and the ECSC Treaty

2469. On 15 July, the Commission adopted a draft Decision to introduce, as from 1 January 1976, the European unit of account (EUA), i.e. the basket of Member States' currencies,⁵ to meet ECSC requirements.

The ECSC is currently using a unit of account tied to gold. The draft was sent for consultation to the Council and the ECSC Consultative Committee.

Operational ECSC budget—Levies

2470. On 2 July,⁶ after consulting the Council and the ECSC Consultative Committee, the Commission decided that as from 1 January 1976, and under the collection of ECSC levies, it would institute a single tax category for ingot steel. The change had to be made following technical developments in manufacturing and particularly the replacement of the Bessemer process. Bessemer ingot steel had hitherto been taxed under a separate category.

ECSC Loans

2471. In July and August, the Commission made various private placements in Swiss francs, guilders and Deutschmarks, totalling 40 500 000 u.a.

The placements were made at rates between 8 and 8⁵/₈% over periods of 5 to 10 years.

Following these transactions, the total amount of loans contracted by the ECSC, since the start of its activities, stood on 31 August 1975 at an equivalent value of 2 337 million u.a.

Audit board

2472. As required by Article 206 of the EEC Treaty, Article 180 of the EAEC Treaty and

¹ Point 37 of the Communiqué, Bull. EC 12-1974, point 1104.

² Bull. EC 1-1975, points 2504 to 2510.

³ Bull. EC 3-1975, points 1102, 1103 and 1502.

⁴ OJ C201 of 3.9.1975.

⁵ Bull. EC 3-1975, point 2201.

⁶ OJ L179 of 10.7.1975.

Article 78d of the ECSC Treaty the Audit Board of the European Communities has drawn up its report on the accounts for 1974.

The report is in two volumes, one concerning the implementation of the Budget of the Communities and the other the administration of the European Development Funds.

Following a short introduction the first volume starts off with a chapter of general comments concerning the making up and forwarding of the accounts, the absence of decisions to give a discharge in respect of the implementation of previous budgets as well as steps to be taken to ensure that book-keeping records are sent in more quickly and that a closer watch is kept on commitments.

These general comments once again stress the need for the Audit Board, pursuant to Article 206 of the EEC Treaty, to carry out independent inspections in the Member States to check the management of Community finances. The comments also touch on relations with the supervisory bodies in the Member States and with the financial controllers of the Communities' institutions.

The second chapter deals with revenue. A few observations on the way in which revenue is accounted for and concerning information on the management and control of own resources are followed by comments concerning associated own resources inspections carried out in the Member States.

Another chapter is devoted to the administrative expenditure of the institutions. It deals first and foremost with staff expenditure and especially with practical steps taken, following the enlargement of the Communities, to release officials and recruit nationals of the new Member States.

The Audit Board examines the delays in the occupation of premises rented recently, the costs

of fitting out premises and their upkeep, as well as document reproduction costs and data processing costs.

Remarks are also made concerning expenditure on studies, travelling, meetings, information, social welfare, publishing (including the administration of the Office for Official Publications), aid, subsidies and financial contributions.

Measures financed by the old and new European Social Fund are examined in the following chapter which stresses the delays incurred in the clearance of aid as well as a number of questions relating to on-the-spot audits, the reasons given for applications for reimbursement and the determination of eligible expenditure.

The fifth chapter concerns the administration of the EAGGF. It points out the persistent delays incurred in the closure of accounts for previous accounting periods in the case of the Guarantee Section and analyses the budget procedures for the financial year: provisional commitments, detailed commitments and payments.

Some types of expenditure are examined in greater detail; aid for the production of olive oil, lump sums for the calculation of losses made by intervention agencies in connection with cereals and butter, as well as the transfer to and sale in Italy of wheat held by intervention agencies in other Member States. In addition a number of comments are made concerning the application of the Council Regulation on irregularities and the measures taken by the Commission to seek out and prevent fraud.

The report examines the financing of individual projects in the case of the Guidance Section (decisions to grant aid, implementation of programmes, information sent to the Audit Board, auditing of the accounts for and comments on projects for which assistance has been granted from the Fund), as well as the financing of

special measures and joint measures (rate of utilization of appropriations and justification of the use to which the money is put).

The report again stresses that if the Audit Board is to keep an eye on the EAGGF it must carry out, as in the case of the Social Fund and own resources, independent inspections on the spot in the Member States, as the information which it has at present, particularly concerning the Guarantee Section, is not sufficient for it to give an adequate assessment of the way in which transactions are carried out.

In the same chapter the Audit Board makes a number of comments on food aid and financial aid. They relate mainly to the time taken to adopt food aid decisions and the difficulties involved in mobilizing aid, getting it to its destination and settling the accounts. Other observations concern the financial aid granted by the Community (special aid and contribution towards the United Nations emergency operation).

The last chapter of the first volume examines the administration of research and investment appropriations. The Audit Board's comments mainly concern the organization of the Joint Research Centre, the functional budget and the procedures for managing appropriations, equipment management, services for third parties and the administration of research contracts and contracts of association.

The second volume of the report, dealing with the administration of the Development Funds, comprises an introduction and two chapters. The introduction consists of a number of criticisms concerning the making up and forwarding of the accounts, the decisions to give a discharge, the forwarding, presentation and content of the book-keeping vouchers, as well as the sending in of other documents relating to the management of the Funds.

The first chapter analyses the general accounts of each of the three Funds and the procedures for commitment and payment as well as the drawing up of financial statements.

The second chapter consists of observations concerning the preparation, implementation and settlement of the accounts of special projects and the administration of certain types of aid: road, port and telecommunication infrastructures, educational and hospital facilities, water supplies for human and animal consumption, farm programmes, expenditure on project-linked technical assistance, emergency assistance and special aid, expenditure concerning general technical cooperation and delegated and technical control.

5. Institutional questions— European policy

European policy

Political cooperation

2501. The Political Committee met in Rome on 7 and 8 July to prepare for the discussions of the European Council¹ and finalize the latest stances to be adopted by the Nine at the Conference on Security and Cooperation in Europe.² The meeting was resumed in Brussels on 15 and 16 July.

Euro-Arab dialogue

2502. A second Euro-Arab meeting at expert level was held in Rome from 21 to 24 July, which was able to consolidate the results obtained in Cairo the month before, and led to the formation of seven Working Parties who began their tasks on the basis of the different headings of the joint memorandum of 14 June.

At the close of the Rome meeting, the following joint communiqué was published.

Joint communiqué

'In accordance with the decision taken in Cairo on 14 June 1975, the meeting of Arab and European experts was resumed in Rome from 22 to 24 July.

Both sides re-emphasized that the Euro-Arab dialogue is the product of a joint political will that emerged at the highest level with a view to establishing a special relationship between the two sides.

After a general exchange of views, working groups were set up to consider and report in greater depth on the areas of cooperation agreed: industrialization, basic infrastructure, agriculture and rural development, financial cooperation, cultural and labour and social questions.

Both sides recalled the agreement reached in Cairo on 14 June 1975 to the effect that the present meeting of experts will be resumed periodically in the form of a steering committee of experts.

Both sides recommend that a meeting of Arab and European experts should take place in an Arab city in November 1975 and decided to maintain whatever appropriate contacts are needed to prepare adequately for the forthcoming meeting of experts and initiate action along the lines agreed.

Both sides noted that the Rome meeting marked the beginning of a more detailed examination of the possibilities of Euro-Arab cooperation and of the exploration of effective channels to advance the dialogue towards its objectives in all fields and to pursue all its purposes. They reaffirmed their common determination to achieve tangible results in the interest of the Arab and European peoples³.

Budgetary powers of the European Parliament— Establishment of a European Court of Auditors

2503. When it passed two Resolutions on 11 July on the budgetary procedure, and on establishing a European Court of Auditors,³ the European Parliament gave its Opinion on the draft Treaty, presented by the Council, which carries amendments to certain financial provisions of the Treaties establishing the European

¹ Point 2418.

² Points 1201 to 1204.

³ Point 2407.

Communities, and the Treaty establishing a single Council and a single Commission of the European Communities.

2504. On 22 July, having taken note of Parliament's two Resolutions, the Council gave its favourable opinion on convening a Conference of Member States' Government Representatives. The Conference took place the same day when the abovementioned Treaty was signed, which must now be ratified by the Member States according to their respective constitutional rules.

The amendments which this Treaty makes to the existing Treaties are intended to strengthen the budgetary powers of the European Parliament and establish a European Court of Auditors.

2505. The *strengthening of Parliament's budgetary powers* bears on three main points:

— on the terms of the current provisions of Article 203(5) (2) of the EEC Treaty (and the analogous provisions in the ECSC and Euratom Treaties), the Council must rule on all the proposed modifications addressed to it by Parliament and, in the absence of a decision to accept them, the proposed modifications were deemed rejected. Under the new Treaty, this rule is discarded, at all events when Parliament's proposed modification does not result in an increase in the total amount of expenditure for an institution: in this instance, Parliament's proposal will be deemed accepted since the Council has not rejected it (reverse majority);

— Parliament is accorded the right to reject, 'for important reasons', the whole of the budget presented to it and to ask for a fresh draft;

— lastly, the new Treaty confers on Parliament the exclusive right, acting on a recommendation from the Council, to give a discharge to the Commission in respect of implementation of the budget.

2506. The purpose of setting up a *Court of Auditors* is to reinforce the financial audit of Community expenditure and revenue.

The Court of Auditors will consist of nine members, chosen from among persons who belong in their respective countries to external audit bodies or who are especially qualified for this office. They will be appointed for a term of six years by the Council, acting unanimously after consulting the Assembly, and, in the general interests of the Community, will be completely independent in the performance of their duties, neither seeking nor taking instructions from any Government or from any other body.

The Court of Auditors will examine the accounts of all expenditure and revenue of the Community including that of all bodies set up by it. It will also examine whether all revenue and expenditure has been received and incurred in a lawful and regular manner and whether the financial management has been sound.

The audit of revenue shall be carried out on the basis both of the amounts established as due and the amounts actually paid; the audit of expenditure shall be carried out on the basis both of commitments undertaken and payments made. These audits may be carried out before the closure of accounts for the financial year in question. The audit shall be based on records and, if necessary, performed on the spot in the institutions of the Community and in the Member States. In the Member States the audit shall be carried out in liaison with the national audit bodies.

The Court of Auditors will draw up an annual report after the close of each financial year. It shall be forwarded to the institutions of the Community and shall be published, together with the replies of these institutions to the observations of the Court of Auditors, in the Official Journal of the European Communities.

In a more general way, the Court of Auditors will assist Parliament and the Council in their task of monitoring implementation of the budget.

Election of the European Parliament

2507. The European Council, meeting in Brussels on 16 and 17 July, asked the Council of Foreign Ministers to examine the question of election of the European Parliament by direct universal suffrage, bearing in mind the draft prepared by Parliament and the points which might emerge during the review, so as to present a report to the European Council on this issue by the end of the year.

Passport Union— Special rights

2508. At the same meeting, the European Council assigned the Council of Foreign Ministers to put in hand the work of instituting a Passport Union and to report, if possible, by the end of the year.

Restating Point 11 of the Paris Communiqué of 9-10 December 1974,¹ it instructed the Council of Foreign Ministers to study the question of recognizing special rights for Community citizens of the Member States, as members of the Community, and to present a report to a subsequent meeting of the European Council.

European Union

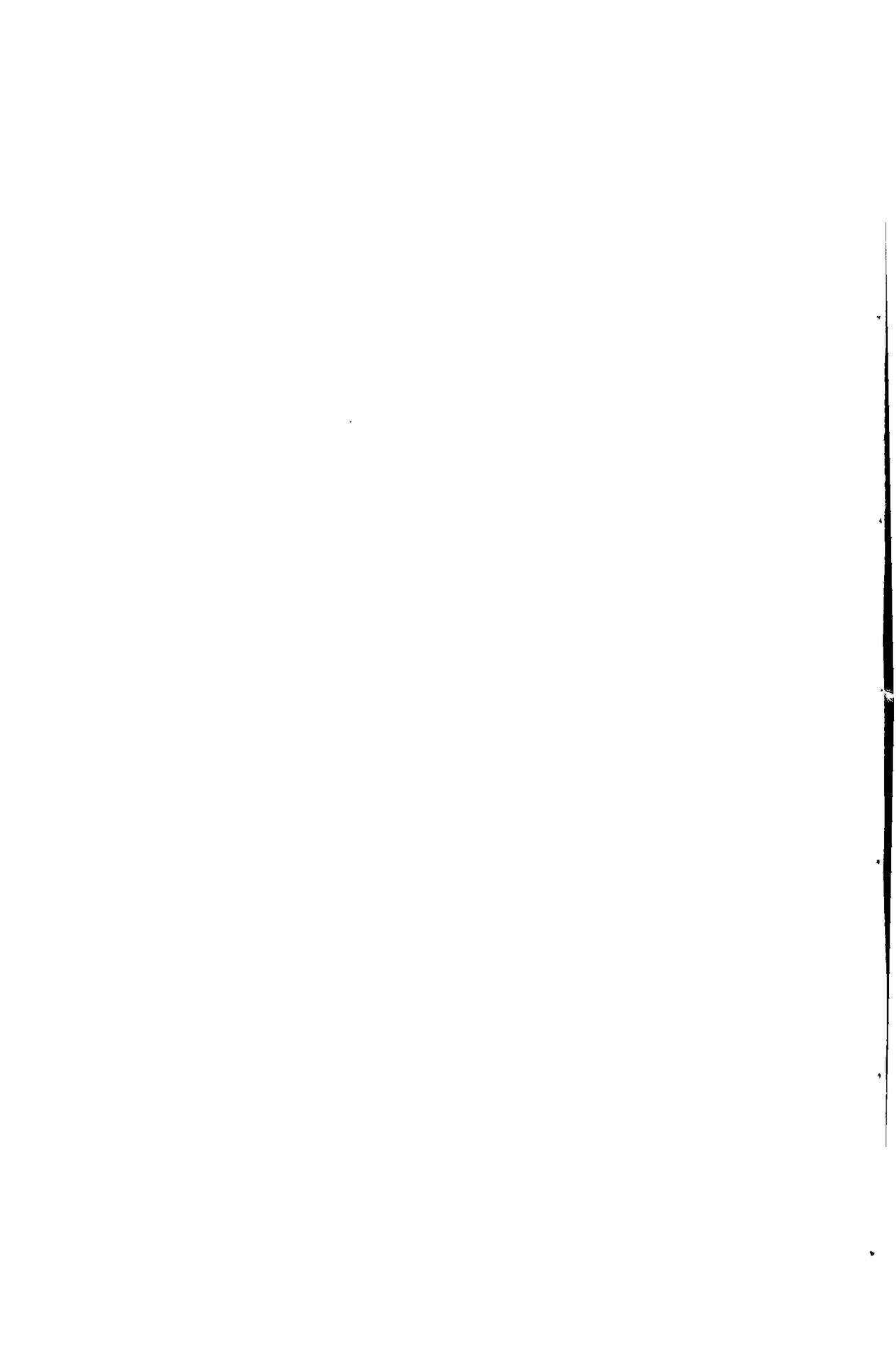
2509. During the part-session of 10 July, the *European Parliament* passed a Resolution on European Union² on the strength of a report by Mr A. Bertrand (Christian Democrat Group, Belgium) on behalf of the Political Affairs Committee.

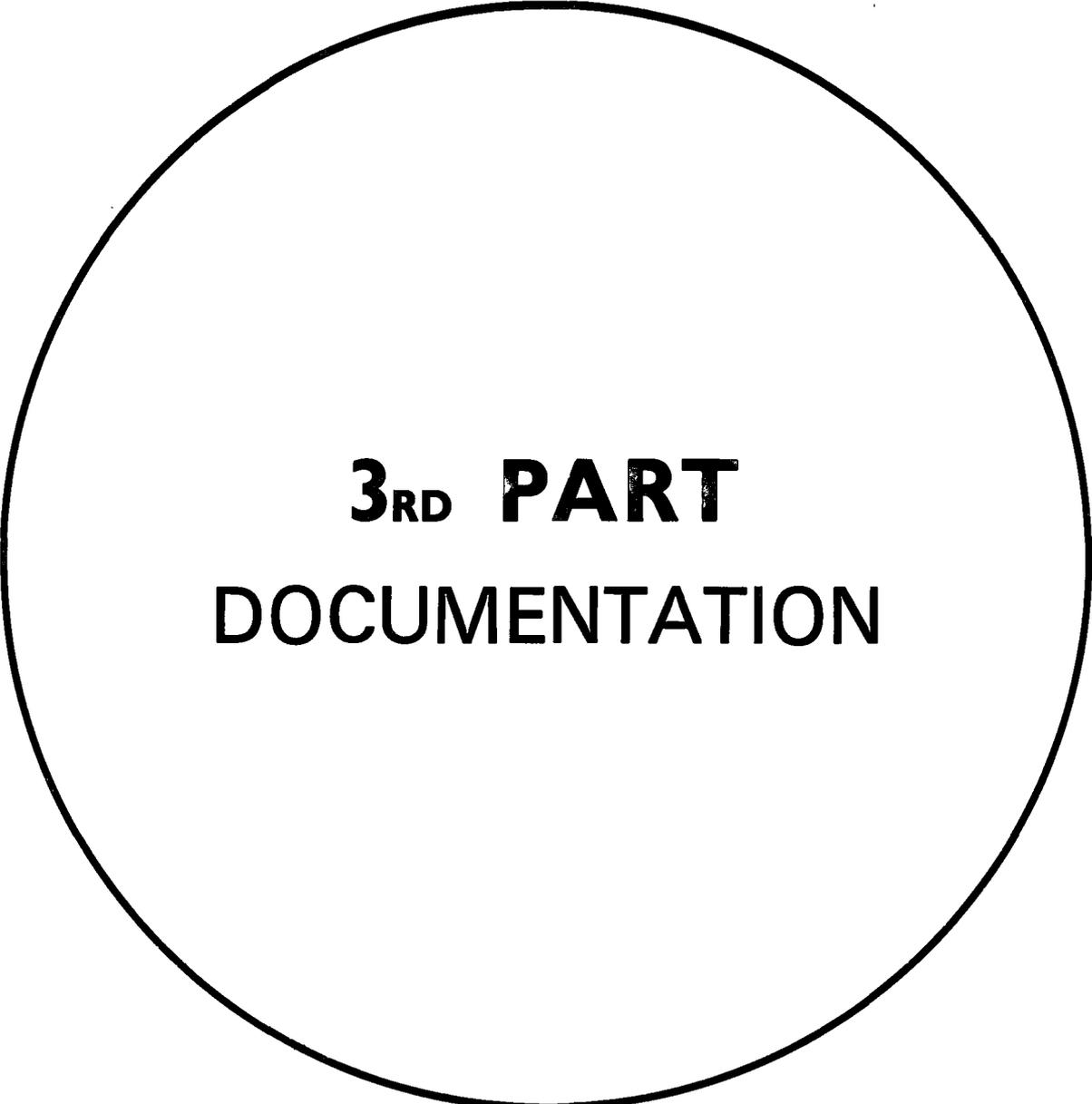
2510. At the plenary session of 16 and 17 July, the *Economic and Social Committee* issued an Opinion on European Union, prepared from the report by Mr De Bruyn (Belgium - General Interests).³

¹ Bull. EC 12-1974, point 1104.

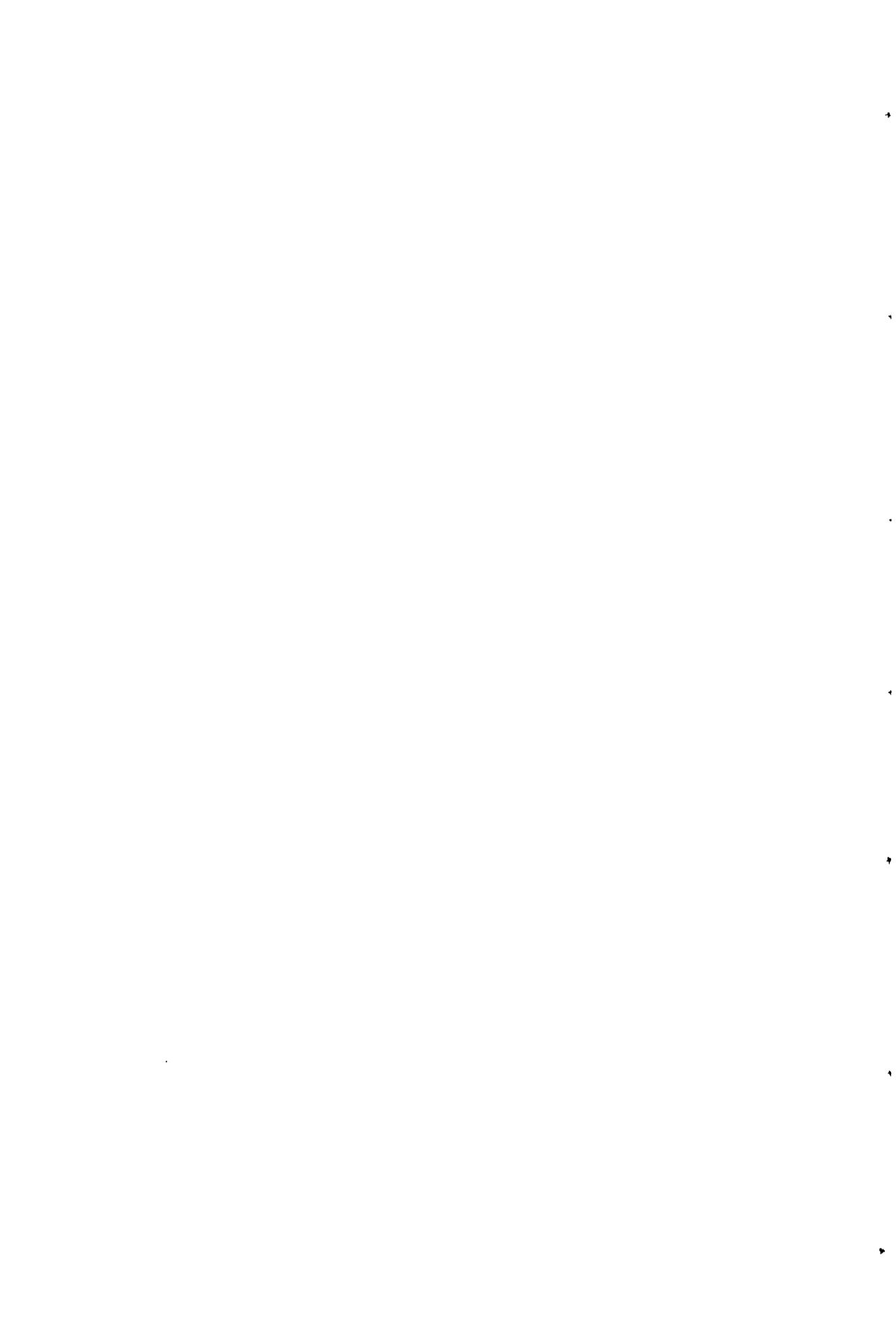
² Points 1203 and 2406 and Supplement 9/75 — Bull. EC.

³ Points 1205 and 2451 and Supplement 9/75 — Bull. EC.





3RD PART
DOCUMENTATION



De europæiske Fællesskabers publikationer Veröffentlichungen der Europäischen Gemeinschaften Publications of the European Communities Publications des Communautés européennes Pubblicazioni delle Comunità europee Publikaties van de Europese Gemeenschappen

Fortegnelse · Liste · List · Liste · Elenco · Lijst **7/8-1975**

FORORD · HINWEIS · NOTE · AVERTISSEMENT · AVVERTENZA · VOORBERICHT

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| | | | |
|---|------|--|-------|
| Generelt · Allgemeines · General · Généralités · Generalità · Algemeen | v | Energi · Energie · Energy · Énergie · Energia · Energie | xiv |
| Politiske og institutionelle aspekter · Politische und institutionelle Aspekte · Political and Insti- tutional Aspects · Aspects politiques et insti- tutionnels · Aspetti politici e istituzionali · Politieke en institutionele aspecten | vii | Transport · Verkehr · Transport · Transports · Trasporti · Vervoer | xiv |
| Fællesskabsret · Gemeinschaftsrecht · Community Law · Droit communautaire · Diritto comunitario · Communautair recht | viii | Landbrugspolitik · Landwirtschaft · Agriculture · Politique agricole · Agricoltura · Landbouw | xiv |
| Forbindelser med tredjelande — Udenrigs- handel · Auswärtige Beziehungen — Außen- handel · External Relations — Foreign Trade · Relations extérieures — Commerce extérieur · Relazioni esterne — Commercio estero · Buitenlandse betrekkingen · Buitenlandse handel | ix | Udvikling og samarbejde · Entwicklung und Zusammenarbeit · Development and Coopera- tion · Développement et coopération · Sviluppo e cooperazione · Ontwikkeling en samenwer- king | xv |
| Konkurrence og det interne marked · Wett- bewerb und Binnenmarkt · Competition and Internal Market · Concurrence et marché intérieur · Concorrenza e mercato interno · Concurrentie en binnenlandse markt | x | Videnskab og teknologi · Wissenschaft und Technologie · Science and Technology · Science et technologie · Scienza e tecnologia · Wetenschap en technologie | xvi |
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| Industri · Industrie · Industry · Industrie · Industria · Industrie | xiii | Statistik · Statistiken · Statistics · Statistiques · Statistiche · Statistieken | xvii |
| | | Diverse · Verschiedenes · Miscellaneous · Divers · Vari · Diversen | xviii |

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Abkürzungen siehe Liste 6-1975
Conventional symbols see list 6-1975
Signes conventionnels voir liste 6-1975
Segni convenzionali vede elenco 6-1975
Gebruikte afkortingen zie lijst 6-1975

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