Synopsis of the work of the Court of Justice of the European Communities in 1978

Luxembourg 1979

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Foreword

This synopsis of the work of the Court of Justice of the European Communities is intended for judges, lawyers and practitioners generally, as well as teachers and students of Community law.

It is issued for information only, and obviously must not be cited as an official publication of the Court, whose judgements are published officially only in the *European Court Reports*.

The synopsis is published in the working languages of the Communities (Danish, Dutch, English, French, German, Italian). It is obtainable free of charge on request (specifying the language required) from the Information Bureaux of the European Communities whose addresses are listed in Annex XI.

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I — Proceedings of the Court

1. Community case-law

A — *Statistical information*

Judgments delivered

During 1978 the Court of Justice of the European Communities delivered 97 judgments:

20 in direct actions (excluding actions brought by officials of the Communities);

62 in cases referred to the Court for preliminary rulings by the national courts of the Member States;

15 in cases concerning Community staff law;

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26 of the judgments were delivered by Chambers of which

11 were in cases referred for a preliminary ruling assigned to the Chambers pursuant to Article 95(1) of the Rules of Procedure and

15 were in Community staff cases.

In addition the Court gave one ruling under the third paragraph of Article 103 of the EAEC Treaty.

The Court or the President made 7 orders for interim measures.

Hearings

In 1978 the Court met for 160 public hearings.

Lawyers

During these hearings, apart from the representatives or agents of the Council, the Commission and the Member States, the Court heard:

31 Belgian lawyers,
23 British lawyers,
4 Danish lawyers,
12 French lawyers,
46 lawyers from the Federal Republic of Germany,
1 Irish lawyer,
21 Italian lawyers,
6 Luxembourg lawyers,
11 Netherlands lawyers.

Duration of proceedings

Proceedings lasted for the following periods of time:

In cases brought directly before the Court the average duration for most of them has been rather more than 9 months, the shortest being 5 months.

In cases arising from questions referred by national courts for preliminary rulings, the average duration has been some 6 months (including judicial vacations).

Cases brought in 1978

In 1978, 268 cases were brought before the Court of Justice. They concerned:

1. Actions brought by the Commission for failure to fulfil an obligation against:

Belgium	2	
Denmark	1	
France	3	
Federal Republic of Germany	1	
Italy	5	
United Kingdom	3	
		15

2. Actions brought by the Member States against the Commission:

Italy	3	
		3

3. Actions brought by one Member State against another:

France against United Kingdom	1	
		1
carried forward:		19

brought forward:		19
4. Actions brought by natural or legal persons against:		
Commission	81	
Council	11	
Council and Commission	12	
		104
5. Actions brought by officials of the Communities	22	
		22
6. References made to the Court of Justice by national courts for preliminary rulings on the interpretation or validity of provisions of Community law. Such references originated as follows:		
Belgium	7	
from courts of first instance or of appeal		
Denmark	3	
1 from the Højesteret		
2 from courts of first instance or of appeal		
France	12	
from courts of first instance or of appeal		
Federal Republic of Germany	46	
3 from the Bundesgerichtshof		
1 from the Bundesverwaltungsgericht		
6 from the Bundesfinanzhof		
2 from the Bundessozialgericht		
34 from courts of first instance or of appeal		
Ireland	1	
from the High Court		
carried forward:	69	145

brought forward:	69	145
Italy	11	
2 from the Corte Suprema di Cassazione		
9 from courts of first instance or of appeal		
Netherlands	38	
2 from the Raad van State		
3 from the Hoge Raad		
4 from the Centrale Raad van Beroep		
8 from the College van Beroep voor het Bedrijfsleven		
21 from a court of first instance		
United Kingdom	5	
1 from the Court of Appeal		
4 from courts of first instance or of appeal		
		123
Total:		**268**

TABLE 1

Cases brought since 1953 analysed by subject-matter[1]

Situation at 31 December 1978

(the Court of Justice for which provision was made in the ECSC Treaty took up its duties in 1953)

Type of case	Direct actions											
	ECSC				EEC							EAEC
	Scrap equalization	Transport	Competition	Other[2]	Free movement of goods and customs union	Right of establishment, freedom to supply services	Tax cases	Competition	Social security and free movement of workers	Agricultural policy	Other	
Cases brought	167	35	27	62	32	2	18	120 (5)	1	141 (28)	95 (8)	4
Cases not resulting in a judgment	25	6	10	16	7 (1)	1	2	7 (2)	—	18 (7)	12 (4)	1
Cases decided	142	29	17	34	18	1	12	52 (4)	1	96 (22)	53 (7)	3
Cases pending	—	—	—	12	7	—	4	61	—	27	30	—

The figures in brackets represent the cases dealt with by the Court in 1978.

[1] Cases concerning several subjects are classified under the most important heading.

[2] Levies, investment declarations, tax charges, miners' bonuses.

[3] Convention of 27 September 1968 on Jurisdiction and the Enforcement of Judgments in Civil and Commercial (the 'Brussels Convention').

References for a preliminary ruling

Cases concerning Community	Free movement of goods and customs union	Right of establishment, freedom to supply services	Tax cases	Competition	Social security and freedom of movement of workers	Agricultural policy	Transport	Convention Article 220[3]	Privileges and immunities	Other	Total
521 (20)	131 (18)	15 (6)	31	37 (1)	145 (14)	189 (35)	14 (2)	18 (3)	6	49 (5)	1 860 (145)
95 (4)	6 (1)	1	1	4 (1)	3 (1)	8 (3)	2 (1)	2 (1)	1	1 (1)	229 (27)
402 (17)	111 (14)	10 (2)	28	31 (1)	126 (13)	153 (26)	10 (2)	14 (3)	5	21 (3)	1 369 (114)
24	14	4	2	2	16	28	2	2	—	27	262

TABLE 2

Cases brought since 1958 analysed by type (EEC Treaty)[1]

Situation at 31 December 1978

(the Court of Justice for which provision was made in the EEC Treaty took up its duties in 1958)

Type of case	Proceedings brought under												
			Art. 173					Art. 177				Protocols Conventions Art. 220	Grand total[2]
	Arts. 169 and 93	Art. 170	By governments	By individuals	By Community institutions	Total	Art. 175	Validity	Interpretation	Total	Art. 215		
Cases brought	69	2	26	179	3	208	16	100	517	617	122	18	1 052
Cases not resulting in a judgment	17	1	4	14	—	18	1	2	25	27	10	2	76
Cases decided	37	—	14	87	3	104	13	81	414	495	86	14	749
In favour of applicant[3]	32	—	4	34	1	39	1				—		
Dismissed on the merits[4]	5	—	9	28	2	39	—				79		
Rejected as inadmissible	—	—	1	25	—	26	12				7		
Cases pending	15	1	8	78	—	86	2	17	78	95	26	2	227

[1] Excluding proceedings by staff and cases concerning the interpretation of the Protocol on Privileges and Immunities and of the Staff Regulations (see Table 1).
[2] Totals may be smaller than the sum of individual items because some cases are based on more than one Treaty Article.
[3] In respect of at least one of the applicant's main claims.
[4] This also covers proceedings rejected partly as inadmissible and partly on the merits.

TABLE 3

Cases brought since 1958 analysed by type (ECSC and Euratom Treaties)[1]

Situation at 31 December 1978

(the Court of Justice for which provision was made in the Euratom Treaty took up its duties in 1958)

Type of case	Number of proceedings instituted						Total	
	By governments		By Community institutions		By individuals (undertakings)			
	ECSC	Euratom	ECSC	Euratom	ECSC	Euratom	ECSC	Euratom
Cases brought	20		2		270	2	290	4
Cases not resulting in a judgment	8		1		49	—	57	1
Cases decided	12		1		209	2	221	3
In favour of applicants[2]	5		1		37	1	42	2
Dismissed on the merits[3]	7		—		124	1	131	1
Rejected as inadmissible	—		—		48	—	48	—
Cases pending	—		—		12	—	12	—

[1] Excluding proceedings by staff and cases concerning the interpretation of the Protocol on Privileges and Immunities and of the Staff Regulations (see Table 1).

[2] In respect of at least one of the applicant's main claims.

[3] This also covers proceedings rejected partly as inadmissible and partly on the merits.

TABLE 4

Judgments delivered by the Court and Chambers analysed by language of the case

1973–1978

Judgments	German						English					
	1973	1974	1975	1976	1977	1978	1973	1974	1975	1976	1977	1978
Full Court												
Direct actions	5	3	3	3	4	5	—	2	—	—	—	2
References for a preliminary ruling	33	17	17	19	17	20	—	1	—	2	3	6
Cases concerning staff law	1	—	—	—	—	—	—	—	—	—	—	—
Chambers												
References for a preliminary ruling	—	—	—	2	10	8	—	—	—	—	—	1
Community staff cases	1	—	1	—	1	1	—	—	—	1	—	1
Total	40	20	21	24	32	34	—	3	—	3	3	10

1973 / 1974	Danish				French						Italian						Dutch					
	1975	1976	1977	1978	1973	1974	1975	1976	1977	1978	1973	1974	1975	1976	1977	1978	1973	1974	1975	1976	1977	1978
	—	—	—	—	—	1	8	4	4	5	3	2	1	4	1	5	1	—	2	—	2	3
	—	1	—	2	6	11	14	9	17	10	5	2	8	13	10	6	9	10	6	6	17	7
	—	—	—	—	—	1	3	2	—	—	—	—	—	—	—	—	—	—	—	—	—	—
	—	—	—	—	—	—	—	1	—	1	—	—	—	—	—	—	—	—	—	—	1	1
	—	1	—	—	12	9	15	17	11	12	4	1	1	1	1	—	—	2	2	2	1	1
	—	2	—	2	18	22	40	33	32	28	12	5	10	18	12	11	10	12	10	8	21	12

B — *Cases decided by the Court*

It is not possible within the confines of a brief synopsis to present a full report on one year's case-law of the Court of Justice. In spite of the risk of a certain degree of subjectivity which is involved in any choice, this synopsis presents only a selection of judgments of particular importance.

I. Ruling of the Court under the third paragraph of Article 103 of the Euratom Treaty

Ruling 1/78 of 14 November 1978 on the Draft Convention of the International Atomic Energy Agency (IAEA) on the Physical Protection of Nuclear Materials, Facilities and Transports (not yet published)

For the first time the Court of Justice has been called upon to give a ruling under the third paragraph of Article 103 of the Euratom Treaty.

The application was made by the Kingdom of Belgium which, while taking part in discussions on a Draft Convention on the Physical Protection of Nuclear Materials, Facilities and Transports held at Vienna in 1977 on the initiative of the International Atomic Energy Agency (IAEA), applied to the Court for a decision on the question whether, in the absence of the concurrent participation of the Community, the Kingdom of Belgium might adhere to the Convention.

In view of the grave dangers arising out of the potential theft and misuse of nuclear materials and the need for effective measures to provide for the physical protection of nuclear material at an international level, the Draft Convention lays down a series of measures to be undertaken by the States parties to the Convention. According to the Commission analysis of these measures shows that whereas certain of the proposed clauses fall within the powers of the Member States, others impinge on areas in which *the Community has direct responsibility.*

In the interests of legal certainty the Belgian Government by way of proceedings under the third paragraph of Article 103 of the EAEC Treaty requested the Court of Justice to adjudicate on the division of powers between the Community and the Member States.

In order to delineate exactly the scope of the problem, the Court in its examination takes account of all the relevant rules of the Treaty whether they concern questions of substance, of jurisdiction or of procedure.

What does the Draft Convention of the IAEA consist in?

The aim of the Convention is to take all measures in order to ensure the 'physical protection' of nuclear installations and materials in order to avoid any possibility of theft, sabotage, misuse and the like, and it involves obligations entered into by the parties, such as measures by way of precautions, responsibility of the national agencies and so on.

What is the relationship between the Draft Convention and the Euratom Treaty?

The Convention concerns materials and facilities to which the provisions of the EAEC Treaty are applicable.

(a) Supply and the nuclear common market

Analysis of the wording of the Treaty shows that the authors took great care to define in a precise and binding manner the exclusive right exercised by the Community in the field of nuclear supply in both internal and external relations.

The nuclear common market is nothing other than the application, in a highly specialized field, of the legal conceptions which form the basis of the structure of the general common market. It is within this area from which barriers have been removed that the Commission and the Supply Agency are called upon to exercise their exclusive rights in the name of the Community.

It is clearly apparent that it would not be possible for the Community to define a supply policy and to manage the nuclear common market properly if it could not also, as a party to the Convention, decide itself on the obligations to be entered into with regard to the physical protection of nuclear materials.

(b) Safeguards

It is clear that awareness of nuclear danger has become sharper now than it was when the Euratom Treaty was signed in 1957.

However, there can be no doubt that the concept of 'safeguards' within the meaning of the Treaty is sufficiently comprehensive to include also concepts of physical protection. The exclusion of the Community from the Draft Convention of the IAEA would not only prevent the proper functioning of the safeguards as laid down in the Treaty but would also compromise the development of that system in the future to its full scope as a system of safeguards.

(c) Property ownership

In contrast to the right of use and consumption which, for the purposes of economic exploitation, is divided between many different holders, the right of ownership of fissile materials was concentrated by the Treaty in the hands of a common public authority, namely the Community.

It is apparent that by reserving to the Community the right of ownership of special fissile materials the Treaty sought to place the Community in a strong position to enable it to accomplish fully its task of general interest.

What conclusions are to be drawn in relation to the division of jurisdiction and powers between the Community and the Member States?

The centre of gravity of the Draft Convention lies in the preventive measures and in the organization of effective physical protection; it is precisely on this plane that the Convention, directly and in various respects, concerns matters within the purview of the Treaty.

Indeed with regard to these provisions, a close interrelation between the powers of the Community and those of the Member States is evident.

The system of physical protection organized by the Draft Convention could only function in an effective manner, within the ambit of Community law, on condition that the Community itself is obliged to comply with it in its activities.

To the extent to which jurisdiction and powers have been conferred on the Community under the EAEC Treaty the Member States, whether acting individually or collectively, are no longer able to impose on the Community obligations which impose conditions on the exercise of prerogatives which thenceforth belong to the Community and which therefore no longer fall within the field of national sovereignty.

The Draft Convention put forward by the IAEA can be implemented as regards the Community only by means of a close association between the institutions of the Community and the Member States both in the process of negotiation and conclusion and in the fulfilment of the obligations entered into.

The answer to the question raised by the Belgian Government with regard to the implementation of the Convention is to be found in the wording of the second paragraph of Article 115 of the EAEC Treaty, under which the Council will arrange for the coordination of the actions of the Member States and of the Community.

There is a need for coordinated, joint action in which there is found the necessity for harmony between international action by the Community and the distribution of jurisdiction and powers within the Community (Case 22/70 *Commission* v *Council* [1971] 1 ECR 263 on the European agreement on road transport).

The Court, adjudicating upon the application from the Government of the Kingdom of Belgium under Article 103 of the EAEC Treaty, ruled as follows:

1. The participation of the Member States in a convention relating to the physical protection of nuclear materials, facilities and transports such as the Convention at present being negotiated within the IAEA is compatible with the provisions of the EAEC Treaty only subject to the condition that, in so far as its own powers and jurisdiction are concerned, the Community as such is a party to the convention on the same lines as the States.

2. The fulfilment of the obligations entered into under the Convention is to be ensured, on the Community's part, in the context of the institutional system established by the EAEC Treaty in accordance with the distribution of powers between the Community and its Member States.

Opinion of Mr Advocate-General F. Capotorti delivered on 5 October 1978 (not published).

II. **Competition** – Dominant position

Judgment of 14 February 1978, Case 27/76 United Brands Company and United Brands Continental B.V. v Commission of the European Communities [*1978*] *ECR 207*

The 'United Brands Company' of New York was formed in 1970 by the merger of the United Fruit Company and the American Seal Kap Corporation. That company is at the present time the largest group on the world banana market and accounted for 35% of world exports in 1974.

Its European subsidiary, United Brands Continental B.V., whose registered office is in Rotterdam, is responsible for coordinating banana sales in all the Member States of the EEC except the United Kingdom and Italy.

Following complaints made to it by the Danish undertaking Th. Olesen and by an Irish undertaking, the Commission initiated a procedure for infringement of Article 86 of the EEC Treaty, and notified United Brands (Rotterdam) that in its opinion it was engaging in an abuse of a dominant position in that it:

— required its distributor/ripeners not to sell bananas while still green;

— charged its distributor/ripeners in the various Member States prices which differed considerably, without any objective justification, for bananas of the same quality, even though the conditions of the market were to all intents and purposes the same;

— applied to its distributor/ripeners differing prices, the difference sometimes amounting to 138%;

— refused to supply the Danish firm Olesen with bananas of the Chiquita brand on the ground that this undertaking had taken part in an advertising campaign for bananas of a competing brand.

The Commission decision also imposed a fine of 1 000 000 units of account on United Brands.

United Brands brought an action principally claiming annulment of the decision and an order that the Commission should pay one unit of account as moral damages.

United Brands makes eight submissions in support of its conclusions:

1. It challenges the analysis made by the Commission of the relevant market, the product market as well as the geographic market;
2. It denies that on the relevant market it has a dominant position within the meaning of Article 86 of the Treaty;
3. It considers that the clause relating to the conditions of sale of green bananas is justified by the quality of the product sold to the consumers;
4. It intends to show that the refusal to supply the Danish firm Th. Olesen was justified;
5. In its view it has not charged discriminatory prices;
6. In its view it has not charged unfair prices;
7. It complains that the administrative procedure was invalid;
8. It challenges the imposition of a fine, and in the alternative claims that the fine should be reduced.

The judgment of the Court deals first of all with the question of determining the existence of a dominant position. The banana market is a market which is sufficiently distinct from the other fresh fruit markets: the fruit is available in sufficient quantities throughout the year and its taste, softness and specific appearance are such that it is subject to very little competition from seasonal fruit.

From the geographic point of view, the banana market encounters very diverse situations in the Member States, reflecting a certain commercial policy peculiar to the States concerned. The French market is restricted by a particular import arrangement. The United Kingdom enjoys 'Commonwealth preferences', and on the Italian market a national system of quota restrictions has been introduced. The Commission was right to exclude these three national markets from the geographic market under consideration, but on the other hand the six other States are markets which are completely free, and from the standpoint of being able to engage in free competition these six States form an area which is sufficiently homogeneous to be considered in its entirety.

What is United Brands' position on the relevant market? The definition of a dominant position referred to in Article 86 of the Treaty relates to a position of economic strength enjoyed by an undertaking which enables it to prevent effective competition being maintained on the relevant market by giving it the power to behave to an appreciable extent independently of its competitors, customers and ultimately of its consumers.

United Brands is an undertaking vertically integrated to a high degree. This integration is evident at each of the stages from planting to transportation, to ripening and to sale prices by the setting up of a complete network of agents. Quality control of the product is strict, and the unchanging quality of a homogeneous product makes the advertising of the 'Chiquita' brand name effective.

With regard to competition, it is accepted that United Brands' share of the relevant market is between 40 and 45%. This percentage does not however permit the conclusion that United Brands automatically controls the market, and it must be determined having regard to the strength and number of the competitors.

It is found that United Brands' market share is several times greater than that of the best placed of its competitors, the others coming far behind. It is also found that, even when competitors made 'fierce' attacks on United Brands, the latter held out against them successfully either by adapting its prices for the time being or by bringing indirect pressure to bear on the intermediaries. Competitors come up against almost insuperable practical and financial obstacles.

Finally, it is significant that the customers continue to buy more 'Chiquita' bananas, which are the dearest.

The cumulative effect of all the advantages enjoyed by United Brands ensures that it has a dominant position on the relevant market.

Is there an abuse of this dominant position?

In relation to United Brand's conduct *vis-à-vis* the ripeners it is necessary to examine the clause prohibiting the resale of bananas while still green and the refusal to continue supplies to the Danish firm Olesen.

To impose on the ripener the obligation not to resell bananas so long as he has not had them ripened and to cut down the operations of such a ripener to contacts only with retailers is unquestionably a restriction of competition.

The refusal to supply Olesen, a long-standing regular customer who buys with a view to reselling in another Member State, undoubtedly has an influence on the normal movement of trade and an appreciable effect on trade between Member States.

In relation to United Brands' pricing practice it appears to the Court that the Commission has not adduced adequate legal proof of the facts and evaluations which formed the basis of its finding against United Brands.

Accordingly the Court annulled Article 1 (c) of the Commission decision relating to United Brands pricing practice, and reduced the fine to 850 000 units of account, to be paid in the national currency of the applicant undertaking whose registered office is situate in the Community, that is to say 3 077 000 Netherlands guilders.

Opinion of Mr Advocate-General H. Mayras delivered on 8 November 1977 ([1978] ECR 312).

III. **Precedence of Community law** – Non-application by a national court of a national law conflicting with Community law

Judgment of 9 March 1978, Case 106/77 Amministrazione delle Finanze dello Stato v Simmenthal SpA [*1978*] *ECR 629*

The direct applicability of Community law means that its rules must be fully and uniformly applied in all the Member States from the date of their entry into force and for so long as they continue in force. Directly applicable provisions are a direct source of rights and duties for all those affected thereby, whether Member States or individuals; this consequence also concerns any national court whose task it is as an organ of a Member State to protect the rights conferred upon individuals by Community law.

In accordance with the principle of the precedence of Community law, the relationship between provisions of the Treaty and directly applicable measures of the institutions on the one hand and the national law of the Member States on the other is such that those provisions and measures not only by their entry into force render automatically inapplicable any conflicting provision of current national law but – in so far as they are an integral part of, and take precedence in, the legal order applicable in the territory of each of the Member States – also preclude the valid adoption of new national legislative measures to the extent to which they would be incompatible with Community provisions.

Any recognition that national legislative measures which encroach upon the field within which the Community exercises its legislative power or which are otherwise incompatible with the provisions of Community law had any legal effect would amount to a corresponding denial of the effectiveness of obligations undertaken unconditionally and irrevocably by Member States pursuant to the Treaty and would thus imperil the very foundations of the Community.

This unequivocal statement of a fundamental principle of the Community legal order was made in connexion with a question referred to the Court of Justice for a preliminary ruling by the Pretore di Susa, Italy.

In 1973 Simmenthal SpA, which has its head office in Monza, Italy, imported from France a consignment of beef and veal intended for human consumption. A charge in respect of veterinary and public health inspections, provided for under Italian law and established by Law No 1239/70 of 30 December 1970, was imposed in relation to this importation. Since Simmenthal considered that the veterinary and public health inspections effected when the goods crossed the frontier and the charges imposed therefor constitute impediments to the free movement of goods it instituted proceedings in March 1976 before the Pretore di Susa for the recovery of the sums which it considered it had been improperly required to pay.

In response to a request for a preliminary ruling (Case 35/76) the Court of Justice delivered on 15 December 1976 a judgement in which it ruled that veterinary and public health inspections at the frontier, whether carried out systematically or not, on the occasion of the importation of animals or meat intended for human consumption constitute measures having an effect equivalent to quantitative restrictions within the meaning of Article 30 of the Treaty, and pecuniary charges imposed by reason of veterinary or public health inspections of products on the occasion of their crossing the frontier are to be regarded as charges having an effect equivalent to customs duties.

As a result of this judgment the Pretore di Susa required the Amministrazione delle Finanze dello Stato to reimburse the charges improperly collected, with interest.

The Amministrazione delle Finanze dello Stato lodged objections to the injunction and the Pretore di Susa, having heard the arguments advanced by the Amministrazione, found that the proceedings involved a conflict between certain provisions of Community law and subsequent national legislation, in this case Law No 1239/70.

The Pretore recalled that in accordance with the recent decisions of the Italian Corte Costituzionale such points must be brought before the Corte Costituzionale itself to establish whether the law in question is not constitutionally invalid as being incompatible with Article 11 of the Constitution.

However, the Pretore had regard, on the one hand, to the clearly-established case-law of the Court of Justice concerning the validity of Community law in the legal systems of the Member States and, on the other, to the difficulties which could arise if a court, instead of automatically considering inapplicable a law standing in the way of the direct effect of Community law, was thus required to raise a point of constitutional law, and accordingly submitted two questions to the Court of Justice.

The first question is in fact intended to obtain a clarification of the consequences of the direct applicability of a provision of Community law it if is incompatible with a subsequent legislative provision of a Member State.

The Court recalls the meaning of 'direct applicability': the full and uniform application of provisions of Community law in all the Member States from the time when such provisions enter into force and throughout the period of their validity.

Such provisions give rise to direct rules for all persons concerned, including any court before which proceedings are instituted.

Furthermore, in accordance with the principle of the precedence of Community law, it follows from the provisions of the Treaty and of directly applicable measures of the institutions that, in relation to the domestic law of the Member States, such provisions, by the very fact of their entry into force, not only render automatically inapplicable any conflicting provision of existing domestic legislation but also, since such provisions form an integral part of and take precedence in the national legal system of each of the Member States, prevent the valid enactment of new domestic legislation to the extent to which such legislation is incompatible with Community provisions.

Indeed the recognition of any legal effect whatever in relation to national legislation encroaching upon the legislative power of the Community or otherwise incompatible with provisions of Community law would thereby negate the effectiveness of the obligations unconditionally and irrevocably undertaken by the Member States pursuant to the Treaty and would accordingly jeopardize the whole basis of the Community.

The effectiveness of the provision in Article 177 of the Treaty, which governs requests for preliminary rulings, would be diminished if the courts were prevented from giving immediate effect to Community law in accordance with a particular decision or the case-law of the Court of Justice. In accordance with the foregoing all national courts, proceeding within the limits of their jurisdiction, are under a duty to give unqualified effect to Community law, and to uphold the rights which Community law confers upon individuals and to refuse to give effect to any conflicting provisions of national law, be it prior or subsequent to the Community provisions.

Accordingly any provision of a national legal system or any legislative, administrative or judicial practice is incompatible with the requirements inherent in the very nature of Community law if it reduces the effectiveness of Community law by denying the court having jurisdiction to apply that law the power to do at the time of such application all that is necessary to annul provisions in national legislation which may constitute an obstacle to the full effectiveness of the Community provisions. The Court accordingly replied to the first question to the effect that the national court which is required to apply the provisions of Community law within the framework of its jurisdiction is under a duty to give unqualified effect to those provisions, if need be by refraining of its own motion from applying any conflicting provision in national legislation, even subsequently enacted, without having to request or wait for the prior annulment of such provisions through legislation or any other constitutional procedure.

Opinion of Mr Advocate-General G. Reischl delivered on 16 February 1978 ([1978] ECR 646).

IV. **Sea fishing** – Principle of non-discrimination

Judgments of 16 February 1978 – Case 61/77 Commission of the European Communities v Ireland [1978] ECR 417; Case 88/77 The Minister for Fisheries v Schonenberg and Others (reference for a preliminary ruling by the District Court of Cork) [1978] ECR 473

The delimitation of the maritime waters coming under the sovereignty or within the jurisdiction of the Member States, the working out of a common fishing policy and measures for the conservation of fishing resources are the subject of difficult negotiations within the Community.

The Court had occasion to deliver two judgments concerning sea fishing, one in the context of a direct action against Ireland for a declaration of a failure by a Member State to fulfil its obligations and the other in the context of a reference for a preliminary ruling by the District Court of Cork.

In Case 61/77 the Court considered the events leading up to the action and, beginning with the meeting of the Council of Ministers of the European Communities at The Hague on 30 October 1976, which had adopted a resolution by which the Member States would extend the limits of their fishing zones to 200 miles off their North Sea and North Atlantic coasts as from 1 January 1977, the

Court listed the various discussions and resolutions of the Council and the communications with the Irish State, ending with the contested orders of 16 February 1977. The first, the Sea Fisheries (Conservation and Rational Exploitation) Order 1977, makes it an offence for any sea fishing-boat to enter and remain and to fish in a maritime area situated within the exclusive fishery limits of Ireland, and the second, the Sea Fisheries (Conservation and Rational Exploitation) (No 2) Order 1977, exempts from the foregoing prohibition any sea fishing-boat not exceeding 33 metres in registered length or having an engine not exceeding a total of 1 100 brake horse-power.

It is in the light of those two orders, made unilaterally by Ireland, that the Commission brought its action on the basis of Article 169 of the Treaty.

As regards the substance of the action there are four groups of arguments to be considered:

— The jurisdiction of Ireland;

— The action taken in this instance by the Irish Government;

— The question whether the Irish measures can be regarded as genuine conservation measures; and

— The question whether, in introducing those measures, Ireland contravened the non-discrimination rule enshrined in Article 7 of the Treaty.

The Court ruled that whilst there can certainly be no doubt that, in the absence of appropriate provisions at Community level, Ireland was entitled to take interim conservation measures as regards the maritime waters coming within its jurisdiction, it must be recognized that, because of the discriminatory character of the measures introduced, Ireland has failed to fulfil its obligations under the Treaty.

The discriminatory nature of the Irish measures is clear. It derives from the very nature of the contested measures (limitation on the size and engine-power of the trawlers allowed to fish).

The rules regarding equality of treatment enshrined in Community law forbid not only overt discrimination but also covert forms of discrimination by reason of nationality which, by the application of other criteria of differentiation, lead in fact to the same result. Therefore national measures are contrary both to Article 7 of the EEC Treaty and to Article 2 (1) of Regulation No 101/76 if, by selecting a criterion based on the size and engine power of the boats, they have the effect of excluding from the fishing areas coming under the sovereignty or within the jurisdiction of the Member State in question, a part of the fleets of other Member States whereas under the same measures no comparable obligation is imposed on its own nationals.

The Community has power to take measures for the conservation of the biological resources of the sea, both independently and in the form of contractual commit-

ments with non-Member States or under the auspices of international organizations. In so far as this power has been exercised by the Community, the provisions adopted by it preclude any conflicting provisions by the Member States.

On the other hand, so long as the transitional period laid down in Article 102 of the Act of Accession has not expired and the Community has not yet fully exercised its power in the matter, the Member States are entitled, within their own jurisdiction, to take appropriate conservation measures without prejudice, however, to the obligation to cooperate imposed upon them by the Treaty.

Opinion of Mr Advocate-General G. Reischl delivered on 19 January 1978 ([1978] ECR 453).

V. Liability of the Community for its legislative measures

Judgment of 25 May 1978, Joined Cases 83 and 94/76, 4, 15 and 40/77 Bayerische HNL Vermehrungsbetriebe GmbH & Co. KG and Others v Council and Commission of the European Communities [1978] ECR 1209

The Community is experiencing a surplus of milk which takes the form of the accumulation of considerable intervention stocks of skimmed-milk powder.

Among the measures which the institutions of the Community have adopted in order to reduce those stocks is Council Regulation (EEC) No 563/76 of 15 March 1976 on the compulsory purchase of skimmed-milk powder held by intervention agencies for use in feedingstuffs.

In order to ensure compliance with this obligation, the grant of aid for certain vegetable foods (colza seeds, soya beans, etc.) is made subject to the provision of a security.

The applicants are engaged in the production and sale of chickens, breeding of laying hens and production of eggs. They claim that they have suffered damage by reason of the increase in the price of feedingstuffs as a result of Regulation No 563/76.

This same problem came before the Court in a series of references for preliminary rulings which gave rise to three identical judgments on 5 July 1977 in which the Court declared that Regulation No 563/76 was null and void ([1977] ECR 1211, 1247, and 1269).

The Court based that conclusion on the finding that the purchase of skimmed-milk powder prescribed by the Regulation had been imposed at such a disproportionate price that it amounted to a discretionary distribution of the burden of costs between the various agricultural sectors and was not justified as being a measure necessary in order to attain the objective in view, namely, the disposal of stocks of skimmed-milk powder.

However, a ruling that a legislative measure, such as the Regulation at issue, is null and void does not of itself suffice to give rise to non-contractual liability on the part of the Community under the second paragraph of Article 215 of the Treaty in respect of damage suffered by individuals.

It is the settled case-law of the Court that the Community does not incur liability by reason of a legislative measure involving choices of economic policy unless a sufficiently serious breach of a superior rule of law for the protection of the individual has occurred. In determining the characteristics of such a breach, the Court considered the principles which in the legal systems of the Member States govern the liability of public authorities for damage caused to individuals by legislative measures. It is only exceptionally and in unusual circumstances that public authorities can incur liability for legislative measures embodying options on economic policy. Even where the validity of its measures is subject to judicial review, the legislature must not be restricted in its activities by the prospect of actions for damages every time it is in a position to adopt legislative measures in the public interest which may harm the interests of individuals.

It follows from these considerations that, in fields within Community policy on economic matters, individuals may be required within reasonable limits to bear certain effects of a legislative measure which are harmful to their economic interests without being entitled to compensation from public funds, even if such legislation is held to be null and void.

In a legislative field in which one of the chief features is a wide discretion the Community does not therefore incur liability unless the institution concerned has manifestly and gravely disregarded the limits on the exercise of its powers.

This was not the case with the measure in question, which affected very wide categories of traders, and whose effect on the factor in the production costs was small and did not exceed the bounds of the economic risks inherent in the activities of the agricultural sectors concerned.

The Court therefore dismissed the application.

Opinion of Mr Advocate-General F. Capotorti delivered on 1 March 1978 ([1978] ECR 1226).

VI. **Common organization of the market in sugar** – Competing product: isoglucose

Judgment of 25 October 1978, Joined Cases 103/77 and 145/77 Royal Scholten Honig Limited and Tunnel Refineries Limited v Intervention Board for Agricultural Produce (not yet published)

Isoglucose, the product at issue in these cases, is a new natural sweetener made from starch of any origin but most frequently obtained from maize. This product, which appeared on the market in the Community countries in 1976, has sweetening properties comparable to those of sugar. However, in the present state of technical knowledge, isoglucose cannot be crystallized. Therefore it competes with liquid sugar in certain areas of the food industry: refreshing drinks, jams,

biscuits, ice-creams, etc. The plaintiffs in the main actions in these cases are starch manufacturers who have made heavy investments to enable them to produce isoglucose.

The plaintiff companies commenced proceedings in the High Court of Justice, Queen's Bench Division, Commercial Court, against the British intervention agency, for a declaration that Regulation (EEC) No 1862/76 on production refunds and Regulations Nos 1110/77 and 1111/77 concerning the production levy were void and of no effect.

Regulation No 1862/76 (production refund)

Council Regulation No 2727/75 of 29 October 1975 on the common organization of the market in cereals stated that 'in view of the special market situation for cereal starch, potato starch and glucose produced by the "direct hydrolysis" process it may prove necessary to provide for a production refund of such a nature that the basic products used by this industry can be made available to it at a lower price than that resulting from the application of the system of levies and common prices'.

By the Regulation at issue, which entered into force on 1 August 1976, the Council amended the basic regulation, it being stated in the recitals in the preamble to that regulation that: '. . . in view of the situation which will exist as from the beginning of the 1976/1977 marketing year, particularly as a result of the application for that marketing year of common prices for cereals and rice, it is necessary to increase the production refunds; however, given the objectives of the production refund system, such an increase should not be retained in the case of products used in the manufacture of glucose having a high fructose content; the best method of implementing a measure of this type is to provide for recovery from the manufacturers concerned of the amount of the increase in production refunds according to the product used'. The Regulation also made special provision for the production refund for only one product processed from starch, glucose having a high fructose content (that is, isoglucose), by maintaining the amount of the refund at the level of the previous marketing year and by abolishing it as from the 1977/1978 marketing year.

The plaintiffs in the main actions argued that the Regulation does not give an adequate statement of reasons, and thereby infringes Article 190 of the Treaty.

The Court rejected this argument on the grounds that the reference to the purposes of the refund system, which are well known to the circles concerned, satisfies the requirements of Article 190.

Another of the plaintiff's arguments is that Regulation No 1862/76, by creating an exceptional situation for producers of starch intended for the production of isoglucose, is discriminating between them and manufacturers of starch intended for other purposes and that this is contrary to the principle of non-discrimination set out in Article 40 of the Treaty.

In order to elucidate the question of discrimination, it must be ascertained whether isoglucose is in a situation comparable to that of other products of the starch industry. Isoglucose is a product which is at least partially interchangeable with sugar, and there is no competition between starch and isoglucose. Hence Regulation No 1862/76 does not infringe the rule of non-discrimination.

Regulations Nos 1110/77 and 1111/77 (production levy)

In order to assess the validity of these regulations, it is necessary to consider certain aspects of the common organization of the market in sugar. By Regulation No 1111/77 the Council laid down common provisions for isoglucose involving in particular a common system of trade with non-member countries and a production levy system and instituting a procedure involving close cooperation between the Member States and the Commission in a management committee. The preamble to the Regulation gives the following reasons for the establishment of a system of production levies:

'. . . being a substitute product in direct competition with liquid sugar which, like all beet or cane sugar, is subject to stringent production constraints, isoglucose therefore enjoys an economic advantage and since the Community has a sugar surplus it is necessary to export corresponding quantities of sugar to third countries; . . . there should therefore be provision for a suitable production levy on isoglucose to contribute to export costs'.

According to the terms of the Regulation at issue the introduction of a production levy on isoglucose is based on the need for isoglucose producers to share the costs incurred by the sugar sector inasmuch as the substitution of isoglucose for sugar makes it inevitable, in view of the Community sugar surplus, for corresponding quantities of sugar to be exported to third countries. In these circumstances it must be provided that the revenue from the production levy on isoglucose should be set against these marketing losses.

In order to analyse the complaint alleging an infringement of the prohibition on discrimination laid down in Article 40 of the Treaty, inquiry must be made as to whether isoglucose and sugar are in comparable situations.

Although the two products are in direct competition with each other, it must be pointed out that isoglucose manufacturers and sugar manufacturers are treated differently as regards the imposition of the production levy.

The Court concluded that the charges were manifestly unequal and that the provisions of Regulation No 1111/77 offend against the general principle of equality of which the prohibition on discrimination is a specific expression.

Therefore the Court's answer on this point was that Council Regulation No 1111/77 of 17 May 1977 is invalid to the extent to which Articles 8 and 9 thereof impose a production levy on isoglucose of 5 units of account per 100 kg of dry matter for the period corresponding to the sugar marketing year 1977/1978.

Opinion of Mr Advocate-General G. Reischl delivered on 20 June 1978 (not yet published).

2. Meeting and visits

The Court of Justice maintained its tradition of regular contacts with judges from the Member States as well as from non-member countries. In 1978 it organized study-visits on 17 and 18 April and a course from 23 to 27 October for judges from the nine Member States, and two days of seminars on 29 and 30 May for lawyers from the nine Member States. It also received a number of groups of judges of national courts, including groups from the Federal Republic of Germany, Belgium, France, the Netherlands, and as regards non-member countries, a delegation from the American Judges Association and a group of Greek judges. Finally, the Court received those taking part in the 'Sixième Colloque des États Membres des Communautés Européennes' which was held in Luxembourg from 26 to 29 April 1978.

Lord Diplock and Lord Fraser of Tullybelton from the Law Sub-Committee of the Select Committee on the European Communities of the House of Lords visited the Court on 16 June 1978, and Mr Justice Warren E. Burger, Chief Justice of the Supreme Court of the United States, visited it on 18 and 19 September 1978.

The Court of Justice made an official visit to Ireland from 7 to 9 June 1978, during which among other things it met with the Supreme Court and the Minister of Justice of Ireland and was received by the President of Ireland, Mr Patrick Hillery.

Finally, the Council of the European Communities consisting of the Justice Ministers met in Luxembourg on 9 and 19 October 1978. Part of the work of this meeting was devoted to the problems of the re-organization of the Court. The Court was represented in this connexion by its President, accompanied by a delegation and the Members of the Court met with the various Ministers of Justice.

II — Decisions of national courts on Community Law

The Court of Justice endeavours to obtain as full information as possible on decisions of national courts on Community law.[1]

The tables below show the number of national decisions, with a breakdown by Member States, delivered between 1 July 1977 and 30 June 1978 entered in the card-indexes maintained by the Library and Documentation Directorate of the Court. The decisions are included whether or not they were taken on the basis of a preliminary ruling by the Court.

A separate column headed 'Brussels Convention' contains the decisions on the Convention of 27 September 1968 on Jurisdiction and the Enforcement of Judgments in Civil and Commercial Matters, known as the 'Brussels Convention', which has led to a considerable increase in the number of cases coming before the national courts.

It should be emphasized that the tables are only a guide as the card-indexes on which they are based are necessarily incomplete.[2]

[1] The Library and Documentation Directorate of the Court of Justice of the European Communities, Boite postale 1406, Luxembourg, welcomes copies of any such decisions.

[2] In particular they do not contain decisions which, without any legal discussion, are restricted to authorizing the enforcement of a decision delivered in another Contracting State under the Brussels Convention.

General table, by Member State, of decisions on Community law
(from 1 July 1977 to 30 June 1978)

Member States	Supreme Courts	Cases in previous column on: Brussels Convention	Courts of appeal or of first instance	Cases in previous column on: Brussels Convention	Total	Cases in previous column on: Brussels Convention
Belgium	8	1	72	53	80	54
Denmark	1	—	3	—	4	—
France	11	6	25	5	36	11
Federal Republic of Germany	65	7	116	34	181	41
Ireland	—	—	3	—	3	—
Italy	30	8	21	6	51	14
Luxembourg	3	3	—	—	3	3
Netherlands	12	1	45	13	57	14
United Kingdom	3	1	22	—	25	1
Total	133	27	307	111	440	138

Detailed table, broken down by Member State and by court, of decisions on Community law
(from 1 July 1977 to 30 June 1978)

Member States	Number	Courts giving judgment	
		Supreme courts	
Belgium	80	Cour de cassation	6
		Conseil d'État	2
			8
		Courts of appeal or first instance	
		Cour d'appel de Mons	1
		Hof van beroep Antwerpen	5
		Arbeidshof Gent	1
		Cour du travail de Mons	2
		Rechtbank van eerste aanleg Antwerpen	1
		Rechtbank van eerste aanleg Brugge	1
		Rechtbank van eerste aanleg Gent	1
		Rechtbank van eerste aanleg Kortrijk	1
		Rechtbank van eerste aanleg Tongeren	3
		Tribunal de première instance d'Arlon	1
		Tribunal de première instance de Bruxelles	1
		Tribunal de première instance de Charleroi	1
		Tribunal de première instance de Neufchâteau	1
		Tribunal de première instance de Nivelle	1
		Tribunal de première instance de Tournai	3
		Arbeidsrechtbank Antwerpen	1
		Arbeidsrechtbank Brugge	1
		Arbeidsrechtbank Brussel	1
		Arbeidsrechtbank Gent	1
		Arbeidsrechtbank Hasselt	1
		Tribunal du travail de Bruxelles	4
		Tribunal du travail de Charleroi	4
		Tribunal du travail de Liège	2
		Tribunal du travail de Verviers	1
		Rechtbank van koophandel Antwerpen	5
		Rechtbank van koophandel Brugge	1
		Rechtbank van koophandel Brussel	1
		Rechtbank van koophandel Gent	3
		Rechtbank van koophandel Kortrijk	2
		Rechtbank van koophandel Oudenaarde	8
		Tribunal de commerce de Bruxelles	7
		Tribunal de commerce de Charleroi	1
		Tribunal de commerce de Tournai	1
		Tribunal de commerce de Verviers	1
		Tribunal correctionnel de Charleroi	1
		Vredegerecht Willebroek	1
			72

Member States	Number	Courts giving judgment	
Denmark	4	*Supreme courts*	
		Højesteret	1
		Courts of appeal or first instance	
		Københavns Byret	2
		Østre Landsret	1
			3
France	36	*Supreme courts*	
		Cour de cassation	9
		Conseil d'État	1
		Conseil constitutionnel	1
			11
		Courts of appeal or first instance	
		Cour d'appel de Colmar	1
		Cour d'appel de Douai	3
		Cour d'appel de Lyon	1
		Cour d'appel de Nancy	1
		Cour d'appel de Paris	2
		Tribunal administratif de Paris	2
		Tribunal administratif de Rennes	3
		Tribunal de grande instance de Lure	1
		Tribunal de grande instance de Marseille	1
		Tribunal de grande instance de Montpellier	1
		Tribunal de grande instance de Mulhouse	1
		Tribunal de grande instance de Paris	1
		Tribunal d'instance de Calais	1
		Tribunal d'instance de Cambrai	1
		Tribunal d'instance de Dunkerque	1
		Tribunal d'instance de Lille	1
		Tribunal d'instance de Lure	1
		Tribunal d'instance de Valenciennes	1
		Tribunal de police d'Apt	1
			25
Federal Republic of Germany	181	*Supreme courts*	
		Bundesverfassungsgericht	2
		Bundesgerichtshof	9
		Bundesverwaltungsgericht	11
		Bundesfinanzhof	40
		Bundessozialgericht	3
			65

Member States	Number	Courts giving judgment	
Federal Republic of Germany (*contd.*)	181	*Courts of appeal or first instance*	
		Bayerisches Oberstes Landgericht	1
		Hanseatisches Oberlandesgericht	4
		Kammergericht	2
		Oberlandesgericht Bamberg	1
		Oberlandesgericht Celle	2
		Oberlandesgericht Düsseldorf	6
		Oberlandesgericht Frankfurt	5
		Oberlandesgericht Hamm	1
		Oberlandesgericht Karlsruhe	1
		Oberlandesgericht Koblenz	2
		Oberlandesgericht Köln	2
		Oberlandesgericht München	1
		Oberlandesgericht Saarbrücken	1
		Oberlandesgericht Stuttgart	4
		Hessischer Verwaltungsgerichtshof	5
		Oberverwaltungsgericht Münster	1
		Oberverwaltungsgericht Nordrhein-Westfalen	1
		Finanzgericht Baden-Württemberg	2
		Finanzgericht Berlin	2
		Finanzgericht Bremen	1
		Finanzgericht Düsseldorf	1
		Finanzgericht Hamburg	26
		Finanzgericht Klewe	1
		Finanzgericht München	1
		Finanzgericht Münster	5
		Finanzgericht Rheinland-Pfalz	4
		Finanzgericht des Saarlandes	1
		Hessisches Finanzgericht	5
		Landessozialgericht Baden-Württemberg	1
		Landessozialgericht Berlin	1
		Landessozialgericht Nordrhein-Westfalen	2
		Landgericht Coburg	1
		Landgericht Hamburg	3
		Landgericht Lüneburg	1
		Landgericht Mainz	2
		Landgericht Münster	1
		Landgericht Wiesbaden	1
		Amtsgericht Bonn	1
		Amtsgericht Essen	1
		Amtsgericht Krefeld	1
		Amtsgericht Reutlingen	4
		Amtsgericht Wangen im Allgäu	1
		Verwaltungsgericht Bremen	1
		Verwaltungsgericht Frankfurt	2
		Verwaltungsgericht Kassel	1
		Sozialgericht Gelsenkirchen	1
		Sozialgericht Hildesheim	1
			116

Member States	Number	Courts giving judgment	
		Courts of appeal or first instance	
Ireland	1	District Court Area of Cork City	**1**
		Supreme courts	
Italy	51	Corte costituzionale	1
		Corte di cassazione	29
			30
		Courts of appeal or first instance	
		Corte d'appello di Ancona	1
		Corte d'appello di Firenze	2
		Corte d'appello di Milano	3
		Tribunale di Genova	2
		Tribunale di Milano	1
		Tribunale di Novara	1
		Tribunale di Pavia	2
		Tribunale di Salerno	1
		Tribunale di Saluzzo	1
		Tribunale di Torino	1
		Pretura di Cecina	1
		Pretura di Enna	1
		Pretura di Milano	1
		Pretura di Suza	1
		Pretura di Trento	1
		Pretura di Venasco	1
			21
		Supreme courts	
Luxembourg	3	Cour supérieure de justice	**3**

Member States	Number	Courts giving judgment	
Netherlands	57	*Supreme courts*	
		Hoge Raad	6
		Raad van State	6
			12
		Courts of appeal or first instance	
		Centrale Raad van Beroep	12
		College van Beroep voor het Bedrijfsleven	11
		Gerechtshof Amsterdam	3
		Gerechtshof 's-Gravenhage	1
		Tariefcommissie	2
		Arrondissementsrechtbank Amsterdam	3
		Arrondissementsrechtbank Breda	2
		Arrondissementsrechtbank Dordrecht	3
		Arrondissementsrechtbank Leeuwarden	1
		Arrondissementsrechtbank Rotterdam	2
		Arrondissementsrechtbank 's-Gravenhage	3
		Arrondissementsrechtbank Zwolle	1
		Economische Politierechter Almelo	1
			45
United Kingdom	27	*Supreme courts*	
		House of Lords	**3**
		Courts of appeal or first instance	
		Court of Appeal	5
		High Court of Justice	8
		Marlborough Street Magistrate's Court	1
		National Insurance Commissioner	7
		Trade Marks Registrar	1
		Armagh Magistrate's Court	2
			24

Two of these decisions merit special attention:

The first decision is a judgment of the Cour d'Appel, Lyon, of 7 June 1977. In this judgment the national court applied the case-law of the Court of Justice concerning conflict between the exercise of an industrial property right and the principle of the free movement of goods which is laid down in the EEC Treaty. The second decision, delivered by the Raad van State (Netherlands Council of State) on 25 May 1977, follows the settled[1] case-law of the Court of Justice concerning the scope of the principle of freedom of movement for nationals of Member States.

[1] See most recently the judgment of 14 July 1977, Case 8/77 *Sagulo and Others* [1977] ECR 1495 and the judgment of 27 October 1977, Case 30/77 *Bouchereau* [1977] ECR 1999.

Judgment of the Cour d'Appel, Lyon, of 7 June 1977[1]

In 1974 Colin-Expansion S.à.r.l. registered a pattern for a piece of wooden furniture under the name 'Dauphin' at the Tribunal de Commerce, Bourg-en-Bresse. In 1975 it commenced proceedings against Nakache, which carried on the business of importing and exporting radio and television cabinets in Vaulx-en-Velin and which sold a television cabinet under the name 'Biarritz' which was identical to the 'Dauphin' pattern. The 'Biarritz' cabinets at issue had been manufactured by the Zuenelli undertaking in Italy, a State in which Colin-Expansion had neither sought nor obtained protection of the pattern which it had registered in France.

By a judgment of 6 July 1976, the Tribunal de Grande Instance, Lyon, upheld in the main the action for infringement of the registered pattern and ordered that an expert appraisal should be carried out in order to assess the amount of damage suffered by Colin-Expansion. It also held that it was not obliged to refer the case to the Court of Justice under Article 177 of the EEC Treaty.

In its judgment of 7 June 1977, the Cour d'Appel, Lyon, upheld the decision of the Tribunal de Grande Instance. First of all it rejected Nakache's submissions based on French law, inasmuch as it held that Colin-Expansion was entitled to seek protection of its pattern under the Law of 14 July 1909. Then it ruled on the submission based on Community law. Nakache had submitted that reliance on the French Law of 14 July 1909 constituted a measure having effect equivalent to a quantitative restriction on imports prohibited by Article 30 of the EEC Treaty. It had suggested that the Cour d'Appel, Lyon, should refer the case to the Court of Justice under Article 177 of the Treaty for it to rule on the question whether the proprietor of a French copyright can prevent products manufactured in Italy which are similar to those protected by French law from being brought into France when under Italian law protection in respect of a copyright is available only if the copyright has been registered and when in fact no such registration has been carried out.

The Cour d'Appel held that it was not necessary to refer the case to the Court of Justice. It took the view that under Article 36 of the Treaty restrictions on imports justified on grounds of the protection of industrial property escaped the prohibition laid down in Article 30 in so far as they do not constitute 'a means of arbitrary discrimination or a disguised restriction on trade between Member States'. The meaning of that provision is quite clear and leaves no room for interpretation but only for application to the facts of the case. Within French territory the inventor is entitled to protection of a pattern, and consequently manufacturers established in another country are prohibited to reproduce it even if that country is a Member State of the Community, subject only to the condition that the prohibition which is thus indirectly imposed on importation of the pattern does not result from a disguised prohibition or restriction on importation. This solution complies with

[1] 'La Semaine Juridique', II, 'Jurisprudence' [1978], 18954, with observations by Professor Jean-Jacques Burst and Professor Robert Kovar.

the judgment of the Court of Justice of 22 June 1976,[1] according to which it is for the court of first instance to inquire whether the exercise in a particular case of industrial and commercial property rights may or may not constitute a means of arbitrary discrimination. According to the same judgment, the proprietor of an industrial property right cannot rely on that right to prevent the importation of a product which has lawfully been marketed in another Member State by the proprietor himself or with his consent, but he can prevent under the first sentence of Article 36 of the EEC Treaty the importation of similar products marketed under a name giving rise to confusion.

Finally, the Cour d'Appel rejected Nakache's submission that Colin-Expansion enjoys no protection within Italian territory and that even if it had sought and obtained such protection it would last for only four years. The Cour d'Appel held that Colin-Expansion was merely claiming protection of its pattern in accordance with French law within French territory alone. To allow goods to be imported into France and sold in infringement of a registered pattern, either immediately or after a shorter period than is laid down in French law for the protection of such registered patterns, would detract from both the principle and the practical extent of that very protection to the advantage of manufacturers and exporters residing in Member States having less restrictive legislation, and this would also encourage various types of malpractice.

Decision of the Raad van State (Netherlands Council of State) of 25 May 1977[2]

The appellant, an Italian national, came to the Netherlands with his wife in April 1973 to settle there and take up employment. He obtained a right of residence valid for one year in the form of a residence permit for a national of a Member State of the EEC. The limitation on the length of validity of the residence permit was based on the fact that the anticipated duration of his work was less than twelve months. However, in 1974 the period of validity of the permit in question was extended for one year, that is until April 1975. When the appellant requested a further extension of his residence permit on 5 April 1975, the request was refused by the competent authority on 27 January 1976 and his subsequent application for reconsideration of this refusal was dismissed on 30 July 1976 by a decision of the Staatssecretaris van Justitie (Secretary of State for Justice). The decision of the Staatssecretaris was based on two grounds: first, the appellant's employment record was very irregular, so that as from October 1974 he could be termed not involuntarily unemployed within the meaning of Netherlands legislation, which under Article 91 of the Vreemdelingenbesluit (Aliens Decree) resulted in his losing his status of favoured EEC national. Secondly, the appellant had been found guilty of various offences by the Police Court of Breda between March 1974 and May 1975, so that his presence in Netherlands territory was undesirable.

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[1] Case 119/75, *Terrapin* [1976] ECR 1039.

[2] *Simbula* v *Staatssecretaris van Justitie* (Secretary of State for Justice) [1978] 2 Common Market Law Reports 74 (published in Dutch with an English translation).

On the appellant's appeal, the Raad van State annulled the decision of the Staatssecretaris. It based its decision on Article 6 (1) (b) of Council Directive 68/360/EEC, whereby the residence permit for a national of a Member State of the EEC must be valid for at least five years. The purpose of the Vreemdelingenbesluit was to implement that provision within the Netherlands legal system. Thus Article 94 (1) (c) thereof provides that the period of validity of a right of residence granted to a national of a Member State of the EEC shall be five years. Under Article 31 (2) of the Voorschrift Vreemdelingen (Aliens Guideline), that right shall be granted in the form of a residence permit for a national of a Member State of the EEC. It follows that the period of validity of that permit automatically amounts to five years. Therefore, notwithstanding the fact that the residence permit for a national of a Member State of the EEC issued to the appellant stipulated a period of validity of only one year, that permit must be deemed to be valid for five years. Consequently, the competent authorities ought to have refused the appellant's request for an extension of the period of validity of his residence permit as being devoid of object. Accordingly, the Raad van State annulled the contested decision of the Staatssecretaris.

ANNEX I

Composition of the Court of Justice of the European Communities for the judicial year 1978–1979 (order of precedence)

Hans KUTSCHER, President
Josse MERTENS DE WILMARS, President of the First Chamber
Lord MACKENZIE STUART, President of the Second Chamber
Francesco CAPOTORTI, First Advocate-General
Andreas DONNER, Judge
Pierre PESCATORE, Judge
Henri MAYRAS, Advocate-General
Max SØRENSEN, Judge
Jean-Pierre WARNER, Advocate-General
Gerhard REISCHL, Advocate-General
Andreas O'KEEFFE, Judge
Giacinto BOSCO, Judge
Adolphe TOUFFAIT, Judge
Albert VAN HOUTTE, Registrar

Composition of the Chambers

First Chamber

President:	J. MERTENS DE WILMARS
Judges:	A. M. DONNER
	A. O'KEEFFE
	G. BOSCO
Advocates-General:	H. MAYRAS
	J.-P. WARNER

Second Chamber

President:	Lord MACKENZIE STUART
Judges:	P. PESCATORE
	M. SØRENSEN
	A. TOUFFAIT
Advocates-General:	F. CAPOTORTI
	G. REISCHL

Former Presidents of the Court of Justice

PILOTTI, Massimo (died on 29 April 1962)	President of the Court of Justice of the European Coal and Steel Community from 10 December 1952 to 6 October 1958
DONNER, Andreas Matthias	President of the Court of Justice of the European Communities from 7 October 1958 to 7 October 1964
HAMMES, Charles Léon (died on 9 December 1967)	President of the Court of Justice of the European Communities from 8 October 1964 to 7 October 1967
LECOURT, Robert	President of the Court of Justice of the European Communities from 8 October 1967 to 6 October 1976

Former Members of the Court of Justice

PILOTTI, Massimo (died on 29 April 1962)	President and Judge at the Court of Justice from 10 December 1952 to 6 October 1958
SERRARENS, Petrus J. S. (died on 26 August 1963)	Judge at the Court of Justice from 10 December 1952 to 6 October 1958
VAN KLEFFENS, Adrianus (died on 2 August 1973)	Judge at the Court of Justice from 10 December 1952 to 6 October 1958
CATALANO, Nicola	Judge at the Court of Justice from 7 October 1958 to 7 March 1962
RUEFF, Jacques (died on 24 April 1978)	Judge at the Court of Justice from 10 December 1952 to 17 May 1962
RIESE, Otto (died on 4 June 1977)	Judge at the Court of Justice from 10 December 1952 to 5 February 1963
ROSSI, Rino (died on 6 February 1974)	Judge at the Court of Justice from 7 October 1958 to 7 October 1964
LAGRANGE, Maurice	Advocate-General at the Court of Justice from 10 December 1952 to 7 October 1964
DELVAUX, Louis (died on 24 August 1976)	Judge at the Court of Justice from 10 December 1952 to 9 October 1967
HAMMES, Charles Léon (died on 9 December 1967)	Judge at the Court of Justice from 10 December 1952 to 9 October 1967, President of the Court from 8 October 1964 to 7 October 1967

GAND, Joseph (died on 4 October 1974)	Advocate-General at the Court of Justice from 8 October 1964 to 6 October 1970
STRAUSS, Walter (died on 1 January 1976)	Judge at the Court of Justice from 6 February 1963 to 27 October 1970
DUTHEILLET DE LAMOTHE, Alain (died on 2 January 1972)	Advocate-General at the Court of Justice from 7 October 1970 to 2 January 1972
ROEMER, Karl	Advocate-General at the Court of Justice from 2 February 1953 to 8 October 1973
Ó'DÁLAIGH, Cearbhall (died on 21 March 1978)	Judge at the Court of Justice from 9 January 1973 to 11 December 1974
MONACO, Riccardo	Judge at the Court of Justice from 8 October 1964 to 2 February 1976
LECOURT, Robert	Judge at the Court of Justice from 18 May 1962 to 25 October 1976, President of the Court from 8 October 1967 to 6 October 1976
TRABUCCHI, Alberto	Judge at the Court of Justice from 8 March 1962 to 8 January 1973, Advocate-General at the Court of Justice from 9 January 1973 to 6 October 1976

Organization of public hearings of the Court

As a general rule, sessions of the Court are held on Tuesdays, Wednesdays and Thursdays every week, except during the Court's vacations (from 22 December to 8 January, the week preceding and two weeks following Easter, and 15 July to 15 September) and three weeks each year when the Court also does not sit (the week following Carnival Monday, the week following Whit Monday and the week of All Saints).

See also the full list of public holidays in Luxembourg set out below.

Visitors may attend public hearings of the Court or of the Chambers to the extent permitted by the seating capacity. No visitor may be present at cases heard *in camera* or during interlocutory proceedings.

Half an hour before the beginning of public hearings visitors who have indicated that they will be attending the hearing are supplied with relevant documents.

Public holidays in Luxembourg

In addition to the Court's vacations mentioned above the Court of Justice is closed on the following days:

New Year's Day	1 January
Carnival Monday	variable
Easter Monday	variable
Ascension Day	variable
Whit Monday	variable
May Day	1 May
Luxembourg national holiday	23 June
Assumption	15 August
'Schobermesse' Monday	Last Monday of August or first Monday of September
All Saints' Day	1 November
All Souls' Day	2 November
Christmas Eve	24 December
Christmas Day	25 December
Boxing Day	26 December
New Year's Eve	31 December

ANNEX IV

Summary of types of procedure before the Court of Justice

It will be remembered that under the Treaties a case may be brought before the Court of Justice either by a national court with a view to determining the validity or interpretation of a provision of Community law, or directly by the Community institutions, Member States or private parties under the conditions laid down by the Treaties.

A – References for preliminary rulings

The national court submits to the Court of Justice questions relating to the validity or interpretation of a provision of Community law by means of a formal judicial document (decision, judgment or order) containing the wording of the question(s) which it wishes to refer to the Court of Justice. This document is sent by the registry of the national court to the Registry of the Court of Justice,[1] accompanied in appropriate cases by a file intended to inform the Court of Justice of the background and scope of the questions referred.

During a period of two months the Council, the Commission, the Member States and the parties to the national proceedings may submit observations or statements of case to the Court of Justice, after which they will be summoned to a hearing at which they may submit oral observations, through their agents in the case of the Council, the Commission and the Member States, through lawyers who are members of a Bar of a Member State or through university teachers who have a right of audience before the Court pursuant to Article 36 of the Rules of Procedure.

After the Advocate-General has presented his opinion the judgment given by the Court of Justice is transmitted to the national court through the registries.

B – Direct actions

Actions are brought before the Court by an application addressed by a lawyer to the Registrar (Boîte Postale 1406, Luxembourg) by registered post.

Any lawyer who is a member of the Bar of one of the Member States or a professor holding a chair of law in a university of a Member State, where the law of such State authorizes him to plead before its own courts, is qualified to appear before the Court of Justice.

The application must contain:

— the name and permanent residence of the applicant;
— the name of the party against whom the application is made;
— the subject-matter of the dispute and the grounds on which the application is based;
— the form of order sought by the applicant;
— the nature of any evidence offered;
— an address for service in the place where the Court has its seat, with an indication of the name of a person who is authorized and has expressed willingness to accept service.

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[1] Court of Justice of the European Communities, Kirchberg, Boîte Postale 1406, Luxembourg; Tel. 43031; Telegrams: CURIALUX; Telex: 2510 CURIA LU.

The application should also be accompanied by the following documents:

- the decision the annulment of which is sought, or, in the case of proceedings against an implied decision, documentary evidence of the date on which the request to the institution in question was lodged;
- a certificate that the lawyer is entitled to practise before a court of a Member State;
- where an applicant is a legal person governed by private law, the instrument or instruments constituting and regulating it, and proof that the authority granted to the applicant's lawyer has been properly conferred on him by someone authorized for the purpose.

The parties must choose an address for service in Luxembourg. In the case of the Governments of Member States, the address for service is normally that of their diplomatic representative accredited to the Government of the Grand Duchy. In the case of private parties (natural or legal persons) the address for service – which in fact is merely a 'letter-box' – may be that of a Luxembourg lawyer or any person enjoying their confidence.

The application is notified to defendants by the Registry of the Court of Justice. It calls for a statement of defence to be put in by them; these documents may be supplemented by a reply on the part of the applicant and finally a rejoinder on the part of the defence.

The written procedure thus completed is followed by an oral hearing, at which the parties are represented by lawyers or agents (in the case of Community institutions or Member States).

After the opinion of the Advocate-General has been heard, the judgment is given. It is served on the parties by the Registry.

ANNEX V

Notes for the guidance of Counsel at oral hearings[1]

These notes are issued by the Court with the object of making it possible, with the assistance of Counsel for the parties, to ensure that the Court can dispose of its business in the most effective and expeditious manner possible.

1. *Estimates of time*

   The Registrar of the Court always requests from Counsel an estimate in writing of the length of time for which they wish to address the Court. It is most important that this request be promptly complied with so that the Court may arrange its time-table. Moreover, the Court finds that Counsel frequently underestimates the time likely to be taken by their address – sometimes by as much as 100%. Mistaken estimates of this kind make it difficult for the Court to draw up a precise schedule of work and to fulfil all its commitments in an orderly manner. Counsel are accordingly asked to be as accurate as possible in their estimates, bearing in mind that they may have to speak more slowly before this Court than before a national court for the reasons set out in point 4 below.

2. *Length of address to the Court*

   This inevitably must vary according to the complexity of the case but Counsel are requested to remember that:

   (i) the Members of the Court will have read the papers;

   (ii) the essentials of the arguments presented to the Court will have been summarized in the Report for the Hearing;

   and

   (iii) the object of the oral hearing is, for the most part, to enable Counsel to comment on matters which they were unable to treat in their written pleadings or observations.

   Accordingly, the Court would be grateful if Counsel would keep the above considerations in mind. This should enable Counsel to limit their address to the essential minimum. Counsel are also requested to endeavour not to take up with their address the whole of the time fixed for the hearing, so that the Court may have the opportunity to ask questions.

3. *The Report for the hearing*

   As this document will normally form the first part of the Court's judgment Counsel are asked to read it with care and, if they find any inaccuracies, to inform the Registrar before the hearing. At the hearing they will be able to put forward any amendment which they propose for the drafting of the part of the judgment headed 'Facts and Issues'.

4. *Simultaneous translation*

   Depending on the language of the case not all the Members of the Court will be able to listen directly to the Counsel. Some will be listening to an interpreter. The interpreters are highly skilled but their task is a difficult one and Counsel are particularly asked, in the interests of justice, to speak *slowly* and into the microphone. Counsel are also asked so far as is possible to simplify their presentation. A series of short sentences in place of one long and complicated

[1] These notes are issued to Counsel before the hearing.

sentence is always to be preferred. It is also helpful to the Court and would avoid misunderstanding if, in approaching any topic, Counsel would first state very briefly the tenor of their arguments, and, in an appropriate case, the number and nature of their supporting points, before developing the argument more fully.

5. *Written texts*

For simultaneous translation it is always better to speak *freely* from notes rather than to read a prepared text. However, if Counsel has prepared a written text of his address which he wishes to *read* at the hearing it assists the simultaneous translation if the interpreters can be given a copy of it some days before the hearing. It goes without saying that this recommendation does not in any way affect Counsel's freedom to amend, abridge, or supplement his prepared text (if any) or to put his points to the Court as he sees fit. Finally it should be emphasized that any reading should not be too rapid and that figures and names should be pronounced clearly and slowly.

6. *Citations*

Counsel are requested, when citing in argument a previous judgment of the Court, to indicate not merely the number of the case in point but also the names of the parties and the reference to it in the Reports of Cases Before the Court (the ECR). In addition, when citing a passage from the Court's judgment or from the opinion of its Advocate-General, Counsel should specify the number of the page on which the passage in question appears.

7. *Documents*

The Court wishes to point out that under Article 37 of the Rules of Procedure all documents relied on by the parties must be annexed to a pleading. Save in exceptional circumstances and with the agreement of the parties, the Court will not admit any documents produced after the close of pleadings, except those produced at its own request; this also applies to any documents submitted at the hearing.

Since all the oral arguments are recorded, the Court also does not allow notes of oral arguments to be lodged.

Visitors to the Court of Justice in 1978[1]

Description	Belgium	Denmark	France	FR Germany	Ireland	Italy	Luxembourg	Netherlands	UK	Non-member countries	Mixed	Total
National judges[2]	30	—	46	106	—	—	—	33	—	51	183	449
Advocates, legal advisers and legal trainees	—	30	—	178	—	—	25	—	50	13	189	485
Teachers of Community law	—	—	17	—	—	—	—	—	35	—	—	52
Parliamentarians	35	—	—	40	—	10	—	—	—	—	—	85
Journalists	1	—	1	13	4	—	4	2	4	13	25	67
Students	248	119	212	785	51	—	193	325	482	169	110	2 694
Trade associations	80	91	45	472	30	45	45	25	177	64	135	1 209
Other	—	2	100	—	—	3	10	27	60	52	18	272
Total	394	242	421	1 594	85	58	277	412	808	362	660	**5 313**

[1] 232 individual or group visits of an average duration of one day each.

[2] This line shows the number of national judges of each Member State who visited the Court in national groups. The column headed 'Mixed' shows the total number of judges from *all the Member States* who took part in the *study visits* and *courses for judges* which, since 1967, have been organized annually by the Court of Justice. In 1978 the numbers taking part were as follows:

Belgium	13	Ireland	10
Denmark	10	Italy	34
France	32	Luxembourg	4
Federal Republic of Germany	33	Netherlands	12
		United Kingdom	35

On the same line, the column headed 'Non-member countries' includes the visits of the Chief Justice of the Supreme Court of the United States, the American Judges' Association and a delegation of Greek judges.

Information and documentation on the Court of Justice and its work

COURT OF JUSTICE OF THE EUROPEAN COMMUNITIES

Boîte postale 1406, Luxembourg. Telephone 43031
Telex (Registry): 2510 CURIA LU
Telex (Information Office of the Court): 2771 CJ INFO LU
Telegrams: CURIA Luxembourg

Complete list of publications giving information on the Court:

I – Information on current cases (for general use)

1. *Hearings of the Court*

   The calendar of public hearings is drawn up each week. It is sometimes necessary to alter it afterwards; it is therefore for information only. This calendar, in French, may be obtained free of charge on request from the Court Registry.

2. *Proceedings of the Court of Justice of the European Communities*

   This weekly summary of the proceedings of the Court is published in the six official languages of the Community. It may be obtained free of charge from the Information Office; the language required should be stated. (Orders for the United States may be addressed to the Communities' Information Office in Washington or in New York.)

3. *Judgments or orders of the Court and opinions of the Advocates-General*

   The Court has felt obliged to discontinue the supply, free of charge, of offset copies of its judgments and of the opinions of the Advocates-General as the cost of the labour involved, of copying and despatching them is high. However, the Court will send these offset copies in one or more of the Community languages to anyone who can show that he is already a subscriber to the *Reports of Cases before the Court* and pays a separate subscription. Orders for these copies should be sent to the Internal Services Branch of the Court of Justice of the European Communities, Boîte postale 1406, Luxembourg.

   The annual subscription for the offset copies for 1979 will be BFR 1 800 for each Community language. The subscription for the following years will be adjusted according to any variation in costs.

   Nevertheless the Court wishes to do all it can to help all persons who are interested in ascertaining the decisions of the Court quickly. For this purpose such persons may apply to have their names and addresses put on the distribution list for the Court's weekly publication 'Proceedings of the Court of Justice of the European Communities' (see I, 2 above) and the quarterly bulletin 'Information on the Court of Justice of the European Communities' (see II, 1 below), both of which are published by the Information Office of the Court. These publications are free of charge.

   Anyone who is interested in a particular judgment or opinion of any of the Advocates-General may apply for an offset copy, provided it is still available, on payment of a fixed charge of BFR 100 for each document. This service will cease once the judgment or opinion in question has been published in the relevant part of the *Reports of Cases before the Court.*

   Anyone who wishes to have a complete set of the Court's cases is invited to become a regular subscriber to the *Reports of Cases before the Court* (see III below: Official publications).

ANNEX X

Information on Community law

The decisions of the Court were published during 1978 in the following journals *inter alia:*

Belgium:	Agence Europe Cahiers de Droit européen Journal des Tribunaux Rechtskundig Weekblad Jurisprudence commerciale de Belgique Revue belge de droit international Revue de droit fiscal Tijdschrift voor Privaatrecht Info-Jura Europolitique
Denmark:	Ugeskrift for Retsvæsen Juristen & Okonomen Nordisk Tidsskrift for international Ret
France:	Annuaire français de droit international Droit rural Le Droit et les Affaires Droit social Gazette du Palais[1] Juriclasseur périodique (La semaine juridique) Recueil Dalloz Revue critique de droit international privé Revue internationale de la concurrence Revue trimestrielle de droit européen Sommaire de sécurité sociale La vie judiciaire Propriété industrielle, bulletin documentaire
Federal Republic of Germany:	Recht der Internationalen Wirtschaft (Außenwirtschaftsdienst des Betriebsberaters)[2] Deutsches Verwaltungsblatt Europarecht Neue Juristische Wochenschrift Die öffentliche Verwaltung Vereinigte Wirtschaftsdienste (VWD) Wirtschaft und Wettbewerb Zeitschrift für das gesamte Handels- und Wirtschaftsrecht Europäische Grundrechte-Zeitschrift (EuGRZ)

[1] In collaboration with the Außenwirtschaftsdienst des Betriebsberaters.

[2] In collaboration with the Gazette du Palais.

Ireland:	Irish Law Times
Italy:	Diritto dell'economia Foro italiano Foro padano Rivista di diritto europeo Rivista di diritto internazionale Rivista di diritto internazionale privato e processuale Il Diritto negli scambi internazionali
Luxembourg:	Pasicrisie luxembourgeoise
Netherlands:	Administratieve en Rechterlijke Beslissingen Ars Aequi Common Market Law Review Nederlandse Jurisprudentie Rechtspraak van de Week Sociaal-economische Wetgeving
United Kingdom:	Common Market Law Reports The Times (European Law Reports) 'Europe' International Press Agency European Report (Agra, Brussels) F.T. European Law Newsletter European Law Review European Law Digest Law Quarterly Review Cambridge Law Journal Modern Law Review New Law Journal Current Law

ANNEX XI

Press and Information Offices of the European Communities

I – *Countries of the Community*

BELGIUM
1040 Brussels (Tel. 735 00 40)
Rue Archimède 73

DENMARK
1004 Copenhagen (Tel. 14 41 40)
Gammel Torv 4
Postbox 144

FRANCE
75782 Paris Cedex 16 (Tel. 501 58 85)
61, rue des Belles-Feuilles

FEDERAL REPUBLIC OF GERMANY
5300 Bonn (Tel. 23 80 41)
Zitelmannstraße 22
1000 Berlin 31 (Tel. 892 40 28)
Kurfürstendamm 102

IRELAND
Dublin 2 (Tel. 76 03 53)
29, Merrion Square

ITALY
00187 Rome (Tel. 678 97 22)
Via Poli 29

LUXEMBOURG
Luxembourg-Kirchberg (Tel. 430 11)
Centre européen
Bâtiment Jean Monnet

NETHERLANDS
The Hague (Tel. 46 93 26)
Lange Voorhout 29

UNITED KINGDOM
London W8 4QQ (Tel. 727 80 90)
20, Kensington Palace Gardens
Cardiff CF1 9SG (Tel. 37 16 31)
4, Cathedral Road
Edinburgh EH2 4PII (Tel. 225 20 58)
7, Alva Street

II – *Non-member countries*

CANADA
Ottawa Ont. KIR 7S8
(Tel. (613) 238 64 64)
Inn of the Provinces – Office Tower
(Suite 1110)
350 Sparks Street

CHILE
Santiago 9 (Tel. 25 05 55)
Avenida Ricardo Lyon 1177
Casilla 10093

GREECE
Athens 134 (Tel. 74 39 82)
2, Vassilissis Sofias
T.K. 1602

JAPAN
Tokyo 102 (Tel. 239 04 41)
Kowa 25 Building
8–7 Sanbancho
Chiyoda-Ku

SWITZERLAND
1211 Geneva 20 (Tel. 34 97 50)
Case postale 195
37–39, rue de Vermont

TURKEY
Ankara (Tel. 27 61 45)
13, Bogaz Sokak
Kavaklidere

USA
Washington DC 20037
(Tel. (202) 862 95 00)
2100 M Street, NW
(Suite 707)
New York NY 10017
(Tel. (212) 371 38 04)
1, Dag Hammarskjöld Plaza
245 East 47th Street

VENEZUELA
Caracas (Tel. 92 50 56)
Quinta Bienvenida
Valle Arriba
Calle Colibri
Distrito Sucre


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