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I

(Information)

COUNCIL

NEW DECLARATION

by the Government of the United Kingdom of Great Britain and Northern Ireland on the definition of the term 'nationals'

In view of the entry into force of the British Nationality Act 1981, the Government of the United Kingdom of Great Britain and Northern Ireland makes the following Declaration which will replace, as from 1 January 1983, that made at the time of signature of the Treaty of Accession by the United Kingdom to the European Communities:

'As to the United Kingdom of Great Britain and Northern Ireland, the terms "nationals", "nationals of Member States" or "nationals of Member States and overseas countries and territories" wherever used in the Treaty establishing the European Economic Community, the Treaty establishing the European Atomic Energy Community or the Treaty establishing the European Coal and Steel Community or in any of the Community acts deriving from those Treaties, are to be understood to refer to:

- (a) British citizens;
- (b) persons who are British subjects by virtue of Part IV of the British Nationality Act 1981 and who have the right of abode in the United Kingdom and are therefore exempt from United Kingdom immigration control;
- (c) British Dependent Territories citizens who acquire their citizenship from a connection with Gibraltar.'

The reference in Article 6 of the third Protocol to the Act of Accession of 22 January 1972, on the Channel Islands and the Isle of Man, to 'any citizen of the United Kingdom and Colonies' is to be understood as referring to 'any British citizen'.

COMMISSION

ECU ⁽¹⁾

27 January 1983

Currency amount for one unit:

Belgian and Luxembourg franc con.	44.9838	United States dollar	0.940297
Belgian and Luxembourg franc fin.	46.7233	Swiss franc	1.88031
German mark	2.29715	Spanish peseta	121.768
Dutch guilder	2.52423	Swedish krona	6.99816
Pound sterling	0.611575	Norwegian krone	6.71372
Danish krone	8.06775	Canadian dollar	1.16456
French franc	6.50920	Portuguese escudo	88.8581
Italian lira	1321.35	Austrian schilling	16.1261
Irish pound	0.689620	Finnish markka	5.07384
Greek drachma	78.9379	Japanese yen	223.226
		Australian dollar	0.966389
		New Zealand dollar	1.30325

The Commission has installed a telex with an automatic answering device which gives the conversion rates in a number of currencies. This service is available every day from 3.30 p.m. until 1 p.m. the following day.

Users of the service should do as follows:

- call telex number Brussels 23789;
- give their own telex code;
- type the code 'cccc' which puts the automatic system into operation resulting in the transmission of the conversion rates of the EUA;
- the transmission should not be interrupted until the end of the message, which is marked by the code 'ffff'.

Note: The Commission also has an automatic telex answering service (No 21791) providing daily data on calculation of monetary compensatory amounts for the purposes of the common agricultural policy.

⁽¹⁾ Council Regulation (EEC) No 3180/78 of 18 December 1978 (OJ No L 379, 30. 12. 1978, p. 1).
Council Decision 80/1184/EEC of 18 December 1980 (Convention of Lomé) (OJ No L 349, 23. 12. 1980, p. 34).
Commission Decision No 3334/80/ECSC of 19 December 1980 (OJ No L 349, 23. 12. 1980, p. 27).
Financial Regulation of 16 December 1980 concerning the general budget of the European Communities (OJ No L 345, 20. 12. 1980, p. 23).
Council Regulation (EEC) No 3308/80 of 16 December 1980 (OJ No L 345, 20. 12. 1980, p. 1).
Decision of the Council of Governors of the European Investment Bank of 13 May 1981 (OJ No L 311, 30. 10. 1981, p. 1).

Seventh amendment to the list of agencies and laboratories which third countries have made responsible for completing the documents which must accompany each consignment of wine imported into the Community (published under Article 4 (3) of Commission Regulation (EEC) No 2115/76 of 20 August 1976 laying down general rules for the import of wines, grape juice and grape must)

(Official Journal of the European Communities No C 1 of 1 January 1981; first amendment: Official Journal of the European Communities No C 30 of 11 February 1981; second amendment: Official Journal of the European Communities No C 7 of 13 January 1982; third amendment: Official Journal of the European Communities No C 46 of 20 February 1982, fourth amendment: Official Journal of the European Communities No C 122 of 13 May 1982; fifth amendment: Official Journal of the European Communities No C 233 of 7 September 1982; sixth amendment: Official Journal of the European Communities No C 343 of 31 December 1982)

Page 11: in connection with Spain the following laboratory is added to column 3:
'Estacion de Viticultura y Enologia de Requena (Valencia)'.

Commission communication under Article 115 of the EEC Treaty

By Decision dated 25 January 1983 the Commission has authorized Ireland not to apply Community treatment to jerseys, pullovers, slip-overs, twinsets, cardigans, bed-jackets and jumpers falling within subheadings 60.05 A I and ex A II of the Common Customs Tariff (category 5), originating in Hong Kong and in free circulation in the other Member States.

The said Decision is applicable from 8 January to 30 September 1983.

COURT OF JUSTICE

Action brought on 17 December 1982 by Intermills SA against the Commission of the European Communities

(Case 323/82)

An action against the Commission of the European Communities was brought before the Court of Justice of the European Communities on 17 December 1982 by Intermills SA, whose registered office is at Andenne, Belgium, represented by L. Goffin, J. M. de Backer and J. L. Lodomez of the Brussels Bar, with an address for service in Luxembourg at the Chambers of E. Arendt, Centre Louvigny, 34/B/IV, rue Philippe II.

The applicant claims that the Court should:

Declare void Decision 82/670/EEC on aid granted by the Belgian Government to a paper-manufacturing undertaking ⁽¹⁾, adopted by the Commission of the European Communities on 22 July 1982.

Contentions and main arguments adduced in support:

Infringement of the substantial procedural requirement laid down by Article 93 (2) of the EEC Treaty: the applicant, which is the undertaking receiving the aid referred to in the contested Decision, was not called upon by name to submit its comments.

Infringement of Article 6 of the European Convention for the Protection of Human Rights: the object of the contested Decision is the restitution by the applicant of the holding in its capital acquired by the Walloon Regional Executive. Article 6 (1) of the Convention, which forms an integral part of Community law, requires that disputes relating to such an obligation to make restitution shall at least at some stage be submitted to an impartial tribunal with jurisdiction to decide both points of fact and questions of law; however, the Commission is not a tribunal and the only recourse available to the applicant is that provided by Article 173 of the EEC Treaty, which confers on the Court of Justice only the power to effect a review of legality.

Contradiction in the statement of the grounds on which the Decision is based, which is tantamount to the lack of any such statement, in breach of Article 190 of the EEC Treaty.

Infringement of Articles 92 (1) and 190 of the EEC Treaty, inadequate statement of the grounds on which the Decision is based and inaccurate assessment of the facts: the aid granted was intended to reduce production capacity.

Infringement of Article 92 (1) of the EEC Treaty; inaccurate assessment of the facts.

Infringement of Article 92 (3) (c) and incorrect assessment of the facts.

Action brought on 20 December 1982 by the Commission of the European Communities against the Kingdom of Belgium

(Case 324/82)

An action against the Kingdom of Belgium was brought before the Court of Justice of the European Communities on 20 December 1982 by the Commission of the European Communities, represented by its Legal Adviser, D. Gilmour and G. Berardis, a member of its Legal Department, with an address for service in Luxembourg at the office of O. Montalto, Jean Monnet Building, Kirchberg.

The applicant claims that the Court should:

1. Declare that, by maintaining in force a special system as regards the basis for charging VAT on new cars, either sold within the country or imported, and on so-called 'voitures de direction' (cars sold and delivered by manufacturers or dealers to themselves) contrary to the specific provisions in the matter laid down by Article 11 of Directive 77/388/EEC ⁽¹⁾, the Kingdom of Belgium has failed to fulfil its obligations under the EEC Treaty;
2. Order the defendant to pay the costs.

Contentions and main arguments adduced in support:

As regards the domestic market, the Belgian system imposes VAT on the value of all rebates or discounts and is therefore contrary to the provisions of Article 11 A.3 (b) of the Directive. In respect of cars which are the subject of parallel imports, the Belgian system ignores the real price paid. Contrary to the Belgian Government's assertion, that system does not constitute 'special measures for derogation from the ... Directive, in order to prevent certain types of tax evasion or avoidance' within the meaning of Article 27 (5) of the Directive since, in the present case, the measures are disproportionate to the problem posed and in practice make the whole of Article 11 devoid of purpose.

⁽¹⁾ OJ No L 280, 2. 10. 1982.

⁽¹⁾ OJ No L 145, 13. 6. 1977.

As regards the so-called 'voitures de direction', the Belgian system does violence to the fundamental rules governing the basis for charging VAT since it has the effect of placing on the possible buyer of the 'voiture de direction' the burden of the VAT payable by reason of the private use of the car by the undertaking. That system does not constitute a measure to simplify the charging of the tax as provided for by Article 27 (5) since it has to do rather with the basis for the tax and is not intended to simplify the operation of the Sixth Directive, but a pre-existing national system.

Reference for a preliminary ruling by the College van Beroep voor het Bedrijfsleven by judgment of that court of 17 December 1982 in the case EKRO BV Vee- en Vleeshandel v. Produktschap voor Vee en Vlees

(Case 327/82)

Reference has been made to the Court of Justice of the European Communities by a judgment of the College van Beroep voor het Bedrijfsleven [administrative court of last instance in matters of trade and industry], The Hague, of 17 December 1982, which was received at the Court Registry on 20 December 1982, for a preliminary ruling in the case of EKRO BV Vee- en Vleeshandel, Apeldoorn, v. Produktschap voor Vee en Vlees [Cattle and Meat Board], Rijswijk, on the following questions:

1. On a correct interpretation of subheading 02.01 A II a) ex bb) of the Common Customs Tariff, what is to be understood by 'flank' and how can 'flank' not falling within that tariff heading be distinguished from boned or boneless cuts?
2. Does a correct interpretation of Regulation (EEC) No 2787/81 of 25 September 1981⁽¹⁾ mean that no refunds may be granted in respect of the export to non-member countries of a boned or boneless cut if a piece of 'flank' is attached to it, or, on a correct interpretation of that Regulation, must the refund be granted in that case on the basis of the total weight of the meat exported less the weight of the flank meat?

⁽¹⁾ OJ No L 271, 26. 9. 1981, p. 44.

Reference for a preliminary ruling by the Bayerisches Verwaltungsgericht München by order of that court of 27 October 1982 in the case IFG Intercontinentale Fleischhandelsgesellschaft mbH & Co. KG v. Freistaat Bayern, represented by the Landesadvokatschaft München

(Case 1/83)

Reference has been made to the Court of Justice of the European Communities by an order of the Bayerisches Verwaltungsgericht München [Bavarian Administrative Court, Munich], Ninth Chamber, of 27 October 1982, which was received at the Court Registry on 4 January 1983, for a preliminary ruling in the case of IFG Intercontinentale Fleischhandelsgesellschaft mbH & Co. KG v. Freistaat Bayern [Free State of Bavaria], represented by the Landesadvokatschaft (State Legal Department) Munich, on the following questions:

1. Does Article 11 of Council Directive 72/461/EEC of 12 December 1972 on health problems affecting intra-Community trade in fresh meat⁽¹⁾ — corrigenda published in the Consolidated Edition of Corrigenda of July 1975 — permit the charging of a fee to cover the cost of issuing an import licence under paragraphs 7 and 15 of the *Klauentiere-Einfuhrverordnung* [Order on the importation of cloven-hoofed animals] as published on 30 August 1972 (*Bundesgesetzblatt I* p. 1363) and most recently amended by an Order of 5 April 1976 (*Bundesgesetzblatt I*, p. 914)?
2. If the answer to Question 1 is in the affirmative: Does the legality of the charging of such a fee depend on whether comparable charges are levied in all Member States of the Community in trade with non-member States?

⁽¹⁾ Official Journal, English Special Edition 1972 (31 December), p. 3.

Action brought on 6 January 1983 by Alfer SpA against the Commission of the European Communities

(Case 2/83)

An action against the Commission of the European Communities was brought before the Court of Justice of the European Communities on 6 January 1983 by Alfer SpA, whose registered office is in Pisogna, represented by Cesare Castelli of the Brescia Bar, with an address for service in Luxembourg at the Chambers of Guy Thomas, 11a Boulevard Joseph II.

The applicant claims that the Court should:

Declare the contested decision ⁽¹⁾ void and, wholly in the alternative, reduce the fine in an equitable manner. Order the defendant to pay the costs.

Contentions and main arguments adduced in support:

No infringement such as that alleged has been committed; the Commission cannot claim to apply the sales quota notified by letter of 10 August 1981 to that part of the quarterly period which had already elapsed.

Manifest injustice of the decision inasmuch as it fails to take account of a situation, such as that obtaining in the present case, in which the undertaking was engaged in processing on behalf of other under-

takings to the extent of 60 to 70 %, with the result that the sales quota assigned to it could certainly not have been restricted to the quantity actually sold while that particular situation lasted, even if the situation did not persist. In other words, after that situation had come to an end, Alfer's sales quota should, in accordance with the dictates of fairness, have been calculated in relation to the undertaking's actual production, which is to say by reference to the criteria adopted by the Commission in its Decision No 2804/81/ECSC. When the Commission stipulated in its decision that Alfer was not to exceed that quota in the third quarter because the amendment to Decision No 1833/81/ECSC had taken effect only on 1 October 1981, it overlooked the fact that the first decision was, as has been stated, unlawful for the abovementioned reasons, with the result that Alfer was under no obligation to comply with it.

⁽¹⁾ Decision No 24/XI/82 - C (82) 1631/4 Def. imposing a fine pursuant to Article 58 of the ECSC Treaty.

II

(Preparatory Acts)

COUNCIL

ASSENTS Nos 1 to 3/83

given by the Council, pursuant to Article 56 (2) (a) of the Treaty establishing the European Coal and Steel Community, to enable the Commission to grant the following conversion loans to ensure the productive re-employment of former workers of the European Coal and Steel Community:

- 2.4 million pounds sterling (\pm 4.33 million ECU) to A. A. Brothers Ltd, United Kingdom, for a project in Glasgow, Scotland,
- DM 20 million (\pm 8.84 million ECU) in the form of a global loan to Deutsche Bank AG, Zentral Düsseldorf, Federal Republic of Germany, for projects to be carried out in mining and iron and steel regions, above all in the Land of North Rhine/Westphalia,
- four million pounds sterling (\pm 7.22 million ECU) to Barr & Stroud Ltd, United Kingdom, for a project at Anniesland, Glasgow and industrial installations in Vale of Leven, Strathleven, Strathclyde, Scotland.

The Commission had requested these assents in a letter of 29 November 1982.

The Council gave these assents at its 819th meeting on 17 and 18 January 1983.

For the Council

The President

J. ERTL

COMMISSION

Proposal for a Council Regulation concerning the management and control of certain catch quotas allocated for 1983 for vessels flying the flag of a Member State and fishing in the Regulatory Area defined in the NAFO Convention

(Submitted by the Commission to the Council on 15 December 1982)

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community, and in particular Article 43 thereof,

Having regard to the proposal from the Commission,

Having regard to the opinion of the European Parliament,

Whereas the Convention on Future Multilateral Cooperation in the North-West Atlantic Fisheries ⁽¹⁾, hereinafter referred to as 'the NAFO Convention', was approved by the Council in its Regulation (EEC) No 3179/78 ⁽²⁾;

Whereas the NAFO Convention entered into force on 1 January 1979;

Whereas the Fisheries Commission of the North-West Atlantic Fisheries Organization adopted on ... September 1982 a proposal establishing limitations for catches of certain species in the Regulatory Area for 1983, which became a measure binding upon the Community on ... 1982;

Whereas it is the responsibility of the Community to take appropriate steps to ensure compliance by Community vessels with the said measure;

Whereas the NAFO Commission proposal on squid, made on ... September 1982, does not provide for specific quotas for Canada and the Community; whereas the Community should therefore establish a quota for its own fishermen at a level which takes account both of the TAC proposed by NAFO for the entire stock and of the interests of Community fishermen;

Whereas information about catches by Community vessels should be made available to their respective Member States and to the Commission in order to ensure that these quotas are complied with,

HAS ADOPTED THIS REGULATION:

Article 1

1. From 1 January to 31 December 1983, catches of the species mentioned in Annex I, by vessels flying the flag of a Member State in the Regulatory Area, as defined in Article 1 (2) of the NAFO Convention, shall be limited, within the parts of the Regulatory Area referred to in the said Annex, to the quotas set out therein.

2. By-catches of the species referred to in Annex I taken in those areas in which no allocation for a directed fishery is provided by this Regulation shall not exceed, for each of the species on board the vessel, listed in Annex I, 2 500 kg or 10 % by weight of all fish on board the vessel, whichever is the greater.

Article 2

1. Vessels fishing in the area referred to in Article 1 shall keep a log-book in which the information specified in Annex II is to be entered.

2. Vessels fishing in the area referred to in Article 1 shall transmit to the authorities of their flag State by the 16th day of each month in respect of the first half of that month and by the first day of each month in respect of the second half of the preceding month, reports concerning their catches in the said area. Such reports shall give catches in tonnes by species and quota area for the period covered by the report.

3. Vessels intending to fish in the Regulatory Area for a particular stock for which no quota has been allocated to the Community shall transmit to the authorities of their flag State notification of such an intention, at least 72 hours before starting to fish for an amount allocated to 'Others' for that stock, together, if possible, with an estimate of the projected catch. Vessels engaging in such a fishery shall transmit to the authorities of their flag State reports of catches from that stock, at 48-hour intervals.

⁽¹⁾ OJ No L 378, 30. 12. 1978, p. 2.

⁽²⁾ OJ No L 378, 30. 12. 1978, p. 1.

Article 3

1. Member States shall transmit regularly to the Commission the reports of vessels flying their flag which have been made in accordance with Article 2 (2). Reports received in respect of the first half of each month shall be transmitted to the Commission by the 20th day of the same month and those received in respect of the second half of each month shall be transmitted by the fifth day of the following month.

2. Member States shall transmit without delay to the Commission information received in accordance with Article 2 (3).

3. Member States shall transmit to the Commission by the 20th day of each month information concerning the landings made during the previous month by vessels flying their flag fishing in the area referred to in Article 1.

Article 4

Member States shall inform the Commission of all vessels flying their flag which intend to engage in fishing or in the processing of sea-fish in the area referred to in Article 1 at least 30 days before the intended commencement of such activity. This information shall include:

- (a) name of the vessel;
- (b) official number of the vessel registered by the appropriate national authorities;
- (c) home port of the vessel;
- (d) name of owner or charterer of the vessel;
- (e) a declaration that the master has been provided with a copy of the regulations in force in the Regulatory Area;

- (f) principal target species of the vessel while fishing within the Regulatory Area;
- (g) sub-areas where the vessel will be expected to fish.

Article 5

1. When informed by the Executive Secretary of the North-West Atlantic Fisheries Organization that one of the quotas referred to in Article 2 (3) has been fully utilized, the Commission shall so inform the Member States, which shall take appropriate measures to ensure that fishing by vessels flying their flag for the stock concerned shall cease within three working days of the date of receipt by the Commission of the information from the Executive Secretary.

2. If the Commission has reason to believe, on the basis of the information received from the Member States, that the quota concerned has been fully utilized, it shall, without waiting for the notification from the Executive Secretary, so inform the Member States, which shall take appropriate measures to ensure that fishing by vessels flying their flag for the stock in question shall cease without delay.

Article 6

This Regulation shall enter into force on the third day following its publication in the *Official Journal of the European Communities*.

It shall apply from 1 January to 31 December 1983.

This Regulation shall be binding in its entirety and directly applicable in all Member States.

ANNEX I

Catch quotas for the period 1 January to 31 December 1983

Species	NAFO Division	Quotas (tonnes)
Cod	3 NO	210
	3 M	Germany 700
		France 300
		United Kingdom 1 405
American plaice	3 LNO	700 ⁽¹⁾
	3 M	500 ⁽¹⁾
Yellowtail flounder	3 LNO	380
Redfish	3 M	1 200
	3 LN	150 ⁽¹⁾
Witch	3 NO	50 ⁽¹⁾
Squid (Illex)	3 + 4	9 750 ⁽²⁾
Capelin	3 LNO	0

⁽¹⁾ This quota has not been allocated exclusively to Community vessels but to all Contracting Parties to NAFO having no specific allocation, including the Community. Fishing by Community vessels shall thus be suspended once the Community has been informed that the total quota has been exhausted.

⁽²⁾ Less any quantity taken by Community vessels in the parts of NAFO sub-areas falling within areas of national fisheries jurisdiction.

ANNEX II

Items of information to appear in the log-book

Information	Code
Vessel name	01
Vessel nationality	02
Vessel registration number	03
Registration port	04
Type of gear used (daily)	10
Type of gear	2 (*)
Date:	
— day	20
— month	21
— year	22
Position:	
— latitude	31
— longitude	32
— statistical area	33
Number of hauls during the 24-hour period (*)	40
Number of hours gear-fished during the 24-hour period (*)	41
Species names	2 (*)
Daily catch of each species (tonnes live weight)	50
Daily catch of each species for human consumption in the form of fish	61
Daily catch of each species for reduction	62
Daily discard of each species	63
Place(s) of transhipment	70
Date(s) of transhipment	71
Master's signature	80

(*) Codes to be completed by one of the items of information given in the second part of this Annex.

(*) When two or more types of gear are used in the same 24-hour period, records should be separate for the different types.

Standard FAO abbreviations for main species

Abbreviation	Species	Abbreviation	Species
ALE	Alewife	MEN	Atlantic menhaden
ARG	Atlantic argentine	MIX	Mixed species
BUT	Atlantic butterfish	MOL	Molluscs
CAP	Capelin	PEL	Pelagic fish (not specified)
CAT	Wolfish (= catfishes)	PLA	American plaice
COD	Atlantic cod	POK	Pollock (= saithe)
CRA	Crabs	RED	Atlantic redfish
CRU	Crustaceans	RNG	Roundnose grenadier
DOG	Dogfish	SAL	Atlantic salmon
FLW	Winter flounder	SAU	Atlantic saury
FLX	Flatfishes (not specified)	SCA	Sea scallops
GHL	Greenland halibut	SHA	Sharks
GRC	Greenland cod	SHR	Shrimps
GRO	Groundfish (not specified)	SKA	Skates (not specified)
HAD	Haddock	SQU	Squids
HAL	Atlantic halibut	SWO	Swordfish
HER	Atlantic herring	SWX	Seaweeds
HKR	Red hake	TUN	Tuna
HKS	Silver hake	URC	American sea urchin
HKW	White hake	USK	Cusk (= tusk)
INV	Shellfish (not specified)	VFF	Finfish (not specified)
LOB	Northern lobster	WIT	Witch flounder
MAC	Atlantic mackerel	YEL	Yellowtail flounder

Standard FAO abbreviations for gears

Abbreviation	Gear
OTB	Bottom otter trawl (side or stern not specified)
OTB 1	Bottom otter trawl (side)
OTB 2	Bottom otter trawl (stern)
OTM	Midwater otter trawl (side or stern not specified)
OTM 1	Midwater otter trawl (side)
OTM 2	Midwater otter trawl (stern)
PTB	Bottom pair trawl (two boats)
PTM	Midwater pair trawl (two boats)
—	Shrimp trawl (now included in bottom otter trawl categories)
SDN	Danish seines
SSC	Scottish seines
SPR	Pair seine (two boats)
SB	Beach seines
PS	Purse seines
GN	Gillnets (not specified)
GNS	Gillnets (set)
GND	Gillnets (drift)
LL	Longlines (set or drift not specified)
LLS	Longlines (set)
LLD	Longlines (drift)
LHP	Handlines and pole-lines
LHM	Handlines and pole-lines (mechanized)
LTL	Troll lines
FIX	Traps (not specified)
FPN	Uncovered pound nets
FPO	Covered pots and fyke nets
FWR	Barriers, fences, weirs, etc.
DRB	Boat dredges
DRH	Hand dredges (e.g. rakes and tongs)
HAR	Harpoons
MIS	Miscellaneous gears
NK	Gears not known

Proposal for a Council Decision on the commercial independence of the railways in the management of their international passenger and luggage traffic

(Submitted by the Commission to the Council on 20 December 1982)

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community, and in particular Article 75 thereof,

Having regard to the proposal from the Commission,

Having regard to the opinion of the European Parliament,

Having regard to the opinion of the Economic and Social Committee,

Whereas, in its resolution of 15 December 1981, the Council set out the broad lines of railway policy within the framework of the common transport policy

and in particular expressed its interest in greater cooperation between railway undertakings where international traffic is concerned;

Whereas the railways have an important role to play where international passenger traffic is concerned, and in particular should make better use of their capacity;

Whereas the attainment of this objective presupposes that the Member States remove all obstacles to sufficient managerial independence of railway undertakings, so as to enable them to focus their joint efforts on improving international passenger services with a view to optimizing their financial results;

Whereas such cooperation in the commercial management of such traffic, taking into account joint interests, entails in particular a flexible, dynamic and attractive pricing policy reflecting the specific structure of the international markets in question,

HAS ADOPTED THIS DECISION:

Article 1

1. Member States shall take the necessary steps to ensure that this Decision is applied to the following railway undertakings:

- Société nationale des chemins de fer belges (SNCB)/Nationale Maatschaap der Belgische Spoorwegen (NMBS),
- Danske Statsbaner (DSB),
- Deutsche Bundesbahn (DB),
- Οργανισμός Σιδηροδρόμων Ελλάδος Α.Ε. (ΟΣΕ),
- Société nationale des chemins de fer français (SNCF),
- Coras Iompair Éireann (CIE),
- Azienda autonoma delle ferrovie dello Stato (FS),
- Société nationale des chemins de fer luxembourgeois (CFL),
- Naamloze Vennootschap Nederlandse Spoorwegen (NS),
- British Railways Board (BRB),
- Northern Ireland Railways Company Ltd (NIR).

2. As regards the Société nationale des chemins de fer luxembourgeois (CFL), Belgium and France shall, in conjunction with Luxembourg, make any amendments to the basic texts which may prove necessary to permit the application of this Decision. This Decision shall be applied without prejudice to Article 5 of the Belgo-Franco-Luxembourg Convention of 17 April 1946.

Article 2

1. The railway undertakings shall enjoy commercial independence in the management of their international passenger and luggage traffic.

2. Independence within the meaning of paragraph 1 shall include in particular the freedom for the railway undertakings to determine transport rates and conditions in accordance with the market situation and their own interests, including the choice of instruments, the establishment of international transport rates independent of domestic transport rates and the

creation of revenue pools within the framework of communities of interest.

3. The railway undertakings shall be allowed to offer, on their own or in cooperation with other transport undertakings or the tourist industry, all-in package services.

Article 3

The railways shall manage the commercial international passenger and luggage traffic in such a way as to obtain an optimum remuneration for services and to ensure that the overall financial results ensure the coverage of specific assignable costs and a contribution to the coverage of joint costs.

Article 4

Member States shall remove, within the framework of their railway legislation, any legal, regulatory or administrative obstacles to the strengthening of commercial cooperation between the railway undertakings as regards international passenger and luggage traffic.

Article 5

1. By 31 December 1984 at the latest, the railway undertakings shall submit to the Commission and to the Council a report on the advisability of establishing, for international passenger traffic, a joint office with sufficient staff and equipment to implement commercial measures.

2. Five years after the entry into force of this Decision, the Commission shall report to the Council on the results of its implementation. The Council shall review the situation in the light of this report and, on a proposal from the Commission, shall take the appropriate decision acting by a qualified majority.

Article 6

Before 1 January 1984, and after consultation with the Commission, Member States shall adopt the provisions necessary for the implementation of this Decision. At the request of a Member State or if the Commission considers it advisable, the latter shall consult the Member States on the draft provisions in question.

Article 7

This Decision is addressed to the Member States and the railway undertakings referred to in Article 1.

THE OLD WORLD AND THE NEW TECHNOLOGIES

Michel GODET

Olivier RUYSSSEN

Preface by Guido BRUNNER

Looking to tomorrow for the action needed today — that is the approach followed by the report *The Old World and the new technologies* in reviewing the crises and issues facing Europe in the economic, energy, industrial and socio-political arenas.

The growing differences between European countries and mounting international uncertainty could in time shake the foundations of the Community. Will Europe's strengths triumph over its weaknesses? On this will depend the decline or resurgence of the old world.

The technological revolutions now under way (in microelectronics, biology and other fields) herald a new era of increasing efficiency and are bound to disrupt completely existing production structures (through automation, decentralization, etc.) and consumption patterns (e.g. new products).

As a result, the appropriate development of technology will be one of the main ways of meeting the challenges of the future. Technological development will be a crucial comparative advantage that Europe must have if it is to determine its own future and pave the way for the necessary changes in our way of life and socio-economic order.

The Old World and the new technologies is one of the first products of an EEC Commission think tank known as FAST (Forecasting and Assessment in the field of Science and Technology). The main task of the FAST programme (run by the Directorate-General for Research, Science and Education) is to identify future problems in the Community in order to guide spending on research and technological development.

The FAST team was set up in 1979 and consists of six research scientists, including the authors of this report, Dr Michel Godet and Dr Olivier Ruyssen.

Michel Godet, Doctor in Economics and in Science is the author of *The crisis in Forecasting and the Emergence of the Prospective Approach* Pergamon 1979, and of *Creative crises*, Hachette 1980.

Olivier Ruyssen, a qualified engineer and a Doctor in Economics, is co-author with Michel Godet of *Les échanges internationaux*, PUF 1978.

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THE COMMUNITY LEGAL ORDER

Jean-Victor LOUIS

The European Communities are not simply a forum of discussion and negotiation between States. Their institutional structure, far more complex and original than that of traditional international organizations, has given birth to a vast quantity of legislation, most of which can be relied upon directly before national courts. The Court of Justice of the three Communities is faced with a workload increasing year by year in its efforts both to clarify the interpretation of Community law for the benefit of national courts and to resolve disputes between the institutions and individuals or Member States. In short, the Communities constitute a unique legal order with a highly complex structure, which penetrates further every day into economic and social reality in the Member States, yet still remains largely unrecognized.

This work on 'The Community legal order' from the pen of Professor Jean-Victor Louis of the Free University of Brussels, published by the Commission of the European Communities, is designed to enable the reader, with very little expenditure of time, to familiarize himself with the main characteristics of this system. It is written in a form easily understood by the layman, but its precise information and critical approach make it equally suitable for use by lawyers as a work of reference.

Jean-Victor Louis — Born 10 January 1938 — Agrégé in international law, Brussels University (ULB), 1969 — Lecturer in Community law, ULB — Former Director and Research Director, European Studies Department, ULB — Director of the Cahiers de Droit Européen — Head of the Legal Department, Banque Nationale de Belgique — Author of 'Les règlements de la Communauté économique européenne' and, with others, of 'Le droit de la Communauté économique européenne', ed. Jacques Mégret (nine volumes published).

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THE CUSTOMS UNION OF THE EUROPEAN ECONOMIC COMMUNITY

Nikolaus VAULONT

Preface by Étienne DAVIGNON

In today's troubled economic climate, with all its implications for trade, the European Economic Community continues to make its presence felt by implementing major policies. Some of the most important — the common commercial and agricultural policies, development policy and the efforts to create a genuine internal market — are fundamentally dependent on the Customs Union.

This account of the workings of the Customs Union, elucidating its structure and the political dimension usually obscured by a mass of technical rules and regulations, should make one of the cornerstones of the common market more widely known.

This book, traces the development of the Customs Union from 1958 onwards and indicates the scope for further improvements in the future, particularly as regards progress towards a more clearly perceived freedom of movement of goods within the Community.

Nikolaus VAULONT. Born in 1937. Doctor of law (University of Bonn). Joined the Federal Republic of Germany's federal finance administration in 1967. Since 1971 has been an official at the Commission of the European Communities, where he is currently Assistant to the Director-General of the Customs Union Service.

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