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I

(Information)

COMMISSION

ECU (*)

7 June 1982

Currency amount for one unit:

Belgian and Luxembourg franc con.	45.2242	United States dollar	1.00387
Belgian and Luxembourg franc fin.	49.4354	Swiss franc	2.04608
German mark	2.39842	Spanish peseta	106.882
Dutch guilder	2.65071	Swedish krona	5.93787
Pound sterling	0.561447	Norwegian krone	6.12861
Danish krone	8.14638	Canadian dollar	1.25985
French franc	6.23100	Portuguese escudo	72.8506
Italian lira	1323.60	Austrian schilling	16.8449
Irish pound	0.693039	Finnish markka	4.61176
Greek drachma	65.4515	Japanese yen	246.750
		Australian dollar	0.959995
		New Zealand dollar	1.32140

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.

(*) 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).

Notice of initiation of an anti-dumping procedure concerning imports of ferro-silicon originating in Venezuela and Yugoslavia

The Commission has received a complaint indicating that dumping is being practised in respect of imports of ferro-silicon originating in Venezuela and Yugoslavia and that injury is thereby being caused to a Community industry.

The complaint was lodged by the *Chambre Syndicale de l'Électrometallurgie et de l'Electrochimie*, *Assoferleghe* and the *Fachverband Ferrolegierungen Stahl- und Leichtmetallveredler e.V.* on behalf of nine EEC producers representing approximately 85 % of the Community industry.

The product alleged to be dumped is ferro-silicon ⁽¹⁾ used as a deoxidiser in steel manufacture and as an alloying component to form high temperature steel alloys and electrical sheet steel.

The allegation of dumping in respect of Venezuela is based on a comparison of the price of ferro-silicon on the domestic market with the export price to the Community, further supported by a comparison of this export price with a constructed normal value. For Yugoslavia, the complaint alleges that sales on the domestic market are not made in the ordinary course of trade and for this reason the domestic price cannot be taken as the normal value. The allegation of dumping is therefore based on a comparison of the Yugoslavian export price to the Community with a constructed normal value. According to the complainants these comparisons reveal considerable dumping margins varying from 26 % upwards.

With regard to injury, the complaint alleges that imports into the Community from Venezuela rose from 6 035 tonnes in 1979 to 16 565 tonnes in 1981 and for Yugoslavia from 10 532 tonnes in 1979 to 21 991 tonnes in 1981 increasing the combined share of the available Community market for these two

countries from less than 3 % in 1979 to more than 8 % in 1981.

It is further alleged that the prices of the product imported from these two countries significantly undercut those of Community producers thereby preventing a normal development of sales prices in the EEC market and resulting in both serious losses and unemployment problems for the Community producers involved.

Having decided, after consultation, that there is sufficient evidence to justify initiating a procedure, the Commission has commenced an investigation in accordance with the provisions of Article 7 of Council Regulation (EEC) No 3017/79 on protection against dumped or subsidized imports from countries not members of the European Economic Community ⁽²⁾.

Any information relating to the matter may be sent in writing to the Commission of the European Communities, Directorate-General for External Relations (Division I-D-1), rue de la Loi, 200, B-1049 Brussels ⁽³⁾.

Interested parties may, within 30 days following publication of this notice, make known their views in writing, in particular by replying to the questionnaire addressed to the parties known to be concerned and by providing supporting evidence.

Furthermore, the Commission will hear parties who so request when making their views known, provided that they can show that they are likely to be affected by the result of the procedure.

This notice is published in accordance with Article 7 (1) (a) of the aforementioned Regulation.

⁽¹⁾ Common Customs Tariff subheading 73.02 C; NIMEXE code 73.02-30.

⁽²⁾ OJ No L 339, 31. 12. 1979.

⁽³⁾ Telex: Comeurbru 21877.

Notice of initiation of a Community procedure for investigating the trend of imports of tableware and other articles of a kind commonly used for domestic purposes, of common pottery or stoneware, originating in certain third countries, the terms under which those articles are imported and the effects of said imports on Community production

The Commission has been informed by certain Member States that imports of tableware and other articles of a kind commonly used for domestic purposes, of stoneware or common pottery, originating in certain third countries, in particular South Korea and Taiwan, have increased and that they are taking place under conditions likely to cause injury to a Community industry.

The Commission has been provided with evidence in support of this information.

The products concerned are tableware and other articles of a kind commonly used for domestic or toilet purposes, of common pottery or stoneware ⁽¹⁾.

The evidence of injury made available shows that there has been a substantial increase in Community imports of stoneware and common pottery tableware, which according to Community statistics, rose from 24 287 tonnes in 1979 to 39 431 tonnes in 1980 and are estimated at 34 500 tonnes for 1981. The proportion of national production accounted for by third-country imports increased on the French, German and United Kingdom markets respectively from 36 %, 33 % and 25 % ⁽²⁾ in 1979 to 63 %, 49 % and 104 % ⁽²⁾ in 1981. In particular, imports from South Korea and Taiwan rose from 9 514 tonnes in 1979 to 16 362 tonnes in 1980 and are estimated at 18 700 tonnes for 1981. The proportion of national production accounted for by imports from those two countries therefore increased, on the French, German and United Kingdom markets respectively, from 26 %, 14 % and 15 % ⁽²⁾ in 1979 to 48 %, 34 % and 64 % ⁽²⁾ in 1981.

According to the information received by the Commission the prices of these imports are well below those of Community producers, the alleged undercutting being from 30 % to 50 % depending on the article concerned. Information has also been supplied on the repercussions of these imports on the Community industry, notably a loss in the Community producers' market share and a drop in production involving job losses.

Having decided, after consultation, that it has received sufficient evidence to justify so doing, the Commission has commenced an investigation in accordance with the provisions of Article 6 of Council Regulation (EEC) No 288/82 on common rules for imports.

Any information relating to the matter may be sent in writing to the Commission of the European Communities, Directorate-General for External Relations (Division I-D-1), rue de la Loi, 200, B-1049 Brussels (Telex: Comeurbu 21877).

Interested parties may, within 30 days following publication of this notice, make known their views in writing, in particular by replying to the questionnaire addressed to the parties known to be concerned and by providing supporting evidence.

Furthermore, the Commission will hear parties who so request when making their views known, provided that they can show that they are likely to be affected by the result of the procedure.

This notice is published in accordance with Article 6 (1) (a) of the aforementioned Regulation.

⁽¹⁾ Common Customs Tariff subheadings 69.12 A and B; NIMEXE code 69.12-10 and 69.12-20.

⁽²⁾ Significant figures for heading 69.12-20 alone.

COURT OF JUSTICE

**Action brought on 10 May 1982 by David Lipman
against the Commission of the European Communities
(Case 143/82)**

An action against the Commission of the European Communities was brought before the Court of Justice of the European Communities on 10 May 1982 by David Lipman, 152 Avenue Winston Churchill, Brussels, represented by Edmond Lebrun of the Brussels Bar, with an address for service in Luxembourg at the Chambers of Tony Bieber, 83 Boulevard Grande-Duchesse Charlotte.

The applicant claims that the Court should:

1. Declare the application admissible and well founded;
2. Consequently:
 - (a) annul the decision of the Selection Board for open competition No COM/A/325 not to accept his candidature for the competition — a decision notified to him by letter from Mr D. of 25 February 1982,
 - (b) order the Commission to reopen, as regards him, the procedure for the said competition No COM/A/325;
3. Order the Commission to pay the costs.

Principal submissions and arguments:

Infringement or misconstruction of the Staff Regulations of Officials of the European Communities, in particular Article 5 (3) thereof and Articles 1 (1) (d) and 5 of Annex III thereto; of notice of competition No COM/A/325, especially of Article III B 2 thereof; of the general principles and rules of law, in particular of the principles of equality, equity, proportionality and distributive justice and of the principle that every administrative measure must be based on grounds which are legally acceptable — that is to say, not vitiated by errors of law or fact or both — and relevant: a requirement that the experience required should have been acquired solely after the acquisition of the university degree disregards the true sense of the notice of competition, is scarcely compatible with the provision authorizing the specifying in the notice of a level of experience required for posts to be filled and would lead to absurd consequences.

**Action brought on 10 May 1982 by Armelle Detti
against the Court of Justice of the European
Communities
(Case 144/82)**

An action against the Court of Justice of the European Communities was brought before the Court of Justice of the European Communities on 10 May 1982 by Armelle Detti, of 2 Rue Louis XIV, Luxembourg, represented by Victor Biel of the Luxembourg Bar, with an address for service in Luxembourg at the Chambers of the said Mr Biel, 18a Rue des Glacis.

The applicant claims that the Court should:

1. Annul the decision of the Selection Board not to enter the applicant's name on the reserve list for shorthand-typists in grade C 3/C 2 in competition No CJ 49/79;
2. Declare that the applicant shall be appointed to a post in that career bracket with effect from the date of her appointment as a secretary/typist;
3. Annul the decision rejecting her complaint or in the alternative;
4. Before any other steps in the case order the production of the report of the Selection Board, at least as regards the shorthand test, and the shorthand test provided by the applicant on the day of the competition;
5. Order that the test be reconsidered by an independent selection board to be appointed by the Court, or else by a technical expert;
6. Order the Court to pay the costs.

Principal submissions and arguments:

Material error, illegality inasmuch as the Selection Board did not apply the criteria laid down and frustration of legitimate expectation: owing to a material error on the part of a member of the Selection Board some of the candidates, including the applicant, were assessed on the basis of an incomplete test.

Action brought on 11 May 1982 by Thyssen Aktiengesellschaft against the Commission of the European Communities

(Case 146/82)

An action against the Commission of the European Communities was brought before the Court of Justice of the European Communities on 11 May 1982 by Thyssen Aktiengesellschaft, 100 Kaiser-Wilhelm-Straße, D-4100 Duisburg 11, represented by Messrs. Deringer, Tessin, Herrmann and Sedemund, Rechtsanwälte, 14 Heumarkt, D-5000 Cologne 1, with an address for service in Luxembourg at the Chambers of Jacques Loesch, 2 Rue Goethe.

The applicant claims that the Court should:

1. Declare the Commission's communication of 30 March 1982 to the applicant on 5 April 1982 concerning reference production and production quotas for the second quarter of 1982 void in so far as it concerns abatement rates for Category V;
2. Order the defendant to pay the costs.

Principal submissions and arguments relied upon:

Misuse of powers, manifest infringement of the Treaty: the application of the full abatement rates for Category V under Decision No 532/82/ECSC ⁽¹⁾ amounts, in view of the exceptional nature of that provision, regard being had to Decision No 533/82/ECSC ⁽²⁾, to discrimination against the applicant which is not justified by the circumstances and is contrary to fundamental aims of the ECSC Treaty, especially Article 58 thereof and the basic decision adopted with the Council's approval on the basis of that Article, namely Decision No 1831/81/ECSC ⁽³⁾, as amended by Decision No 1832/81/ECSC ⁽⁴⁾. The unilateral incentives to small undertakings with a restricted range of products provided for in Decision No 533/82/ECSC constitute an interference with the operation of the market which distorts competition to the detriment of the undertakings which have acted in accordance with the aims of the second paragraph of Article 2, and Article 3 (d) and (g) of the ECSC Treaty; the incentives will inevitably alter the internal structure of the market in concrete reinforcing bars. In addition, the distinguishing criteria selected in this specific case result in privileged treatment for a particular region within the Community (Brescia).

⁽¹⁾ OJ No L 65, 9. 3. 1982, p. 5.

⁽²⁾ OJ No L 65, 9. 3. 1982, p. 6.

⁽³⁾ OJ No L 180, 1. 7. 1981, p. 1.

⁽⁴⁾ OJ No L 184, 4. 7. 1981, p. 1.

Action brought on 12 May 1982 by Agata Alaimo against the Commission of the European Communities

(Case 147/82)

An action against the Commission of the European Communities was brought before the Court of Justice of the European Communities on 12 May 1982 by Agata Alaimo residing at 2 Kommandantenstraße, West Berlin, represented by Edmond Lebrun of the Brussels Bar, with an address for service in Luxembourg at the Chambers of Tony Bieber, 83 Boulevard Grande-Duchesse Charlotte.

The applicant claims that the Court should:

1. Declare the action admissible and well founded;
2. Consequently,
 - (a) annul the decision of the Selection Board for open competition No COM/A/325, which was notified to the applicant by a letter of 16 February 1982 from Mr D, whereby the applicant was refused admission to that competition;
 - (b) order the Commission to reopen the procedure in respect of open competition No COM/A/325;
 - (c) order the Commission to pay the costs.

Principal submissions and arguments relied upon:

Infringement of and/or failure to observe the Staff Regulations of Officials of the European Communities and in particular Articles 5, 28 and 29 thereof and Articles 1 and 5 of Annex III thereto, Council Regulation (EEC) No 337/75 ⁽¹⁾ of 10 February 1975 establishing a European Centre for the Development of Vocational Training and in particular Articles 2, 6, 7, 8, 12, 13 and 16 thereof, Council Regulation (EEC, Euratom, ECSC) No 1859/76 of 29 June 1976 laying down the Conditions of Employment of Staff of the Centre and in particular Articles 19, 44, 55 and 56 thereof, Council Regulation (EEC, Euratom, ECSC) No 1237/80 of 13 May 1980 amending Regulation No 1859/76 cited above, notice of open competition No COM/A/325 and in particular Section III B1 thereof, entitled 'Age Limit', and the general principles of law, such as the principle of equality and the principle that every administrative measure must be based on grounds which are not vitiated by errors of law or fact or both and must be legally acceptable: in its contested decision the Selection Board for competition No COM/A/325 took the view that the applicant had not, on 1 October 1981, been employed by an institution of the European Communities for at least one year, whereas since 1 December 1976 she has been a servant of the European Centre for the Development of Vocational Training established by Council Regulation (EEC) No 337/75.

⁽¹⁾ OJ No L 39, 13. 2. 1975, p. 1.

Action brought on 12 May 1982 by Jean-Claude Renaud against the Commission of the European Communities

(Case 148/82)

An action against the Commission of the European Communities was brought before the Court of Justice of the European Communities on 12 May 1982 by Jean-Claude Renaud, residing at 19 Rue Camille Lemonnier, Brussels, represented by Edmond Lebrun of the Brussels Bar, with an address for service in Luxembourg at the Chambers of Tony Biever, 83 Boulevard Grande-Duchesse Charlotte.

The applicant claims that the Court should:

A. Primarily:

1. Declare the action admissible and well founded, as far as the principal head of claim is concerned;
2. Consequently,
 - 2.1. Annul the defendant's decision of 8 July 1981 retiring the applicant;
 - 2.2. Annul the implied decision rejecting the complaint which was lodged in that behalf on 14 October 1981;
3. Order the defendant to pay the costs.

B. In the alternative:

1. Declare the action admissible and well founded, as far as the alternative head of claim is concerned;
2. Consequently,
 - 2.1. Annul the defendant's decision not to assign the applicant to another post in his category corresponding to his grade and, more particularly, not to assign him to the post of Director of Directorate D in Directorate General I for External Relations;
 - 2.2. Accordingly, annul the defendant's decisions whereby, after the applicant had been retired, the posts in his category corresponding to his grade were filled and, more particularly, the defendant's decision whereby the post of Director of Directorate D in Directorate General I for External Relations was filled;
 - 2.3. Annul the implied decision rejecting the complaint lodged by the applicant on 14 October 1981;
3. Order the defendant to pay the costs.

C. In the further alternative:

1. Declare the action admissible;
2. Before delivering judgment on the substance of the case:

Order such measures of inquiry as may be necessary to establish:

- (a) how the list of officials in grade A/2 who were considered for retirement pursuant to Article 50 of the Staff Regulations was drawn up;
- (b) Whether the possibility was considered of assigning the applicant to the other posts in his category corresponding to his grade which were vacant or became vacant between 8 July and 31 October 1981;

3. Reserve the costs.

Principal submissions and arguments relied upon:

Infringement of the Staff Regulations of Officials and in particular of the second paragraph of Article 25 and Article 50 thereof, breach of the general principles and rules of law and in particular of the principle that every administrative measure must be based on grounds which are legally acceptable, that is to say not vitiated by errors of law or fact or both and objectively related to the decision taken, of the principle concerning the rights of the defence and the principles governing the European public service, and misuse of powers: the decision retiring the applicant was adopted in the context of a generalized application of Article 50 of the Staff Regulations, which was therefore unrelated to the objective requirements of the service and to the individual qualifications of the officials concerned in relation to those requirements.

(Alternatively) Infringement of the Staff Regulations, in particular of the second paragraph of Article 25, Article 29 (1) (a), the first subparagraph of Article 45 (1) and the third paragraph of Article 50, breach of the general principles and rules of law and in particular of the principle that every administrative measure must be based on grounds which are legally acceptable, that is to say not vitiated by errors of law or fact or both and objectively related to the decision taken, and misuse of powers: the applicant possessed all the requisite qualifications for the post for which he applied.

Action brought on 14 May 1982 by the Commission of the European Communities against the Grand Duchy of Luxembourg

(Case 151/82)

An action against the Grand Duchy of Luxembourg was brought before the Court of Justice of the European Communities on 14 May 1982 by the Commission of the European Communities, represented by its Legal Adviser, M. van Ackere,

acting as Agent, with an address for service in Luxembourg at the office of O. Montalto, Jean Monnet Building, Kirchberg.

The applicant claims that the Court should:

- Declare that the Grand Duchy of Luxembourg, by not bringing into force within the prescribed periods all the provisions needed to comply with Directives 65/65/EEC and 75/319/EEC or by adopting provisions which are not appropriate to ensure the implementation of the provisions of those directives, has failed to fulfil one of its obligations under the Treaty;
- Order the Grand Duchy of Luxembourg to pay the costs.

Principal submissions and arguments relied upon:

Article 189 of the EEC Treaty, according to which a Directive is binding, as to the result to be achieved, upon each Member State, implies that Member States have a duty to have regard to the periods prescribed by Directives. These periods have expired and the Grand Duchy of Luxembourg has not brought into force the provisions needed to comply with the said Directives.

Removal from the Register of Case 226/81 (1)

By order of 5 May 1982 the Court of Justice of the European Communities ordered the removal from the Register of Case 226/81: Alphasteel Ltd v. Commission of the European Communities.

(1) OJ No C 213, 22. 8. 1981.

Removal from the Register of Case 243/81 (1)

By order of 5 May 1982 the Court of Justice of the European Communities ordered the removal from the Register of Case 243/81: Commission of the European Communities v. French Republic.

(1) OJ No C 252, 2. 10. 1981.

Removal from the Register of Case 297/81 (1)

By order of 5 May 1982 the Court of Justice of the European Communities ordered the removal from the Register of Case 297/81: Alphasteel Ltd v. Commission of the European Communities.

(1) OJ No C 340, 30. 12. 1981.

Removal from the Register of Case 103/82 (1)

By order of 5 May 1982 the Court of Justice of the European Communities ordered the removal from the Register of Case 103/82: Indesit Belgique SA v. Commission of the European Communities.

(1) OJ No C 102, 23. 4. 1982.

THE EUROPEAN COMMUNITY'S RESEARCH POLICY

**Science and research are foundation stones for long-term economic development.
The pace of progress depends on them as much today as in the past.**

It was therefore inevitable that from the outset the European Community would be involved in them. In the future much will depend on whether the European countries and the European Community show themselves capable of adopting a policy commensurate with the issues at stake.

What can and must the Community do to encourage research within its territory?

The Community has no intention of taking over from the industrial and government research effort in the Member States. However, it is in a position to carry out in its own research centres and with its own funds various specific projects that serve the common interests of the Community.

It can also provide financial support of up to 50 % of the cost for certain projects carried out by one or more Member States.

The Community also has a coordinating role. Its main aim is to facilitate discussion between those responsible for national research projects. These discussions can cover a wide variety of aims and achievements.

The Community is currently giving priority to the execution and promotion of research in several key areas. The first is the security of our supplies of raw materials (energy, food, other raw materials), followed by efforts to increase the competitiveness of industry, then the improvement of living and working conditions and finally the protection of our environment.

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