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Information and Notices

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I

(Information)

COMMISSION

ECU ⁽¹⁾

12 April 1983

Currency amount for one unit:

Belgian and Luxembourg franc con.	44,8653	United States dollar	0,930237
Belgian and Luxembourg franc fin.	45,4188	Swiss franc	1,90047
German mark	2,25275	Spanish peseta	125,647
Dutch guilder	2,53769	Swedish krona	6,95306
Pound sterling	0,606808	Norwegian krone	6,65445
Danish krone	7,99864	Canadian dollar	1,14512
French franc	6,75538	Portuguese escudo	90,6516
Italian lira	1342,33	Austrian schilling	15,8373
Irish pound	0,713372	Finnish markka	5,04049
Greek drachma	77,9818	Japanese yen	221,024
		Australian dollar	1,07232
		New Zealand dollar	1,41589

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).

Decisions of the Commission of the European Communities of 24 March 1983 imposing penalties on 12 iron and steel undertakings found to have infringed the rules laid down under the ECSC Treaty and under Decisions implementing that Treaty

1. Usines Gustave Boël SA has been fined the sum of 2 403 046 ECU, being Bfrs 111 024 570, for having infringed Decision No 1831/81/ECSC implementing Article 58 of the ECSC Treaty by having exceeded the production quota category Ic for the third quarter of 1981 by 1 007 tonnes, as well as the part of this quota which may be delivered on the common market by 3 878 tonnes and by having exceeded the production quota category Ic for the fourth quarter of 1981 by 14 943 tonnes, as well as the parts of production quotas categories Ia and Ic which may be delivered on the common market by 161 and 14 921 tonnes respectively.
2. Klöckner-Werke AG has been fined the sum of 48 979 276 ECU, being DM 109 667 048, for having infringed Decision No 1831/81/ECSC implementing Article 58 of the ECSC Treaty by having exceeded the production quotas category Ia for the fourth quarter of 1981 by 59 421 tonnes and category Ib by 90 623 tonnes, as well as the parts of the production quota categories Ia, Ib and VI which may be delivered on the common market by 62 622, 102 418 and 11 596 tonnes respectively, by having exceeded the production quotas category Ia for the first quarter of 1982 by 58 880 tonnes and category Ib by 103 302 tonnes, as well as the parts of these quotas which may be delivered on the common market by 49 137 tonnes and 93 358 tonnes respectively and by having exceeded production quota category Ia for the second quarter of 1982 by 45 133 tonnes and category Ib by 89 024 tonnes, as well as the parts of these quotas which may be delivered on the common market by 10 193 tonnes and 59 145 tonnes respectively.
3. Krupp Stahl AG has been fined the sum of 2 533 389 ECU, being DM 5 672 385, for having infringed Decision No 1831/81/ECSC implementing Article 58 of the ECSC Treaty by having exceeded the part of production quota category Ib for the fourth quarter of 1981, which may be delivered on the common market by 12 881 tonnes, by having exceeded the production quota category Ib for the first quarter of 1982 by 11 384 tonnes, as well as the part of this quota which may be delivered on the common market by 13 162 tonnes and by having exceeded the production quota category Ib for the second quarter of 1982 by 1 141 tonnes, as well as the part of this quota which may be delivered on the common market by 252 tonnes.
4. Otto Wolff AG has been fined the sum of 791 250 ECU, being DM 1 771 648, for having infringed Decision No 1831/81/ECSC implementing Article 58 of the ECSC Treaty by having exceeded the part of production quota category Ib for the fourth quarter of 1981 which may be delivered on the common market by 6 114 tonnes and by having exceeded production quota category Ib for the second quarter of 1982 by 2 326 tonnes.
5. Usinor has been fined the sum of 6 312 231 ECU, being FF 42 388 525, for having infringed Decision No 1831/81/ECSC implementing Article 58 of the ECSC Treaty by having exceeded the production quotas categories Ib, Id and V for the fourth quarter of 1981 by 23 735 tonnes, 15 036 tonnes and 335 tonnes respectively, as well as the parts of production quotas categories Ib, Ic, Id and V which may be delivered on the common market by 30 912, 12 168, 18 759 and 3 767 tonnes respectively.
6. Iton-Seine SA has been fined the sum of 149 850 ECU, being FF 1 006 288, for having infringed Decision No 1831/81/ECSC implementing Article 58 of the ECSC Treaty by having exceeded the production quota category V for the first quarter of 1982 by 1 003 tonnes and by having exceeded production quota category V for the second quarter of 1982 by 713 tonnes, as well as the part of this quota which may be delivered on the common market by 417 tonnes.
7. Estel NV has been fined the sum of 2 183 445 ECU, being Fl 5 482 849, for having infringed Decision No 1831/81/ECSC implementing Article 58 of the ECSC Treaty by having exceeded the parts of production quotas categories Ib and V for the fourth quarter of 1981 which may be delivered on the common market by 22 132 and 4 334 tonnes respectively.
8. Acciaierie e ferriere Hanil Italia SpA has been fined the sum of 988 470 ECU, being Lit 1 321 149 463, for having infringed Decision No 1831/81/ECSC implementing Article 58 of the ECSC Treaty by having exceeded the production quota categories V and VI for the fourth quarter of 1981 by 5 776 tonnes and by having exceeded the production quota categories V and VI for the first quarter of 1982 by 5 207 tonnes.

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9. Acciaierie e ferriere Busseni SpA has been fined the sum of 958 084 ECU, being Lit 1 280 536 751, for having infringed Decision No 1831/81/ECSC implementing Article 58 of the ECSC Treaty by having exceeded the production quota categories V and VI for the third quarter of 1981 by 3 125 tonnes and by having exceeded production quota categories V and VI for the fourth quarter of 1981 by 6 079 tonnes, as well as the part of this quota which may be delivered on the common market by 6 565 tonnes.
10. Ferriere San Carlo SpA has been fined the sum of 87 540 ECU, being Lit 117 002 462, for having infringed Decision No 1831/81/ECSC implementing Article 58 of the ECSC Treaty by having exceeded the production quota categories V and VI for the third quarter of 1981 by 152 tonnes and by having exceeded the part of production quota categories V and VI for the fourth quarter of 1981 by 846 tonnes.
11. ILFO-Industria Laminati Ferrosi Odolesi SpA has been fined the sum of 458 932 ECU, being Lit 613 390 154, for having infringed Decision No 1831/81/ECSC implementing Article 58 of the ECSC Treaty by having exceeded production quota categories V and VI for the third quarter of 1981 by 708 tonnes, as well as the part of this quota which may be delivered on the common market by 4 782 tonnes.
12. Ferriera Ernesto Preo & Figli SpA has been fined the sum of 41 700 ECU, being Lit 55 734 552, for having infringed Decision No 1831/81/ECSC implementing Article 58 of the ECSC Treaty by having exceeded production quota category V for the fourth quarter of 1981 by 556 tonnes.
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COURT OF JUSTICE

Action brought on 15 March 1983 by Nelly Kohler against the Court of Auditors of the European Communities

(Case 40/83)

An action against the Court of Auditors of the European Communities was brought before the Court of Justice of the European Communities on 15 March 1983 by Nelly Kohler, of 34, rue J. B. Fesez, Luxembourg, represented by F. Herbert of the Brussels Bar, with an address for service in Luxembourg at the Chambers of Nicolas Decker, 16 Avenue Marie Thérèse.

The applicant claims that the Court should:

Declare the application admissible;

Declare the application well-founded and accordingly annul the decision communicated to the applicant on 14 September 1982 not to apply the list of suitable candidates drawn up by the Selection Board for Competition No CC/LA/12/81;

Order the defendant to take the necessary measures to comply with the judgment to be given;

Order the defendant to pay the costs.

Contentions and main arguments adduced in support:

Infringement of essential procedural requirements: incorrect or at least inadequate statement of the reasons on which the decision was based; late notification.

Infringement of the provisions of the Staff Regulations of officials and of general principles of law: failure to observe the wording of the vacancy notice; discrimination.

Misuse of powers inasmuch as, in taking the contested decision, the Appointing Authority was not guided by considerations relating to the interest of the service, but to the respective personalities of the applicant and her colleague Mr B., a translator in the same French translation branch, who was also a candidate in the competition but was not placed on the list of suitable candidates.

Action brought on 15 March 1983 by the Italian Republic against the Commission of the European Communities

(Case 41/83)

An action against the Commission of the European Communities was brought before the Court of Justice of the European Communities on 15 March 1983 by

the Italian Republic, represented by its Agent appointed specifically for the purpose, with an address for service in Luxembourg at the Italian Embassy, 5, rue Marie-Adelaïde.

The applicant claims that the Court should:

Declare void Commission Decision 82/861/EEC of 10 December 1982 (*Official Journal of the European Communities* No L 360 of 21 December 1982) adopted against British Telecommunications following a proceeding under Article 86 of the EEC Treaty (IV/29.877);

Order the defendant to pay the costs.

Contentions and main arguments adduced in support:

Infringement of Article 86 of the EEC Treaty (in so far as it applies exclusively to the activities of undertakings) and misuse of power: the matter to which the contested Decision relates, namely the adoption of certain 'Schemes', does not constitute an entrepreneurial activity but rather a measure laying down rules, which was adopted in the exercise of legislative powers. The disputed provisions merely constitute the implementation of international rules adopted within the framework of the International Telecommunications Union with the support of the United Kingdom; if it considered that those provisions were incompatible with Community law, the Commission should have acted on the basis of Article 90 (1) and (3) or of Article 169 of the EEC Treaty and certainly not on the basis of Article 86 thereof.

Infringement of Article 86 of the EEC Treaty (in so far as it applies exclusively to the abuse of a dominant position): the contested measures constitute a reasonable and necessary means of defence against a form of unfair competition on the part of agencies which appropriate to themselves the most lucrative traffic, leaving to the public administration the burden of providing a service on lines with less traffic and hence with higher marginal costs. British Telecommunications may not be held responsible for measures adopted in compliance with international rules drawn up by the competent international institutions.

Infringement of Article 90 of the EEC Treaty: the disputed measures are essential to enable British Telecommunications to accomplish the task of providing an adequate national and international telecommunications service.

Infringement of Article 234 of the EEC Treaty: the disputed measures were adopted by British Telecommunications in compliance with specific mandatory international rules which have been in force since 1974 and are binding on all Member States of the International Telecommunications Union.

Infringement of Article 222 of the EEC Treaty: the mere exercise of a monopoly may not be treated as unlawful because otherwise the monopoly itself would be called in question.

Infringement of essential procedural requirements: incorrect or inadequate statement of the reasons on which the Decision is based.

Action brought on 17 March 1983 by Mrs N. against the Commission of the European Communities

(Case 43/83)

An action against the Commission of the European Communities was brought before the Court of Justice of the European Communities on 17 March 1983 by Mrs N., residing in Brussels, represented by Lieve de Cock of the Brussels Bar, with an address for service

in Luxembourg at the Chambers of Blanche Moutrier, 16 Avenue de la Porte Neuve.

The applicant claims that the Court should:

Annul the acceptance of the resignation allegedly offered by the applicant on 29 November 1972 at a time when the applicant was an in-patient in a psychiatric institution and was thus not responsible for her actions.

In so far as necessary, annul the Commission's decision, notified by registered letter of 21 December 1982, refusing to act upon the applicant's complaint of 6 September 1982.

Contentions and main arguments adduced in support:

The official was receiving treatment in a psychiatric institution to which she had been taken on the initiative of a doctor belonging to the Commission's medical branch and her proffered resignation had been placed in the hands of that doctor; it is therefore not valid in law and cannot form the subject of an acceptance on the part of the Appointing Authority.

II

(Preparatory Acts)

COMMISSION

Draft Council resolution on promoting the utilization of the results of Community-sponsored research and development*(Submitted by the Commission to the Council on 7 March 1983)*

THE COUNCIL OF THE EUROPEAN
COMMUNITIES,

Having regard to the Treaties establishing the
European Communities,

Having regard to the draft resolution submitted by
the Commission,

Having regard to the opinion of the European
Parliament,

Whereas the effort devoted by the Community and its
Member States to the dissemination, protection and
exploitation of the results of research and
development should be consonant with the effort
devoted to that research and development;

Whereas, in order to maintain the competitiveness of
the economy of the Community and existing living
standards, research and development must have a
greater economic impact;

Whereas, during its meeting on 21 October 1979 and
in the conclusions it adopted on 20 December 1979,
the Council stressed that the ultimate aim of
Community research must be to produce results
which contribute to the attainment of the economic,
social and other objectives of the Community and its
Member States;

Whereas, at the same time, it requested the
Commission to develop appropriate proposals for a
policy for the exploitation of these results;

Whereas, on 31 December 1980, the Commission
transmitted to the Council a communication on the
exploitation and evaluation of research results ⁽¹⁾, in
which it first submitted proposals for implementing its
policy for promoting the utilization of the results of
Community-sponsored research and development;

Whereas, at its meeting in Luxembourg on 29 and 30
June 1981, the European Council stressed that efforts
should be made to obtain greater economic benefit
from the research activities currently being pursued in
the Community and the Member States;

Whereas, in its study on the aims and priorities of a
common research and development policy, adopted
on 26 and 27 January 1982 ⁽²⁾, the Economic and
Social Committee expressed the opinion that research
and development findings should be made readily
available to potential users, while protecting
legitimate rights;

Whereas the opinion of the Scientific and Technical
Research Committee delivered on 5 January 1982 ⁽³⁾
contained precise recommendations;

Whereas small and medium-sized enterprises in
particular should be able to benefit from the results of
Community research and development,

HAS ADOPTED THIS RESOLUTION:

Article 1

The Council approves the general guidelines of the
Commission communication on promoting the
utilization of the results of Community-sponsored
research and development ⁽⁴⁾.

Article 2

The Council takes note that in this respect the
requirements vary according to the specific nature of
the various programmes and activities and that for
each programme and activity the timing of these
requirements differs from that laid down for their
execution.

⁽¹⁾ COM(80) 889 final.

⁽²⁾ ESC-82-001.

⁽³⁾ CREST/1201/82.

⁽⁴⁾ COM(83) 18 final.

Article 3

The Council considers that the financial resources to be devoted to promoting the utilization of the results of the various research and development programmes and activities should be aggregated and assessed each year on the basis of a sound relationship between these financial resources and the total budget allocated for that year to the whole of these programmes and activities.

Article 4

The Council itself believes that the financial resources envisaged by the Commission, namely about 1,5 % of

the whole Community research and development budget, give a good indication of the Community effort which should normally be undertaken with a view to improving the utilization of the results of Community research and development; it invites the European Parliament to support this guideline.

Article 5

The Council requests the Commission to report to the Council, to the European Parliament and to the Economic and Social Committee each year on the utilization of the results of Community research and development.

III

(Notices)

COMMISSION

Notice of a complementary tender concerning the delivery of butteroil as food aid in accordance with Regulation (EEC) No 848/83

In completion of the general notice of tender ⁽¹⁾ and of the indications in the Annex to Regulation (EEC) No 848/83 ⁽²⁾, interested parties are informed that the butter for the manufacture of butteroil to be supplied is held in the following stores:

FRANCE

Lot — Partie — Lot — Partita — Partij — Parti D: 400 t — Syrie**400 000 kg de butteroil = 490 000 kg de beurre**

— Société anonyme STEF, 1, route de Conthe, F-15000 Aurillac	129 000 kg
— Société anonyme STEF, Glacières de Palisse, 680, rue de Palisse F-82000 Montauban	200 000 kg
— Société anonyme STEF, rue de Cuverville, F-22008 Saint-Brieuc	161 000 kg
	<hr/> 490 000 kg

Lot — Partie — Lot — Partita — Partij — Parti E: 58 t — Swaziland**58 000 kg de butteroil = 71 050 kg de beurre**

— Société anonyme STEF, 18, rue Seguin, F-69228 Lyon	15 000 kg
— Société anonyme STEF, frigorifique de l'union CGF, 4, rue Guitton, F-42026 Saint-Étienne Cedex	56 050 kg
	<hr/> 71 050 kg

UNITED KINGDOM

Lot — Partie — Lot — Partita — Partij — Parti F: 200 t — Sierra Leone**200 000 kg butteroil = 251 000 kg butter**

Ballymena Cold Store, Pennybridge, Ballymena, Co. Antrim, Northern Ireland	50 000 kg
International Cold Storage Co. Ltd, King's Wharf, Queen Alexandra Dock, Cardiff, Wales	201 000 kg

⁽¹⁾ OJ No C 95, 19. 4. 1977, p. 7.

⁽²⁾ OJ No L 94, 13. 4. 1983, p. 10.

DEUTSCHLAND

Lot — Partie — Lot — Partita — Partij — Parti G: 250 t — Simbabwe

250 000 kg Butteroil = 306 250 kg Butter

Rhenus WTAG AG
Kühlhaus Mitte
Beußelstraße 44 n-q
1000 Berlin 21

82 300 kg

Frischdienst-Zentrale Berlin KG
Gustav Wilke GmbH
Gewerbehof 1-9
1000 Berlin 20

6 825 kg

Markt- und Kühlhallen AG
Werk 22 — Neukölln
Niemetzstraße 32-50
Postfach 44 03 06
1000 Berlin 44

79 350 kg

Markt- und Kühlhallen AG
Werk 23 — Tempelhof
Germaniastraße 14-17
1000 Berlin 42

20 200 kg

Kühlhaus Kühla GmbH
Tiefkühlerei
Malteserstraße 139-143
Postfach 160
1000 Berlin 48

117 575 kg

NEDERLAND

Lot — Partie — Lot — Partita — Partij — Parti H: 100 t — Mauretanië

100 000 kg boterolie = 122 000 kg boter

Fa. Dieren en Ter Velde
„Diepvriesheem”
Nijverheidsstraat 9-11
8470 AA Wolvega

Lot — Partie — Lot — Partita — Partij — Parti I: 70 T — Ethiopië

70 000 kg boterolie = 85 400 kg boter

Pakvries BV
Ezingerweg 61
7943 AZ Meppel

COMMUNITY LAW

Offprint from the Fifteenth General Report on the Activities of the European Communities in 1981

This publication is an extract from the Fifteenth General Report on the Activities of the European Communities (1981).

The text has in no way been modified: references to 'this Report' should therefore be construed as references to the Fifteenth General Report. Nor has the text been brought up to date since that Report was published.

Contents:

Section 1: General matters

Section 2: Interpretation and application of the substantive rules of Community law

Section 3: Information on the development of Community law

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OFFICE FOR OFFICIAL PUBLICATIONS OF THE EUROPEAN COMMUNITIES

Boite postale 1003, L-2985 Luxembourg

THE COMMUNITY SCALE FOR THE CLASSIFICATION OF CARCASSES OF ADULT BOVINE ANIMALS

Illustrated leaflet

The leaflet 'The Community scale for the classification of carcasses of adult bovine animals' was prepared to illustrate the various conformation classes and fat-cover classes defined in the Annexes to Regulations (EEC) No 1208/81 and (EEC) No 2930/81.

The leaflet contains 20 photographs illustrating on the front the five conformation classes (photographs of the external surface and in profile) and on the back the five classes of fat cover (photographs of the internal and external surfaces), accompanied by the technical descriptions given in the Regulations referred to above. Except for conformation class E, where the photograph represents the lower range of the class, the illustrations correspond to the middle range of the conformation and fat-cover classes. The photographs have been chosen by a group of international experts particularly well qualified in the classification of carcasses of adult bovine animals.

This leaflet is above all a practical instrument for use mainly in the classification of carcasses in slaughterhouses. It is also an illustrated manual for those working in the meat trade. Finally, it can usefully be employed in technical colleges both in the training of meat technicians and for all those who might be concerned with some aspect of meat production or marketing in their future careers.

Published in: Danish, Dutch, English, French, German, Greek, Italian

Price (excluding VAT) in Luxembourg: 0,55 ECU; Bfrs 25; £ Irl 1,70; £ 1,40; US \$ 2,50.

OFFICE FOR OFFICIAL PUBLICATIONS OF THE EUROPEAN COMMUNITIES
Boîte postale 1003, L-2985 Luxembourg

EUROPEAN UNIVERSITY INSTITUTE OF FLORENCE

By Professors Sasse, Brew, Georgel, Hand, Huber and Van den Bergh

**The European Parliament:
TOWARDS A UNIFORM PROCEDURE FOR DIRECT ELECTIONS**

When, in September 1976, the Member States of the European Communities agreed on the arrangements for the first direct elections to the European Parliament duly held in 1979, they also reaffirmed that the Parliament itself should draw up a proposal for a uniform procedure for future direct elections.

At the European University Institute, Florence, a team of professors and research students from the Departments of Law and Political Sciences set to work on the problems and possibilities of a uniform procedure.

Before presenting concise principles for a uniform system many related topics are analyzed: What is meant by 'uniformity' in this context? Within their national life, what electoral systems do the Nine use and how do they relate to the general classification and characteristics of such systems? How did the Member States approach the problems of direct elections in 1979 and how do the procedures then adopted compare with each other in detail? What sort of systems have been used by Greece, Portugal and Spain? A long appendix explores the comparison with the United States' experience.

The final proposals are based on three guiding principles, namely:

- that the Council Act of September 1976 is the essential foundation,
- that uniformity need not be absolute in matters of detail,
- that, within the area represented by each Member State, the system should be proportional in character.

ISBN 92-825-2527-9

VIII, 466 pp. Published in English.

Price (excluding VAT) in Luxembourg: ECU 22; Bfrs 900; Dkr 172; DM 55; Dr 1 340; FF 132; £ Irl 15,20; Lit 27 500; Fl 61; £ 12; US \$ 22,50.

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