

English edition

## Information and Notices

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#### European Parliament

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## I

*(Information)***EUROPEAN PARLIAMENT****WRITTEN QUESTIONS WITH ANSWER****WRITTEN QUESTION No 1982/81****by Mr Eggert Petersen (S — DK)****to the Commission of the European Communities***(12 March 1982)**Subject: Discriminatory import duties*

According to information available, Ireland levies an import duty of 37<sup>1</sup>/<sub>2</sub> % on car accessories.

As this is clearly discrimination against imports from other EEC countries, what measures does the Commission intend to take?

**WRITTEN QUESTION No 133/82****by Mr Jørgen Brøndlund Nielsen (L — DK)****to the Commission of the European Communities***(31 March 1982)**Subject: Import levy*

An Irish importer informed a Danish exporter of rubber products that certain automobile components which the Danish exporter wished to sell to his Irish contact would be subject to an import levy of 37,5 %, whereas similar Irish products would not be subject to a corresponding charge. Can the Commission confirm the truth of this statement and, if so, does it not agree that this levy constitutes a barrier to trade which, in violation of the Treaty of Rome, restricts the free movement of goods in the common market. Furthermore, does it not agree that such a levy has the effect of distorting competition between Danish and Irish producers of rubber products?

**Supplementary answers to Written Questions  
Nos 1982/81 and 133/82 given by Mr Tugendhat  
on behalf of the Commission**

*(29 June 1983)*

Following its interim answers of 13 April <sup>(1)</sup> and 10 May 1982 <sup>(2)</sup> respectively, the Commission would inform the Honourable Members that the Irish authorities have now replied to the request for information to which the Commission referred.

The Irish authorities point out that, although Ireland charges an excise duty on the importation of motor vehicle parts, provision has been made in paragraph 14 (6) of the Imposition of Duties (No 236) (Excise Duties on Motor Vehicles, Televisions and Gramophone Records) Order 1979 for the issue of duty-free authorizations to cover the importation of parts and accessories to which the parts excise duty applies where these are shown to the satisfaction of the Minister for Industry and Energy to be similar in design, construction and purpose to parts and accessories manufactured in the State wholly or predominantly from goods not liable to the said duty.

In the light of that reply, the Commission must presume that the information upon which the Honourable Members have based their question was incorrect or that the Irish importer in question had not pursued the possibility of obtaining a duty-free authorization as mentioned above. Nevertheless, the Commission recognizes that the Irish provisions lack transparency, and could therefore cause difficulties in individual cases. The Commission is therefore keeping the matter under review.

<sup>(1)</sup> OJ No C 126, 17. 5. 1982.

<sup>(2)</sup> OJ No C 150, 14. 6. 1982.

**WRITTEN QUESTION No 1774/82**  
**by Mr Barry Seal (S — GB)**  
**to the Commission of the European Communities**  
*(10 December 1982)*

*Subject:* Satellite television

There are several Member States of the Community about to use satellites to transmit television. The views of the European Parliament are to have common standards in the Community for new technological products.

There are three types of systems: the MAC (Multiplex Analogue Components) system, the PAL compatible system and the SECAM compatible system being developed for satellite television broadcasting.

Bearing all points in mind, will the Commission use its influence to ensure that one of these three possible systems for satellite television broadcasting is used as a common standard throughout the Community?

**Answer given by Mr Narjes**  
**on behalf of the Commission**  
*(14 June 1983)*

The Commission is fully aware of the importance of arriving at a uniform technical system of television broadcasting, particularly if it is considered that direct broadcast satellites will in the next few years afford a unique opportunity to amend the unfavourable situation brought about by the coexistence of different standards in Europe. Indeed, the adoption of a unified standard for future television broadcasting would facilitate the free exchange of communications and goods, reduce costs and enhance the competitive position of the European industry on world markets.

A final decision is expected within the European Broadcasting Union shortly. The Commission, on its part, fully supports the EBU's efforts towards the unification of technical broadcasting systems in Europe and, as it explained in the answer to Oral Question H-457/82 by Mr de Ferranti <sup>(1)</sup>, it does not exclude the possibility of proposing some form of supplementary Community action, if necessary.

<sup>(1)</sup> Debates of the European Parliament, No 1-292 (December 1982).

**WRITTEN QUESTION No 2136/82**  
**by Mrs Yvonne Théobald-Paoli (S — F)**  
**to the Commission of the European Communities**  
*(10 February 1983)*

*Subject:* Community financial aid for heavy industries (other than the iron and steel industry) in coastal areas from 1974 to 1982

1. Can the Commission state the amount of aid received by heavy industries in coastal areas in each Member State each year from 1974 to 1982, whether from the Community budget, the Community Funds or the EIB?
2. More specifically, can it state how much was received by the ship repair and building sectors and explain the criteria governing the granting of such aid?
3. Can the Commission also provide a breakdown showing, for each of the countries concerned, the amounts granted to ship repair and building industries located along the Atlantic, English Channel, North Sea, Baltic, Irish Sea and Mediterranean coasts?

**Answer given by Mr Giolitti**  
**on behalf of the Commission**  
*(12 July 1983)*

For this answer the Commission has taken 'heavy industries' (other than the iron and steel industry) to comprise metal manufacture, basic chemicals and petrochemicals, cement, shipbuilding and ship repair.

Community financial measures to benefit these industries in coastal areas in the Member States have been as follows.

From 1974 to 1982 the EIB granted the following loans pursuant to Article 130 of the EEC Treaty:

	<i>(million ECU)</i>
<i>Zinc manufacture</i>	
1974 France, Pas-de-Calais	4,5
1976 Italy, Calabria	3,3
<i>Copper manufacture</i>	
1978 United Kingdom, north-west	7,4
<i>Aluminium manufacture</i>	
1979 United Kingdom, Scotland	1,5
1980 United Kingdom, Scotland	26,4
1982 Greece, central	15,0

*Cement manufacture*

1974	Ireland, east	2,8
	Ireland, east	2,8
1975	Ireland, east	7,7
1980	Ireland, north	3,3
1981	Italy, Sicily	11,2
1982	Italy, north	26,1
	Italy, Sardinia	5,4
	Greece, central	9,6
	Greece, Thessaly	4,8
	Greece, central	6,4
	Ireland, mid-west	57,9
	Greece, Thessaly	19,5

*Basic chemicals and petrochemicals*

1974	Italy, Sicily	19,6
1975	Italy, Sicily	9,9
	Italy, Sicily	3,1
	Italy, Abruzzi	2,2
	Italy, Apulia	7,6
	Italy, Apulia	7,6
1976	Italy, Sicily	9,2
	Italy, Sicily	1,6
	United Kingdom, Yorkshire and Humberside	29,7

The ECSC granted the following loans pursuant to Articles 54 and 56 (2) (a) of the ECSC Treaty:

Year	Country and region	Amount (in million ECU)
1976	I-Liguria	22,7
	I-Sicily	1,5
1978	I-Liguria	10,1
1980	D-Hamburg	4,01
	I-Liguria	21,7
1982	UK-Cleveland	3,3
	GR-Thessaly	10,9
	Total	74,2

As to ERDF assistance, the Commission does not possess sufficiently precise data for all of these industries.

The quota section of the Regional Fund is used in accordance with the criteria laid down by Council Regulation (EEC) No 724/75 of 18 March 1975, as amended by Regulations (EEC) No 214/79 and (EEC) No 3325/80. The main objective of the criteria is to ensure assistance to the economic development of the priority regions. Under the non-quota section, aids totalling 17 million ECU for a five-year period have been earmarked for measures helping to eliminate obstacles to the development of new economic activities in certain regions of the United Kingdom adversely affected by the restructuring of the shipbuilding industry. The Commission has proposed to reinforce this measure by doubling the funds allocated to it.

ERDF assistance to the shipbuilding and ship repair industry, from its inception in 1975 up to the end of 1982, breaks down as follows:

(in million ECU)

Country	Number of projects	ERDF aid granted
Denmark (North Jutland)	5	0,6
Germany (Lower Saxony, Schleswig-Holstein)	7	1,0
France (Brittany, Pays de la Loire, Poitou-Charentes)	12	1,4
Ireland (mid-west)	1	0,1
Italy (Livorno, Nuoro)	3	0,5
Netherlands (Groningen)	1	0,5
United Kingdom (Strathclyde, south-west)	3	0,4
Belgium (Flanders)	1	0,3
Total	33	4,8

The procedures by which Member States' applications for Social Fund assistance are submitted in grouped applications do not in general allow operations concerning shipyard workers to be separately identified. In the years 1980, 1981 and 1982, however, operations which can be identified as being specifically to help shipyard workers covered a total of 9 500 people. They represent a commitment of 20 m ECU on the part of the Fund, to be spent in the United Kingdom, Italy and France.

**WRITTEN QUESTION No 2202/82**

by Mr Dieter Rogalla (S — D)

to the Commission of the European Communities

(18 February 1983)

*Subject:* Random checks at internal EC frontiers

1. In which Member States, to the Commission's knowledge, do frontier officials (customs officers, border guards, security forces, etc.) now have the right to restrict their checks on the identity of individuals and on goods to random samples?
2. What is the legal basis for such random checks, and what principles govern their use by the officials concerned in the various Member States at the present time?
3. What has the Commission done to date to cause Member States, by frequent application of such powers of discretion and random sampling, to increase the flow of trans-frontier traffic of goods and persons at internal frontiers between Member States?

**Answer given by Mr Narjes  
on behalf of the Commission**

(21 June 1983)

1 and 2. The Court of Justice has stated repeatedly that frontier checks continue to be warranted only if they are required either for the implementation of the exceptions to the principle of free movement allowed by Article 36 of the EEC Treaty, or for collecting internal taxation within the meaning of Article 95 of the Treaty (when the fact of crossing the frontier can legitimately be compared with an operation which for domestic goods would cause taxation to be imposed), or during transit checks, or when they are an essential means of obtaining reasonably full and accurate information on intra-Community goods traffic. Such checks as do remain must, however, be kept to an absolute minimum so that trade in goods between Member States can be conducted in conditions approximating as closely as possible to those obtaining in a domestic market.

The Court has also stated that the powers of Member States are not affected with regard to their customs legislation in areas where it has not been harmonized or superseded by Community provisions; the same applies to disparities, arising from the specific characteristics of such legislation, provided they do not raise unnecessary barriers to the free movement of goods by imposing obligations superfluous to achieving the goal sought — in this particular case the proper implementation of such residual checks or formalities.

It is on the above basis that the Commission evaluates the practices of those Member States which carry out border checks on intra-Community trade. The Commission is not aware that Member States' customs authorities are carrying out frontier checks exceeding the abovementioned limits.

3. On 20 April 1982, the Commission transmitted a proposal for a Council Directive on the facilitation of formalities and inspections in respect of the carriage of goods between Member States<sup>(1)</sup>. Article 3 provides that Member States should refrain from carrying out systematic material checks on goods and means of transport.

With regard to passenger traffic, the Commission presented a draft resolution to the Council on 2 July 1982 on the easing of formalities relating to checks on citizens of Member States at the Community's internal frontiers<sup>(2)</sup>, in the context of strengthening the internal market and the establishment of a passport union; this proposes that spot checks should become the norm whatever means of transport (air, sea, rail, road, inland waterway) is

used. The Council began considering the resolution in March this year.

<sup>(1)</sup> OJ No C 127, 18. 5. 1982.

<sup>(2)</sup> COM(82) 400 final of 2 July 1982.

**WRITTEN QUESTION No 2278/82**

**by Mr Roberto Costanzo (PPE — I)  
and Mr Antonio Del Duca (PPE — I)**

**to the Commission of the European Communities**

(2 March 1983)

*Subject:* Occupational diseases among sheep-rearers

1. Is the Commission aware of the striking differences which exist between the countries of the Community as regards protection from occupational diseases of persons employed in the sheep-rearing sector and, more especially, of the situation created by the present system of the 'open-ended list' of occupational diseases adopted in almost all the Member States which enables workers to be protected against any disease contracted in the course of their occupation?

2. Is the Commission also aware of the continuous dangers facing those working in the sheep-rearing sector owing to the lack of preventive protection in those Member States where the 'open-ended list' method has not yet been established?

3. What measures does the Commission propose to take to remedy this situation?

4. Does the Commission not consider that binding rules should be adopted for all the Member States?

**Answer given by Mr Richard  
on behalf of the Commission**

(7 July 1983)

In 1962<sup>(1)</sup> the Commission recommended the Member States to make use of the European list of occupational diseases annexed to the recommendation in question, not only for the purposes of notification and compensation but also for purposes of prevention (paragraph (e) of the recommendation). Item D-3 in the above list refers to occupational diseases of an infectious and parasitic nature transmitted to man by animals or animal residues and consequently covers occupational diseases among sheep rearers. In 1966<sup>(2)</sup> the Commission asked the Member States to include in the general list of occupational diseases any special list that might exist, in particular for

agriculture thereby underlining the fact that it was desirable to place all workers under a general scheme. In a later recommendation<sup>(3)</sup> the Commission asked the Member States in particular:

- to introduce a compulsory medical examination for employees engaged in work exposing them to specific risks;
- to prescribe further examinations by specialists, radiologists or laboratory tests considered necessary to establish a diagnosis for prevention purposes.

The Commission periodically questions the Member States on the follow-up given to the above recommendation. Two reports have been published on the basis of replies to Commission questionnaires — one in 1973 and the other in 1975. On the basis of replies by the Member States to the questionnaires sent by the Commission at the end of 1982, and on the basis of additional information provided by Member States' Government experts who met in Luxembourg on 23 and 24 March 1983 the Commission is drawing up a summary report which should be available in 1984.

With respect to the advisability of adopting a binding Community instrument, in view of past experience and the possibility for action under the Treaty the Commission does not see how it could put forward a proposal for a binding instrument on this question to the Member States.

- (1) Commission recommendation to the Member States concerning the adoption of a European list of occupational diseases (OJ No 80, 31. 8. 1962).
- (2) Commission recommendation 66/462/EEC of 20 July 1966 to the Member States concerning conditions of compensation for the victims of occupational diseases (OJ No 147, 9. 8. 1966).
- (3) Commission recommendation 66/464/EEC of 27 July 1966 to the Member States concerning a medical examination for workers exposed to specific risks (OJ No 151, 17. 8. 1966).

#### WRITTEN QUESTION No 2291/82

by Mr Dieter Rogalla (S — D)

to the Commission of the European Communities

(2 March 1983)

*Subject:* Obligations on Community citizens when crossing internal Community borders

1. To the Commission's knowledge, what is the current legal situation in the Member States with regard to the obligations of their citizens when crossing an internal Community border:
  - (a) towards the border or security officials; and

- (b) to pay value-added or consumer taxes on non-industrial goods carried?

2. Can the Commission indicate — for every Member State and if possible in a table — whether these citizens:

- (a) must show their identity card or passport automatically or only at the request of the official responsible; and
- (b) what questions may these officials ask — in the absence of any grounds for suspicion in the individual case — as to whether and how much tax is due under 1 (b)?

3. What are the legal consequences of refusing to declare or giving false information in each case? Can travelling Community citizens be detained on such occasions and if so, for how long and under what circumstances?

**Answer given by Mr Narjes  
on behalf of the Commission**

(13 June 1983)

1. (a) Pursuant to Directive 73/148/EEC of 21 May 1973<sup>(1)</sup> and Directive 68/360/EEC of 15 October 1968<sup>(2)</sup>, Member States grant their nationals the right to leave their territory and nationals of other Member States the right to enter their territory simply on production of a valid identity card or passport, provided that the persons concerned are self-employed, providers or recipients of services, or workers. This right of entry does not, in accordance with Article 56(1) of the EEC Treaty, prejudice 'the applicability of provisions laid down by law, regulation of administrative action providing for special treatment for foreign nationals on ground of public policy, public security or public health.' From the wording of this provision and the case-law of the Court of Justice, the exception contained in Article 56(1) must be regarded not as a condition precedent to the acquisition of the right of entry 'but as providing the possibility, in individual cases where there is sufficient justification, of imposing restrictions on the exercise of a right derived directly from the Treaty'<sup>(3)</sup>.

The Court has taken a number of decisions defining the scope of this exception and control over its use<sup>(4)</sup>: 'It should be emphasized that the concept of public policy in the context of the Community and where, in particular, it is used as a justification for derogating from a fundamental principle of Community law, must be interpreted

strictly, so that its scope cannot be determined unilaterally by each Member State without being subject to control by the institutions of the Community'. In particular, 'restrictions cannot be imposed on the right of a national of any Member State to enter the territory of another Member State, to stay there and to move within it unless his presence or conduct constitutes a genuine and sufficiently serious threat to public policy' <sup>(5)</sup>.

'... Recourse by a national authority to the concept of public policy presupposes... the existence, in addition to the perturbation to the social order which any infringement of the law involves, of a genuine and sufficiently serious threat affecting one of the fundamental interests of society.' <sup>(6)</sup>

- (b) The Directive of 28 May 1969 <sup>(7)</sup>, as subsequently amended, introduced exemption from turnover taxes and special excise duties on imports in international travel. If the imported goods exceed the duty-free allowance or the quantitative limit for exemption, travellers must declare them at the border.
2. (a) It can be deduced from the wording of Article 2 (1) and Article 3 (1) respectively of the Directives 73/148/EEC and 68/360/EEC referred to in paragraph 1 (a) above that the persons concerned must show their identity card or passport automatically when crossing a border.
- (b) Pursuant to Article 7 (a) of the Directive of 28 May 1969 referred to in paragraph 1 (b) above, travellers are permitted to confirm tacitly or by a simple oral declaration that they are complying with the authorized limits and conditions for the duty free entitlements.
3. Under the abovementioned Directives, nationals of Member States are required to show a valid identity card or passport. Failing this the national authorities may refuse persons arriving at the frontier entry into their territory or the right to leave. The Commission is collecting the necessary information to answer the remaining questions put by the Honourable Member. It can assure him that he will be informed of the results of its enquiries.

(1) Directive on the abolition of restrictions on movement and residence within the Community for nationals of Member States with regard to establishment and the provision of services, OJ No L 172, 28. 6. 1973, p. 14.

(2) Directive on the abolition of restrictions on movement and residence within the Community for workers of Member States and their families, OJ No L 257, 19. 10. 1968 (English version: OJ Special Edition 1968 [II]).

- (3) Case 48/75 Royer/1976/ECR 497 (ground 29, p. 512).
- (4) Case 36/75 Rutili v. Minister for the Interior/1975/ECR 1219 (ground 27, p. 1231); Case 41/74 Van Duyn v. Home Office/1974/ECR 1337 (ground 18, p. 1350).
- (5) Case 36/75 Rutili v. Minister for the Interior/1975/ECR 1219 (ground 28, p. 1231).
- (6) Case 30/77 Regina v. Bouchereau/1977/ECR 1999 (Paragraph 3 of the operative part of the judgment, p. 2015); Joined Cases 115 and 116/81 Adoui v. Belgian State and City of Liege; Cornuaille v. Belgian State/1982/ECR 1665 (ground 8, p. 1707).
- (7) Directive 69/169/EEC, OJ No L 133, 4. 6. 1969 (English version: OJ Special Edition 1969 [I]).

#### WRITTEN QUESTION No 2330/82

by Mr Dieter Rogalla (S — D)

to the Commission of the European Communities

(31 March 1983)

*Subject:* The obligations and advantages of Community membership for the Member States

1. What progress has been reached in the attempts by various colleagues from the European Parliament to compare the obligations and advantages of membership for each Member State?
2. Has the Commission managed to develop a method to discover areas other than finance in which the relative value of these obligations and advantages can be estimated for each Member State?
3. When is all the information gained to date likely to be available?

**Answer given by Mr Thorn  
on behalf of the Commission**

(28 June 1983)

The Commission has often examined the problems raised by the Honourable member. So far it has come to the following conclusions:

1. A full assessment of the advantages and obligations of Community membership is technically impossible, since it would require both quantification of factors which, although economic, are not quantifiable (stimulation of economic initiative, the incentive to rationalize, enrichment of industrial life, etc.) and the expression of non-economic factors in economic terms (enhanced political standing, stabilization of the international framework, etc.).
2. Any approach involving partial quantification in non-financial — and to some extent even in the



financial sector — is ultimately bound to be inaccurate and sometimes arbitrary. There is a risk of giving a false picture of the situation.

In spite of these difficulties, the Commission has tried to answer the questions raised by certain Members of the European Parliament on this subject as precisely as possible. The Honourable Member is referred to the answers which the Commission has given in recent years to Written Questions No 1147/81 <sup>(1)</sup>, No 1489/80 <sup>(2)</sup>, No 1490/80 <sup>(3)</sup>, No 1492/80 <sup>(4)</sup> and No 1494/80 <sup>(5)</sup> by Lord O'Hagan, No 243/81 by Mr Lomas <sup>(6)</sup> and No 938/76 by Mr Waltmans <sup>(7)</sup>, and to Oral Question H-590/82 by Mr Van Aerssen <sup>(8)</sup>.

<sup>(1)</sup> OJ No C 47, 22. 2. 1982, p. 9.

<sup>(2)</sup> OJ No C 49, 9. 3. 1981, p. 26.

<sup>(3)</sup> OJ No C 78, 6. 4. 1981, p. 7.

<sup>(4)</sup> OJ No C 165, 6. 7. 1981, p. 1.

<sup>(5)</sup> OJ No C 73, 2. 4. 1981, p. 6.

<sup>(6)</sup> OJ No C 216, 26. 8. 1981, p. 4.

<sup>(7)</sup> OJ No C 191, 10. 8. 1977, p. 12.

<sup>(8)</sup> Debates of the European Parliament, No 1-292 (December 1982).

#### WRITTEN QUESTION No 2369/82

by Mr Mark Clinton (PPE — IRL)

to the Commission of the European Communities

(21 March 1983)

*Subject:* Salmon fisheries in the Community

Can the Commission please say which Member States allowed the use of drift nets for the catching of salmon in estuarine and coastal waters within the 12 mile limit during 1982?

Can the Commission please say how many boats were involved in this fishery in 1982?

Can the Commission please say whether there have been any incidents involving the illegal driftnetting of salmon in Community waters beyond the 12-mile limit, recorded by Member State's surveillance fleets since 1978?

Can the Commission please say which Member States, if any, allow the use of monofilament netting in their salmon fisheries?

**Answer given by Mr Contogeorgis  
on behalf of the Commission**

(12 July 1983)

As stated in its answer to Oral Question No H-22/82 by Mr Provan <sup>(1)</sup>, the Commission considers that for

the time being the regulation of catches in waters adjacent to the rivers from which salmon originate is best left to the local authorities.

The United Kingdom and Denmark are the only Member States which have informed the Commission of their national measures concerning salmon management.

According to its national regulations the United Kingdom prohibited fishing for salmon in 1982 by all fishing boats, including foreign vessels in the 6—12 mile belt around England and Wales — except for a small area of the sea, south of the River Tweed. In this area and in specified areas of the Scottish coast, fishing for salmon with drift nets is prohibited, and the landing of salmon caught by specified methods is banned.

According to its national regulation <sup>(2)</sup>, Denmark authorized fishing for salmon with drift nets in 1982, as before, within a four to 12 mile belt, in the Baltic Sea. However, such fishing is prohibited within the four to 12 mile belt from 15 June to 15 September in this area.

The Commission does not yet have information from other Member States. The Commission expects, however, that the measures concerning strictly local fishery conditions, which Member States shall notify to the Commission before 1 July 1983, according to Article 19 paragraphs 2 and 5 of Council Regulation No 171/83, may include salmon regulations.

The Commission has no information about incidents involving illegal drift-netting of salmon in Community waters beyond the 12-mile limit.

<sup>(1)</sup> Debates of the European Parliament, No 1-285 (May 1982)

<sup>(2)</sup> Danish national regulation No 191 (21. 5. 1980) Article 2, § 2, 3; Article 6 No 438 (2. 8. 1982) approved by the Commission on 22. 9. 1982.

#### WRITTEN QUESTION No 2395/82

by Mr Dieter Rogalla (S — D)

to the Commission of the European Communities

(24 March 1983)

*Subject:* Enforcing decisions of the Court of Justice

1. Does the Commission consider that its responsibilities as guardian of the Treaties include implementation of decisions by the European Court of Justice?

2. What specific measures has the Commission taken concerning the Member States in this respect?

3. How does the Commission explain the fact that the legal implications of the Gaston Schul Judgment of May 1982<sup>(1)</sup> on the calculation of VAT on consumer goods was obviously still unknown to the German customs authorities in February 1983 and was not applied to a relevant case which occurred?

4. What is the position of the Commission concerning claims for damages by individual citizens based on the *erga omnes* effect of decisions by the European Court of Justice in disputes between two parties, and in which cases to date have such claims been enforced?

<sup>(1)</sup> OJ No C 139/2. 6. 1982, p. 3.

**Answer given by Mr Thorn  
on behalf of the Commission**

(23 June 1983)

1. In principle, the Commission's role as guardian of the Treaties, in accordance with Article 155 of the EEC Treaty, also implies that it must ensure the implementation of decisions of the European Court of Justice. In many respects, however, limitations are imposed on the full application of these decisions to each individual case, for example by virtue of the principle of the authority of final decisions or the expiry of the time limits for appeal laid down by national law.

2. It is primarily for the national authorities to decide whether and to what extent the persons concerned may derive positive benefits from decisions of the Court of Justice<sup>(1)</sup>. Nevertheless, the Commission continually endeavours to ensure that the laws and administrative practices of the Member States comply with such decisions. Depending on the circumstances, it uses either informal procedures or the procedures provided for in the Treaty.

3. The national authorities are indeed required to comply with and, where appropriate, to implement the principles of taxation as defined by the Court of Justice in its judgment in Case 15/81. Accordingly, at the beginning of March 1983 the Commission requested the Member States to notify it of the national measures adopted to comply with that judgment.

On the basis of the information furnished, the Commission will examine the advisability of submitting a draft directive on the uniform implementation of the principles laid down in the abovementioned judgment.

The Commission would point out that it is not empowered to issue instructions to the various

customs authorities on the consequences of the judgments delivered by the Court of Justice. Such instructions may be given only by the national authorities.

With regard to the cases of failure to implement the Schul Judgment to which the Honourable Member refers, the Commission would be obliged if he would forward any additional information he may have to enable the Commission to undertake the necessary investigation.

4. Claims for damages, based essentially on the judgments delivered by the European Court of Justice, have been submitted in various forms by various applicants, at both national and Community level. Since the Commission does not have access to the judgments delivered in the Member States, it is unable to give the Honourable Member a list of all the cases in which such claims have been made.

<sup>(1)</sup> Cf the answer given to Written Question No 476/76 by Mr Jahn (OJ No C 294, 13. 12. 1976, p. 36).

**WRITTEN QUESTION No 9/83**

**by Mr Dario Antonozzi (PPE — I)  
to the Commission of the European Communities**

(5 April 1983)

*Subject:* Measures on behalf of craftsmen

What steps does the Commission plan to take, in the form of appropriate proposals to the Council, covering all the European countries, to meet the demands of craftsmen with regard to credit and fiscal and social measures, recognizing that they are a category which deserves special attention and help because of its special characteristics?

**Answer given by Mr Davignon  
on behalf of the Commission**

(12 July 1983)

The Commission is fully aware of the important role which the craft industries can play in combating the current crisis. It feels that one essential for promoting them throughout Europe is to bring about a lasting improvement in the general terms governing their access to credit facilities.

In the Year of the SMEs, the action taken by the Commission will depend largely on the results of the events organized by the sector itself. In 1983 the colloquia and seminar held — many of which the Commission will attend — will focus in particular on the issues raised at the opening conference for the Year with a view to an action programme. Four

will be devoted solely to various questions with a bearing on financial aid — sources of finance, innovation, starting-up aid and business expansion. After the closing conference in December it will be time to set priorities and to decide on the division of responsibility between the Commission and the Member States.

For further information the Honourable Member is referred to the progress report from the Commission to the European Parliament on the activities of the Community with regard to small and medium-sized enterprises within the Community (1), in which the Commission gives its view of the problems raised.

(1) SEC(82)1347, 3. 8. 1982.

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**WRITTEN QUESTION No 104/83**

**by Mr Pol Marck (PPE — B)**

**to the Commission of the European Communities**

*(12 April 1983)*

**Subject:** The distribution of milk in European schools

I understand that the Headmaster of the European School in Luxembourg is refusing to allow the distribution of school milk.

Is the Commission prepared to make representations to the Executive Board of the European Schools to enable school milk to be distributed? It would appear strange if the European Schools, unlike thousands of schools in the Community did not participate in the school milk programme promoted by the Council, Commission and Parliament within the framework of the dairy produce disposal scheme.

**Answer given by Mr Burke  
on behalf of the Commission**

*(6 July 1983)*

From information supplied by the Head of the European School in Luxembourg it appears that school milk was distributed until 1962.

The question was re-examined with the Parents' Association in 1978 and it emerged that there was no need to reintroduce the distribution of milk. Milk is available from the school canteen and may be obtained by any pupil who asks for it at the noon break.

It transpires that less than 25% of primary school pupils make use of this facility.

**WRITTEN QUESTION No 203/83**

**by Mrs Yvonne Théobald Paoli (S — F)**

**to the Commission of the European Communities**

*(25 April 1983)*

**Subject:** Strengthening of the position of producers' organizations in the fruit and vegetables sector

1. Why has the Council still not adopted the Commission's proposal, approved by Parliament, which advocates that the position of producers' organizations in the fruit and vegetables sector should be strengthened to ease the marketing of mediterranean products?

2. Is it true that certain Member States are raising constitutional difficulties to delay adoption of the proposal whereas the very same Member States are not opposed to an identical system to strengthen the position of producers' organizations in the deep-sea fishing sector?

**Answer**

*(19 July 1983)*

The actual problem of the extension of rules is only one of those posed by the set of proposals which the Commission has submitted regarding the adjustments of the *acquis communautaire* for Mediterranean products in the fruit and vegetable sector in preparation for the accession of Spain and Portugal.

It has accordingly been the subject of debate within the context of the general discussion in the Council on the *acquis* dossier. The view that the extension of rules would lead to improved conditions for the disposal of Mediterranean products is not unanimously accepted, and some fear that this measure may not ensure full trading freedom or may even create new barriers to intra-Community trade.

2. The section of the Commission proposals dealing with the extension of rules also creates constitutional problems in a number of Member States.

Some of the conditions for extending the rules are admittedly not very different from those of the deep-sea fishing sector. However, the delay in adopting these proposals is eminently explainable by the comprehensive nature of the questions in abeyance, whether they be of a political, economic, financial, budgetary or legal nature.

The Council is actively pursuing its discussions on the adjustment of the *acquis communautaire* with a view to arriving swiftly at a solution.

**WRITTEN QUESTION No 209/83****by Mr Luc Beyer de Ryke (L — B)****to the Commission of the European Communities***(28 April 1983)***Subject:** Aids to the steel industry — Usinor and Sacilor

What is the Commission's view of the aids granted by the French Government to Usinor and Sacilor and estimated at FF 8 800 million in 1983?

Are these aids compatible with implementation of the Davignon plan for the European steel industry?

**Answer given by Mr Andriessen  
on behalf of the Commission***(5 July 1983)*

The amount to which the Honourable Member refers is the aid planned by the French Government to cover the net losses incurred by Usinor and Sacilor in 1983 and to enable the two groups to finance their investments in long products until 1985.

The Commission considers that the restructuring measures envisaged in this sector are unlikely to restore the viability of the firms concerned and also that they are inadequate as contributions to the necessary structural adaptation of the Community's steel industry. On 26 November 1982 it accordingly initiated, in respect of this aid, the procedure under Article 8(3) of Decision 2320/81/ECSC of 7 August 1981 establishing Community rules for aids to the steel industry<sup>(1)</sup>.

(1) OJ No L 228, 13. 8. 1981, p. 14.

**WRITTEN QUESTION No 213/83****by Mr Luc Beyer de Ryke (L — B)****to the Commission of the European Communities***(28 April 1983)***Subject:** VAT on goods and services supplied by craftsmen in the applied arts sector

The current economic situation is causing difficulties for all undertakings and in particular for a number of specialist craftsmen coming under the heading of the applied arts, for example, restorers of paintings and antique furniture, stonemasons, wrought-iron workers, lacemakers, potters,

stringed-instrument makers, bookbinders, engravers, mosaicists, etc.

These crafts, traditionally practised by the self-employed, are in the process of dying out, a trend which is regrettable from various points of view, notably the loss of jobs and the loss to our cultural life.

The problems encountered by these craftsmen have many causes. One problem that is peculiar to them is that of VAT on the goods and services that they provide. In principle, VAT should be passed on to the purchasers of the goods and services. However, this is often not the case owing to market forces that depress prices which means that VAT cuts into the profit of the craftsman himself.

In connection with the problems outlined above, I should be grateful for the following information:

1. Assuming that most of the goods and services provided by craftsmen are subject to VAT at the average or standard rate under legislation in the Member States, what rates currently apply?
2. Does the Commission not consider it desirable that reduced rates should be imposed in the applied arts sector and that it should make a recommendation to the Member States to this effect?

**Answer given by Mr Tugendhat  
on behalf of the Commission***(21 June 1983)*

1. The VAT rates applied to goods and services supplied by craftsmen in the various Member States are as follows:

*Federal Republic of Germany:*

14% in principle;

7% for transactions in which artistic creativity predominates.

*Belgium:*

33% for jewellery, jewels, goldsmiths' and silversmiths' wares of precious metal;

25% for articles referred to above of rolled precious metal, imitation jewellery, real pearls and precious or semi-precious stones and articles consisting wholly or partly of such pearls and stones; ornaments and fancy goods used to embellish or decorate dwellings and gardens;

19% for other goods and services.

*Denmark:*

22%.

*France:*

33<sup>1</sup>/<sub>3</sub>% for articles consisting wholly or partly of platinum, gold or silver; pearls, precious stones and cut stones;

18,6% for the transactions referred to above, other than resales of articles in an unaltered state, carried out by craftsmen who are registered in the directory of trades and are eligible for special relief or have opted for the simplified VAT scheme; other goods and services supplied.

*United Kingdom:*

15%.

*Ireland:*

23% for services;  
35% for sales of goods.

*Italy:*

2% for services supplied by firms engaged in restoring old buildings;

10% for articles of stone and certain building materials such as tiles;

38% for precious stones and related work, pearls and related work, non-industrial work in platinum, hand-painted procelain articles and 'Kilim' rugs;

18% for other sales and services in the craft sphere.

*Luxembourg:*

10%

*Netherlands:*

18% for supplies of craft products and services;

4% for unmounted precious stones or pearls, cameos (made with materials of vegetable or animal origin).

*Greece:*

Greece does not currently apply the VAT system.

2. The Commission would remind the Honourable Member that the Member States are solely responsible for fixing and amending VAT rates and that the Sixth Council Directive of 17 May 1977 on the common system of value added tax<sup>(1)</sup> does not empower the Commission to act in this field, subject to the application of Article 12 of that Directive.

The Commission does not plan at present to submit a proposal for harmonizing rates in any given sector.

However, the Commission has presented to the Council a proposal for a Seventh Directive concerning the tax arrangements to be applied to works of art, antiques and collectors' items in order to obviate double taxation, which has occurred in some countries in respect of VAT. This proposal was transmitted to the Council on 6 January 1978<sup>(2)</sup>, but has not yet been adopted.

<sup>(1)</sup> OJ No L 145, 13. 6. 1977, p. 1.

<sup>(2)</sup> OJ No C 26, 1. 2. 1978, p. 2.

**WRITTEN QUESTION No 239/83**

**by Mr Gordon Adam (S — GB)**

**to the Commission of the European Communities**

*(4 May 1983)*

*Subject: Imports of steel into the Community*

Will the Commission report what recent action it has taken to limit steel imports into the Community from third countries?

In evidence to the House of Commons Industry and Trade Committee on 27 October 1982 the Chairman of the British Steel Corporation criticized the lack of coordination between the EEC Steel Commission and the External Affairs Department and the fact that basing import quotas from third countries on historical precedents did not reflect current market conditions. Because the historical quotas had never been fully used this allowed room for actual imported tonnages to increase.

What action has the Commission taken in response to these criticisms?

**Answer given by Mr Davignon  
on behalf of the Commission**

*(24 June 1983)*

The quantities agreed under the steel arrangements concluded annually between the Commission and the main non-member exporting countries take account both of traditional trade patterns and of changes in steel consumption within the Community. The quantities agreed for 1983 are lower than for 1982 in order to take account of expected developments on the Community steel market.

It is correct that within the quantities agreed true import trends tend to fluctuate from one year to the next. However, for various reasons, the non-member

countries in question have rarely been able to achieve their maximum export potential.

Owing to efficient operation of the arrangement system and to the measures taken with regard to non-member countries which do not have an arrangement, the Commission has been able to keep penetration by imports at a lower level than that recorded prior to introduction of the abovementioned measures.

Since the External Affairs Directorate-General is a service answering directly to the Commission it is difficult to understand the basis for the lack of coordination alleged.

the same time increasing its outlets on the Community market.

1. Does the Commission acknowledge that this Agreement has been more advantageous to Spain than to the EEC?
2. Can the Commission give figures for trade between the EEC and Spain since 1970?
3. Will the Commission renegotiate this Agreement?

**Answer given by Mr Natali  
on behalf of the Commission**

(4 July 1983)

**WRITTEN QUESTION No 257/83**  
**by Mrs Henriette Poirier (COM — F)**  
**to the Commission of the European Communities**

(4 May 1983)

*Subject:* 1970 EEC/Spain Trade Agreement

The EEC/Spain Agreement of 1970 enabled Spain to strengthen its protection against imports while at

1 and 3. The 1970 EEC-Spain Agreement, which laid down measures for lowering trade barriers between the Community and Spain, has led to a mutual reduction in trade protection.

The Agreement, which was concluded 13 years ago for an initial period of six years, provided for bigger tariff cuts by the Community than those to be applied by Spain, given Spain's economic situation during the sixties. Efforts were made during the seventies to reach a free trade agreement modelled

**EEC—Spain trade**

Year	Imports		Exports		Trade balance ( <sup>1</sup> )
	Million EUA	1970 = 100	Million EUA	1970 = 100	
1958	348	30	338	19	- 10
1960	517	45	332	18	- 185
1963	536	47	830	46	294
1966	690	60	1 554	86	864
1967	723	63	1 475	82	752
1968	789	69	1 392	77	603
1969	971	85	1 555	87	584
1970	1 144	100	1 795	100	651
1971	1 408	123	1 884	105	476
1972	1 723	151	2 411	134	688
1973	2 310	202	3 179	177	869
1974	2 953	258	4 355	243	1 402
1975	2 997	262	4 088	228	1 092
1976	3 975	347	4 814	268	840
1977	4 920	430	5 700	318	780
1978	5 558	486	5 279	294	- 279
1979	6 808	595	6 894	384	86
1980 <sup>(2)</sup>	8 220	718	7 963	444	- 257
1981 <sup>(3)</sup>	7 052	616	7 411	413	359

*Source:* Eurostat — Special Number 1958—1979 + microfiches for 1977 and 1975.

(<sup>1</sup>) - = Imports exceeded exports.

(<sup>2</sup>) SOEC Bulletin 3/81.

(<sup>3</sup>) SOEC Bulletin 4/81.

on those concluded with the EFTA countries. In 1979, however, after the opening of the accession negotiations with Spain, the Community and Spain each took note of the 'de facto situation' and agreed that future trade relations would be dealt with in the context of the customs union. Since the accession negotiations are in progress it would be difficult, if not out of the question, to renegotiate the 1970 Agreement.

In order to deal with the present problems of tariff disparities between the Community and Spain and find a balanced solution as regards the customs union in the context of Spain's accession, the Commission has proposed to the Council an overall solution linking the tariff aspects for the pre- and post-accession periods and transitional measures.

2. The Honourable Member will find below a table giving the figures for trade between the Community and Spain since 1958.

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**WRITTEN QUESTION No 286/83**

**by Mrs Marijke Van Hemeldonck (S — B)  
to the Commission of the European Communities**

(4 May 1983)

*Subject:* Implementation of a pilot experiment relating to a Community system of information on accidents

The Council Decision of 23 July 1981 on the implementation of a pilot experiment relating to a Community system of information on accidents involving products outside the spheres of occupational activities and road traffic (81/623/EEC) (1), particularly in the home and its immediate vicinity, contains in Annex I the indicative features of the information system contemplated.

Has the necessary data been collected from hospitals, poison antidote centres, doctors, etc?

If not, what are the precise reasons for this?

(1) OJ No L 229, 13. 8. 1981, p. 1.

**Answer given by Mr Narjes  
on behalf of the Commission**

(8 July 1983)

Data corresponding to the features of the system described in Annex I to the Council Decision of 23 July 1981 are collected from hospitals.

Consideration is now being given to collecting some data from other sources such as poison antidote centres.

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**WRITTEN QUESTION No 316/83**

**by Mrs Heinke Salisch (S — D)  
to the Council of the European Communities**

(4 May 1983)

*Subject:* Cost of staff of private firms employed by the institution

Can the Council indicate:

- the hourly wage charged to it by private firms whose staff are employed to clean the offices or to work in the canteens, restaurants and cafeterias,
- any additional payments which may be charged to it (social security contributions and similar)?

If payment is not effected on an hourly basis, can the Council provide a detailed account of whatever calculations payments are based on, together with a rough estimate of the cost per hour?

**Answer**

(19 July 1983)

1. The current hourly rate (1) (end of May 1983), deduced from the overall cost, applied by outside firms for the cleaning of surfaces in the rooms (including restaurants, kitchens, etc.) of the buildings occupied by the departments of the General Secretariat of the Council in Brussels is as follows:

- Charlemagne and Joseph II Buildings: Bfrs 308,92
- Nerviens Building: Bfrs 361,98

In the near future these prices will be increased by 7,5 % in accordance with the provisions of the contract; the Belgian Ministry of Economic Affairs, the competent authority in this field, has not yet made known the exact percentage or the date on which this increase will take effect.

The above cleaning operations are governed by a contract.

The current hourly rate applied by the cleaning firms when called upon to supply labour for special jobs not covered directly or indirectly by the contract is Bfrs 400,30.

2. The social security costs paid by the employer account for 72 % of the gross wages.

(<sup>1</sup>) The hourly rate covers the worker's gross salary, social security costs, the cost of equipment and materials, general overheads, etc.

**WRITTEN QUESTION No 318/83**  
by Mr Willy Vernimmen (S — B)  
to the Council of the European Communities  
(4 May 1983)

*Subject:* Relations between the EEC and Japan

At its meeting of 21 and 22 February 1983 the Council of Ministers for Foreign Affairs stressed the need to closely 'monitor' the assurances given by Japan.

Can the Council inform us what assurances the Japanese Government has given concerning the further opening of its market to Western European imports?

**Answer**  
(19 July 1983)

At the beginning of January 1983 the Japanese Government adopted a third series of measures aimed at opening up the Japanese market. These measures consist, on the one hand, of action to reduce or abolish customs tariffs and, on the other hand, of a series of procedural decisions directed towards a revision of existing legislation in order to improve access to the market from the non-tariff point of view.

The new tariff measures were applied with effect from 1 April. They concern industrial products (in particular tractors and other agricultural machinery) and agricultural or agri-foodstuff products (in particular cognac, biscuits, cigarettes, chocolate products, etc.) of which the Community is an important supplier. On the non-tariff side, re-examination of a series of technical standards and regulations undertaken at governmental level led to the very recent adoption by the Japanese Diet of the revision of 16 laws and an administrative regulation in the field of import procedures. The purpose of the legislative improvements envisaged is basically to ensure non-discrimination between national and foreign products and a simplification and greater transparency of standards and customs clearance procedures, particularly as regards standards and certification systems.

This series of measures constitutes a step in the direction desired by the Community. The tariff

measures, however, only satisfy its requests to a very limited extent; as regards the non-tariff measures, once they are implemented their real impact on the growth of Community exports can only be fully assessed in the light of experience.

The Community is continuing its efforts to secure a greater opening up of the Japanese market and the Council is regularly informed by the Commission of the progress achieved.

**WRITTEN QUESTION No 373/83**  
by Mr James Moorhouse (ED — GB)  
to the Commission of the European Communities  
(25 May 1983)

*Subject:* Air transport agreement

What are the Commission's reactions to the draft Plurilateral Air Transport Agreement proposed by the Netherlands Government to the Government of the United States in bilateral negotiations in 1980 (<sup>1</sup>)?

(<sup>1</sup>) Cf. *International Air Transport in the Eighties*, Deventer, Netherlands 1981.

**Answer given by Mr Contogeorgis**  
**on behalf of the Commission**  
(11 July 1983)

The Commission had the opportunity to examine the main elements of the Dutch proposal at an early stage and found them useful and interesting. In particular, it took it into account when preparing its proposal for a directive on air tariffs and will do so also when developing future Community initiatives.

**WRITTEN QUESTION No 397/83**  
by Mr Amédée Turner (ED — GB)  
to the Commission of the European Communities  
(25 May 1983)

*Subject:* Pollution caused by loading and unloading of manioc, grain and fertilizers in ports

Is the Commission taking any measures or considering any proposals to bring to an end the



aerial and water pollution caused by the dust which results from the loading and unloading of manioc, grain and fertilizers in ports? If so, is the Commission proposing to have special requirements for small ports which lack the appropriate facilities for the clean loading and unloading of manioc, grain and fertilizers which cause dust pollution?

**Answer given by Mr Narjes  
on behalf of the Commission**

*(6 July 1983)*

The Port Working Group, chaired by the Commission, studied the question of dust pollution arising from the handling of manioc in 1980. Discussions at this time showed that the main solution to the manioc dust problem had to be found in better preparation of the pellets in Thailand. In addition the major Community ports importing this product agreed to collaborate in exchanging information on better technical methods of handling manioc.

As far as grain or fertilizers are concerned the Commission is not taking any further measures and has not studied any possible problems arising from the handling of these products. In these circumstances the Commission does not propose to make any special provisions for the handling of such products at small ports.

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**WRITTEN QUESTION No 399/83**

**by Mr Luc Beyer de Ryke (L — B)  
to the Commission of the European Communities**

*(25 May 1983)*

*Subject: EEC—Japanese Forum*

Two months ago, in Brussels, the Japanese Minister for International Trade and Industry, Mr Sanadori Yamanaka, proposed that a permanent EEC—Japanese Forum be set up to develop industrial cooperation.

What is the Commission's reaction to this proposal, and what minimum trade balance guarantee does it intend to establish to open the discussions?

**Answer given by Mr Haferkamp  
on behalf of the Commission**

*(22 June 1983)*

The Commission is in favour of greater industrial cooperation between the Community and Japan, as is the Council (see its conclusions of 22 February).

It is therefore giving careful attention to the suggestion made by Japan's Minister for International Trade and Industry, Mr Yamanaka, that industrial cooperation be developed between the two sides.

There will need to be consultations between the parties to work out what forms such cooperation should take, and in particular what industries should be discussed. Meetings are due to take place in the next few months.

The Commission's aim in undertaking industrial cooperation with Japan is twofold: to enable the Community's economy to benefit from the dynamism and technical achievements of Japanese industry, and to create better conditions for the setting up of Community industrial enterprises in Japan.

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**WRITTEN QUESTION No 452/83**

**by Mr Dieter Rogalla (S — D)  
to the Council of the European Communities**

*(31 May 1983)*

*Subject: Resolutions concerning Community affairs*

In which of the areas directly affected by the EEC Treaty, or indirectly affected by Article 235 thereof, has the Council adopted resolutions, what is the basis in the Treaties for such legal instruments and which of the legal instruments defined in Article 189 of the EEC Treaty does a resolution most resemble in its effect?

**Answer**

*(19 July 1983)*

1. The Council would draw the Honourable Member's attention to the letter which its President sent on 6 April 1982 to the President of the European Parliament, in which it is stated: '... It is not the aim of the occasional use of other types of acts [other than those provided for under the Treaties], in particular resolutions, to avoid consultation of the Parliament. The aim of such resolutions is mainly to fix a work programme which entails subsequent submission by the

Commission of proposals on which the Parliament will be consulted in due course.'<sup>(1)</sup>

2. The Honourable Member will find below, by way of example, the list of resolutions adopted by the Council in 1982:

- Council resolution of 12 July 1982 on the promotion of equal opportunities for women (OJ No C 186, 21. 7. 1982, p. 3).
- Council resolution of 12 July 1982 on Community action to combat unemployment, (OJ No C 186, 21. 7. 1982, p. 1).

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(1) Ref. Council doc. 5749/1/82;

(2) Ref. EP Doc. 78554.

**WRITTEN QUESTION No 453/83**  
**by Mr Dieter Rogalla (S — D)**  
**to the Commission of the European Communities**

*(31 May 1983)*

*Subject: Statements by the Council experts on Article 3(b) of the EEC Treaty*

Is it true that certain junior experts in the Council have spoken out against the freedom of movement of persons as defined in Article 3(c) of the EEC Treaty and what does the Council Presidency intend to do in order to reconcile Member States' attitudes to this question with the promising announcements made on various occasions at Question Time in the European Parliament?

**Answer**

*(19 July 1983)*

The Council can assure the Honourable Member that no delegation has ever contested the applicability of the Treaties' provisions to those covered by them.

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