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Information and Notices

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I

(Information)

COMMISSION

ECU ⁽¹⁾

3 December 1984

(84/C 323/01)

Currency amount for one unit:

Belgian and Luxembourg franc con.	44,9123	United States dollar	0,715991
Belgian and Luxembourg franc fin.	45,0537	Swiss franc	1,83952
German mark	2,23389	Spanish peseta	124,325
Dutch guilder	2,52029	Swedish krona	6,33258
Pound sterling	0,601269	Norwegian krone	6,43962
Danish krone	8,04058	Canadian dollar	0,948974
French franc	6,84416	Portuguese escudo	118,854
Italian lira	1380,25	Austrian schilling	15,6945
Irish pound	0,718794	Finnish markka	4,62351
Greek drachma	91,0669	Japanese yen	177,781
		Australian dollar	0,839380
		New Zealand dollar	1,47749

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 ECU;
- 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), as amended by Regulation (EEC) No 2626/84 (OJ No L 247, 16. 9. 1984, 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).

List of opinions on investment programmes

(Article 54 of the Treaty establishing the European Coal and Steel Community)

(Official Journal of the European Communities No C 284 of 23 October 1984)

(84/C 323/02)

- 31/84 *Thyssen AG, Duisburg*
Bruckhausen Works
- modernization of an electro-zinc line
 - construction of a second electro-zinc line
- 32/84 *Rasselstein AG, Neuwied*
Andernach Works
- enlargement of your No 10 and No 11 tinplate lines
 - conversion to ECCS (TFS) of the No 8 tinplate line
- Neuwied Works
- construction of a new dual zinc/nickel and lead, electrolytic line
- 33/84 *Hoesch AG, Dortmund*
Dortmund Works
- new 'zincal' electro-zinc line
- 34/84 *Stahlwerke Peine-Salzgitter AG, Salzgitter*
Salzgitter Works
- installation of an electro-zinc line
- 35/84 *Cockerill-Sambre SA, Brussels*
Ferblatil Works
- conversion of tinplate line for the production of double-reduced steels
 - conversion of tinplate No 2 to TFS production
- 36/84 *Sidmar, Ghent*
Hoogovens Groep BV, IJmuiden
Phénix Works, Flémalle
- Flémalle (Segal) Works
- extension of capacity of hot galvanizing line
- 37/84 *Sidmar NV, Ghent*
Ghent Works
- installation of an electro-zinc line

-
- 38/84 *Galvalange Sàrl, Luxembourg*
Dudelange Works
— extension of capacity of hot galvanizing line
- 39/84 *Hoogovens Groep BV, IJmuiden*
IJmuiden Works
— installation of a TFS line
— installation of a hot galvanizing line
- 40/84 *Fabrique de Fer de Maubeuge, Louvroil*
Maubeuge Works
— installation of a galvanizing and prepainting line
- 41/84 *Sollac SA (ELSA), Paris*
Sainte Agathe Works
— extension of an electro-zinc line
- 42/84 *Usinor SA, Paris*
Montataire (Galvanor) Works
— extension of a hot galvanizing line
Strasbourg Works
— construction of an organic coating line
Mardyck Works
— construction of an electrolytic chrome-coated steel line (ECCS)
Works unspecified
— construction of an electrolytic galvanizing line
- 43/84 *Lavemetal SpA, Genoa (FR)*
Patrica Works
— installation of a galvanizing and aluminium-coating line
- 44/84 *Nuova Italsider, Genoa*
Cornigliano Works
— installation of an electro-zinc line
-

COURT OF JUSTICE

JUDGMENT OF THE COURT

(Fifth Chamber)

of 13 November 1984

in Joined Cases 256, 257, 265, 267/80, 5 and 51/81
and 282/82: *Birra Wührer SpA and Others v. Council
and Commission of the European Communities* ⁽¹⁾

(Maize gritz — Non-contractual liability)

(84/C 323/03)

(Language of the case: Italian)

(Provisional translation; the definitive translation will
be published in the Reports of Cases before the Court)

In Joined Cases 256, 257, 265, 267/80, 5 and 51/81 and 282/82: *Birra Wührer SpA*, whose registered office is at 62 Viale Bornata, Brescia, acting through its Chairman and legal representative, Francesco Wührer; *Mangimi Niccolai SpA*, whose registered office is at 196 Corso Garibaldi, Naples, acting through its legal representative, Giovanni Niccolai, the Managing Director; *De Franceschi Marino & Figli SpA*, whose registered office is at 72a Viale Grigoletti, acting through its legal representative, Dino De Franceschi, the Managing Director; *Riseria Modenese Srl*, whose registered office is at 5 Via Milano, Carpi (Province of Modena), acting through its legal representative, Natalino Baetta; *Riserie Angelo and Giacomo Roncaia*, whose registered office is at Castelponte (Mantua), acting through its proprietors, Angelo and Giacomo Roncaia; the above being represented and assisted by Nicola Catalano, of the Rome Bar, with an address for service in Luxembourg at the Chambers of Ernest Arendt, Centre Louvigny, 34/B/IV Rue Philippe II; *De Franceschi SpA, Monfalcone*, whose registered office is at Monfalcone, acting through its legal representative *pro tempore*, Coclite De Franceschi, represented and assisted by Giovanni Mario Ubertazzi and Fausto Capelli, of the Milan Bar, with an address for service in Luxembourg at the Chambers of Louis Schiltz, 83 Boulevard Grande-Duchesse Charlotte; and *Birra Peroni SpA*, whose registered office is at 6a Via Guattani, Rome, acting through its Chairman and legal representative, Giorgio Natali, represented by Raimondo Marini-Carelli of the Rome Bar with an address for service in Luxembourg at the Chambers of Jean Hoss, Advocate, 15 Côte d'Eich, against the Council of the European Communities (Agents: Daniel Vignes and Arthur Brautigam) and the Commission of the European Communities (Agents: Richard Wainwright and Guido Berardis) — application for damages under Article 178 and the second paragraph of Article 215 of the EEC Treaty,

the Court (Fifth Chamber), composed of O. Due, President of Chamber, C. Kakouris, U. Everling, Y. Galmot and R. Joliet, Judges; P. VerLoren van Themaat, Advocate General; P. Heim, Registrar, gave a judgment on 13 November 1984, the operative part of which is as follows:

1. *The application by Riseria Modenese in Case 267/80 is dismissed.*
2. *The European Economic Community shall pay the other applicants amounts equivalent to the production refunds for maize gritz and broken rice used by the brewing industry that they would have received if, in the periods commencing on 1 August and 1 September 1975 and terminating on 19 October 1977, the use of maize and rice for that purpose had conferred an entitlement to the same refunds as the use of maize for the manufacture of starch. For each applicant the period in question is as follows:*
 - (a) *Birra Wührer (Case 256/80) — 4 September 1975 to 19 October 1977;*
 - (b) *Mangimi Niccolai (Case 257/80) — 16 March 1976 to 19 October 1977;*
 - (c) *De Franceschi Marino & Figli (Case 265/80) — 28 November 1975 to 19 October 1977;*
 - (d) *Riseria Roncaia (Case 5/81) — 26 January to 19 October 1977;*
 - (e) *De Franceschi SpA, Monfalcone (Case 51/81) — 4 April to 19 October 1977;*
 - (f) *Birra Peroni (Case 282/82) — 23 June to 19 October 1977.*
3. *The amounts to be paid shall bear interest at 6 % as from the date of this judgment which shall also be the date to be taken for the purposes of the conversion of the said amounts into national currency.*
4. *The parties shall inform the Court within six months from the delivery of this judgment of the amounts of compensation arrived at by agreement.*
5. *In the absence of agreement the parties shall transmit to the Court within the same period a statement of their views, with supporting figures.*
6. *The costs are reserved.*

⁽¹⁾ OJ No C 340, 31. 12. 1980; OJ No C 27, 7. 2. 1981; OJ No C 71, 1. 4. 1981 and OJ No C 301, 18. 11. 1982.

JUDGMENT OF THE COURT

(First Chamber)

of 13 November 1984

in Joined Cases 98 and 230/83: Van Gend en Loos NV and Expeditiebedrijf Wim Bosman BV v. Commission of the European Communities ⁽¹⁾

(Remission of customs duties)

(84/C 323/04)

(Language of the case: Dutch)

(Provisional translation; the definitive translation will be published in the Reports of Cases before the Court)

In Joined Cases 98 and 230/83: Van Gend en Loos NV, a company registered under Netherlands law, whose registered office is at Utrecht, represented by S. L. Buruma and L. J. Hopmans, advocates at the Supreme Court of the Netherlands, with an address for service in Luxembourg at the Chambers of J. Loesch, 2 Rue Goethe (Case 98/83), and Expeditiebedrijf Wim Bosman BV, a private company registered under Netherlands law, whose registered office is at 's-Heerenberg, represented by L. J. Hopmans, advocate at the Supreme Court of the Netherlands, with an address for service in Luxembourg at the Chambers of J. Loesch, 2 Rue Goethe (Case 230/83), against the Commission of the European Communities (Agent: Auke Haagsma) — applications requesting the Court to declare void the Commission's decision of 10 January 1983, adopted as a result of applications made by the applicants to their national authorities for remission of import duties, on the basis, in particular, of Article 13 of Council Regulation (EEC) No 1430/79 of 2 July 1979 on the repayment or remission of import or export duties (Official Journal No L 175, page 1) and of Commission Regulation (EEC) No 1575/80 of 20 June 1980 laying down provisions for the implementation of Article 13 of Regulation (EEC) No 1430/79 — the Court (First Chamber), composed of Lord Mackenzie Stuart, President, G. Bosco, President of Chamber, and T. Koopmans, Judge; G. F. Mancini, Advocate General; J. A. Pompe, Deputy Registrar, gave a judgment on 13 November 1984, the operative part of which is as follows:

1. *The applications are dismissed.*
2. *The applicants are ordered to pay the costs.*

⁽¹⁾ OJ No C 173, 1. 7. 1983 and OJ No C 310 of 15. 11. 1983.

JUDGMENT OF THE COURT

(First Chamber)

of 13 November 1984

in Case 283/83 (reference for a preliminary ruling made by the Finanzgericht Rheinland-Pfalz [Finance Court, Rhineland-Palatinate]): Firma A. Racke v. Hauptzollamt [Principal Customs Office] Mainz ⁽¹⁾

(Conversion rate used for a customs duty expressed in units of account)

(84/C 323/05)

(Language of the case: German)

(Provisional translation; the definitive translation will be published in the Reports of Cases before the Court)

In Case 283/83: reference to the Court under Article 177 of the EEC Treaty by the Finanzgericht Rheinland-Pfalz [Finance Court, Rhineland-Palatinate] for a preliminary ruling in the proceedings pending before that court between Firma A. Racke, Bingen, and Hauptzollamt [Principal Customs Office] Mainz — on the validity of Council Regulation (EEC) No 1167/76 of 17 May 1976 amending Annex IV to Regulation (EEC) No 816/70 laying down additional provisions for the common organization of the market in wine and the Common Customs Tariff as regards the exchange rates applicable to customs duties on certain wines (Official Journal No L 135, p. 42, and of Article 2 of Council Regulation (EEC) No 2842/76 of 23 November 1976 amending Annex IV to Regulation (EEC) No 816/70 laying down additional provisions for the common organization of the market in wine, and the Common Customs Tariff, as regards the exchange rate applicable to customs duties on certain wines (Official Journal No L 327, p. 2) — the Court (First Chamber), composed of G. Bosco, President, T. Koopmans and R. Joliet, Judges; P. VerLoren van Themaat, Advocate General; P. Heim, Registrar, gave a judgment on 13 November 1984, the operative part of which is as follows:

Consideration of the matters raised has disclosed no factor of such a kind as to affect the validity of Regulation (EEC) No 1167/76.

⁽¹⁾ OJ No C 16, 21. 1. 1984.

ORDER

**of the President of the Second Chamber of the Court
of 24 October 1984**

**in Case 241/84 R: Erminio Valerio Pizzinato v.
Commission of the European Communities ⁽¹⁾**

(Officials — Suspension of operation)

(84/C 323/06)

(Language of the case: Italian)

*(Provisional translation; the definitive translation will
be published in the Reports of Cases before the Court)*

In Case 241/84 R: Erminio Valerio Pizzinato, represented by Giuseppe Marchesini, of the Vicenza Bar, with an address for service in Luxembourg at the Chambers of Victor Biel, 18a Rue des Glacis, against the Commission of the European Communities (Agent: Guido Berardis) — application for suspension of the operation of the Commission's decision filling a post of laboratory technician following the procedure initiated by the publication of Vacancy Notice No COM/R/547/83 — the President of the Second Chamber of the Court made an order on 24 October 1984, the operative part of which is as follows:

1. *The application for the adoption of interim measures is dismissed.*
2. *Costs are reserved.*

⁽¹⁾ OJ No C 295, 6. 11. 1984.

Reference for a preliminary ruling by the Tribunal Administratif [Administrative Court], Rouen by judgment of that court of 9 November 1984 in the case of Denkavit France Sàrl against Director of the Fonds d'Orientation et de Régularisation des Marchés Agricoles (FORMA)

(Case 266/84)

(84/C 323/07)

Reference has been made to the Court of Justice of the European Communities by a judgment of the Tribunal Administratif, Rouen, of 9 November 1984, which was received at the Court Registry on 12 November 1984, for a preliminary ruling in the case of Denkavit France Sàrl against Director of the Fonds d'Orientation et de Régularisation des Marchés Agricoles (FORMA) [Agricultural Markets Guidance and Stabilization Fund] on the following question:

— Is the rule that claims submitted out of time will not be entertained, laid down in Article 15 of Regulation (EEC) No 1380/75 ⁽¹⁾, contrary to the general principles of Community law in so far as it does not comply with the rule that penalties must be in proportion and contrary to the spirit of the Community system of payment of compensatory amounts;

If not, does the fact that Control Copy EC T No 5 was not returned constitute a case of *force majeure* within the meaning of the abovementioned Article and what conditions apply thereto?

⁽¹⁾ OJ No L 139, 30. 5. 1975, p. 37.

Action brought on 12 November 1984 by Società per Azioni Ferriera Valsabbia against the Commission of the European Communities

(Case 268/84)

(84/C 323/08)

An action against the Commission of the European Communities was brought before the Court of Justice of the European Communities on 12 November 1984 by Società per Azioni Ferriera Valsabbia, whose registered office is in Odolo (Brescia), in the person of its Managing Director Giovanbattista Brunori, represented by Francesco Masperi of the Brescia Bar, with an address for service in Luxembourg at the Chambers of Ernest Arendt, 34b Rue Philippe II.

The applicant claims that the Court should:

- Declare void Decision No C (84) 1409/3 of the Commission of the European Communities of 27 September 1984 ⁽¹⁾;
- In the alternative, reduce the fine imposed by the contested decision to such sum as the Court may consider fair;
- Order the defendant to pay the costs;
- In the further alternative, order a substantial extension of the period for payment of the fine, issuing such directions as may be consequent thereon.

⁽¹⁾ Concerning a fine imposed under Article 58 of the ECSC Treaty.

Contentions and main arguments adduced in support

— Infringement of an essential requirement, namely an inadequate statement of the reasons on which the contested decision was based: no explanation of matters of fact was given regarding the basic issue, which is the fact that the issue of a pro forma invoice has — unlawfully, in the applicant's

view — been assimilated to actual delivery, which must necessarily take place later.

— In the alternative it is maintained that the fine could have been kept within lower limits, regard being had to the course of events and the equitable criteria which must inspire decisions of the kind in question.

ROAD FREIGHT TRANSPORT BETWEEN EEC MEMBER STATES

A feasibility study for a system of price indices

The authors are the first to tackle the problem of price indices in the road transport sector on a Community-wide basis. Their examination of data from Belgium and the Netherlands indicated that in addition to the normal variables such as tonnage, distance and type of goods, one must also take into account other variables such as the nationality of the haulier, the currency in which the haulier is paid and the question of fluctuating exchange rates when considering the international market.

The authors recommend working in a common exchange rate and fitting a separate logarithmic model to the prices charged by each nationality of haulier concerned on each bilateral relation. Since the residual variability is still quite high, the authors investigate the minimum sample size necessary for reliable results. The type of sub-indices and the important question of presentation of results are examined in detail.

The availability of data in different Member States and suggestions for establishing new sample surveys in Member States which do not have compulsory reporting systems are also examined.

Finally the authors conclude that a worthwhile system could be set up.

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NOTICE

The indexes of the *Official Journal of the European Communities* have been produced since 1 January 1984 on the basis of the *Eurovoc Thesaurus*. The *Eurovoc Thesaurus* contains a list of standardized terms covering the various fields of Community language in a controlled vocabulary.

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