

English edition

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I

(Information)

COMMISSION

Decisions of the Commission of the European Communities of 20 December 1985 imposing penalties on ten iron and steel undertakings for infringement of Article 58 of the ECSC Treaty and decisions implementing it

(85/C 347/01)

1. Cockerill-Sambre has been fined the sum of 49 850 ECU, being Bfrs 2 228 514, under Article 58 of the ECSC Treaty and Decision No 234/84/ECSC for having exceeded the production quota for category Ic during the first quarter of 1984 by 997 tonnes.
2. Sacilor has been fined the sum of 226 775 ECU, being FF 1 521 166, under Article 58 of the ECSC Treaty and Decision No 234/84/ECSC for having exceeded the production quota for category Ic by 1 921 tonnes and for having exceeded the production quota for category IV by 3 575 tonnes during the first quarter of 1984.
3. Usinor has been fined the sum of 705 100 ECU, being FF 4 729 684, under Article 58 of the ECSC Treaty and Decision No 234/84/ECSC for having exceeded the production quota for category Ic during the first quarter of 1984 by 14 102 tonnes.
4. CO.GE.ME.-Compagnia Generale Metalli SpA has been fined the sum of 122 070 ECU, being LIT 182 219 990, under Article 58 of the ECSC Treaty and Decision No 2177/83/ECSC for having exceeded the production quota for category VI by 1 752 tonnes and for having exceeded the part of this production quota which may be delivered on the Common Market by 2 091 tonnes during the third quarter of 1983.
5. Officine e Fonderie Galtarossa SpA has been fined the sum of 58 980 ECU, being LIT 88 042 395, under Article 58 of the ECSC Treaty and Decision No 234/84/ECSC for having exceeded the part of the production quota which may be delivered on the Common Market for category IV during the first quarter of 1984 by 1 966 tonnes.
6. LAF-Società Laminazione a Freddo SpA has been fined the sum of 573 950 ECU, being LIT 856 763 860, under Article 58 of the ECSC Treaty and Decision No 234/84/ECSC for having exceeded the production quota for category Ib by 11 133 tonnes and for having exceeded the part of this production quota which may be delivered on the Common Market by 1 730 tonnes during the second quarter of 1984.
7. SISMA-Società Industrie Siderurgiche Meccaniche e Affini SpA has been fined the sum of 85 650 ECU, being LIT 127 854 030, under Article 58 of the ECSC Treaty and Decision No 234/84/ECSC for having exceeded the production quota for categories IV and VI during the first quarter of 1984 by 51 tonnes and 3 375 tonnes respectively.
8. Ferriera Vattolo Ciessebi SpA has been fined the sum of 37 240 ECU, being LIT 55 590 010, under Article 58 of the ECSC Treaty and Decision No 234/84/ECSC for having exceeded the part of the production quota which may be delivered on the Common Market for category VI during the first and second quarters of 1984 by 3 434 tonnes and 4 014 tonnes respectively.
9. Arbed has been fined the sum of 71 625 ECU, being FLUX 3 201 953, under Article 58 of the ECSC Treaty and Decision No 234/84/ECSC for having exceeded the production quota for category Ic during the first quarter of 1984 by 2 865 tonnes.
10. British Steel Corporation has been fined the sum of 544 880 ECU, being UKL 333 255, under Article 58 of the ECSC Treaty and Decision No 234/84/ECSC for having exceeded the production quota for category Ia by 378 tonnes, for having exceeded the part of this production quota which may be delivered on the Common Market by 6 917 tonnes and for having exceeded the production quota for category Ic by 3 905 tonnes during the first quarter of 1984.

List of the recognized producers' organizations in the fishery sector

This publication is based on Article 6 of Council Regulation No 105/76 of 19 January 1976 on the recognition of producers' organizations in the fishing industry⁽¹⁾

Situation on 1 July 1985

(85/C 347/02)

Name and address of organization	Date of recognition
I. Producers' organizations	
BELGIUM/LUXEMBOURG	
<i>High-sea fishing, offshore fishing, local inshore fishing</i>	
Samenwerkende Vennootschap Reders Centrale Producentenorganisatie der Reders ter Zeevisserij, Baelskaai 25, B-8400 Oostende	4. 10. 1971
DENMARK	
<i>High-sea fishing, offshore fishing, local inshore fishing</i>	
Danske Fiskeres Producent-Organisation Kirstensvej 11 DK-8220 Braband (Aarhus)	1. 7. 1974
<i>Inshore fishing</i>	
Skagen Fiskernes Producentorganisation Skagen Fiskeriforening DK-9990 Skagen	28. 1. 1985
Notfiskernes Producentorganisation Notforeningen, Nordsøcentret DK-9850 Hirtshals	28. 1. 1985
GERMANY	
<i>High-sea fishing</i>	
Seefisch-Absatz-Gesellschaft mbH Postfach 2 51 D-2850 Bremerhaven 29	7. 1. 1972
Seefrostvertrieb Gesellschaft mbH Lengstraße, Postfach 2 86 D-2850 Bremerhaven 29	3. 4. 1974
<i>Offshore fishing</i>	
Fischverwertung Lübecker Bucht — Erzeugergemeinschaft — eG Postfach 150 127 D-2400 Lübeck-Travemünde 1	1. 1. 1972
Fischverwertung Heiligenhafen — Neustadt — Erzeugergemeinschaft — eG Am Hafen D-2447 Heiligenhafen	1. 1. 1972
Fischergenossenschaft Fehmarn — Erzeugergemeinschaft — eG Postfach 12 29 D-2448 Burgstaaken/Fehmarn	1. 1. 1972
Fischverwertung Kieler Förde eG — Erzeugergemeinschaft — Fischereihafen Postfach 79 20 D-2300 Kiel 14	1. 1. 1972

(¹) OJ No L 20, 28. 1. 1976, p. 39.

Name and address of organization	Date of recognition
Maasholmer Fischergenossenschaft eG D-2341 Maasholm	1. 1. 1972
Kutterfisch eG — Erzeugergemeinschaft — Postfach 4 43 D-2190 Cuxhaven-F.	23. 3. 1972
Erzeugergemeinschaft Finkenwerder Hochseefischer eG Kanalstack 9 Postfach 1 44 D-2103 Hamburg 95	1. 1. 1972
Fischer-Genossenschaft Busum eG Hafenkoog Postfach 11 13 D-2242 Büsum	1. 6. 1974
Bremerhavener Kutterfischer-Genossenschaft eG Postfach 8 D-2850 Bremerhaven 29	1. 2. 1975
<i>Other fishing</i>	
Fischereigenossenschaft (Erzeugergemeinschaft der Krabbenfischer Nordfrieslands) eG Außenhafen Postfach 12 27 D-2250 Husum	1. 4. 1972
Holsatia-Fischerei-Genossenschaft — Erzeugergemeinschaft — eG Hafenstraße 119, Postfach 29 D-2228 Friedrichskoog III	1. 2. 1972
Fischergenossenschaft Tönning und Umgebung — Erzeugergemeinschaft — eG Am Hafen 33 D-2253 Tönning	14. 1. 1974
Erzeugergemeinschaft der Krabbenfischer Elbe-Weser eV D-2853 Dorum	24. 5. 1972
Krabben-Erzeugerorganisation Büsum eV Moltkestraße 2-4 D-2242 Büsum	14. 12. 1976
Erste Erzeugerorganisation für Krabbenfischer eV Büsum Alleestraße 13 D-2242 Büsum	11. 7. 1979
Erzeugerorganisation Friedrichskoog eV Fischersiedlung 1 D-2221 Friedrichskoog II	22. 12. 1980
Erzeugergemeinschaft der Küstenfischer im Weser-Ems-Gebiet eV Metzer Straße 27 D-2900 Oldenburg	15. 6. 1984
FRANCE	
<i>Deep-sea fishing</i>	
Société Coopérative anonyme de financement et de distribution de produits surgelés en mer (Prosumer) 59, rue des Mathurins F-75008 Paris	19. 4. 1973
Organisation des producteurs de thon congelé (Orthongel) Nouvelle criée F-29181 Concarneau Cedex	8. 11. 1973
<i>High-sea fishing</i>	
Fonds régional d'organisation du marché du poisson en Bretagne From Bretagne Nouvelle criée F-29110 Concarneau	24. 5. 1971

Name and address of organization	Date of recognition
Fonds régional d'organisation du marché du poisson dans le Nord From Nord 2 bis, rue Faidherbe F-62200 Boulogne-sur-Mer	28. 5. 1971
Fonds régional d'organisation du marché sud-ouest From Sud-Ouest Quai Louis Prunier F-17000 La Rochelle	16. 6. 1971
Organisation nationale des producteurs de Germon (Onaproger) 11, rue Anatole de la Forge F-75017 Paris	19. 1. 1973
Organisation nationale des producteurs de thons rouges 11, rue Anatole de la Gorge F-75017 Paris	20. 6. 1985
Organisation des pêcheries de l'Ouest-Bretagne (OPOB) Place d'Estienne d'Orves F-29115 Le Guilvinec	19. 1. 1973
Société coopérative Lagun Artean-Organisation de producteurs (Lagun ARTEAN-OP) Rue Ulysse Darracq F-64100 Bayonne	1. 8. 1980
<i>Offshore fishing</i>	
Société coopérative Sablaise de Mareyage (Socosama) 2, rue Colbert F-85100 Les Sables-d'Olonne	29. 1. 1973
Organisation des producteurs du port de Saint-Gilles-Croix-de-Vie Maison du Marin F-85800 Saint-Gilles-Croix-de-Vie	24. 4. 1973
Organisation de producteurs, coopérative maritime l'Étaploise Quai de la Canche F-62630 Étaples	2. 4. 1974
Société coopérative des pêcheurs portais-Marée — Organisation de producteurs (Coreport-Marée-OP) 5, quai des Chantiers F-14520 Port-en-Bessin	12. 6. 1975
Organisation de producteurs de la pêche artisanale du Morbihan et de la Loire-Atlantique (PROMA) 6, rue du Père Éternel F-56400 Auray	
25, Haute Grande Rue, F-44490 Le Croisic	12. 6. 1975
Groupement coopératif de producteurs de la Baie de Saint-Malo (Promalo) Criée — quai du Val Saint-Servan F-35400 Saint-Malo	12. 6. 1975
<i>Local inshore fishing</i>	
Organisation de producteurs des ports du littoral de Provence — Côte d'Azur — Corse (Pro-CA-CO) 204, anse de Saumaty F-13321 Marseille — Cédex 3	12. 11. 1974
Organisation de producteurs des pêcheurs Artisans de l'île de Noirmoutier (OPPAN) 47, rue du Port L'Herbaudière F-85330 Noirmoutier	17. 6. 1980
Organisation de producteurs de la sardine, de l'anchois et du thon du port de Sète (Sathoan) Nouvelle criée Quai du Général Durant F-34200 Sète	9. 6. 1975

Name and address of organization	Date of recognition
Organisation de producteurs des ports du quartier de Port-Vendres (Proqua-Port) 36, rue Castellane F-66660 Port-Vendres	29. 9. 1975
Organisation de producteurs cibourienne et luzienne (OP.CI.LUZ) Quai Pascal Elisalt F-64500 Ciboure	17. 4. 1979
Organisation des producteurs des pêches artisanales du port d'Hendaye (OK.P. Hendaye) Quai de pêche La Floride F-64700 Hendaye	9. 5. 1979
Organisation de producteurs des marins-pêcheurs de l'île d'Yeu (OP Île-d'Yeu) rue des Quais, Port-Jointville, F-85350 Île d'Yeu	2. 2. 1981
Organisation des producteurs des pêches artisanales (PRO-GRAU-SARD-ANCH) F-30240 Le-Grau-du-Roi	9. 5. 1979
<i>Other fishing</i>	
Organisation nationale de producteurs de langoustes roses (ONAPLAR) 11, rue Anatole de la Forge, F-75017 Paris	7. 8. 1980
Fonds d'organisation du marché de l'aquitaine pour la conchyliculture (FOMA) 81, boulevard de la Plage, F-33311 Arcachon	31. 7. 1980
Organisation de producteurs des pêcheurs artisans du pays de morlaix (OPPAM) 7, Place Charles de Gaulle F-29210 Morlaix	15. 3. 1982
Organisation des producteurs du 'Groupement des Aquaculteurs du Ponant' (GAP) Port de Tinduff F-29213 Plougastel-Daoulas	3. 5. 1982
IRELAND	
<i>Local inshore fishing</i>	
Irish Fish Producers' Organization Ltd, Carrisbrook House, Pembroke Road, IRL-Dublin 4	30. 7. 1975
Killybegs Fishermen's Organization (producers organization) Ltd, Bruach na Mara, St. Catherine's Road, IRL-Killybegs/County Donegal	30. 6. 1979
ITALY	
<i>High-sea fishing</i>	
Associazione produttori tonnieri del Tirreno Società cooperativa a responsabilità limitata via Roma 33 I-Salerno	23. 11. 1977
<i>Offshore fishing</i>	
Associazione produttori pesca Domar via G. Matteotti 30 I-Porto Garibaldi	8. 4. 1977
<i>Local inshore fishing</i>	
Associazione produttori pesca Società cooperativa a responsabilità limitata via A. Costa 63 I-Cattolica	23. 12. 1975
Società cooperativa a responsabilità limitata Europesca via Libica, lotto n. 45 del nucleo industriale I-Trapani	12. 2. 1976

Name and address of organization	Date of recognition
Associazione produttori pesca alto Tirreno Società Cooperativa a responsabilità limitata via Aurelia sud km 354 I-Viareggio	4. 6. 1976
Associazione produttori pesca Società cooperativa a responsabilità limitata viale Adriatico 48 I-Cesenatico	8. 4. 1977
Associazione produttori pesca Società cooperativa a responsabilità limitata viale Adriatico 48 I-Fano	27. 4. 1977
Consorzio dell'Argentario produttori di pesca e Affini Società cooperativa a responsabilità limitata via Marconi 34 I-Porto S. Stefano	27. 4. 1977
Associazione produttori pesca Società cooperativa a responsabilità limitata via Brugnoli 300 I-Goro	23. 11. 1977
Associazione produttori pesca Società cooperativa a responsabilità limitata 'Azzurra' via Taranto 3 I-Bisceglie	27. 10. 1984
Associazione produttori della pesca del pesce azzurro Società cooperativa a responsabilità limitata via Roma 39 I-Salerno	8. 5. 1978
Associazione produttori pesca Società cooperativa a responsabilità limitata Molo Mandracchio 1/3 I-Ancona	4. 12. 1978
Associazione produttori pesca 'Giorgio Astrea' Società cooperativa a responsabilità limitata via Fratelli Leurini 4 I-Rimini	3. 3. 1979
Società cooperativa a responsabilità limitata Associazione produttori pesca 'San Marco' via Canali 35B I-Chioggia	2. 12. 1980
Società cooperativa a responsabilità limitata pesce azzurro piazza Dogana 3 I-Sciacca	24. 10. 1981
<i>Other fishing</i> Società cooperativa a responsabilità limitata Clodia Maior calle Gradar 292 I-Chioggia	24. 10. 1981
NETHERLANDS	
<i>Deep-sea fishing, high-sea fishing, offshore fishing, local inshore fishing, other fishing</i>	
Coöperatieve Producentenorganisatie van de Visserij UA, Prins Mauritsplein 24, NL-2582 ND 's-Gravenhage	Postbus 84016, NL-2508 AA 's-Gravenhage 8. 9. 1971
Coöperatieve Producentenorganisatie Oost-Nederland UA, Raadhuisstraat 13, NL-6129 CA Urk	Secretariaat: Wijk 7-78, Postbus 100, NL-8320 AC Urk 19. 11. 1971

Name and address of organization	Date of recognition
UNITED KINGDOM	
<i>High-sea fishing</i>	
Fish Producers' Organization Ltd, Fish Dock Road, Grimsby, UK-South Humberside DN31 3NL	16. 4. 1973
Grimsby Fish Producers' Organization Ltd, Fish Dock Road, Grimsby, UK-South Humberside DN31 3NL	17. 12. 1981
<i>Offshore fishing</i>	
Aberdeen Fish Producers' Organization Ltd, 5 Albert Quay, UK-Aberdeen AB1 2QA	18. 7. 1974
Anglo-Scottish Fish Producers' Organization Ltd, 7 Bridge End, UK-Berwick-upon-Tweed TP15 1HA	16. 1. 1975
North East of Scotland Fishermen's Organization Ltd, 8 Bridge Street, UK-Peterhead AB4 8DA	13. 8. 1980
Scottish Fishermen's Organization Ltd, 'Braehead' 601 Queensferry Road, UK-Edinburgh EH4 6EA	1. 8. 1974
Fleetwood Fish Producers' Organization Ltd, 19 Poulton Street, UK-Fleetwood FY7 6LP	22. 12. 1983
<i>Local inshore fishing</i>	
South Western Fish Producers' Organization Ltd, New Fish Quay, Brixham, UK-Devon TQ5 8AW	8. 5. 1974
Cornish Fish Producers' Organization Ltd, Tredarvah Vean, Penzance, UK-Cornwall TR18 4SV	5. 8. 1975
Yorkshire and Anglia Fish Producers' Organization Ltd, 26A Queen Street, Bridlington, UK-East Yorkshire YO15 2SN	13. 4. 1977
Fife Fish Producers' Organization Ltd, 10 Mid Shore, Pittenween, UK-Fife KY10 2NL	1. 5. 1980
Shetland Fish Producers' Organization Ltd, 14 Alexandra Building, UK-Lerwick	10. 12. 1982
Welsh Fish Producers' Organization Ltd, Fish Trades Building, The Docks, Milford Haven, UK-Dyfed	21. 8. 1980
South East Fish Producers' Organization Ltd, 8 Burdett Road, UK-Southend on Sea	30. 7. 1980
Northern Ireland Fish Producers' Organization Ltd, 1 Coastguard Cottages, The Harbour, Portavogie UK-County Down BT22 1EA	2. 1. 1976
Anglo-North Irish Fish Producers' Organization Ltd Fish Market, The Harbour, Kilkeel, UK-County Down BT34 4AX	4. 8. 1976

Name and address of organization	Date of recognition
NORTHERN IRELAND	
<i>Local inshore fishing</i>	
Northern Ireland Fish Producers' Organization Ltd, 12 Hamilton Road Bangor UK-County Down BT20 4LE	2. 1. 1976
North Irish Fish Producers' Organization Ltd, Fish Market, The Harbour, Kilkeel UK-County Down BT34 4AX	4. 8. 1976
GREECE	
<i>Local inshore fishing</i>	
'Agia Paraskevi' Nea Mihaniona GR-Thessaloniki	7. 6. 1983
Organisation de producteurs 'Anagennisi' Nea Mihaniona GR-Thessaloniki	21. 6. 1983
Organisation de producteurs Mytilini (Fanari) GR-Lesvos	7. 6. 1983
<i>Other fishing</i>	
Organisation de producteurs de coquillage GR-Nea Krini	18. 4. 1984
Organisation de producteurs de coquillage Halastra GR-Thessaloniki	18. 4. 1984
II. Associations of producers organizations	
GERMANY	
(*) = grouped in:	
<i>Offshore fishing</i>	
Vereinigung der deutschen Kutterfischerei GmbH Große Elbstraße 133 D-2000 Hamburg 50	27. 4. 1972
Landesvereinigung Schleswig-Holsteinischer Erzeugerorganisationen für Nordseekrabben eV Wilhelm-Külper-Straße 26 D-2242 Büsum	
FRANCE	
(*) = grouped in:	
High-sea fishing, offshore fishing, local inshore fishing, other fishing	
Association nationale des organisations de producteurs de pêche (ANOP) Quai Louis Prunier F-17000 La Rochelle	5. 10. 1976

Communication from the Commission concerning the implementation of Council Directives 80/836/Euratom of 15 July 1980 amending the Directives laying down the basic safety standards for the health protection of the general public and workers against the dangers of ionizing radiation and 84/467/Euratom of 3 September 1984 amending Directive 80/836/Euratom

(85/C 347/03)

In the context of the implementation of Council Directives 80/836/Euratom of 15 July 1980 amending the Directives laying down the basic safety standards for the health protection of the general public and workers against the dangers of ionizing radiation ⁽¹⁾ and 84/467/Euratom of 3 September 1984 amending Directive 80/836/Euratom ⁽²⁾, the Commission, having discussed the matter with scientific experts, wishes to communicate the following information:

I. General Remarks

1. The European Community is required by Article 30 of the Treaty establishing the European Atomic Energy Community to lay down basic standards for the protection of people and workers against the dangers of ionizing radiation. These standards have been laid down in the form of Council Directives. Those Directives have always made use of the recommendations of the International Commission on Radiological Protection (ICRP) and the International Commission on Radiation Units and Measurements (ICRU).

2. The ICRP publications on which the Council Directives are based were written with a view to enabling the competent international organizations and national authorities to prepare legislative texts. Seen in this light, ICRP Publication 26 does not modify the key principles of ICRP Publication 9, nor those of the 1976 Directive. The Council Directive of 1980, which takes into account the information available in Publication 26, should not require fundamental changes in the legislations of Member States.

3. The basic principles of justification and optimization of exposures, which were formulated in ICRP Publication 26 and which are reproduced in Title III, Article 6 of the 1980 Directive, are clearly only of general value, something which must be taken into account when introducing them into national legislative and administrative provisions. The third principle (dose limits), for its part, can be transformed into national legislation in a binding form without restrictions.

4. Changes introduced by the amended 1980 Directive also take into account the exposures of all parts of the body, not only of the so-called critical organs previously considered. Therefore the system is no less restrictive

than previously, while the limits for parts of the body in the two systems are not comparable.

5. The concept of effective dose equivalent which is a characteristic of the recommendations contained in ICRP Publication 26, is introduced in the 1980 Directive. This concept is used in the case of partial body exposure. The aim is to define, for a given partial body exposure, a virtual equivalent whole body dose which would involve the same risk. Used by ICRP for determining the annual limits of intakes, the concept is not, however, always susceptible to direct application in routine surveillance. However, in the event of accidents, it may be useful to estimate the effective dose equivalent on the basis of data compiled in reconstituting the accident.

6. Other changes in the standards are the result of the continuing process of evolution in the fields of radiobiology and metabolism. Most of these changes have influenced the material in the Annexes rather than in the Articles themselves.

II. Comments on some Articles of the Directive ⁽³⁾

a) TITLE I

Definitions

Article 1

- i) The definitions relate to terms used in the Directive. Where necessary, guidance on their interpretation is given below in the comments on the articles in question.
- ii) The word '*exposure*' replaces the word '*irradiation*', because the latter term is usually reserved for the intentional use of radiation for specific purposes.
- iii) The concept of '*radioactive contamination*' is limited to the unwanted presence of any radioactive substance on a surface or within a material or a living organism. '*Radioactive substance*' is, in the Directive, defined as any substance containing one or more radionuclides, the activity or concentration of which cannot be disregarded as far as radiation protection is concerned.

⁽¹⁾ OJ No L 246, 17. 9. 1980, p. 1.

⁽²⁾ OJ No L 265, 5. 10. 1984, p. 4.

⁽³⁾ Articles referred to in the document are those of the Council Directive of 15 July 1980.

b) TITLE II

Scope, reporting and authorization*Article 2*

This article specifies the scope of the Directive. It is intended that the Directive should apply to all practices involving radioactive materials and to all equipment involving a hazard arising from ionizing radiation, such as X-ray equipment and accelerators, etc. It is not intended to apply to natural radioactivity other than in industrial and technical operations. For example, the Directive does not apply directly to radon in dwellings.

Article 3

This Article imposes a minimum requirement that activities which are not exempt (see Article 4) should be reported to the appropriate authority in the Member State. For certain activities the Member State is free to require prior authorization or not, but for the activities specified in Article 5 prior authorization is obligatory.

Article 4

The exemptions listed in this Article relate to the procedures for notifications and prior authorization and permit the Member State to introduce corresponding exemptions nationally. The Article applies limits to the form and extent of such exemptions. Since exemptions apply to Articles 2 and 3 the exemptions applied by a Member State should be such that compliance with Articles other than these is not prejudiced, notably Articles 8 to 12.

Article 5

This Article specifies the types of activity for which Member States are obliged to require prior authorization (or prohibition). Additionally, the Article removes the power to make exemptions in relation to those activities, but the formal definition of a radioactive substance in Article 1 allows insignificant amounts or concentrations of radionuclides to be disregarded.

c) TITLE III

Limitation of doses for controllable exposures*Article 6*

This Article sets out the basic principles of radiation protection and thus requires Member States to base their procedures on these principles. They are, however,

written in fairly general terms and some flexibility is to be expected in the way in which they are applied by Member States.

The justification (i.e. the first principle) of any type of activity is the duty of competent authority in Member States. Compliance with this principle is adequately demonstrated in respect of a type of activity by the existence or the laying down of regulations specifically concerning the type of activity. The second principle (optimization) requires that exposures shall be kept as low as reasonably achievable below the prescribed limits, economic and social factors being taken into account. Generally, in routine activities, optimization need not involve complex calculations.

It is implicit in this requirement that the scientific considerations should be supplemented by economic and social factors. The techniques for judging the need for further reductions in exposure in the light of what is reasonable, are very diverse. They include for instance formal aids to decision-making, such as cost benefit analysis, etc. but they are more usually based on simple common-sense practices. If an improvement is easy to make and commits only few resources, it is sensible, and therefore reasonable, to make the improvement. If the improvement requires the major commitment of resources and produces only small reductions of exposure, it is likely to be unreasonable and therefore inappropriate. Because the procedures involve a combination of scientific, economic and social judgements, it is helpful to link them with the decision-making procedures used in the Member States.

The third principle requires that the individual doses shall not exceed specified limits. The dose limits are necessary to protect the most highly exposed individuals but they have to be complemented by the application of the second principle above.

Article 8

This Article establishes the limits for whole body exposure of workers. In practice, most situations exposing the whole body to highly penetrating radiation, such as gamma-rays, can be treated as if they caused a uniform distribution of dose throughout the body. In such cases it is an adequate approximation to refer to this as whole body exposure. For less uniform exposure of the body, or for radiations of low penetrating power, Article 9 is relevant.

Article 9

This Article introduces the effective dose equivalent. This quantity is not directly measurable and is intended primarily to permit the simple specification in summary

form of any distribution of doses within the human body and thus of limits for any kind of distribution. In practice, it can be adequately assessed for control purposes by the use of quantities such as the readings of personal dosimeters or the amount of intakes of radioactive substances. The limits for intakes are given in Annex III of the Directive, which also includes corresponding limits for concentrations of radioactive substance in the air breathed by workers over the whole of a working year.

Compliance with the limits laid down for partial body exposures is evaluated from the results of individual dosimeters or in some cases from measurements carried out in the working environment.

Article 12

This Article deals with dose limits for members of the public, for whom personal monitoring is not required. Exposures are assessed from indirect estimations. The dose limits relate to any year and to individuals on any age. Since the doses actually received are not the same in all years and at all ages, the average annual dose over a lifetime is less than the dose in the year of highest dose.

In practice, and bearing in mind the provisions of Article 6, limiting the dose in that year by the requirements of Article 12 ensures an adequate limitation of the average annual dose over the whole lifetime. The Directive therefore contains no specific limit to be applied to the lifetime average dose.

Much of the guidance given under Articles 8 and 9 is also relevant to Article 12.

d) TITLE IV

Secondary and derived limits

Articles 14 to 17

These Articles set out how derived limits, which correspond to the dose limits, can be used in practice. Their use is not obligatory and other limits authorized by the Member State in order to simplify procedures may be adopted, the only requirement being that such simplifications must not be less restrictive than is required by the dose limits in the Directive.

The limits must be understood as follows:

- as regards *external exposure* alone, exposure is usually presumed to be whole body exposure and no weighting is necessary. A distinction must be applied in respect of the different limits for the extremities, the skin and the lens of the eye. To translate absorbed dose into dose equivalent, in which the basic limits are expressed, the quality factors given in

Annex II shall be taken into account. In practice, quality factors higher than 1 concern only neutrons and protons.

Once a suitable conversion has been made, the limits for workers may be applied directly to the results obtained from individual dosimeters if these give estimates of the dose equivalent at depths of about 10 mm and 0,07 mm in the body; the dose at 10 mm which can be regarded as a whole body dose shall remain below 50 mSv (5 rems) in a year; the dose at 0,07 mm which can be regarded as a dose to the skin shall remain below 0,5 Sv (50 rems) in a year. In practice, compliance with these two limits will ensure compliance with the limits for the lens of the eye (150 mSv or 15 rems in a year);

- as regards *internal exposure* alone, homogenous or otherwise, the dose limits set out in the Directive constitute a theoretical reference, but exposure is normally evaluated by reference to secondary limits constituted by the limits of annual intake indicated in Annex III. It should be noted that in the case of mixtures of radionuclides the rules which apply are defined in point 2 of this Annex.

The annual intakes for workers are estimated on the bases of *in vivo* gamma measurements, excretion analysis, measurement of activities in air, as appropriate. They must be less than the corresponding annual limits of intakes indicated, for each radionuclide, in Annex III. In the case of mixtures, the sum of the ratios of the annual intakes to the limits of annual intake must be less than unity.

In the case of natural uranium and natural thorium the isotopes to take into consideration are only for:

- uranium: the isotopes U-238, U-234 and U-235,
- thorium: the isotopes Th-232 and Th-228.

Apart from the case of natural uranium and U-238 for which chemical toxicity has also to be taken into account, these limits for exposed workers may be deemed to be complied with if the annual average activity per unit volume measured in the working environment under consideration is less than the corresponding derived limit of concentration given in Annex III.

For members of the public, the annual limits of intake by inhalation and ingestion, given in Annex III, may be deemed to be complied with if the annual average activities per unit volume measured in air, water and foodstuffs are less than the corresponding derived limits laid down by the competent authorities in the Member State on the basis of the data in this Annex account having been taken of the different pathways of transfer.

The effective dose equivalent for members of the public is based on the same weighting factors for organs and tissues as those used for workers;

- as regards combinations of *external and internal exposure*, the combination of the above-mentioned limits does not mean that the doses have to be added. In routine situations, an equation of the type shown in Annex IIGa) shall be used, the additional condition laid down in the Annex IIGb) for limiting the exposures of the lens of the eyes, of the skin and of the extremities having been taken into account, thus limiting the exposures to ensure that the limits referred to in Title III are complied with.

f) TITLE VI

Fundamental principles governing operational protection of exposed workers

The Directive considers separately the classification of areas and that of workers because they are not exactly parallel, since the classification of areas does not take into consideration the time which workers spend in the area during the year and since conditions are rarely uniform throughout an entire area.

Article 19

The practical procedures for classifying working areas and exposed workers are intended to simplify working arrangements and to ensure that workers are aware both of their own status and of the likely conditions in their places of work. The procedures are particularly useful in protecting workers who do not work all the time in one single workplace, e.g. cleaners, maintenance workers and specialist advisers.

Articles 20 to 22

In working areas in which the doses are not liable to exceed one-tenth of the annual dose limits laid down for exposed workers, it is not necessary to adopt special radiation protection measures. In line with the ICRP recommendations, the Directive distinguishes between:

- controlled areas, in which doses are liable to exceed three-tenths of the annual dose limits. Controlled areas must be delineated and, as a minimum requirement, access to them must be regulated with the aid of appropriate signs. Supplementary measures may have to be adopted depending on the nature of the working conditions and on the magnitude of the risk;
- 'supervised areas', which are generally contiguous on the controlled areas and in which the exposure of workers is liable to exceed one-tenth of one of the annual limits of dose equivalent. There is no obligation to delineate these supervised areas or to signpost them, but appropriate measures must be adopted, in particular concerning environmental dosimetry, the marking of sources, and the use of intrinsically safe equipment.

Articles 26 to 31

Experience has shown that in the Member States of the European Community the average level of occupational exposure to ionizing radiation is low and that accidents are infrequent due to the laying down of provisions in compliance with the Euratom Safety Standards. It is the responsibility of the competent authorities in each Member State to define any limits above which the result of radiological monitoring is considered significant enough to warrant recording and keeping in the medical files or archives.

Articles 35

To protect medically confidential information, the only information in the medical record that has to be disclosed is the formal classification of the worker's fitness for work:

- fit,
- fit subject to certain conditions,
- unfit.

Communication from the Commission pursuant to Article 9 (9) of Council Regulation (EEC) No 3420/83 of 14 November 1983

(85/C 347/04)

By virtue of Article 9 (1) of Council Regulation (EEC) No 3420/83 of 14 November 1983 on import arrangements for products originating in State-trading countries, not liberalized at Community level⁽¹⁾, the Commission had adopted the following changes to the import arrangements applied in the Federal Republic of Germany, in Italy, in the Benelux countries, in Denmark and in Ireland with regard to certain State-trading countries with effect from 20 December 1985.

The quantitative restrictions on the release for free circulation in the Member States specified in the Annex, of the goods therein indicated, originating in the State-trading countries listed opposite each product, are hereby abolished.

⁽¹⁾ OJ No L 346, 8. 12. 1983, p. 6.

ANNEX

Nimexe Codes	Designation of trading countries
FEDERAL REPUBLIC OF GERMANY	
42.03-25 69.08-40 73.02-ex 30 (*) 79.01-ex 11 (*) 79.03-ex 12 (*) 16 19	} Albania, Bulgaria, Hungary, Poland, Czechoslovakia, Soviet Union, Vietnam, North Korea, Mongolia
85.25-21 25	} Albania, Bulgaria, Hungary, Poland, Czechoslovakia, Soviet Union, China, Vietnam, North Korea, Mongolia
44.11-20 49	} China
44.15-39 80	
44.18-21 29	
30	
90	
57.10-21 29	
31	
39	
50	
62	
68	
70	
64.02-41	} China
69.02-51	
69.08-20 99	
73.02-81	
76.02-12 14	
16	
18	
21	
25	
25	
BENELUX	
64.02-61 69	} Hungary, Poland, Czechoslovakia
73.32-67 69	} Albania, Bulgaria, Hungary, Poland, Czechoslovakia, Soviet Union, German Democratic Republic, China, Vietnam, North Korea, Mongolia
IRELAND	
40.11-21 23	} Hungary, Poland, Czechoslovakia
45	
52	
53	
62.03-13 (ex category 150 A) 15 (ex category 150 B) 17 (ex category 150 C)	

(*) Ferro-silicon with a silicon content of more than 80 %.

(*) Zinc from the first refinement, not alloyed.

(*) Strip and foil.

Nimexe Codes	Designation of trading countries
DENMARK	
69.09-81 89 93	} Albania, Bulgaria, Hungary, Poland, Czechoslovakia, Soviet Union, German Democratic Republic, China, Vietnam, North Korea, Mongolia
73.17-10 80	
ITALY	
28.47-ex 48 (1) 28.56-90 29.03-10 39 51 59	} Hungary, Poland, Czechoslovakia
45.02-00 85.24-ex 93 (2)	

(1) Potassium dichromate.

(2) Ameerphus carbon electrodes (for furnaces).

Communication from the Commission on the description of the ICES sub-areas and divisions used for the purpose of fishery statistics and regulations in the north-east Atlantic

(85/C 347/05)

This Communication from the Commission is by way of a corrigendum to that published on page 3 of the *Official Journal of the European Communities* No C 140 of 3 June 1982. In view of the numerous amendments which have been made, the Communication is republished below in its entirety.

The Annex to this Communication contains a description of the ICES (International Council for the Exploration of the Sea) fishery statistical sub-areas and divisions in the north-east Atlantic to which reference is made in the legislation concerning the Community's fishery policy.

ANNEX

Description of the ICES sub-areas and divisions used for the purpose of fisheries statistics and regulations in the north-east Atlantic

Sub-area I (commonly known as the Barents Sea)

The waters bounded by a line from the geographic North Pole along the meridian of 30°00' east longitude to 72°00' north latitude; thence due west to 26°00' east longitude; thence due south to the coast of Norway; thence in an easterly direction along the coasts of Norway and the Union of Soviet Socialist Republics to Khaborova; thence across the western entry of the Strait of Yugorskiy Shar; thence in a westerly and northerly direction along the coast of Vaygach Island; thence across the western entry of the Strait of the Karskiye Vorota, thence west and north along the coast of the south island of Novaya Zemlya; thence across the western entry of the Strait of Matochkin Shar; thence along the west coast of the north island of Novaya Zemlya to a point in 68°30' east longitude; thence due north to the geographic North Pole.

Sub-area II (commonly known as the Norwegian Sea, Spitzbergen and Bear Island)

The waters bounded by a line drawn from the geographic North Pole along the meridian of 30°00' east longitude to 72°00' north latitude; thence due west to 26°00' east longitude; thence due south to the coast of Norway; thence in a westerly and south-westerly direction along the coast of Norway to 62°00' north latitude; thence due west to 4°00' west longitude; thence due north to 63°00' north latitude; thence due west to 11°00' west longitude; thence due north to the geographic North Pole.

Division II a) (commonly known as the Norwegian Sea)

The waters bounded by a line beginning at a point on the coast of Norway in 62°00' north latitude; thence due west to 4°00' west longitude; thence due north to 63°00' north latitude; thence due west to 11°00' west longitude; thence due north to 73°30' north latitude; thence due east to 30°00' east longitude; thence due south to 72°00' north latitude; thence due west to 26°00' east longitude; thence due south to the coast of Norway; thence in a westerly and south-westerly direction along the coast of Norway to the point of beginning.

Division II b) (commonly known as Spitzbergen and Bear Island)

The waters bounded by a line drawn from the geographic North Pole along the meridian of 30°00' east longitude to 73°30' north latitude; thence due west to 11°00' west longitude; thence due north to the geographic North Pole.

Sub-area III (commonly known as the Skagerrak, Kattegat, Sound, Belt Sea and Baltic Sea, the Sound and Belt Sea are together known also as the Transition Area)

The waters bounded by a line beginning at a point on the coast of Norway in 7°00' east longitude; thence due south to 57°30' north latitude; thence due east to 8°00' east longitude; thence due south to 57°00' north latitude; thence due east to the coast of Denmark; thence along the north-west and east coasts of Jutland to Hals; thence across the eastern entrance of the Limfjord to Egensekloster Point; thence in a southerly direction along the coast of Jutland to the eastern terminus of the boundary of Denmark with the Federal Republic of Germany; thence along the coasts of the Federal Republic of Germany, the German Democratic Republic, Poland, the western coast of the Union of Soviet Socialist Republics, the coasts of Finland, Sweden and Norway to the point of beginning.

Division III a) (commonly known as the Skagerrak and Kattegat)

The waters bounded by a line beginning at a point on the coast of Norway in 7°00' east longitude; thence due south to 57°30' north latitude; thence due east to 8°00' east longitude; thence due south to 57°00' north latitude; thence due east to the coast of Denmark; thence along the north-west and east coasts of Jutland to Hals; thence across the eastern entrance of the Limfjord to Egensekloster Point; thence in a southerly direction along the coast of Jutland to Hasenore Head; thence across the Great Belt to Griben Point; thence along the north coast of Zealand to Gilbjerg Head; thence across the northern approaches of the Øresund to the Kullen, on the coast of Sweden; thence in an easterly and northerly direction along the west coast of Sweden and the south coast of Norway to the point of beginning.

Division III b), c) (commonly known as the Sound and Belt Sea, or the Transition Area)

The waters bounded by a line drawn from Hasenore Head on the east coast of Jutland to Griben Point on the west coast of Zealand; thence along the north coast of Zealand to Gilbjerg Head; thence across the northern approaches of the Øresund to the Kullen, on the coast of Sweden; thence in a southerly direction along the coast of Sweden to Falsterbo Light; thence across the southern entrance of the Øresund to Stevns Light; thence along the south-east coast of Zealand; thence across the eastern entrance of the Storestrøm Sound; thence along the east coast of the island of Falster to Gedser; thence to Darsser-Ort on the coast of the German Democratic Republic; thence in a south-westerly direction along the coasts of the German Democratic Republic, the Federal Republic of Germany and the east coast of Jutland to the point of beginning.

Division III d) (commonly known as the Baltic Sea)

The waters of the Baltic Sea and its dependent gulfs, bights and firths, bounded to the west by a line drawn from Falsterbo Light on the south-west coast of Sweden; across the southern entrance of the Øresund to Stevns Light; thence along the south-east coast of Zealand; thence across the eastern entrance of the Storestrøm Sound; thence along the east coast of the island of Falster to Gedser; thence to Darsser-Ort on the coast of the German Democratic Republic.

Sub-area IV (commonly known as the *North Sea*)

The waters bounded by a line beginning at a point on the coast of Norway in 62°00' north latitude; thence due west to 4°00' west longitude; thence due south to the coast of Scotland; thence in an easterly and southerly direction along the coasts of Scotland and England to a point in 51°00' north latitude; thence due east to the coast of France; thence in a north-easterly direction along the coasts of France, Belgium, the Netherlands and the Federal Republic of Germany to the western terminus of its boundary with Denmark; thence along the west coast of Jutland to Thyborøn; thence in a southerly and easterly direction along the south coast of the Limfjord to Egensekloster Point; thence across the eastern entrance of the Limfjord to Hals; thence in a westerly direction along the north coast of Limfjord to the southernmost point of Agger Tange; thence in a northerly direction along the west coast of Jutland to a point in 57°00' north latitude; thence due west to 8°00' east longitude; thence due north to 57°30' north latitude; thence due west to 7°00' east longitude; thence due north to the coast of Norway, thence in a north-westerly direction along the coast of Norway to the point of beginning.

Division IV a) (commonly known as the *northern North Sea*)

The waters bounded by a line beginning at a point on the coast of Norway in 62°00' north latitude, thence due west to 4°00' west longitude, thence due south to the coast of Scotland; thence in an easterly and southerly direction along the coast of Scotland to a point in 57°30' north latitude; thence due east to 7°00' east longitude; thence due north to the coast of Norway; thence in a north-westerly direction along the coast of Norway to the point of beginning.

Division IV b) (commonly known as the *central North Sea*)

The waters bounded by a line beginning at a point on the west coast of Denmark in 57°00' north latitude; thence due west to 8°00' east longitude; thence due north to 57°30' north latitude; thence due west to the coast of Scotland; thence in a southerly direction along the coasts of Scotland and England to a point in 53°30' north latitude; thence due east to the coast of the Federal Republic of Germany; thence in a north-easterly direction along the coast of the Federal Republic of Germany to the western terminus of its boundary with Denmark; thence along the west coast of Jutland to Thyborøn; thence in a southerly and easterly direction along the south coast of the Limfjord to Egensekloster Point; thence across the eastern entrance of the Limfjord to Hals; thence in a westerly direction along the north coast of the Limfjord to the southernmost point of Agger Tange; thence in a northerly direction along the west coast of Jutland to the point of beginning.

Division IV c) (commonly known as the *southern North Sea*)

The waters bounded by a line beginning at a point on the west coast of the Federal Republic of Germany in 53°30' north latitude; thence due west to the coast of England; thence in a southerly direction to a point in 51°00' north latitude; thence due east to the coast of France; thence in a north-easterly direction along the coasts of France, Belgium, the Netherlands and the Federal Republic of Germany to the point of beginning.

Sub-area V (commonly known as the *Iceland and Faroes Grounds*)

The waters bounded by a line beginning at a point in 68°00' north latitude, 11°00' west longitude; thence due west to 27°00' west longitude; thence due south to 62°00' north latitude; thence due east to 15°00' west longitude; thence due south to 60°00' north latitude; thence due east to 5°00' west longitude; thence due north to 60°30' north latitude; thence due east to 4°00' west longitude; thence due north to 63°00' north latitude; thence due west to 11°00' west longitude; thence due north to the point of beginning.

Division V a) (commonly known as the *Iceland Grounds*)

The waters bounded by a line beginning at a point in 68°00' north latitude, 11°00' west longitude; thence due west to 27°00' west longitude; thence due south to 62°00' north latitude; thence due east to 15°00' west longitude; thence due north to 63°00' north latitude; thence due east to 11°00' west longitude; thence due north to the point of beginning.

Division V b) (commonly known as the *Faroes Grounds*)

The waters bounded by a line beginning at a point in 63°00' north latitude, 4°00' west longitude; thence due west to 15°00' west longitude; thence due south to 60°00' north latitude; thence due east to 5°00' west longitude; thence due north to 60°30' north latitude; thence due east to 4°00' west longitude; thence due north to the point of beginning.

Sub-area VI (commonly known as *Rockall, north-west coast of Scotland and north Ireland* north-west coast of Scotland and north Ireland is also known as the *west of Scotland*);

The waters bounded by a line beginning at a point on the north coast of Scotland in 4°00' west longitude; thence due north to 60°30' north latitude; thence due west to 5°00' west longitude; thence due south to 60°00' north latitude; thence due west to 18°00' west longitude; thence due south to 54°30' north latitude; thence due east to the coast of Ireland; thence in a northerly and easterly direction along the coasts of Ireland and of Northern Ireland to a point on the east coast of Northern Ireland in 55°00' north latitude; thence due east to the coast of Scotland; thence in a northerly direction along the west coast of Scotland to the point of beginning.

Division VI a) (commonly known as the *north-west coast of Scotland and north Ireland* also known as the *west of Scotland*)

The waters bounded by a line beginning at a point on the north coast of Scotland in 4°00' west longitude; thence due north to 60°30' north latitude; thence due west to 5°00' west longitude; thence due south to 60°00' north latitude; thence due west to 12°00' west longitude; thence due south to 54°30' north latitude; thence due east to the coast of Ireland; thence in a northerly and easterly direction along the coasts of Ireland and of Northern Ireland to a point on the east coast of Northern Ireland in 55°00' north latitude; thence due east to the coast of Scotland; thence in a northerly direction along the west coast of Scotland to the point of beginning.

Division VI b) (commonly known as *Rockall*)

The waters bounded by a line beginning at a point in 60°00' north latitude, 12°00' west longitude; thence due west to 18°00' west longitude, thence due south to 54°30' north latitude; thence due east to 12°00' west longitude; thence due north to the point of beginning.

Sub-area VII (commonly known as the *Irish Sea, west of Ireland and Porcupine Bank, south coast of Ireland (south-east of Ireland, Little Sole Bank, Great Sole Bank, western Great Sole Bank), Bristol Channel and English Channel*)

The waters bounded by a line beginning at a point on the west coast of Ireland in 54°30' north latitude; thence due west to 18°00' west longitude; thence due south to 48°00' north latitude; thence due east to the coast of France; thence in a northerly and north-easterly direction along the coast of France to a point in 51°00' north latitude; thence due west to the south-east coast of England; thence in a westerly and northerly direction along the coasts of England, Wales and Scotland to a point on the west coast of Scotland in 55°00' north latitude; thence due west to the coast of Northern Ireland; thence in a northerly and westerly direction along the coasts of Northern Ireland and Ireland to the point of beginning.

Division VII a) (commonly known as the *Irish Sea*)

The waters bounded by a line beginning at a point on the west coast of Scotland in 55°00' north latitude; thence due west to the coast of Northern Ireland; thence in a southerly direction along the coasts of Northern Ireland and Ireland to a point on the south-east coast of Ireland in 52°00' north latitude; thence due east to the coast of Wales; thence in a north-easterly and northerly direction along the coasts of Wales, England and Scotland to the point of beginning.

Division VII b) (commonly known as the *west of Ireland*)

The waters bounded by a line running from a point of the west coast of Ireland at latitude 54°30' N due west to longitude 12°00' W; thence due south to latitude 52°30' N; thence due east to the coast of Ireland; thence in a northerly direction along the west coast of Ireland to the point of departure.

Division VII c) (commonly known as *Porcupine Bank*)

The waters bounded by a line running from a point at latitude 54°30' N and longitude 12°00' W due west to longitude 18°00' W; thence due south to latitude 52°30' N; thence due east to the coast of Ireland; thence in a northerly direction along the west coast of Ireland to the point of departure.

Division VII d) (commonly known as the *eastern English Channel*)

The waters bounded by a line beginning at a point on the west coast of France in 51°00' north latitude; thence due west to the coast of England; thence in a westerly direction along the south coast of England to 2°00' west longitude; thence south to the coast of France at Cape de la Hague; thence in a north-easterly direction along the coast of France to the point of beginning.

Division VII e) (commonly known as the western English Channel)

The waters bounded by a line beginning on the south coast of England in 2°00' west longitude; thence in a southerly and westerly direction along the coast of England to a point on the south-west coast in 50°00' north latitude; thence due west to 7°00' west longitude; thence due south to 49°30' north latitude; thence due east to 5°00' west longitude; thence due south to 48°00' north latitude; thence due east to the coast of France; thence in a northerly and north-easterly direction along the coast of France to Cape de la Hague; thence due north to the point of beginning.

Division VII f) (commonly known as the Bristol Channel)

The waters bounded by a line beginning at a point on the south coast of Wales in 5°00' west longitude; thence due south to 51°00' north latitude; thence due west to 6°00' west longitude; thence due south to 50°30' north latitude; thence due west to 7°00' west longitude; thence due south to 50°00' north latitude; thence due east to the coast of England; thence along the south-west coast of England and the south coast of Wales to the point of beginning.

Division VII g)-k) (commonly known as the south coast of Ireland)

The waters bounded by a line beginning at a point in 52°30' north latitude on the west coast of Ireland; thence due west to 18°00' west longitude; thence due south to 48°00' north latitude; thence due east to 5°00' west longitude; thence due north to 49°30' north latitude; thence due west to 7°00' west longitude; thence due north to 50°30' north latitude; thence due east to 6°00' west longitude; thence due north to 51°00' north latitude; thence due east to 5°00' west longitude; thence due north to the south coast of Wales; thence in a north-westerly direction along the coast of Wales to a point in 52°00' north latitude, thence due west to the south-east coast of Ireland; thence in a south-westerly direction along the coast of Ireland to the point of beginning.

Division VII g) (commonly known as the south-east of Ireland)

The waters bounded by a line running from a point on the west coast of Wales at latitude 52°00' N due west to the south coast of Ireland; thence in a south-westerly direction along the coast of Ireland to a point at longitude 9°00' W; thence due south to latitude 50°00' N; thence due east to longitude 7°00' W; thence due north to latitude 50°30' N; thence due east to longitude 6°00' W; thence due north to latitude 51°00' N; thence due east to longitude 5°00' W; thence due north to the south coast of Wales; thence in a north-westerly direction along the coast of Wales to the point of departure.

Division VII h) (commonly known as Little Sole Bank)

The waters bounded by a line running from a point at latitude 50°00' N and longitude 7°00' W due west to longitude 9°00' W; thence due south to latitude 48°00' N; thence due east to longitude 5°00' W; thence due north to latitude 49°30' N; thence due west to longitude 7°00' W; thence due north to the point of departure.

Division VII j) (commonly known as Great Sole Bank)

The waters bounded by a line running from a point on the west coast of Ireland at latitude 52°30' N due west to longitude 12°00' W; thence due south to latitude 48°00' N; thence due east to longitude 9°00' W; thence due north to the south coast of Ireland; thence in a westerly and north-westerly direction along the coast of Ireland to the point of departure.

Division VII k) (commonly known as western Great Sole Bank)

The waters bounded by a line running from a point at latitude 52°30' N and longitude 12°00' W due west to longitude 18°00' W; thence due south to latitude 48°00' N; thence due east to longitude 12°00' W; thence due north to the point of departure.

Sub-area VIII (commonly known as the Bay of Biscay)

The waters bounded by a line beginning at a point on the coast of France in 48°00' north latitude; thence due west to 18°00' west longitude; thence due south to 43°00' north latitude; thence due east to the coast of Spain; thence in a northerly direction along the coasts of Spain and France to the point of beginning.

Division VIII a) (commonly known as south Brittany)

The waters bounded by a line running from a point on the coast of France at latitude 48°00' N due west to longitude 8°00' W; thence due south to latitude 47°30' N; thence due east to longitude 6°00' W; thence due south to latitude 47°00' N; thence due east to longitude 5°00' W; thence due south to latitude 46°00' N, thence due east to the west coast of the Ile d'Oléron; thence round the north of this island to a point on its east coast at latitude 46°00' N; thence due east to the coast of France; thence in a north-westerly direction along the coast of France to the point of departure.

Division VIII b) (commonly known as south Gascony)

The waters bounded by a line running from a point on the west coast of France at latitude 46°00' N due west to the east coast of the Ile d'Oléron; thence round the north of the island to a point on its west coast at latitude 46°00' N; thence due west to longitude 4°00' W; thence due south to latitude 45°30' N; thence due east to longitude 3°00' W; thence due south to latitude 44°30' N; thence due east to longitude 2°00' W; thence due south to the coast of Spain; thence in an easterly and north-easterly direction along the coasts of Spain and France to the point of departure.

Division VIII c) (commonly known as north and north-west Spain)

The waters bounded by a line running from a point on the coast of Spain at longitude 2°00' W due north to latitude 44°30' N; thence due west to longitude 11°00' W; thence due south to latitude 43°00' N, thence due east to the coast of Spain; thence in a north-easterly direction along the coast of Spain to the point of departure.

Division VIII d) (commonly known as central Gascony)

The waters bounded by a line running from a point at latitude 48°00' N and longitude 8°00' W due west to longitude 11°00' W; thence due south to latitude 44°30' N; thence due east to longitude 3°00' W; thence due north to latitude 45°30' N; thence due west to longitude 4°00' W; thence due north to latitude 46°00' N; thence due west to longitude 5°00' W; thence due north to latitude 47°00' N; thence due west to longitude 6°00' W; thence due north to latitude 47°30' N; thence due west to longitude 8°00' W; thence due north to the point of departure.

Division VIII e) (commonly known as western Gascony)

The waters bounded by a line running from a point at latitude 48°00' N and longitude 11°00' W due west to longitude 18°00' W; thence due south to latitude 43°00' N; thence due east to longitude 11°00' W; thence due north to the point of departure.

Sub-area IX (commonly known as Portuguese waters)

The waters bounded by a line beginning at a point on the coast of Spain in 43°00' north latitude; thence due west to 18°00' west longitude; thence due south to 36°00' north latitude; thence due east to a point on the coast of Spain (Punta Marroqui isthmus) in 5°36' west longitude; thence in a north-westerly direction along the south-west coast of Spain, the coast of Portugal and the north-west coast of Spain to the point of beginning.

Division IX a) (commonly known as the Portuguese coast)

The waters bounded by a line running from a point on the coast of Spain at latitude 43°00' N due west to longitude 11°00' W; thence due south to latitude 36°00' N; thence due east to a point on the coast of Spain (Punta Marroqui isthmus) at longitude 5°36' W; thence in a north-westerly direction along the south-west coast of Spain, the coast of Portugal and the north-west coast of Spain to the point of departure.

Division IX b) (commonly known as west of Portugal)

The waters bounded by a line running from a point at latitude 43°00' N; and longitude 11°00' W due west to longitude 18°00' W; thence due south to latitude 36°00' N; thence due east to longitude 11°00' W; thence due north to the point of departure.

Sub-area X (commonly known as the Azores Grounds)

The waters bounded by a line beginning at a point in 48°00' north latitude, 18°00' west longitude; thence due west to 42°00' west longitude; thence due south to 36°00' north latitude; thence due east to 18°00' west longitude; thence due north to the point of beginning.

Sub-area XII (commonly known as north of Azores)

The waters bounded by a line beginning at a point in 62°00' north latitude, 15°00' west longitude; thence due west to 27°00' west longitude; thence due south to 59°00' north latitude; thence due west to 42°00' west longitude; thence due south to 48°00' north latitude; thence due east to 18°00' west longitude; thence due north to 60°00' north latitude; thence due east to 15°00' west longitude; thence due north to the point of beginning.

Sub-area XIV (commonly known as east Greenland)

The waters bounded by a line from the geographic North Pole along the meridian of 40°00' west longitude to the north coast of Greenland; thence in an easterly and southerly direction along the coast of Greenland to a point in 44°00' west longitude; thence due south to 59°00' north latitude; thence due east to 27°00' west longitude; thence due north to 68°00' north latitude; thence due east to 11°00' west longitude; thence due north to the geographic North Pole.

COURT OF JUSTICE

JUDGMENT OF THE COURT

(Fifth Chamber)

of 10 December 1985

**in Case 260/82: Nederlandse Sigarenwinkeliers
Organisatie v. Commission of the European
Communities⁽¹⁾**

**(Competition — Agreement regarding discounts on
manufactured tobacco)**

(85/C 347/06)

(Language of the Case: Dutch)

*(Provisional translation: the definitive translation will be
published in the Reports of Cases Before the Court)*

In Case 260/82: Nederlandse Sigarenwinkeliers Organisatie, a Dutch tobacco retailers' association, whose registered office is in Haarlem, represented by T. R. Ottervanger, of the Rotterdam Bar, practising in Brussels, with an address for service in Luxembourg at the Chambers of E. Arendt, 34B Rue Philippe II, against the Commission of the European Communities (Agent: B. van der Esch, assisted by C. E. M. van Nispen tot Sevenaer, of the Bar of The Hague) — application for a declaration that the Commission Decision of 15 July 1982 in Case IV/29.525 and IV/30.000 relating to a proceeding under Article 85 of the EEC Treaty⁽²⁾ is void — the Court (Fifth Chamber), composed of U. Everling, President of Chamber, R. Joliet, O. Due, Y. Galmot and C. Kakouris, Judges; P. VerLoren van Themaat, Advocate General; H. A. Rühl, Principal Administrator, for the Registrar, gave a judgment on 10 December 1985, the operative part of which is as follows:

1. *The application is dismissed;*
2. *The applicant is ordered to pay the costs.*

⁽¹⁾ OJ No C 283, 28. 10. 1982.

⁽²⁾ OJ No L 232, 6. 8. 1982, p. 1.

JUDGMENT OF THE COURT

(Fifth Chamber)

of 10 December 1985

**in Joined Cases 240 to 242, 261, 262, 268 and 269/82:
Stichting Sigarettenindustrie and Others v. Commission
of the European Communities⁽¹⁾**

**(Competitions — Agreements and concerted practices
regarding manufactured tobacco)**

(85/C 347/07)

(Languages of the Case: German and Dutch)

*(Provisional translation: the definitive translation will be
published in the Reports of Cases Before the Court)*

In Joined Cases 240 to 242, 261, 262, 268 and 269/82: Stichting Sigarettenindustrie, a foundation governed by

the law of the Netherlands whose registered office is in The Hague, represented by L. H. van Lennep, of the Bar of The Hague, practising in Brussels, with an address for service in Luxembourg at the Chambers of J. Loesch, 2 Rue Goethe (Case 240/82), Philip Morris Holland BV, a limited liability company incorporated under the law of the Netherlands whose head office is in The Hague, represented by F. O. W. Vogelaar, an advocate practising before the Hoge Raad of the Netherlands whose Chambers are in The Hague, with an address for service in Luxembourg at the Chambers of J. Loesch, 2 Rue Goethe (Case 241/82), Theodorus Niemeyer BV, a limited liability company incorporated under the law of the Netherlands whose head office is in Groningen, represented by R. E. P. de Ranitz, an advocate practising before the Hoge Raad of the Netherlands whose Chambers are in The Hague, with an address for service in Luxembourg at the Chambers of J. Loesch, 2 Rue Goethe (Case 242/82), R. J. Reynolds Tobacco BV, a limited liability company incorporated under the law of the Netherlands whose head office is in Hilversum, represented by W. F. Th. Corpeleijn and O. W. Brouwer, of the Amsterdam Bar, with an address for service in Luxembourg at the Chambers of J. C. Wolter, 2 Rue Goethe (Case 261/82), British-American Tobacco Company (Nederland) BV, a limited liability company incorporated under the law of the Netherlands whose head office is in Amsterdam, represented by P. V. F. Bos, of the Amsterdam Bar, practising in Brussels, with an address for service in Luxembourg at the Chambers of J. Loesch, 2 Rue Goethe (Case 262/82), Sigarettenfabriek Ed. Laurens BV, a limited liability company incorporated under the law of the Netherlands whose head office is in The Hague, represented by Hans G. Kemmler, Barbara Rapp-Jung and Alexander Böhlke, Rechtsanwälte, Frankfurt am Main, practising in Brussels, with an address for service in Luxembourg at the Chambers of E. Arendt, 34b Rue Philippe II (Case 268/82), and Turmac Tobacco Company BV, a limited liability company incorporated under the law of the Netherlands whose head office is in Amsterdam, represented by Hans G. Kemmler, Barbara Rapp-Jung and Alexander Böhlke, Rechtsanwälte, Frankfurt am Main, practising in Brussels, with an address for service in Luxembourg at the Chambers of E. Arendt, 34B Rue Philippe II (Case 269/82), against the Commission of the European Communities (Agent: B. van der Esch, assisted by C. E. M. van Nispen tot Sevenaer, of the Bar of The Hague, practising in Brussels) — applications for a declaration that the Commission Decision of 15 July 1982 in Cases IV/29.525 and IV/30.000 relating to a proceeding under Article 85 of the EEC Treaty⁽²⁾ is void — the Court (Fifth Chamber), composed of U. Everling, President of Chamber, R. Joliet, O. Due, Y. Galmot and C. Kakouris, Judges; P. VerLoren van Themaat, Advocate General; H. A. Rühl, Principal Administrator, for the Registrar, gave a judgment on 10 December 1985, the operative part of which is as follows:

1. *The fine imposed on Reynolds is reduced from ECU 150 000 to ECU 100 000, that is to say, Hfl 260 884.*
2. *The remainder of Reynolds' application is dismissed.*

⁽¹⁾ OJ No C 283, 28. 10. 1982 and No 284, 29. 10. 1982.

⁽²⁾ OJ No L 232, 6. 8. 1982, p. 1.

3. *The other applications are dismissed.*
4. *In Case 261/82 each party shall bear its own costs.*
5. *In regard to the other applications the applicants are ordered jointly and severally to pay the costs.*

JUDGMENT OF THE COURT

(Fourth Chamber)

of 10 December 1985

in Case 290/84 (reference for a preliminary ruling made by the Bundesfinanzhof): Hauptzollamt Schweinfurt v. Mainfrucht Obstverwertung GmbH ⁽¹⁾

(Valuation for customs purposes — Transport costs)

(85/C 347/08)

(Language of the Case: German)

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

In Case 290/84: reference to the Court under Article 177 of the EEC Treaty by the Bundesfinanzhof (Federal Finance Court) for a preliminary ruling in the proceedings pending before that court between Hauptzollamt Schweinfurt and Mainfrucht Obstverwertung GmbH — on the interpretation of Articles 3 and 15 of Council Regulation No 1224/80 of 28 May 1980 on the valuation of goods for customs purposes (Official Journal No L 134, p. 1) — the Court (Fourth Chamber), composed of K. Bahlmann, (President of Chamber), G. Bosco, T. Koopmans, T.F. O'Higgins, F. Schockweiler, Judges; C. O. Lenz, Advocate General; P. Heim, Registrar, gave a judgment on 10 December 1985, the operative part of which is as follows:

Where a domestic buyer has paid the foreign seller, in addition to the price of the goods, a special amount in respect of 'intra-Community transport costs' on the basis of a separate invoice, the transaction value within the meaning of Article 3 (1) of Regulation No 1224/80 includes only the first of those amounts, but the competent customs authorities may, if the circumstances warrant it, check the invoice relating to the costs in question in order to verify that they are not fictitious.

⁽¹⁾ OJ No C 29, 31. 1. 1985, p. 3.

JUDGMENT OF THE COURT

(Fourth Chamber)

of 10 December 1985

in Case 31/85 (reference for a preliminary ruling made by the Tribunal de Commerce, Brussels): ETA Fabriques d'Ébauches SA v. DK Investment SA and Others ⁽¹⁾

(Competition — Parallel market and duty to furnish guarantee)

(85/C 347/09)

(Language of the Case: French)

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

In Case 31/85: reference to the Court under Article 177 of the EEC Treaty by the Tribunal de Commerce (Commercial Court), Brussels, for a preliminary ruling in the proceedings pending before that court between ETA Fabriques d'Ébauches SA, a company incorporated under Swiss law, whose registered office is at Grenchen (Switzerland), on the one hand, and (1) DK Investment SA, a company incorporated under Belgian law, whose registered office is at Ixelles (Belgium), (2) Horelec SA, a company incorporated under Belgian law, whose registered office is at Ixelles, (3) SCOR SA, a company incorporated under Belgian law, whose registered office is at Ixelles, (4) Bureau d'Achats Maxitec SA, a company incorporated under Belgian law, whose registered office is at Edegem (Belgium), and (5) GB-Inno-BM, SA, a company incorporated under Belgian law, whose registered office is in Brussels, on the other hand — on the interpretation of Article 85 of the EEC Treaty — the Court (Fourth Chamber), composed of K. Bahlmann, President, G. Bosco, T. Koopmans, T.F. O'Higgins and F. Schockweiler, Judges; M. Darmon, Advocate General; P. Heim, Registrar, gave a judgment on 10 December 1985, the operative part of which is as follows:

A clause inserted in an exclusive distribution contract, whereby the manufacturer undertakes with his sole agent to grant, after sale to the consumer, a guarantee in respect of his products and by virtue of which he withholds the guarantee from the customers of parallel distributors, is incompatible with Article 85 (1) of the EEC Treaty, inasmuch as the restriction on competition which is likely to result therefrom affects trade between Member States.

⁽¹⁾ OJ No C 63, 12. 3. 1985, p. 4.

JUDGMENT OF THE COURT

of 11 December 1985

in Case 192/84: Commission of the European Communities v Hellenic Republic ⁽¹⁾

(Measures having equivalent effect — Credit terms for the purchase of agricultural machinery)

(85/C 347/10)

(Language of the Case: Greek)

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

In Case 192/84: the Commission of the European Communities (Agent: X. Yataganas) against the Hellenic

⁽¹⁾ OJ No C 281, 20. 10. 1984.

Republic (Agent: L. Stephanou) — application for a declaration that, by granting more favourable credit terms for the purchase of Greek agricultural machinery, to the detriment of the same type of machinery imported from Member States of the Community, the Hellenic Republic is failing to fulfil its obligations under Article 30 of the EEC Treaty, in conjunction with Article 35 of the Act of Accession, and that, by failing to reply to the Commission's repeated requests for information about the machinery affected by the said discriminatory practice, the Hellenic Republic has failed to fulfil its obligations under Article 5 of the Treaty — the Court, composed of Lord Mackenzie Stuart, President, U. Everling and K. Bahlmann (Presidents of Chambers), T. Koopmans, O. Due, Y. Galmot and C. Kakouris, Judges; M. Darmon, Advocate General; D. Louterman, Administrator, for the Registrar, gave a judgment on 11 December 1985, the operative part of which is as follows:

1. *By not revoking until 23 September 1984 Memorandum No Ph 5. 3/42 of the Ministry of Industry and Energy of 31 March 1982, requesting the Agricultural Bank of Greece to ensure that its officers, before granting loans for the purchase of centrifuges and settling-tanks for use in oil mills, required applicants to produce a certificate from the Ministry stating that such machinery was not manufactured in Greece, the Hellenic Republic has failed to fulfil its obligations under Article 30 of the EEC Treaty, in conjunction with Article 35 of the Act of Accession;*
2. *The remainder of the application is dismissed;*
3. *Each party shall bear its own costs.*

Reference for a preliminary ruling by the *Rechtbank van Eerste Aanleg, Bruges*, by judgments of that court of 30 October 1985 in the case of *Openbaar Ministerie v. O. T. A. Traen, C. O. Quicke and P. V. B. A. Quicke (Case 372/85)*, in the case of *Openbaar Ministerie v. E. P. M. Quicke (Case 373/85)*, and in the case of *Openbaar Ministerie v. R. J. M. J. Vanhove (Case 374/85)*

(85/C 347/11)

Reference has been made to the Court of Justice of the European Communities by three judgments of the Seventh Chamber of the *Rechtbank van Eerste Aanleg (Court of First Instance), Bruges*, of 30 October 1985, which were received at the Court Registry on 27 November 1985, for a preliminary ruling in the cases of 1. *Openbaar Ministerie v. O. T. A. Traen, C. O. Quicke and P. V. B. A. Quicke* 2. *Openbaar Ministerie v. E. P. M. Quicke* and 3. *Openbaar Ministerie v. R. J. M. J. Vanhove* on the following questions:

1. According to what criteria should it be determined whether an undertaking is subject to the provisions of

Articles 8 to 12 of Directive 75/442/EEC⁽¹⁾ because it carries on waste disposal activities covered by those provisions? Is a casual or isolated operation sufficient or must other criteria be satisfied, concerning for example: the objects of the company, the operations actually carried out in the field of waste disposal (main or subsidiary activity, or repeated operations), the likely effect on the environment, and so forth?

2. Is the carrier obliged to obtain a permit — because he also deposits waste — even if he acts on the instructions, at the request or with the permission of the owner or occupier of land who in law has acquired ownership of the waste, and conversely, is the occupier or owner required to obtain a permit, owing to the fact that he permits the waste to be deposited (and thus does not deposit waste himself)?
3. Does a discharge permit issued by the director of a water-purifying company set up by the authorities of a Member State comply with the requirements of Articles 5 and 8 of the EEC Directive of 15 July 1975 on waste?
4. To what extent are the Member States free to organize the supervision referred to in Article 10 of the aforesaid Directive?
5. Do the obligations imposed by Articles 8 and 12 of Directive 75/442/EEC apply directly to undertakings or does their application depend upon the prior creation or designation by the Member State of the competent authority to which undertakings may apply, *inter alia* in order to obtain the necessary permit, and upon the adoption of the necessary implementing rules, regarding such matters as the forms to be used on the deposit of waste, for the purpose of ensuring supervision, in view of the fact that the Directive entered into force (by virtue of Article 191 of the EEC Treaty and Article 13 of the Directive) by notification to the Member States and not by publication in the *Official Journal of the European Communities*?

⁽¹⁾ OJ No L 194, 1975, p. 39.

Action brought on 28 November 1985 by the Commission of the European Communities against the Italian Republic

(Case 382/85)

(85/C 347/12)

An action against the Italian Republic was brought before the Court of Justice of the European Communities on 28 November 1985 by the Commission of the European Communities, represented by David Gilmour, a member of its Legal Department, acting as Agent, assisted by Silvio Pieri, an Italian civil servant

servicing with the Commission under an exchange arrangement with the national civil services, with an address for service in Luxembourg at the office of Georgios Kremlis, also of its Legal Department, Jean Monnet Building, Kirchberg, Luxembourg.

The applicant claims that the Court should:

- Declare that, by failing to communicate to the Commission the legislative, regulatory or administrative provisions which it adopted in order to fulfil its obligations under Directive 79/267/EEC on the coordination of the laws, regulations and administrative provisions relating to the taking up and pursuit of the business of direct life assurance, or by failing to adopt such measures, the Italian Republic has failed to fulfil its obligations under the Treaty establishing the European Economic Community and under the said directive;
- Order the Italian Republic to pay the costs.

Contentions and main arguments adduced in support:

Article 189 of the EEC Treaty according to which a Directive is binding, as to the result to be achieved, upon each Member State to which it is addressed, imposes an implied obligation on the Member States to observe the periods which the Directives lay down for their transposition into national law. The Italian Republic has not communicated to the Commission the measures adopted since 15 September 1980 for the transposition of the Directive although the period prescribed therein for that purpose expired on that date. On the basis of the information in its possession, the Commission believes that the Italian Republic has not yet adopted the required measures.

Action brought on 28 November 1985 by the Commission of the European Communities against the Kingdom of Belgium

(Case 383/85)

(85/C 347/13)

An action against the Kingdom of Belgium was brought before the Court of Justice of the European Communities on 28 November 1985 by the Commission of the European Communities, represented by Dimitrios Gouloussis, acting as Agent, with an address for service in Luxembourg at the Chambers of G. Kremlis, a member of the Commission's Legal Department, Jean Monnet Building, Kirchberg.

The applicant claims that the Court should:

- Declare that, by failing to adopt the measures necessary to comply with the judgment of the Court of Justice of 20 October 1981 in Case 137/80 (*Commission v. Belgium* [1981] ECR 2393), the Kingdom of Belgium has failed to fulfil its obligations under Article 171 of the EEC Treaty;
- Order the Kingdom of Belgium to pay the costs.

Contentions and main arguments adduced in support

Although four years have elapsed since the date of the judgment referred to in the conclusions, the Kingdom of Belgium has not yet adopted the measures needed to comply with it. The draft law transmitted to the Commission in July 1985, even if enacted, would not meet all the obligations incumbent on Belgium.

Action brought on 2 December 1985 by the Commission of the European Communities against the Italian Republic

(Case 386/85)

(85/C 347/14)

An action against the Italian Republic was brought before the Court of Justice of the European Communities on 2 December 1985 by the Commission of the European Communities, represented by Alberto Prozzilo, a member of its Legal Department, with an address for service in Luxembourg at the office of Dr Georgios Kremlis, also of its Legal Department, Jean Monnet Building, Kirchberg.

The applicant claims that the Court should:

- Declare that, by failing to adopt within the prescribed period the measures needed to comply with Directives 80/214/EEC, 80/1099/EEC and 80/1100/EEC, the Italian Republic has failed to fulfil its obligations under the EEC Treaty;
- Order the Italian Republic to pay the costs.

Contentions and main arguments adduced in support

Article 189 of the EEC Treaty, according to which a Directive is binding, as to the result to be achieved, upon each Member State to which it is addressed, imposes an implied obligation on the Member States to observe the periods the Directives lay down for their transposition into national law. The Italian Republic has not adopted the measures needed to comply with the Directives mentioned in the conclusions although the periods prescribed therein for that purpose expired on 31 December 1980 and 1 July 1981.

Reference for a preliminary ruling made by the Court of Appeal dated 6 November 1985 in the case of David Christopher Hinde against the Inner London Education Authority and the Secretary of State for Education & Science

(Case 387/85)

(85/C 347/15)

The Court of Justice of the European Communities has received a reference for a preliminary ruling made by the Court of Appeal in the proceedings between David

Christopher Hinde and the Inner London Education Authority and the Secretary of State for Education & Science which was lodged at the Court Registry on 2 December 1985 on the following questions:

1. By what criteria may it be decided whether an undergraduate course in law at a university leading to an LL.B degree, which enables the holder to be exempted from certain preliminary professional examinations and to be admitted to a mandatory course of instruction provided at a separate institution by or under the supervision of the professional body responsible for qualification and admission to the legal profession:

(a) falls within Article 7 (3) of Regulation (EEC) No 1612/68 ⁽¹⁾;

(b) constitutes vocational training falling within the scope of the Treaty for the purpose of Article 7 thereof as interpreted in *Forcheri v Belgium* (Case 152/82) ⁽²⁾ and *Gravier v City of Liège* (Case 293/83) ⁽³⁾?

2. Where a worker ceases employment in order to take such a course with the intention of becoming and practising as a barrister or solicitor, is he entitled to a mandatory non-refundable award in respect of maintenance and fees for that course on the same terms as national workers by virtue of Article 7 (2) of Regulation (EEC) No 1612/68?

3. (a) Where a Member State, as part of its general education policy, makes statutory arrangements for the making of mandatory non-refundable awards in respect of:

- (i) maintenance;
- (ii) payment of fees,

to under-graduates who are taking a course of the kind referred to in question 1 above, can it be contrary to Articles 7 and/or 59 of the EEC Treaty to require that both nationals and non-nationals should satisfy a period of three years' residence in the host Member State in order to qualify for such an award; and, if so, under what circumstances?

(b) Is it of relevance in this connection to determine whether the university (as opposed to the education authority making the mandatory award) is 'non-profit making' within the meaning of Article 58 of the EEC Treaty? If so, by reference to what criteria is it to be determined whether the university is 'non-profit making' for the purposes of that Article?

(c) Is it further of relevance in this connection to determine whether the university course (as opposed to the mandatory award and payment of fees) is 'normally provided for remuneration' within the meaning of Article 60 of the EEC Treaty? If so, by reference to what criteria is it to be determined whether the course is 'normally provided for remuneration'?

Action brought on 2 December 1985 by the Commission of the European Communities against the Kingdom of Belgium

(Case 388/85)

(85/C 347/16)

An action against the Kingdom of Belgium was brought before the Court of Justice of the European Communities on 2 December 1985 by the Commission of the European Communities, represented by Étienne Lasnet, acting as Agent, with an address for service in Luxembourg at the Chambers of G. Kremlis, Jean Monnet Building, Kirchberg.

The applicant claims that the Court should:

- Declare that, by failing to adopt the measures necessary to comply in full with the provisions of Council Directive 80/154/EEC ⁽¹⁾ of 21 January 1980 concerning the mutual recognition of diplomas, certificates and other evidence of formal qualifications in midwifery and including measures to facilitate the effective exercise of the right of establishment and freedom to provide services and of Council Directive 80/155/EEC ⁽²⁾ of 21 January 1980 concerning the coordination of provisions laid down by law, regulation or administrative action relating to the taking up and pursuit of the activities of midwives, the Kingdom of Belgium has failed to fulfil its obligations under the EEC Treaty;
- Order the Kingdom of Belgium to pay the costs.

Contentions and main arguments adduced in support

Article 189 of the EEC Treaty, which provides that a Directive is to be binding, as to the result to be achieved, upon each Member State to which it is addressed, imposes an obligation upon the Member States to comply with the period prescribed for transposition into national law by the Directives themselves. Although that period expired on 23 January 1983, the Kingdom of Belgium has not yet implemented all the measures needed to comply with the Directives referred to in the conclusions.

⁽¹⁾ Official Journal English Special Edition 1968 (II), p. 475.

⁽²⁾ OJ No C 226, 24. 8. 1983, Judgment of 13 July 1983.

⁽³⁾ OJ No C 61, 9. 3. 1985, Judgment of 13 February 1985.

⁽¹⁾ OJ No L 33, 11. 2. 1980, p. 1.

⁽²⁾ OJ No L 33, 11. 2. 1980, p. 1.

Action brought on 2 December 1985 by the Commission of the European Communities against the Kingdom of Belgium

(Case 389/85)

(85/C 347/17)

An action against the Kingdom of Belgium was brought before the Court of Justice of the European Communities on 2 December 1985 by the Commission of the European Communities, represented by Étienne Lasnet, acting as Agent, with an address for service in Luxembourg at the Chambers of G. Kremlis, Jean Monnet Building, Kirchberg.

The applicant claims that the Court should:

— Declare that, by failing to adopt the measures necessary to comply in full, in the first place, with the provisions of Council Directive 81/1057/EEC ⁽¹⁾ of 14 December 1981 supplementing Directives 75/362/EEC, 77/452/EEC, 78/686/EEC and 78/1026/EEC concerning the mutual recognition of diplomas, certificates and other evidence of the formal qualifications of doctors, nurses responsible for general care, dental practitioners and veterinary surgeons respectively, with regard to acquired rights and, secondly, with the provisions of Council Directive 82/76/EEC ⁽²⁾ of 26 January 1982 amending Directive 75/362/EEC concerning the mutual recognition of diplomas, certificates and other evidence of formal qualifications in medicine, including measures to facilitate effective exercise of the right of establishment and freedom to provide services and Directive 75/363/EEC concerning the coordination of provisions laid down by law, regulation or administrative action in respect of activities of doctors, the Kingdom of Belgium has failed to fulfil its obligations under the Treaty;

— Order the Kingdom of Belgium to pay the costs.

Contentions and main arguments adduced in support

The contentions and main arguments are similar to those relied upon in Case 388/85. The period for transposing the two Directives into national law expired on 30 June 1982 and 31 December 1982 respectively.

⁽¹⁾ OJ No L 385, 31. 12. 1981, p. 25.

⁽²⁾ OJ No L 43, 15. 2. 1982, p. 21.

Action brought on 2 December 1985 by the Commission of the European Communities against the Kingdom of Belgium

(Case 390/85)

(85/C 347/18)

An action against the Kingdom of Belgium was brought before the Court of Justice of the European Communities on 2 December 1985 by the Commission of the European Communities, represented by its Legal Adviser, Étienne Lasnet, acting as Agent, with an address for service in Luxembourg at the office of G. Kremlis, Jean Monnet Building, Kirchberg.

The applicant claims that the Court should:

— Declare that, by failing to adopt the measures necessary to comply with the provisions of:

- (a) Council Directive 79/279/EEC of 5 March 1979 coordinating the conditions for the admission of securities to official stock exchange listing ⁽³⁾,
- (b) Council Directive 80/390/EEC of 17 March 1980 coordinating the requirements for the drawing up, scrutiny and distribution of the listing particulars to be published for the admission of securities to official stock exchange listing ⁽⁴⁾, and
- (c) Council Directive 82/121/EEC of 15 February 1982 on information to be published on a regular basis by companies the shares of which have been admitted to official stock exchange listing ⁽⁵⁾,

the Kingdom of Belgium has failed to fulfil its obligations under the EEC Treaty;

— Order the Kingdom of Belgium to pay the costs.

Contentions and main arguments adduced in support

The contentions and main arguments are similar to those adduced in Case 388/85. By virtue of the provisions of Directive 82/148/EEC ⁽⁶⁾, the period for transposing the Community provisions into national law expired on 30 June 1983.

⁽³⁾ OJ No L 66, 16. 3. 1979, p. 21.

⁽⁴⁾ OJ No L 100, 17. 4. 1980, p. 1.

⁽⁵⁾ OJ No L 48, 20. 2. 1982, p. 26.

⁽⁶⁾ OJ No L 62, 5. 3. 1982, p. 22.

**Action brought on 2 December 1985 by the Commission
of the European Communities against the Kingdom of
Belgium**

(Case 391/85)

(85/C 347/19)

An action against the Kingdom of Belgium was brought before the Court of Justice of the European Communities on 2 December 1985 by the Commission of the European Communities, represented by H. Étienne, Principal Legal Adviser, acting as Agent, with an address for service in Luxembourg at the office of G. Kremlis, a member of the Commission's Legal Department, Jean Monnet Building, Kirchberg.

The applicant claims that the Court should:

- Declare that, in practice by retaining, under the Law of 31 July 1984, the catalogue price as the basis for the taxation of new saloon and estate cars, the

Kingdom of Belgium has failed to take the measures necessary to comply with the judgment of the Court of Justice of 10 April 1984 ⁽¹⁾ in which the Court declared that practice to be contrary to Directive 77/388/EEC ⁽²⁾;

- Order the Kingdom of Belgium to pay the costs.

Contentions and main arguments adduced in support

The action has been brought on the basis of Article 169 of the EEC Treaty. The registration tax provided for in the Law of 31 July 1984 and implemented by the Royal Decree of 20 December 1984 is charged on that part of the basis of assessment which the Court held to be contrary to the Treaty; that tax, although referred to by a different name, has the same characteristics as VAT.

⁽¹⁾ Case 324/82, *Commission v. Belgium*, [1984] ECR 1861.

⁽²⁾ OJ No L 145, 13. 6. 1977, p. 1.

III

(Notices)

COMMISSION

Notice of an invitation to tender for the resale of Common wheat

(85/C 347/20)

Pursuant to Commission Regulation (EEC) No 1836/82 of 7 July 1982 laying down the procedure and conditions for the disposal of cereals held by intervention agencies (1) the Belgian intervention agency,

Office belge de l'économie et de l'agriculture
Rue de Trèves, 82
B-1040 Bruxelles
(téléx: 24076 OBEA BRU B)

is holding an invitation to tender for the resale on the internal market of the Community of 5 000 tonnes of Common wheat.

(1) OJ No L 202, 9. 7. 1982, p. 23.