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Information and Notices

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I

(Information)

COMMISSION

Ecu (*)

(90/C 85/01)

Currency amount for one ecu:

	2. 4. 1990	March (*)		2. 4. 1990	March (*)
Belgian and Luxembourg franc	42,2744	42,3697	Portuguese escudo	180,741	180,237
German mark	2,04344	2,04112	United States dollar	1,20089	1,19727
Dutch guilder	2,30211	2,29826	Swiss franc	1,80794	1,80995
Pound sterling	0,739146	0,737044	Swedish krona	7,38128	7,37636
Danish krone	7,80639	7,81473	Norwegian krone	7,91867	7,88872
French franc	6,87090	6,88873	Canadian dollar	1,40540	1,41353
Italian lira	1502,61	1505,27	Austrian schilling	14,3771	14,3666
Irish pound	0,763440	0,765801	Finnish markka	4,82758	4,81489
Greek drachma	196,670	194,485	Japanese yen	191,482	183,418
Spanish peseta	130,825	130,934	Australian dollar	1,58953	1,58500
			New Zealand dollar	2,07050	2,04728

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 'ccc' 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.

(*) Council Regulation (EEC) No 3180/78 of 18 December 1978 (OJ No L 379, 30. 12. 1978, p. 1), as last amended by Regulation (EEC) No 1971/89 (OJ No L 189, 4. 7. 1989, 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).

(*) The monthly average of ecu exchange rates will be published at the end of each month.

UNIFORM APPLICATION OF THE COMBINED NOMENCLATURE (CN)

(Classification of goods)

(90/C 85/02)

Publication of Explanatory Notes made in accordance with Article 10 (1) of Council Regulation (EEC) No 2658/87 on the tariff and statistical nomenclature and on the Common Customs Tariff⁽¹⁾, as last amended by Regulation (EEC) No 2886/89⁽²⁾

The Explanatory Notes to the Combined Nomenclature of the European Communities⁽³⁾ are amended as follows:

Page 'Chapter 62/1'

Insert under General:

- '3. This Chapter includes items of industrial and occupational clothing which are referred to in subheadings of the CN and which because of their general aspect (simple or special cut or design related to the function of the garment) and the nature of their fabric, which is generally tough and non-shrink, make it clear that they are designed to be worn solely or mainly in order to provide protection (physical or health) for other clothing and/or persons during industrial, professional or domestic activities.

Generally clothing of this type does not incorporate decoration. For this purpose descriptions and symbols referring to the activity carried out are not considered to be decoration.

Clothing of this type is made of cotton, synthetic or artificial fibres, or of a mixture of these textile materials.

In order to increase their strength the two types of stitching the most often used when they are made up are the "safety" seam and the double seam.

Industrial and occupational garments are most often fastened by means of zips press studs, "velcro" strips or a crossed or knotted closure using laces or similar.

Clothing of this type may include pockets which are generally stitched on. Slit pockets are generally made of the same fabric as that of the garment and are not lined in the same way as other items of clothing.

Mention may be made among industrial and occupational clothing of clothing used by mechanics, factory workers, bricklayers, farmers etc. which are generally two-piece garments, overalls, bib and brace overalls and trousers. For other activities these may be aprons, dust coats etc. (for doctors, nurses, charwomen, hairdressers, bakers, butchers, etc.).

Only garments of a commercial size of 158 (height of body = 158 cm) or more should be considered to be industrial and occupational garments.

Uniforms and other similar official garments (judge's gowns, church vestments for example) are not considered to be industrial and occupational garments.'

⁽¹⁾ OJ No L 256, 7. 9. 1987.

⁽²⁾ OJ No L 282, 2. 10. 1989.

⁽³⁾ The publication 'Explanatory Notes to the Combined Nomenclature of the European Communities' is at present available in all language versions, with the exception of Danish and Greek which are in preparation and will be published as soon as possible.

**Commission communication pursuant to Article 9 (9) of Council Regulation (EEC) No 3420/83
of 14 November 1983**

(90/C 85/03)

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 has adopted the following change(s) to the import arrangements applied in Italy. With regard to certain State-trading countries, with effect from 29 March 1990, exceptional opening, for 1990, of quotas for the import of:

Czechoslovakia

- Iron or non-alloy steel products not further worked than cold-rolled, of a width not exceeding 500 mm: 'Electrical' (CN code 7211 30 31) 300 tonnes

Soviet Union

- Boots for men (CN code ex 6403 51 95) 700 pairs
- Stranded wire, ropes, cables, plaited bands, slings and the like, of iron or steel, not electrically insulated, with a maximum cross-sectional dimension not exceeding 3 mm (CN code 7312 10 50) 300 tonnes

People's Republic of China

- Men's or women's hand-embroidered silk garments (CN codes ex 6207 19 00, ex 6207 29 00 ex 6207 99 00, ex 6208 19 90, ex 6208 29 00 and ex 6208 99 00 — category ex 18) 19,1 tonnes

Viet Nam

- Table linen, knitted or crocheted of cotton: other (CN code 6302 51 90 — category ex 39) 1,8 tonnes

⁽¹⁾ OJ No L 346, 8. 12. 1983, p. 6.

COURT OF JUSTICE

COURT OF JUSTICE

JUDGMENT OF THE COURT

of 21 February 1990

in Case C-74/89: Commission of the European Communities v. Kingdom of Belgium ⁽¹⁾

(State aid — Recovery — Non-implementation)

(90/C 85/04)

(Language of the Case: French)

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

In Case C-74/89: Commission of the European Communities (Agents: Antonio Abate and Thomas F. Cusack) against Kingdom of Belgium (Agent: Robert Hoebaer) — application for a declaration that by not complying with the Commission Decision of 30 November 1983 on aid granted by the Belgian Government to a synthetic fibre producer, the Kingdom of Belgium has failed to fulfil its obligations under the EEC Treaty — the Court, composed of O. Due, President, F. A. Schockweiler (President of Chamber), T. Koopmans, R. Joliet, T. F. O'Higgins, G. C. Rodríguez Iglesias and M. Díez de Velasco, Judges; C. O. Lenz, Advocate-General; D. Louterman, Principal Administrator, Registrar, gave a judgment on 21 February 1990, the operative part of which is as follows:

1. *by not complying with Commission Decision 84/111 of 30 November 1983 on the proposal of the Belgian Government to grant aid to a synthetic fibre producer ⁽²⁾, the Kingdom of Belgium has failed to fulfil its obligations under the EEC Treaty;*
2. *the Kingdom of Belgium is ordered to pay the costs.*

⁽¹⁾ OJ No C 94, 15. 4. 1989.

⁽²⁾ OJ No L 62, 3. 3. 1984, p. 18.

JUDGMENT OF THE COURT

of 22 February 1990

in Case C-228/88: (reference for a preliminary ruling made by the Bayerisches Landessozialgericht): Giovanni Bronzino v. Kindergeldkasse ⁽¹⁾

(Social security — Entitlement to family benefits when the national law of the country of employment requires the conditions laid down to be fulfilled within its own territory)

(90/C 85/05)

(Language of the case: German)

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

In Case C-228/88: reference to the Court under Article 177 of the EEC Treaty by the Bayerisches Landessozialgericht [Higher Social Court of Bavaria] for a preliminary ruling in the proceedings pending before that court between Giovanni Bronzino, residing in Augsburg (Federal Republic of Germany), and Kindergeldkasse [Child Benefit Fund], Nuremberg, — on the interpretation of Articles 3 (1) and 73 (1) of Regulation (EEC) No 1408/71 of the Council of 14 June 1971 on the application of social security schemes to employed persons and their families moving within the Community ⁽²⁾, as amended and updated by Council Regulation (EEC) No 2001/83 of 2 June 1983 ⁽³⁾ — the Court, composed of: O. Due, President, F. A. Schockweiler and M. Zuleeg (Presidents of Chambers), T. Koopmans, G. F. Mancini, J. C. Moitinho de Almeida and G. C. Rodríguez Iglesias, Judges; F. G. Jacobs, Advocate-General; J. A. Pompe, Deputy Registrar, gave a judgment on 22 February 1990, the operative part of which is as follows:

Article 74 of Regulation (EEC) No 1408/71 of the Council of 14 June 1971 on the application of social security schemes to employed persons and their families moving within the Community must be interpreted as meaning that where the legislation of the Member State which provides certain family benefits lays down, as a condition for the grant of those benefits, that an unemployed member of the worker's family must be at the disposal of the employment office for the territorial area in which that legislation applies, that condition must be regarded as fulfilled where the unemployed member of the family is at the disposal of the employment office of the Member State in which he resides.

⁽¹⁾ OJ No C 230, 6. 9. 1988.

⁽²⁾ OJ No L 149, 5. 7. 1971, p. 2.

⁽³⁾ OJ No L 230, 22. 8. 1983, p. 6.

JUDGMENT OF THE COURT

of 22 February 1990

in Case C-12/89: (reference for a preliminary ruling made by the Bundessozialgericht): Antonio Gatto v. Bundesanstalt für Arbeit ⁽¹⁾

(Social security — Entitlement to family benefits when the national law of the country of employment requires the conditions laid down to be fulfilled within its own territory)

(90/C 85/06)

(Language of the case: German)

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

In Case C-12/89: reference to the Court under Article 177 of the EEC Treaty by the Bundessozialgericht [Federal Social Court] for a preliminary ruling in the proceedings pending before that court between Antonio Gatto, residing in Radolfzell (Federal Republic of Germany), and Bundesanstalt für Arbeit [Federal Employment Office], Nuremberg, — on the interpretation of Article 74 (1) of Regulation (EEC) No 1408/71 of the Council of 14 June 1971 on the application of social security schemes to employed persons and their families moving within the Community ⁽²⁾, as amended and updated by Council Regulation (EEC) No 2001/83 of 2 June 1983 ⁽³⁾ — the Court, composed of: O. Due, President, F. A. Schockweiler and M. Zuleeg (Presidents of Chambers), T. Koopmans, G. F. Mancini, J. C. Moitinho de Almeida and G. C. Rodriguez Iglesias, Judges; F. G. Jacobs, Advocate-General; J. A. Pompe, Deputy Registrar, gave a judgment on 22 February 1990, the operative part of which is as follows:

Article 74 of Regulation (EEC) No 1408/71 of the Council of 14 June 1971 on the application of social security schemes to employed persons and their families moving within the Community must be interpreted as meaning that where the legislation of the Member State which provides certain family benefits lays down, as a condition for the grant of those benefits, that an unemployed member of the worker's family must be at the disposal of the employment office for the territorial area in which that legislation applies, that condition must be regarded as fulfilled where the unemployed member of the family is at the disposal of the employment office of the Member State in which he resides.

⁽¹⁾ OJ No C 43, 22. 2. 1989.

⁽²⁾ OJ No L 149, 5. 7. 1971, p. 2.

⁽³⁾ OJ No L 230, 22. 8. 1983, p. 6.

JUDGMENT OF THE COURT

(Fourth Chamber)

of 7 March 1990

in Case C-320/81: Acerbis and Others v. Commission of the European Communities ⁽¹⁾

(Officials — Adjustment of weighting)

(90/C 85/07)

(Language of the case: Italian)

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

In Case C-320/81: S. Acerbis and Others, officials of the Commission of the European Communities, assisted and represented by C. Ribolzi and G. Marchesini, Avvocati with a right of audience before the Corte di Cassazione of the Italian Republic, with an address for service in Luxembourg at the Chambers of Victor Biel, 18A rue des Glacis against Commission of the European Communities (Agent: S. Fabro) — application for the annulment of the calculation of the arrears of salary due by reason of the adjustment of the weighting with effect from 1 July 1980, on the ground that an inappropriate weighting was applied, and for a declaration that the Community institutions are required to recalculate the arrears in question, applying an appropriate weighting — the Court (Fourth Chamber), composed of: C. N. Kakouris, President of the Chamber, T. Koopmans and M. Diez de Velasco, Judges; J. Mischo, Advocate-General; H. A. Rühl, Principal Administrator, for the Registrar, gave a judgment on 7 March 1990, the operative part of which is as follows:

1. *the application is dismissed;*
2. *the parties shall bear their own costs.*

⁽¹⁾ OJ No C 26, 3. 2. 1982.

ORDER OF THE COURT

of 26 January 1990

in Case C-286/88: (reference for a preliminary ruling made by the Tribunale Amministrativo Regionale per la Lombardia): Impresa Falciola Angelo SpA v. the Municipality of Pavia ⁽¹⁾

(Compatibility of national law with Community law)

(90/C 85/08)

(Language of the case: Italian)

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

In Case C-286/88: reference to the Court under Article 177 of the EEC Treaty by the Tribunale Amministrativo Regionale per la Lombardia [Regional Administrative Court for Lombardy] for a preliminary ruling in the

⁽¹⁾ OJ No C 285, 9. 11. 1988.

proceedings pending before that Court between Impresa Falciola Angelo SpA and the Municipality of Pavia — on the interpretation of Articles 5 and 177 and the third paragraph of Article 189 of the EEC Treaty — the Court, composed of O. Due, President, Sir Gordon Slynn, C.N. Kakouris, F.A. Schockweiler and M. Zuleeg (Presidents of Chambers), T. Koopmans, G.F. Mancini, R. Joliet, T.F. O'Higgins, J.C. Moitinho de Almeida, G.C. Rodríguez Iglesias, F. Grévisse and M. Díez de Velasco, Judges; F.G. Jacobs, Advocate-General; J.-G. Giraud, Registrar, made an order on 26 January 1990, the operative part of which is as follows:

the Court has no jurisdiction to answer the questions put by the Tribunale Amministrativo Regionale per la Lombardia.

ORDER OF THE PRESIDENT OF THE COURT
of 23 February 1990

in Case C-385/89 R: Hellenic Republic v. Commission of the European Communities

(EAGGF, Guarantee Section — Clearance of accounts)

(90/C 85/09)

(Language of the case: Greek)

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

In Case C-385/89 R: Hellenic Republic (Agents: C. Stavropoulos, I. Laios, M. Tsotsanis and Y. Magoulas) against the Commission of the European Communities (Agents: D. Booss, T. Christoforou and Mrs M. Patakia) — application for suspension of the operation of Commission Decision 89/627 of 15 November 1989 on the clearance of the accounts presented by the Member States in respect of the expenditure for 1987 of the Guarantee (*) Section of the European Agricultural Guidance and Guarantee Fund (EAGGF) — the President of the Court of Justice of the European Communities made an order on 23 February 1990, the operative part of which is as follows:

1. *there is no need to give a decision.*
2. *the costs are reserved.*

(*) OJ No L 359, 8. 12. 1989, p. 23.

Action brought on 29 December 1989 by the Hellenic Republic against the Commission of the European Communities

(Case C-385/89)

(90/C 85/10)

An action against the Commission of the European Communities was brought before the Court of Justice of the European Communities on 29 December 1989 by the Hellenic Republic, represented by Constantinos Stavropoulos, Legal Assistant in the Department of European Community Legal Affairs at the Ministry of Foreign Affairs, Ilias Laios, Legal Assistant at the Ministry of Economic Affairs, and Meletis Tsotsanis, Legal Adviser at the Ministry of Agriculture, assisted by Yoannis Magoulas, Legal Adviser at the Ministry of Agriculture, with an address for service in Luxembourg at the Greek Embassy (177 Val Ste Croix).

The applicant claims that the Court should:

1. annul Commission Decision 89/627/EEC of 15 November 1989 on the clearance of the accounts presented by the Member States in respect of the expenditure for 1987 of the Guarantee Section of the European Agricultural Guidance and Guarantee Fund (*) as regards the sectors described in detail in the application;
2. order the Commission to pay the costs;

Contentions and main arguments adduced in support

The Hellenic Republic relies on the following main grounds for annulment:

1. breach of essential procedural requirements, or in the alternative, breach of the treaties or of the rules of Community law in general as regards the reservations expressed in the statement of grounds of the decision at issue;
2. failure to state, or inadequate statement of, the reasons on which the decision is based, breach of the Treaty or of the rules of Community law or of general principles of law, or mistake of fact;
3. breach of Council Regulation (EEC) No 729/70 (**) and misinterpretation of its provisions;
4. mistake of fact;
5. breach of the limits to the Commission's discretionary powers;
6. breach of the general principles prohibiting unlawful enrichment and protecting legitimate expectations.

The Hellenic Republic also puts forward a number of particular grounds of annulment relating to specific points of the decision at issue.

(*) OJ No L 359, 8. 12. 1989, p. 23.

(**) OJ No L 94, 28. 4. 1970, p. 13.

Reference for a preliminary ruling by the Arbeitsgericht Lörrach by judgment of that court of 31 January 1990 in the case of Alberto, Vittorio, Raffaella and Carmela Paletta v. Brennet AG

(Case C-45/90)

(90/C 85/11)

Reference has been made to the Court of Justice of the European Communities by judgment of the Arbeitsgericht Lörrach (Labour Court, Lörrach) of 31 January 1990, which was received at the Court Registry on 21 February 1990, for a preliminary ruling in the case of Alberto, Vittorio, Raffaella and Carmela Paletta v. Brennet AG on the following questions:

1. are the principles contained in the judgment of the Third Chamber of the Court of Justice of 12 March 1987 in Case 22/86 regarding the interpretation of Article 18 (1) and (5) of Regulation (EEC) No 574/72 ⁽¹⁾ transferrable, in whole or in part, to cases, in which payment of cash benefits in the event of illness is made by the employer and not by the social security institution such as, for example, under § 1 *et seq.* of the Lohnfortzahlungsgesetz of the Federal Republic of Germany of 27 July 1969 (Bundesgesetzblatt I, p. 946, most recently amended by the Law of 20 December 1988, Bundesgesetzblatt I, p. 2477)?

In particular:

2. is the body responsible for continued payment of remuneration in the event of illness under the law of the Federal Republic of Germany in accordance with § 1 *et seq.* of the Lohnfortzahlungsgesetz for workers required to base its decision, in fact and in law, in regard to the entitlement to cash benefits on the findings made by the social security institution of the employee's place of residence concerning the commencement and duration of the incapacity for work?
3. if the answer to Question 1 is in the affirmative, will the answer be the same if the employer, who, under § 1, bears responsibility for continuing payment of wages, has no way of checking, in fact or in law, the findings concerning the commencement of the incapacity for work other than to call upon the competent sickness insurance fund, which in this case is not primarily liable to pay the benefit, to have the employee examined by a doctor of its own choice (or its medical officer) pursuant to Article 18 (5) of Regulation (EEC) No 574/72?

⁽¹⁾ OJ No L 74, 27. 3. 1972, p. 11.

Reference for a preliminary ruling by the Tribunal de Première Instance, Bruxelles, by judgment of that court of 19 April 1989 in the case of Procureur du Roi v. J. M. G. Lagauche and Others

(Case C-46/90)

(90/C 85/12)

Reference has been made to the Court of Justice of the European Communities by judgment of the Tribunal de Première Instance [Court of First Instance] Brussels of 19 April 1989, which was received at the Court Registry on 28 February 1990, for a preliminary ruling in the case of Procureur du Roi [Crown Prosecutor] v. J. M. G. Lagauche and Others on the following questions:

Are Articles 37 and 86 of the Treaty establishing the European Economic Community to be interpreted as prohibiting, in the field of radio communications and private radio communications, legal provisions like the Law of 30 July 1979 and the Royal Decree of 15 October 1979, which impose penalties of periods of imprisonment and/or fines on persons who have:

1. offered for sale or hire transmitting or receiving apparatus, in this case cordless telephones, without prior approval thereof by the RTT, or
2. held, set up or operated transmitters, in this case cordless telephones and a pair of walkie-talkies, without obtaining the competent Minister's personal and revocable authorization in writing?

Reference for a preliminary ruling by the Tribunal de Commerce de Bruxelles by judgment of that court of 15 February 1990 in the case of Etablissements Delhaize et Compagnie Le Lion SA v. Promalvin SA and AGE Bodegas Unidas SA

(Case C-47/90)

(90/C 85/13)

Reference has been made to the Court of Justice of the European Communities by judgment of the Tribunal de Commerce [Commercial Court], Brussels, of 15 February 1990, which was received at the Court Registry on 2 March 1990, for a preliminary ruling in the case of Etablissements Delhaize et Compagnie Le Lion SA v. Promalvin SA and AGE Bodegas Unidas SA, a company incorporated under Spanish law on the following questions:

1. does national legislation such as Spanish Royal Decree No 157/88 of 24 February 1988 and the regulation of the Governing Council of the 'Rioja' designation of origin adopted in implementation of that decree constitute a measure having an effect equi-

valent to restrictions on exports within the meaning of Article 34 of the EEC Treaty?

2. may an individual rely on an infringement of Article 34 as against another individual?

Removal from the Register of Case C-328/87 (*)

(90/C 85/14)

By order of 31 January 1990 the Court of Justice of the European Communities ordered the removal from the

(*) OJ No C 317, 28. 11. 1987.

Register of Case C-328/87: Commission of the European Communities v. Italian Republic.

Removal from the Register of Case C-52/89 (*)

(90/C 85/15)

By order of 31 January 1990 the Court of Justice of the European Communities ordered the removal from the Register of Case C-52/89: Hauptzollamt München-Mitte v. Universität Stuttgart.

(*) OJ No C 81, 1. 4. 1989.

COURT OF FIRST INSTANCE

JUDGMENT OF THE COURT OF FIRST INSTANCE

of 8 March 1990

in Case T-28/89: Claude Maindix, Raymond Muller and Francis Patterson v. Economic and Social Committee (*)

(Official — Staff Committee — Elections)

(90/C 85/16)

(Language of the case: French)

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

In Case T-28/89, Claude Maindix, Raymond Muller and Francis Patterson, officials of the Economic and Social Committee, residing in Brussels, represented by Jean-Noël Louis, of the Brussels Bar, with an address for service in Luxembourg at the Chambers of Yvette Hamilius, 7-11 route d'Esch, against the Economic and Social Committee (Agent: Detlef Brüggemann, assisted by Alex Bonn, of the Luxembourg Bar) — application for the annulment of acts organizing elections to the Staff Committee of the Economic and Social Committee on 17 March 1988 in accordance with the 'Supar' electoral system — the Court (Fifth Chamber), composed of H. Kirschner, President of the Chamber, C. P. Briët and J. Biancarelli, Judges; H. Jung, Registrar, gave a judgment on 8 March 1990, the operative part of which is as follows:

1. the application is dismissed;
the parties are ordered to bear their own costs.

(*) OJ No C 79, 26. 3. 1988, p. 6.

JUDGMENT OF THE COURT OF FIRST INSTANCE

of 8 March 1990

in Case T-41/89: Georg Schwedler v. European Parliament (*)

(Official — Tax abatement — Dependent child)

(90/C 85/17)

(Language of the case: French)

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

In Case T-41/89, Georg Schwedler, an official of the European Parliament, residing at 36 rue des Vergers, L-7330 Steinsel, represented by Vic Elvinger, of the Luxembourg Bar, in the written procedure, assisted by James Junker, in the oral procedure, with an address for service in Luxembourg at the Chambers of Vic Elvinger, 11a Boulevard Josef II, against the European Parliament (Agent: Manfred Peter, assisted by Francis Herbert, of the Luxembourg Bar) — application for the annulment of two decisions of the Parliament refusing to grant the tax abatement for a dependent child to the applicant — the Court (Fifth Chamber), composed of H. Kirschner, President of the Chamber, C. P. Briët and J. Biancarelli, Judges; H. Jung, Registrar, gave a judgment on 8 March 1990, the operative part of which is as follows:

1. the application is dismissed;
2. the parties are ordered to bear their own costs.

(*) OJ No C 223, 27. 8. 1988, p. 4.

II

(Preparatory Acts)

COMMISSION

Proposal for a Council Decision establishing a trans-European mobility scheme for university studies 'Tempus'

COM(90) 16 final/2

(Submitted by the Commission on 24 January 1990)

(90/C 85/18)

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community, and in particular Article 235 thereof,

Having regard to the proposal from the Commission,

Having regard to the opinion of the European Parliament,

Having regard to the opinion of the Economic and Social Committee,

Whereas the European Council meeting at Strasbourg on 8 and 9 December, 1989, on the basis of a proposal from the Commission, requested the Council to adopt measures to allow for the participation of Central and Eastern European countries in Community programmes of an educational character, similar to existing programmes;

Whereas the Council has adopted Community programmes in the training field, providing, amongst other things, for inter-university as well as university-industry cooperation and for measures to increase the mobility of students, teachers, university staff and industry personnel;

Whereas the Council has adopted Regulation (EEC) No 3906/89 ⁽¹⁾ on economic aid to Poland and Hungary, and whereas it is appropriate to benefit from the committee structure set up by this Regulation;

Whereas training has been identified as one of the priority areas for cooperation, particularly in providing the opportunities for mobility and exchange with Community Member States, in order to provide an immediate response to identified training needs in Central and Eastern Europe, starting with Poland and Hungary;

Whereas the experience and expertise gained within the Community in the areas particularly of inter-university cooperation and student exchange as well as of industry-university cooperation should be drawn on to create a companion programme designed to develop cooperation and mobility between the European Community and countries in Central and Eastern Europe in the training field, starting with Poland and Hungary;

Whereas such a scheme forms a part of the overall programming of priorities and funding for Community assistance to Poland and Hungary;

Whereas there exist in the Community and in third countries universities and other institutions and bodies capable and willing to cooperate in the context of such a companion programme;

Whereas in order that the maximum benefit may be derived from this programme, it is appropriate to coordinate action with other related initiatives by third countries;

Whereas all countries which are active in support of the reform process in Central and Eastern Europe should be able to associate themselves with this programme;

Whereas the Treaty has not provided the specific powers necessary for setting up such action,

HAS DECIDED AS FOLLOWS:

Article 1

The trans-European mobility scheme for university studies (Tempus) is hereby adopted, within a perspective of five years, for an initial pilot phase of two years beginning on 1 July 1990, and subject to the review procedures of Article 11.

⁽¹⁾ OJ No L 375, 23. 12. 1989.

Article 2

Tempus shall concern the countries of Central and Eastern Europe starting with Poland and Hungary. Extension of the scheme to other countries may be determined by the Commission, in line with the Community's general policy on cooperation with the region.

Article 3

In the context of Tempus, the term 'university' shall be used to cover all types of post-secondary vocational training establishments which offer, where appropriate within the framework of advanced training, qualifications or diplomas of that level, whatever such establishments may be called.

Article 4

The objectives of Tempus are the following:

- (i) to coordinate the provision of assistance to Central and Eastern European countries in the field of exchange and mobility, particularly for university students and teachers;
- (ii) to improve training in Central and Eastern European countries, and to encourage their cooperation with partners in the European Community;
- (iii) to enable students from Central and Eastern European countries to spend a period of study at university or to undertake industry placements within the Member States of the European Community, while ensuring equality of opportunity for male and female students as regards participation in such mobility;
- (iv) to enable students from the Community to spend a similar period of study or placement in a Central or Eastern European country;
- (v) to increase opportunities for the teaching and learning of foreign languages in Central and Eastern European countries;
- (vi) to promote the increased mobility of teaching staff.

Article 5

1. Tempus shall be implemented by the Commission in accordance with the provisions of the Annex.

2. In performing this task, the Commission shall be assisted by the committee set up in Article 9 of Council Regulation (EEC) No 3906/89.

3. The Commission shall ensure that committees set up under the different Community programmes covering the same fields as Tempus are kept regularly informed of the implementation of the programme.

Article 6

The Commission will cooperate with appropriate agencies in each of the beneficiary countries, set up to coordinate the links and structures necessary for the effective implementation of the programme, including the allocation of matching funds.

Article 7

The Commission shall evaluate the needs for university cooperation and for the mobility of staff and students with respect to the countries of Central and Eastern Europe in the framework of the general financial orientations on economic aid to these countries. It shall establish on this basis the necessary credits to be included in the preliminary draft Community budget.

Article 8

The Commission shall ensure consistency between Tempus and other actions at Community level, both within the Community and in assistance to Central and Eastern European countries, with particular reference to the activities of the European Training Foundation.

Article 9

1. The Commission shall ensure the necessary coordination with actions developed by countries which are not members of the European Community or by universities and enterprises or other institutions or bodies in these countries which relate to the same field of action as Tempus, including, where appropriate, participation in Tempus projects.

2. Such involvement can take various forms, including one or more of the following:

- addition of funds from the countries concerned for the purpose of augmenting the budget available for the programme,
- coordination with Tempus of those national initiatives which are related to the same aims but which are financed separately,

— providing full information on national, regional and institutional initiatives in this field.

Article 11

Article 10

An annual report on the functioning of Tempus shall be submitted by the Commission to the Council, the European Parliament and the Economic and Social Committee, as well as to other participating countries.

The Commission shall establish a review procedure of the experience acquired in the implementation of Tempus. It shall present an Interim Report before 31 December 1992, as well as, if appropriate, a proposal to adapt it. A final Report shall be presented by the Commission by 31 December 1995.

ANNEX

ACTION 1

Joint European Projects

1. The Community will provide support for Joint European Projects linking universities and/or enterprises in Central and Eastern European countries with partners in the European Community. These partners may include universities, public or private firms or other bodies. Joint European Projects will as far as possible comprise at least one university or enterprise from a Central or Eastern European country and partner institutions in at least two Community Member States.
2. Joint European Project grants may be awarded for a wide range of activities according to the specific needs of the institutions concerned, including notably for curricular reform, development of teaching materials, in-service teacher training, the provision of short, intensive programmes, the development of language and area studies and of distance learning. Support equipment necessary for the implementation of a Joint European Project could also be eligible for funding. Such projects may be linked, as appropriate, to existing networks, notably those funded in the framework of the Erasmus, Comett, Lingua and Spes programmes.

ACTION 2

Mobility grants for teachers/trainers, students/trainees and administrators

1. The Community will introduce a scheme for direct financial support of students at Central or Eastern European universities as defined in Article 3 carrying out a period of study at a university or an industrial placement in a Community Member State. Grants will be awarded to students for full-time study at a university for a period of normally between three months and one academic year.
Priority will be given to students whose studies are part of a Joint European Project, or who intend to become teachers or trainers on their return.
2. The Community may also provide grants to students from Community universities to spend a period of study in a Central or Eastern European university, or to undertake an industrial placement in these countries.
3. The Community will provide support for teaching/training assignments for teaching staff at universities or for industry personnel in Community countries to carry out teaching/training assignments for periods from one week to one academic year in Central/Eastern European countries or vice versa. Special attention will be paid to language lecturers who will teach their own language as mother tongue in the Central or Eastern European country or the Community Member State concerned.
4. The Community will provide support for practical placement for teachers/trainers, students, and university administrators to undertake a practical training period in public or private firms, universities or other bodies. Grants will be awarded for placements in Community Member States and in Central and Eastern European Countries.
5. The Community will also provide support for short visit grants for teachers/trainers, university administrators and other training experts to visit for a period of one week to one month a Community Member State or a Central or Eastern European country in order to carry out such activities as participating in congresses, preparing teaching materials, exchanging experience and in particular, preparing Joint European Projects.

ACTION 3**Complementary activities**

1. Support will be provided to projects involving exchanges of young people between Community Member States and Central and Eastern European countries. Priority will be given to reciprocal exchanges and activities such as language summer schools.
 2. Grants will be made to enable Central and Eastern European countries to participate in the activities of European associations, notably associations of universities.
 3. Support will be provided to facilitate publications and other information activities of particular importance in view of the overall objectives of Tempus.
 4. Support will be provided for studies and surveys designed to analyse the development of the higher education/training systems in Central and Eastern European countries and to monitor and evaluate the impact of Tempus.
 5. The necessary technical assistance will be provided at Community level to underpin the activities undertaken in accordance with this Decision.
-

III

(Notices)

COMMISSION

Outcome of the invitations to tender (Community food aid)

(89/C 85/19)

as provided for in Article 9 (5) of Commission Regulation (EEC) No 2200/87 of 8 July 1987 laying down general rules for the mobilization in the Community of products to be supplied as Community food aid

(Official Journal of the European Communities No L 204 of 25 July 1987, page 1)

26/27 March 1990

Decision/ Regulation	Action No	Lot	Recipient	Product	Quantity (tonnes)	Delivery stage	Number of tenders	Successful tenderer	Awarded price (ECU/t)
Decision of 13. 3. 1990	132/90	A	ONG/Ethiopia	LEPv	500	EMB	7	Comelco Inter. — Brussels (B)	1 382,93
Decision of 16. 3. 1990	155/90	A	UNRWA/Syria	CBM/CBL	1 000	DEB	9	Merkuria Sucden — Paris (F)	289,00
(EEC) No 477/90	721-737/89	1	ONG/...	HCOLZ	342	EMB	2	AOH — Utrecht (NL)	621,35
(EEC) No 478/90	537/89 853/89 911/89	B D E	Nicaragua LSCR/Ethiopia LSCR/Ethiopia	BLT BLT BLT	10 000 3 000 3 000	DEB DEB DEB	7 7 7	Cie Commerciale André — Paris (F) UNCAC — Paris (F) UNCAC — Paris (F)	189,65 194,95 194,95
(EEC) No 604/90	27/90 28/90	A B	Ethiopia Ethiopia	BLT BLT	10 000 10 000	DEB DEB	9 9	Granit — Avon (F) Granit — Avon (F)	174,69 176,52
(EEC) No 605/90	697/89 856/89 857/89	1 1 1	PAM/Senegal Sudan Sudan	HCOLZ HCOLZ HCOLZ	122 500 500	EMB DEB DEB	6 6 3	Cebag — Zwolle (NL) Cebag — Zwolle (NL) Cebag — Zwolle (NL)	587,35 686,28 707,87

BLT: Common wheat
FBLT: Common wheat flour
CBL: Long grain milled rice
CBM: Medium grain milled rice
CBR: Round grain milled rice
BRI: Broken rice
FHAF: Rolled oats
MAI: Maize
SOR: Sorghum
SUB: White sugar
ME: Meslin

DUR: Durum wheat
GDUR: Durum wheat groats
FMAI: Maize flour
GMAI: Maize groats
LENP: Whole milk powder
LEP: Skimmed-milk powder
LEPv: Vitaminized skimmed-milk powder
BO: Butteroil
B: Butter
SU: Sugar
CT: Tomato concentrate

HOLI: Olive oil
HCOLZ: Refined rape or colza oil
HPALM: Semi-refined palm oil
HTOUR: Refined sunflower oil
CB: Corned beef
DEB: Free at port of landing — landed
DEN: Free at port of landing — ex ship
EMB: Free at port of shipment
DEST: Free at destination

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