ISSN 0378-6986

Official Journal

of the European Communities

C 62

Volume 36

4 March 1993

English edition

Information and Notices

Notice No | Contents | Page

(Continued overleaf)

I

(Information)

COMMISSION

Ecu (1)

3 March 1993

(93/C 62/01)

Currency amount for one unit:

Belgian and Luxembourg franc	39,9799	United States dollar	1,18582
Danish krone	7,44279	Canadian dollar	1,47694
German mark	1,94107	Japanese yen	138,409
Greek drachma	262,196	Swiss franc	1,79533
Spanish peseta	139,476	Norwegian krone	8,25508
French franc	6,58604	Swedish krona	9,11836
Irish pound	0,798585	Finnish markka	7,04969
Italian lira	1855,79	Austrian schilling	13,6571
Dutch guilder	2,18297	Icelandic krona	76,6632
Portuguese escudo	178,181	Australian dollar	1,67560
Pound sterling	0,813765	New Zealand dollar	2,25013

The Commission has installed a telex with an automatic answering device which gives the conversion rates in a number of currencies. This service is available every day from 3.30 p.m. until 1 p.m. the following day.

Users of the service should do as follows:

— call telex number Brussels 23789;

— give their own telex code;

— type the code 'cccc' which puts the automatic system into operation resulting in the transmission of the conversion rates of the ecu;

— the transmission should not be interrupted until the end of the message, which is marked by the code 'ffff'.

Note: The Commission also has an automatic telex answering service (No 21791) providing daily data on calculation of monetary compensatory amounts for the purposes of the common agricultural policy.

---

(1) Council Regulation (EEC) No 3180/78 of 18 December 1978 (OJ No L 379, 30. 12. 1978, p. 1), as 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).

Average prices and representative prices for table wines at the various marketing centres

(93/C 62/02)

(Established on 2 March 1993 for the application of Article 30 (1) of Regulation (EEC) No 822/87)

Type of wine and the various marketing centres	ECU per % vol/hl
R I	
Heraklion	No quotation
Patras	No quotation
Requena	1,746
Reus	No quotation
Villafranca del Bierzo	No quotation (1)
Bastia	No quotation
Béziers	2,957
Montpellier	3,014
Narbonne	3,103
Nîmes	3,065
Perpignan	No quotation
Asti	No quotation
Florence	1,623
Lecce	No quotation
Pescara	No quotation
Reggio Emilia	No quotation (1)
Treviso	2,040
Verona (for local wines)	No quotation
Representative price	2,891
R II	
Heraklion	No quotation
Patras	No quotation
Calatayud	No quotation
Falset	No quotation (1)
Jumilla	No quotation (1)
Navalcarnero	No quotation (1)
Requena	No quotation
Toro	No quotation (1)
Villena	No quotation (1)
Bastia	No quotation
Brignoles	No quotation
Bari	No quotation
Barletta	No quotation
Cagliari	No quotation
Lecce	No quotation
Taranto	No quotation
Representative price	No quotation (1)
	ECU/hl
R III	
Rheinpfalz-Rheinhessen (Hügelland)	No quotation (1)

Type of wine and the various marketing centres	ECU per % vol/hl
A I	
Athens	No quotation
Heraklion	No quotation
Patras	No quotation
Alcázar de San Juan	No quotation
Almendralejo	No quotation
Medina del Campo	No quotation (1)
Ribadavia	No quotation
Villafranca del Penedès	No quotation
Villar del Arzobispo	No quotation (1)
Villarrobledo	No quotation (1)
Bordeaux	No quotation
Nantes	No quotation
Bari	No quotation
Cagliari	No quotation (1)
Chieti	No quotation (1)
Ravenna (Lugo, Faenze)	1,947
Trapani (Alcamo)	1,762
Treviso	2,156
Representative price	1,935
	ECU/hl
A II	
Rheinpfalz (Oberhaardt)	32,224
Rheinhessen (Hügelland)	34,407
The wine-growing region of the Luxembourg Moselle	No quotation (1)
Representative price	33,771
A III	
Mosel-Rheingau	No quotation
The wine-growing region of the Luxembourg Moselle	No quotation
Representative price	No quotation

(1) Quotation not taken into account in accordance with Article 10 of Regulation (EEC) No 2682/77.

Commission communication pursuant to Article 4 (1) of Council Regulation (EEC) No 3831/90 of 20 December 1990 applying generalized tariff preferences for 1991 in respect of certain industrial products originating in developing countries, extended for 1993 by Regulation (EEC) No 3917/92

(93/C 62/03)

Pursuant to Article 4 (1) of Council Regulation (EEC) No 3831/90 [1], extended for 1993 by Regulation (EEC) No 3917/92 [2], the Commission gives notice that the following fixed duty-free amounts have been exhausted:

Order No	Description	Origin	Fixed duty-free amount (ECU)	Date of exhaustion
10.0060	Ammonium chloride	China	122 000	27. 1. 1993
10.0400	Urea containing more than 45 % by weight of nitrogen on the dry anhydrous product	Romania	419 000	27. 1. 1993
10.0400	Urea containing more than 45 % by weight of nitrogen on the dry anhydrous product	Libya	190 000	21. 1. 1993
10.1110	Thermonic, cold cathode or photocathode valves and tubes – Parts Diodes, transistors, and similar semiconductor devices, light emitting diodes Electronic integrated circuits and microassemblies	South Korea	3 820 000	1. 2. 1993

Imports beyond these amounts are liable to payment of the normal duties of the Common Customs Tariff.

(1) OJ No L 370, 31. 12. 1990, p. 1.
(2) OJ No L 396, 31. 12. 1992, p. 1.

COURT OF JUSTICE

COURT OF JUSTICE

Action brought on 13 January 1993 by Koyo Seiko Co., Ltd against the Council of the European Communities

(Case C-10/93)

(93/C 62/04)

An action against the Council of the European Communities was brought before the Court of Justice of the European Communities on 13 January 1993 by Koyo Seiko Co. Ltd, represented by Jacques Buhart and Charles Kaplan, with an address for service in Luxembourg at the office of Arendt & Medernach, 8-10, rue Mathias Hardt.

The applicants claim that the Court should:

1. annul Council Regulation (EEC) No 2849/92 [1], in so far as it affects the applicants;

2. order the Council to pay the applicants' costs.

Pleas in law and main arguments adduced in support:

1. The Council has violated Articles 2 (1), 4 (1) and 4 (3) of the anti-dumping Regulation by imposing definitive anti-dumping measures in the absence of a finding of injury or threat of injury:

   the contested measure states clearly that it is based only on the likelihood 'that the expiry of the measures would again lead to injury'. There is no provision in the anti-dumping Regulation which allows definitive anti-dumping measures to be imposed on the sole basis that the absence of such measures is likely to 'lead to a recurrence of material injury'. The likelihood of recurrence of injury does not, therefore, provide a valid legal basis for the imposition of anti-dumping duties. It results from Articles 2 (1) and 4 (1) of the anti-dumping Regulation, taken together that an anti-dumping duty may be imposed only if dumped imports (i) are causing material injury, or (ii) are threatening to cause material injury, or (iii) are materially retarding the establishment of an industry.

   In the present case it could not be shown that dumped imports were materially retarding the establishment of a Community industry. Furthermore, the Council has not, in the contested measure, even offered to adduce evidence of (a) actual injury or (b) threat of injury.

2. The Council has violated Articles 2 (1) and 2 (4) of the anti-dumping Regulation by imposing definitive measures in the absence of any likelihood of recurrence of material injury:

   this ground of application is in the alternative to the first ground. If, contrary to the applicants' contention, it is possible as a matter of Community law to impose anti-dumping measures in the absence of actual injury or threat of injury within the meaning of the anti-dumping Regulation on the basis of the mere likelihood or probability of recurrence of material injury then the applicants contend that the facts set out in the contested Regulation do not establish such a probability or likelihood.

3. By continuing the review proceeding and imposing definitive anti-dumping duties in the knowledge that there was no actual or threatened injury to Community industry caused by the Japanese imports the Council has misused its powers:

   the applicants believe that, upon production by the Council of the relevant documents, it will be established that the Community institutions were fully aware that no injury had been suffered by the Community industry and that the definitive measures were imposed purely for the purpose of providing protection to the Community industry during an economic recession. Such a purpose is not within the scope of the powers conferred on the Community institutions under the anti-dumping Regulation.

4. By continuing a review for 41 months before taking any definitive measures the Council has violated Article 7 (9) (a) of the anti-dumping Regulation:

   the applicants submit that the Council has failed to provide any or sufficient reasons why the normal timelimit of one year laid down by Article 7 (9) (a) should not apply in this case.

[1] OJ No L 286, 1. 10. 1992, p. 2.

5. The Council has wrongly determined the level of duty necessary to remove the injury suffered by the Community industry and has thereby committed a manifest error of appraisal, and violated Article 13 (3) of the anti-dumping Regulation:

   the present ground of application is subsidiary and alternative to the first, second and third grounds. The applicants contend that if it is considered that there were sufficient facts to establish actual injury or threat of injury or likelihood/probability of recurrence of injury so that a definitive anti-dumping measure is justified, then the Council wrongly determined the rate of duty necessary to remove such injury/threat of injury/likelihood of recurrence of injury.

6. Breach of an essential procedural requirement — the Community institutions have failed to disclose the considerations on which Article 1 (4) of the contested Regulation is based:

   Article 1 (4) of the contested Regulation has never been discussed with the applicants prior to the publication of the said Regulation. The right to be heard is a fundamental principle of law which applies to the investigations leading up to the adoption of an anti-dumping measure. Failure to observe such right results in the annulment of the measure thereafter adopted.

7. Violation of Article 190 of the EEC Treaty — the Council has failed adequately to state reasons for the contested measure.

Reference for a preliminary ruling by the Landgericht Kleve by order of that court of 30 December 1992 in the case of Commerzbank Aktiengesellschaft, Filiale Wesel v. Wiebke Hendriksen-Kieninger

(Case C-24/93)

(93/C 62/05)

Reference has been made to the Court of Justice of the European Communities by an order of the Second Chamber of the Landsgericht Kleve (Regional Court, Kleve) of 30 December 1992, which was received at the Court Registry on 27 January 1993, for a preliminary ruling in the case of Commerzbank Aktiengesellschaft, Filiale Wesel (Wesel branch) v. Wiebke Hendriksen-Kieninger on the following question:

Does a contract of guarantee (Bürgschaftsvertrag) under German law constitute a contract to which Council Directive 85/577/EEC [1] of 20 December 1985 to protect the consumer in respect of contracts negotiated away from business premises should be applied by virtue of Article 1 of that Directive?

---

[1] OJ No L 372, 31. 12. 1985, p. 31.

Action brought on 2 February 1993 by the Commission of the European Communities against the Kingdom of Belgium

(Case C-31/93)

(93/C 62/06)

An action against the Kingdom of Belgium was brought before the Court of Justice of the European Communities on 2 February 1993 by the Commission of the European Communities, represented by Thomas van Rijn, with an address for service in Luxembourg at the office of Roberto Hayder, of the Commission's Legal Service, Centre Wagner, Kirchberg.

The applicant claims that the Court should:

1. declare that, by failing to adopt within the prescribed time limit the laws, regulations and administrative provisions necessary in order to give effect to the provisions of Commission Directive 90/490/EEC of 25 September 1990 amending certain Annexes to Council Directive 77/93/EEC on protection against the introduction into the Member States of organisms harmful to plants or plant products [1] and to Commission Directive 90/506/EEC of 26 September 1990 amending Annex IV to Council Directive 77/93/EEC [2], the Kingdom of Belgium has failed to fulfil its obligations under the Treaty;

2. order the Kingdom of Belgium to pay the costs.

Pleas in law and main arguments adduced in support:

Article 189 of the EEC Treaty provides that a directive is to be binding, as to the result to be achieved, on the

---

[1] OJ No L 271, 3. 10. 1990, p. 28.
[2] OJ No L 282, 13. 10. 1990, p. 67.

Member States. In so providing it also lays down the obligation to comply with the prescribed time limit. Upon the expiry of the time limit on 1 January 1991 the Kingdom of Belgium had not brought into force the laws, regulations and administrative provisions necessary to comply with the abovementioned Directives. Furthermore since the transposition of the Directives did not take place at least before 31 December 1992, the realization of the internal market for that date was jeopardized.

Removal from the Register of Case C-335/91 [1]

(93/C 62/07)

By order of 1 February 1993 the President of the Court of Justice of the European Communities ordered the removal from the Register of Case C-335/91 — French Republic v. Commission of the European Communities.

[1] OJ No C 56, 3. 3. 1992.

COURT OF FIRST INSTANCE

JUDGMENT OF THE COURT OF FIRST INSTANCE

(Fifth Chamber)

of 29 January 1993

in Case T-86/91: Robert Wery v. European Parliament [1]

(Official — Conditions for granting the education allowance)

(93/C 62/08)

(Language of the case: French)

(Provisional translation; the definitive translation will be published in the European Court Reports)

In Case T-86/91: Robert Wery, an official of the European Parliament, residing at Arlon (Belgium), represented by Jean-Noël Louis, of the Brussels Bar, with an address for service in Luxembourg at the offices of Fiduciaire Myson Sàrl, 1, rue Glesener, against the European Parliament (Agents: Jorge Campinos and Kieran Bradley) — application for the annulment of the decision to discontinue, from 1 April 1990, payment of the education allowance in respect of the applicant's child, the decision to deduct the relevant amounts from his remuneration, and, in so far as is necessary, the general implementing provisions on the granting of the education allowance in so far as they require education to consist of a minimum number of hours of study — the Court of First Instance (Fifth Chamber), composed of D. Barrington, President; R. Schintgen and K. Lenaerts, Judges; B. Pastor, Administrator, for the Registrar, gave a judgment on 29 January 1993, the operative part of which is as follows:

1. *The Parliament's decision of 4 February 1991 to discontinue, from 1 April 1990, payment of the education allowance granted to the applicant in respect of his son Laurent is annulled.*

2. *The Parliament's decision to make deductions from the applicant's remuneration pursuant to its decision of 4 February 1991 is annulled.*

3. *The remainder of the application is dismissed.*

4. *The Parliament is ordered to pay all of the costs.*

[1] OJ No C 3, 7. 1. 1992.

JUDGMENT OF THE COURT OF FIRST INSTANCE

of 11 February 1993

in Case T-22/91: Inès Raiola-Denti and Others v. Council of European Communities [1]

(Official — Internal upgrading competition — Decision of the selection board — Breach of the notice of competition — Statement of reasons — Annulment)

(93/C 62/09)

(Language of the case: French)

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

In Case T-22/91: Inès Raiola-Denti, Marie-Thérèse de Cuyper-Pirotte, Lieve De Nil, Everdien Diks, Alma Forsyth, Claudine Hendrickx, Christiane Impens, Rita Talloen, Danielle Vandenameele, officials of the Council of the European Communities, residing in Brussels, represented by Gérard Collin and Michel Deruyver, of the Brussels Bar, and, in the case of Lieve De Nil and Everdien Diks, at the hearing, by Jean-Noël Louis, of the Brussels Bar, with an address for service in Luxembourg at the offices of Fiduciaire Myson sàrl, 1, rue Glesener, against Council of the European Communities (Agent: Yves Crétien) — application for the

[1] OJ No C 128, 18. 5. 1991.

annulment of the decision of the selection board in Competition B/228 not to reclassify the applicants' post in Category C, grade 1, as a post in Category B, grade 5 — the Court of First Instance (Fifth Chamber), composed of D. Barrington, President; K. Lenaerts and A. Kalogeropoulos, Judges; H. Jung, Registrar, gave a judgment on 11 February 1993, the operative part of which is as follows:

1. *The operations following the decisions to admit the candidates to the tests in Internal Competition B/228, organized by the Council and the notice of which was published in Staff Note No 100/90 of 26 October 1990, are declared void.*

2. *The Council is ordered to pay the costs.*

ORDER OF THE COURT OF FIRST INSTANCE

of 28 January 1993

in Case T-53/92: Mireille Piette de Stachelski v. Commission of the European Communities (1)

(Official — Inadmissibility)

(93/C 62/10)

(Language of the case: French)

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

In Case T-53/92: Mireille Piette de Stachelski, an official of the Commission of the European Communities, residing in Overijse (Belgium), represented by Marcel Slusny and Olivier Slusny of the Brussels Bar, with an address for service in Luxembourg at the Chambers of Ernest Arendt, 8-10 rue Mathias Hardt against Commission of the European Communities (Agent: Ana-Maria Alves Vieira) — application for rectification of the applicant's career and compensation for material and non-material damage allegedly suffered by the applicant by reason of her belated admission to competition COM/B/2/82 — the Court of First Instance (Third Chamber), composed of J. Biancarelli, President of the Chamber; B. Vesterdorf and R. García-Valdecasas, Judges; H. Jung, Registrar, made an order on 28 January 1993, the operative part of which is as follows:

1. *The application is dismissed as inadmissible.*

2. *The parties are ordered to bear their own costs.*

---

(1) OJ No C 219, 26. 8. 1992.

Action brought on 20 January 1993 by Schöller Lebensmittel GmbH & Co. KG against the Commission of the European Communities

(Case T-9/93)

(93/C 62/11)

An action against the Commission of the European Communities was brought before the Court of First Instance of the European Communities on 20 January 1993 by Schöller Lebensmittel GmbH & Co. KG of Nuremberg, represented by Dr Ulrich Scholz, Rechtsanwalt, of Nuremberg and Dr Rainer Bechtold, Rechtsanwalt, of Stuttgart, with an address for service in Luxembourg at the Chambers of Loesch & Wolter, 8, rue Zithe.

The applicant claims that the Court should:

— annul the Commission's decision of 23 December 1992 (Cases IV/31.533 and IV/34.072) pursuant to the first paragraph of Article 174 of the EEC Treaty, and

— order the Commission to pay the costs of the proceedings necessarily incurred by the applicant, pursuant to Article 87 (2) of the Rules of Procedure of the Court of First Instance.

Pleas in law and main arguments adduced in support:

In the contested decision the Commission stated that the agreements concluded by the applicant with retailers, providing for exclusivity in sales from retail outlets, infringed Article 85 (1) of the EEC Treaty (Article 1), and refused to grant them an exemption under Article 85 (3) (Article 2); it required the applicant to inform resellers who were currently party to such agreements of that decision within three months (Article 3) and prohibited them from concluding such agreements until 31 December 1997 (Article 4).

The applicant's action is founded upon the following grounds:

1. The exclusive purchasing obligation and the prohibition on competition contained in the Schöller agreement for the supply of ice-cream infringe Article 85 (1) of the EEC Treaty only if they have an appreciable effect on competition and trade between States. The cumulative effects of similar agreements concluded by the manufacturer concerned or of networks of agreements concluded by other manufacturers constitute only one of several factors to be taken into account in assessing whether the effects are appreciable.

2. In order to assess whether the effects are appreciable, regard must be had to the ice-cream market in the European Community as a whole, not merely to a market in factory-produced small ices which are available through all distribution channels apart from home delivery services. The decisive factor in this connection is the standpoint of the consumer. As far as consumers are concerned, there is no fundamental

difference between factory-produced ice-cream and ice-cream made by traditional methods; nor do they differentiate between distribution channels, forms of presentation or packaging sizes.

3. The tied sales complained of concern quantities supplied which have a minimal share of the European ice-cream market and a 3,2 % share of the German ice-cream market. Even if the market is more narrowly circumscribed, however, the level of tied sales is at most around 12 %.

4. That level of tied sales gives no indication of the periods of time involved. The average contract term amounts to no more than about one year. Each year around one third of all contracts involving tied sales are in fact terminated and are then open to applications from competitors.

5. Where an effect goes beyond the bounds of the imperceptible and becomes appreciable, Article 85 (1) of the EEC Treaty may be taken into account only to the extent of tied sales which go beyond those bounds.

6. The agreements for the supply of ice-cream fall within the ambit of the group exemption provided for in Regulation (EEC) No 1984/83. They are not concluded for an indefinite duration within the meaning of that regulation.

7. The Commission is bound by its comfort letter of 20 September 1985. The statement of facts in the application corresponded to the regulations then applying to Form A/B and was complete; the factual circumstances have not materially altered since then.

8. The conditions laid down in Article 85 (3) of the EEC Treaty have been met. The delivery agreements result in an improvement in the distribution of the goods, particularly since they ensure a geographically comprehensive and regular supply. The consumer is allowed a fair share of the resulting benefits. All the agreed restrictions on competition are necessary for the creation of those benefits. There can be no question of the elimination of competition, particularly in view of the low level of tied sales and the intensity of the competition.

9. Articles 3 and 4 of the operative part of the decision have no basis in law.

Action brought on 21 January 1993 by X against the Commission of the European Communities

(Case T-10/93)

(93/C 62/12)

An action against the Commission of the European Communities was brought before the Court of First Instance of the European Communities on 21 January 1993 by X, represented by Nathalie Leclerc-Petit, of the Montpellier Bar (France), with an address for service in Luxembourg at the Chambers of François Prüm, 13b Avenue Guillaume.

The applicant claims that the Court should:

— annul the decision of the Directorate-General of Personnel of the Commission of the European Communities, notified to the applicant on 16 March 1992, which confirmed the opinion of physical unfitness made on 28 November 1991 by the medical officer and refused to take account of the applicant's application to work as an administrator within the Commission pursuant to Article 28 (e) of the Staff Regulations,

— annul the decision delivered by the Commission of the European Communities on 9 October 1992 dismissing the applicant's appeal,

— declare and rule that the Commission of the European Communities has incurred contractual liability,

— order the Commission to pay to the applicant the sum of FF 50 000 by way of compensation for the non-material damage which he has suffered,

— declare and rule that the Commission should bear the costs of the present proceedings.

Pleas in law and main arguments adduced in support:

The applicant contests the Commission decision not to recruit him following a negative opinion from the institution's medical authorities attributable to his voluntary declaration that he is seropositive.

He stresses the fact that he declared his seropositivity even though he was under no obligation to do so. While it is true that the assessment which the medical officer and medical committee make as to the physical fitness of candidates in the light of their declaration of seropositivity or, on the contrary, seronegativity, is subjective, arbitrary and entirely unreliable, it does give rise to inequality between candidates in a position similar to that of the applicant and those who refuse to undergo a screening test inasmuch as the medical officer's assessment depends on the good faith shown by candidates.

In those circumstances, the refusal to appoint the applicant is discriminatory in nature and is contrary to the respect for private life and the principles enshrined in Articles 14 and 8 of the European Convention for the Protection of Human Rights and Fundamental Freedoms. In this case, there has been a failure to respect the applicant's rights to protect his health, choose his

own way of life and to carry out on an equal footing with uncontaminated persons the work in respect of which he sat and was successful in the tests in Competition COM/A/696.

The Commission's position is based on grounds which are inaccurate, unjustified and inoperative. In view of the fact that the applicant has not yet progressed beyond the stage of seropositivity, it is incorrect to claim that he is suffering from an illness. Similarly, the claim that the demands and ambience of the applicant's probable work place in a developing country, together with the deficient local infrastructure, represent additional factors to be taken into consideration is entirely unfounded since the applicant is at present engaged as a researcher in Mexico on work identical to that which he would have been given as a specialist administrator within the Commission.

Action brought on 1 February 1993 by Barbara Keller against the Commission of the European Communities

(Case T-11/93)

(93/C 62/13)

An action against the Commission of the European Communities was brought before the Court of First Instance of the European Communities on 1 February 1993 by Barbara Keller, residing at Wezembeek-Oppem (Belgium), represented by Marcel Slusny, of the Brussels bar, with an address for service in Luxembourg at the Chambers of Ernest Arendt, 8-10, rue Mathias Hardt.

The applicant claims that the Court should:

— declare null and void the decision of 10 September 1992 classifying her in Grade B5/4,

— classify the applicant in Grade B3/6,

— as regards financial compensation for the material and non-material damage which the applicant has suffered as the victim of various errors made by the selection boards, the applicant estimates her loss, subject to increase during the proceedings, at the sum of Bfrs 2 500 000,

— order the defendant to pay interest at 8 % on the damages,

— order the defendant to pay the costs,

— in those circumstances, and subject to express reservations, the applicant lodged a complaint such as provided for in Article 90 of the Staff Regulations; the applicant requested the Appointing Authority to take a decision with regard to her and specifically to grant her financial compensation, subject to increase pending the proceedings, for the material and non-material damage estimated at the flat rate of Bfrs 2 500 000 subject to increase during the proceedings.

Pleas in law and main arguments adduced in support:

The applicant challenges the defendant's decision classifying her in Grade B5.

In support of her application she relies on various judgments of the Court of Justice and Court of First Instance and refers to her complaint in relation to Competition COM/B/2/82.

II

(Preparatory Acts)

COMMISSION

Amended proposal for a Council Regulation (EEC) laying down marketing standards for certain milk and non-milk fats and fats composed of plant and animal products

(93/C 62/14)

COM(93) 60 final

(Submitted by the Commission pursuant to Article 149 (3) of the EEC Treaty on 16 February 1993)

In response to the opinion delivered by Parliament on 19 November 1992 on the proposal for a Regulation, sent by the Commission to the Council on 22 January 1992, laying down marketing standards for certain milk and non-milk fats and fats composed of plant and animal products, and pursuant to Article 149 (3) of the Treaty establishing the European Economic Community, the Commission has decided to amend the aforementioned proposal as follows:

1. in the third recital, the wording 'whereas fats composed of various fats including milk fats have benefited in particular from this, with the result that global consumption of butter has fallen;' is deleted;

2. in the fourth recital, the wording 'aforementioned products' is replaced by 'products covered by this Regulation';

3. in the thirteenth recital, the wording 'not having a fat content of between 20 and 95 % by weight are not called into question by this Regulation.', is replaced by 'which fall outside the scope of this Regulation basically are not called into question by it.';

4. the text of Article 2 (2) is replaced by the following:

   '2. Only those products defined in Article 1 which meet the requirements set out in Annex II may be supplied or transferred to the ultimate consumer either directly or through restaurants, hospitals, canteens or similar establishments.';

5. in Article 7 (2), the wording 'The Council, acting by a qualified majority on a proposal from the Commission, shall provide for derogations to take account of situations peculiar to certain third countries.' is deleted;

6. in Annex II, part A, first column, the wording 'provided these substances are neither of plant origin nor of animal origin other than of milk origin' is replaced by 'provided that those substances are not used for the purpose of replacing, in whole or in part, any milk constituent.';

7. in Annex II, part A, third column, second paragraph, the wording 'solely and directly' is inserted after the wording 'The product obtained';

8. in Annex II, part A, second column, after point 2, a new point 2 (a) is inserted as follows:

   '2 (a) Recombined butter.';

9. in Annex II, part A, third column, after the second paragraph, a new paragraph is inserted opposite the new point 2 (a) as follows:

   'The product obtained by a recombination process from milk, cream, butter, anhydrous milk fat, butteroil or concentrated butter of a milk fat content of not less than 80 % and less than 90 % and of a maximum water content of 16 % and a maximum dry non-fat milk material content of 2 %. A fractionation process may be applied.';

10. at the end of Annex II, a sentence is inserted as follows:

    'The milk fat component of the products may be changed only by physical processes. However, no change is permitted for butter, falling within Part A, second column, point 2.'.

III

(Notices)

COMMISSION

Studies in the fisheries sector

(93/C 62/15)

According to the terms of Council Regulation (EEC) No. 3760/92 [1], establishing a Community system for fisheries and aquaculture, the measures to be taken to reach the objectives of the Common Fisheries Policy, and in particular for ensuring a rational and responsible exploitation of aquatic marine resources on a sustainable basis, shall be drawn up in the light of the available biological, socio-economic and technical analyses.

This call for proposals solicits studies allowing the Commission to improve the existing information to frame the regulatory provisions needed in the development of the Common Fisheries Policy.

The Commission encourages experts, research institutes and other competent organizations to present study proposals relevant to the fields specified below. In order to encourage scientific cooperation, the Commission will give preference to proposals for joint studies involving more than 1 Member State.

Proposals are invited in the following fields:

1. Bio-economic analysis in support of the Common Fisheries Policy (Budgetary line B2-234; 4 000 000 ECU)

Council Regulation No. 3760/92 envisages the implementation of new management tools, in particular direct limitations of fishing effort and the application of multiannual and multispecies concepts in catch limitations. The implementation still requires further research work. In addition, the protection of juvenile fish demands improved knowledge on several precise aspects of the selectivity of fishing gears. Economic impact assessment of these management tools should also be included whenever possible.

Priority is given to the following subjects:

1.1. Quantification of the relationships between fishing mortality rate and fishing effort, the latter being expressed as a function of capacity and activity, for different fisheries, species and gears.

1.2. Evaluation, on a case by case basis, of the advantages and disadvantages of the use of multispecies and/or multiannual TACs as management measures.

1.3. Effects, in the short and long term, and from the biological and economic perspectives, of management measures aiming at the improvement of exploitation patterns. In particular, the impact of an increase of the mesh size of towed gears in regions 2 (up to 120 mm) and 3 (up to 80 mm), including the use of square-mesh panels.

1.4. Geographical variability of selectivity parameters of towed gears. Inter- and intra-species selectivity of fixed gears. Factors affecting selectivity and efficiency of fixed gears, including type of material, geometry and attachments to the nets. Ghost fishing and related phenomena.

1.5. By-catches and discarding practices, particularly those related to the use of static gears and of pelagic trawling. Causes, consequences and remedies.

1.6. Analysis of the efficiency of existing strategies, including incentives of an economic nature, to promote selective fishing. Development and likely impact of new approaches.

1.7. Analysis of the return on capital in the European fishery industry and the impact of public policy and innovative technologies.

1.8. Development of comprehensive and disaggregated data bases, on a fleet and geographical basis, for homogeneous areas other than the North Sea. Coordination of the collection of data useful for stock assessment from the biological and economic points of view.

1.9. Population dynamics of commercially important species for which very little or no information exists.

2. Protection of marine species (Budgetary line B2-235; 1 000 000 ECU)

Improved knowledge of the impact of fishing activities on the environment, and particularly on marine species not specifically targeted, is required to achieve a responsible exploitation of marine resources. The results of studies in this area will contribute to the formulation

[1] OJ No L 389 from 31. 12. 1992.

of future regulatory provisions to improve the marine environment, including the establishment of specific areas in which no or very limited fishing will be allowed.

Priority is given to the following subjects:

2.1. Quantification and mapping of by-catches and/or discards by conventional fishing gears of all taxa of low or no commercial interest.

2.2. Quantification and mapping of by-catches of marine mammals, marine reptiles and sea birds, particularly by passive and encircling gears (e.g. gillnets, trammel nets, driftnets, longlines, purse seines, etc.).

2.3. Effects of established fisheries on co-dependent populations.

2.4. Evaluation of the direct impact of fishing gears on the substratum and on benthos.

3. **Specific actions in the Mediterranean (Budgetary line B2-2303; 3 000 000 ECU)**

Council Regulation (EEC) No. 3499/91 (1) provides a Community framework for studies and pilot projects relating to the progressive establishment of a Community conservation regime in the Mediterranean sea. Within the priority fields established in such regulation, and in order to better use the existing budget, preference will be given to the following type of studies:

3.1. Organization of tutorial workshops on fish-stock assessment, particularly aimed at young scientists.

3.2. Organization of workshops on methodology for obtaining biological data for biological assessment purposes, on a species basis.

3.3. Use of fishery-independent methods in the assessment of demersal stocks. Large-scale, collaborative bottom trawl surveys. Constitution of an EC data base on abundance indices by statistical rectangles.

4. **General Information**

The Commission must receive proposals to the Commission's offices by 21. 4. 1993 (17.00). The Commission reserves the right not to evaluate proposals received after the closing deadline.

The maximum period for completion of a project is 3 years, but preference may be given to projects of shorter duration.

Detailed information about procedures for the submission of proposals and the contract that will be established with successful proposers is available on request from the Commission services. All inquiries concerning this call should be addressed to:

— Commission of the European Communities, Directorate General for Fisheries, Conservation Unit (DG XIV/C/1), rue de la Loi 200, B-1049 Brussels, tel. (02) 295 94 35/295 92 05, facsimile (02) 296 60 46.

(1) OJ No L 331 from 3. 12. 1991.