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Information and Notices

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I

(Information)

COMMISSION

ECU ⁽¹⁾

18 February 1985

(85/C 47/01)

Currency amount for one unit:

Belgian and Luxembourg franc con.	44,7335	United States dollar	0,677012
Belgian and Luxembourg franc fin.	44,9333	Swiss franc	1,89157
German mark	2,22534	Spanish peseta	122,810
Dutch guilder	2,51950	Swedish krona	6,29485
Pound sterling	0,615465	Norwegian krone	6,38016
Danish krone	7,97012	Canadian dollar	0,907534
French franc	6,81006	Portuguese escudo	121,185
Italian lira	1374,33	Austrian schilling	15,6322
Irish pound	0,714524	Finnish markka	4,62365
Greek drachma	90,7196	Japanese yen	175,685
		Australian dollar	0,920103
		New Zealand dollar	1,48794

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

Users of the service should do as follows:

- call telex number Brussels 23789;
- give their own telex code;
- type the code 'cccc' which puts the automatic system into operation resulting in the transmission of the conversion rates of the ECU;
- the transmission should not be interrupted until the end of the message, which is marked by the code 'ffff'.

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

⁽¹⁾ Council Regulation (EEC) No 3180/78 of 18 December 1978 (OJ No L 379, 30. 12. 1978, p. 1), as amended by Regulation (EEC) No 2626/84 (OJ No L 247, 16. 9. 1984, p. 1).
Council Decision 80/1184/EEC of 18 December 1980 (Convention of Lomé) (OJ No L 349, 23. 12. 1980, p. 34).

Commission Decision No 3334/80/ECSC of 19 December 1980 (OJ No L 349, 23. 12. 1980, p. 27).
Financial Regulation of 16 December 1980 concerning the general budget of the European Communities (OJ No L 345, 20. 12. 1980, p. 23).

Council Regulation (EEC) No 3308/80 of 16 December 1980 (OJ No L 345, 20. 12. 1980, p. 1).

Decision of the Council of Governors of the European Investment Bank of 13 May 1981 (OJ No L 311, 30. 10. 1981, p. 1).

Notice of initiation of an anti-dumping proceeding concerning imports of clogs originating in Sweden

(85/C 47/02)

The Commission has received a complaint alleging that imports of clogs originating in Sweden are being dumped and are thereby causing injury to a Community industry.

Complainant

The complaint was lodged by the European Confederation of the Footwear Industry (CEC) on behalf of producers representing substantially all Community production of clogs.

Product

The product allegedly being dumped is clogs, with outer soles of leather or leather covered with PVC and with uppers of leather falling within Common Customs Tariff subheading ex 64.02 A and corresponding to NIMEXE code 64.02-41.

Allegation of dumping

The complaint alleges that the price at which the product concerned is actually sold for consumption in Sweden is less than its cost of production. The allegation of dumping is therefore based on a comparison of the constructed value with the price charged for export to the Community. On this basis the dumping margin estimated is significant.

Allegation of injury

With regard to injury, the complaint alleges that the imports in question have increased their market share from 51,4 % in 1981 to 62,2 % in 1983 in a contracting market. It is furthermore alleged that the prices at which these imports were sold in the Community undercut the prices of Community producers by 54 % to 72 % and that this has caused the Community producers to maintain their prices at levels which are insufficient to cover their costs and give them an adequate return. The consequent impact on the Community industry is claimed to be that the

imports in question have contributed significantly to the decline in production due to falling demand, with the result that Community production fell from 2 256 000 pairs of clogs in 1981 to 1 362 000 pairs in 1983. It is also claimed that the imports have resulted in redundancies, short-time working and closures within the Community and to financial losses being increased by the Community producers.

Procedure

Having decided, after consultation, that there is sufficient evidence to justify initiating a proceeding, the Commission has commenced an investigation in accordance with Article 7 of Council Regulation (EEC) No 2176/84 on protection against dumped or subsidized imports from countries not members of the European Economic Community (*).

Interested parties may make known their views in writing, in particular by replying to the questionnaire addressed to the parties known to be concerned and by providing supporting evidence. Furthermore, the Commission will hear parties who so request when making their views known, provided that they can show that they are likely to be affected by the result of the proceeding.

This notice is published in accordance with Article 7 (1) (a) of the abovementioned Regulation.

Time limit

Any information relating to the matter and any requests for hearings should be sent in writing to reach the Commission of the European Communities, Directorate-General for External Relations (Division I-D-1), rue de la Loi 200, B-1049 Brussels (†) not later than 30 days following the publication of this notice, allowing a further seven days for delivery.

(*) OJ No L 201, 30. 7. 1984, p. 1.

(†) Telex COMEU B 21877.

**Notice of initiation of an anti-dumping proceeding concerning imports of hardboard
originating in Argentina, Portugal, Switzerland and Yugoslavia**

(85/C 47/03)

The Commission has received a complaint alleging that imports of hardboard, originating in Argentina, Portugal, Switzerland and Yugoslavia, are being dumped and are thereby causing injury to a Community industry.

Complainant

The complaint was lodged by the European Confederation of Woodworking Industry on behalf of producers representing substantially all of the Community production of hardboard.

Product

The product allegedly being dumped is fibre building board of wood or other vegetable material weighing more than 0,80 g/cm³ (hardboard) falling within Common Customs Tariff heading No ex 44.11 and corresponding to NIMEXE codes 44.11-10 and 20.

Allegation of dumping

The allegation of dumping is based on a comparison of the domestic prices in Argentina, Portugal, Switzerland and Yugoslavia with the export prices from these countries to the Community.

On this basis the estimated dumping margins are significant.

Allegation of injury

With regard to injury, the complaint alleges that the imports in question have increased from 44 192 tonnes in 1981 to 72 912 tonnes in 1983, i.e. by 65 %. Its forecast for 1984 shows that this level will be maintained. This would represent an increase in market share from 4,7 % in 1981 to 8 % in 1983. It is furthermore alleged that the prices at which these imports are sold in the Community undercut the

prices of Community producers by 13 % to 46 %. This would force the Community producers to maintain their prices at a level which is insufficient to cover their costs and give them an adequate return. The consequent impact on the Community industry is claimed to be a reduction in production by 10 % and sales by 5 % which has led to the closure of several production lines for hardboard within the Community.

Procedure

Having decided, after consultation, that there is sufficient evidence to justify initiating a proceeding, the Commission has commenced an investigation in accordance with Article 7 of Council Regulation (EEC) No 2176/84 of 23 July 1984 on protection against dumped or subsidized imports from countries not members of the European Economic Community⁽¹⁾. Interested parties may make known their views in writing, in particular by replying to the questionnaire addressed to the parties known to be concerned and by providing supporting evidence. Furthermore, the Commission will hear parties who so request when making their views known, provided that they can show that they are likely to be affected by the result of the proceeding.

This notice is published in accordance with Article 7 (1) (a) of the abovementioned Regulation.

Time limit

Any information relating to the matter and any requests for hearings should be sent in writing to reach the Commission of the European Communities, Directorate-General for External Relations (Division I-D-1), rue de la Loi 200, B-1049 Brussels⁽²⁾ not later than 30 days following the publication of this notice, allowing a further seven days for delivery.

⁽¹⁾ OJ No L 201, 30. 7. 1984, p. 1.

⁽²⁾ Telex COMEU B 21877.

STATE AID

(Articles 92 to 94 of the Treaty establishing the European Economic Community)

Notice pursuant to the first subparagraph of Article 93 (2) of the Treaty, to interested parties other than the Member States, of a proposed French aid package for spirits producers

(85/C 47/04)

The Commission has opened the procedure provided for in Article 93 (2) of the EEC Treaty against a FF 57 million aid package to producers of cognac, armagnac, calvados and fruit brandies consisting of cash help and assistance for storage and maturing.

The Commission believes that some of the aid has an operating character which will not lead to a lasting development of the sectors and is therefore incompatible with the common market.

Potential recipients are warned of the risks of accepting aid under the scheme before the Commission has reached a final decision on its compatibility with the common market, as such aid would have been paid illegally and be liable to recovery.

In accordance with the procedure, interested parties other than the Member States are invited to send their comments, within four weeks of the date of publication of this notice, to:

Commission of the European Communities,
200 rue de la Loi,
B-1049 Brussels.

Communication on intra-Community surveillance

(85/C 47/05)

By Decision dated 15 February 1985 the Commission has authorized the French Republic to introduce intra-Community surveillance of imports of certain textile products (categories 4, 6 and 83), originating in Turkey and in free circulation in the Community, in respect of which protective measures may be adopted under Article 115 of the EEC Treaty.

The full text of the Decision will be published in a subsequent issue.

II

(Preparatory Acts)

COMMISSION

Proposal for a Council Directive on the easing of controls and formalities applicable to nationals of the Member States when crossing intra-Community borders*COM(84) 749 final**(Submitted by the Commission to the Council on 23 January 1985)**(85/C 47/06)*

THE COUNCIL OF THE EUROPEAN
COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community, and in particular Article 100 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 it is vitally necessary that the Community should respond to the expectations of the peoples of Europe by adopting measures to enhance and promote its ideal and image in the minds of its inhabitants;

Whereas, on 23 June 1981, the representatives of the Governments of the Member States of the European Communities, meeting within the Council, adopted a resolution considering that the establishment of a passport of uniform design is likely to facilitate the movement of nationals of the Member States;

Whereas, on 7 June 1984, the Council and the representatives of the Governments of the Member States of the European Communities, meeting within the Council, adopted a resolution on the easing of border controls on persons;

Whereas at its meeting in Fontainebleau on 25 and 26 June 1984 the European Council, concerned about this subject, decided in particular to set itself the goal of abolishing all police and customs formalities at intra-Community borders for the movement of persons, and requested the Council and the Member States to reach a result on the matter before the end of the first half of 1985;

Whereas any measure in the direction of bringing into effect a Europe of the people corresponds to a real need expressed in particular by the European Parliament on numerous occasions;

Whereas Article 3 (c) of the Treaty stipulates that the activities of the Community shall include the abolition, as between Member States, of obstacles to freedom of movement for persons; whereas agreements already exist between certain Member States in the field of abolition of border controls;

Whereas in spite of the limits which remain in existence for tax-free allowances for travellers, the amount of these allowances and the degree of integration already realized in the Community no longer justify that controls on goods carried by travellers which take place at borders within the Community should be of the same nature or the same intensity as those carried out at borders with third countries;

Whereas the establishment of a rule of free passage for Member State nationals with the possibility, where necessary and in addition to spot checks, of more stringent controls of a temporary nature in specific and exceptional cases, in particular for security reasons, does not preclude the protection of the legitimate interests of the Member States with regard to internal security matters;

Whereas police and customs controls at intra-Community borders should be at the same level, and as low a level as possible, whatever the mode of transport used;

Whereas the total abolition of the controls and formalities in question requires the achievement, in parallel, of certain basic preconditions, such as the harmonization of legislation concerning foreigners and of policy matters connected with issuing visas, the strengthening of cooperation in matters of public security, or further fiscal harmonization; whereas in

the interim period until the controls and formalities in question have been completely eliminated, it is possible to carry out a policy of progressive elimination, by, at the same time, ensuring closer cooperation between the competent authorities of the Member States and an intensification of controls on persons at the Community's external frontiers;

Whereas the Commission and the Member States must collaborate closely in the introduction of measures to facilitate the realization of the objectives sought by this Directive and, in a second stage, in seeking means of enabling the controls relating to the movement of persons to be concentrated at the external frontiers of the Community, so that all controls or formalities concerning both persons and goods carried by persons should then be abolished at intra-Community borders,

HAS ADOPTED THIS DIRECTIVE:

TITLE I

General

Article 1

This Directive lays down the conditions for easing the controls and formalities to which nationals of the Member States may be subjected at intra-Community borders.

Article 2

1. The facilities provided for in this Directive apply to Member State nationals crossing an intra-Community border who comply with the provisions concerning both the movement of persons and the movement of goods and in particular as regards the value or quantities of goods admitted free of taxes.

2. Within the meaning of this Directive and except where otherwise specified, controls and formalities mean all the controls and formalities applicable to the intra-Community movement of persons and goods carried by them, excluding any carriage of a commercial nature.

Article 3

Member States shall take the measures necessary for the controls and formalities applicable to Member State nationals fulfilling the conditions referred to in Article 2 (1) and presenting themselves at the border between two Member States to be operated according to the principle of free passage, whatever the mode of transport used.

Article 4

This Directive shall not prevent Member States from:

- carrying out spot checks on Member State nationals fulfilling the conditions referred to in Article 2 (1), in so far as such spot checks, to be carried out either at the border crossing point or within a frontier zone of 15 kilometers from the border, measured as the crow flies, shall affect only a minimal proportion of persons for each border crossing point between one Member State and another;
- carrying out controls of a temporary nature in exceptional and specific cases, in particular for security purposes.

TITLE II

Crossing of borders by road

Article 5

Where persons present themselves at the border between two Member States on board private vehicles, the principle of free passage referred to in Article 3 shall permit the said vehicle to cross the border at a reduced speed in order to enable the authorities responsible for the controls to carry out a simple visual check without requiring the vehicle to stop, except in specific cases.

Article 6

In order to facilitate the application of Article 5 by the competent authorities, Member State nationals fulfilling the conditions referred to in Article 2 (1) may present, in particular by affixing it to the windscreen of their vehicle, a disc measuring at least 8 centimetres in diameter bearing the letter E on a green background.

The use of this disc shall be equivalent to a declaration by the driver of the vehicle that all the persons transported in that vehicle are Member State nationals and comply with the conditions referred to in Article 2 (1).

Article 7

Member States shall make all necessary arrangements so that in the event of a vehicle being subjected to controls, the passage of the following vehicles is not hampered.

Article 8

Member States shall make all arrangements so that wherever technically possible there shall be only one checkpoint for the two adjacent Member States in each direction of traffic.

TITLE III

Border crossing at airports and ports*Article 9*

1. Where persons present themselves at an airport or port on arrival in another Member State, the principle of free passage referred to in Article 3 shall allow them to cross the border without controls.

2. In order to facilitate the application of paragraph 1 the Member States shall, at airports and ports open to international passenger traffic and having a certain level of traffic, establish channels designated by green or red signs.

3. In cases where the controls on the movement of persons and those on the movement of goods carried by those persons do not take place simultaneously, the selection of a green channel as referred to in paragraph 2 shall be equivalent to a declaration by the person concerned that:

- he is a Member State national, if the channel concerns the movement of persons,
- he fulfils the conditions laid down in Article 2 (1), if the channel concerns the movement of goods carried by those persons.

4. In cases where the controls referred to in paragraph 3 take place simultaneously, the selection of a green channel as referred to in paragraph 2 shall be equivalent to a declaration by the person concerned that he is a Member State national and fulfils the conditions laid down in Article 2 (1).

Article 10

Where there are no green or red channels as referred to in Article 9 (2), the mere presentation, shut, by the person concerned, at his own initiative, of his passport or national identity card issued by a Member State shall, in the absence of any other indication by the person concerned, be equivalent to a declaration that he is a Member State national and fulfils the conditions laid down in Article 2 (1).

TITLE IV

Border crossing on board international trains and coaches*Article 11*

1. When private individuals cross a border between two Member States on board international trains or coaches, the principle of free passage referred to in Article 3 shall allow them to cross the said border without being controlled.

2. In order to facilitate the application of paragraph 1 by the competent authorities, the mere presentation, shut, by the person concerned, at his own initiative, of his passport or national identity card, issued by a Member State, shall, in the absence of any other indication by the person concerned, be equivalent to a declaration that he is a Member State national and fulfils the conditions laid down in Article 2 (1).

TITLE V

Final provisions*Article 12*

This Directive shall not preclude the application of more favourable provisions for Member State nationals, in particular those laid down in the framework of frontier traffic or resulting from agreements between certain Member States.

Article 13

Member States shall provide the Commission with all information necessary to enable the latter to present a report to the Council every two years, the first no later than 1 July 1987, on the application of this Directive with a view to examining the means of achieving total abolition of all controls at intra-Community borders on Member State nationals fulfilling the conditions laid down in Article 2 (1).

Article 14

Member States shall, after consultation with the Commission, bring into force the provisions laid down by law, regulation or administrative action necessary to comply with this Directive by 1 July 1985 at the latest.

Each Member State shall send to the Commission the text of the provisions it adopts for the purpose of applying this Directive.

Article 15

This Directive is addressed to the Member States.

Proposal for a Council Regulation amending Regulation (EEC) No 1408/71 on the application of social security schemes to employed persons, to self-employed persons and to members of their families moving within the Community and Regulation (EEC) No 574/72 laying down the procedure for implementing Regulation (EEC) No 1408/71

COM(84) 756 final

(Submitted by the Commission to the Council on 24 January 1985)

(85/C 47/07)

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community, and in particular Articles 51 and 235 thereof,

Having regard to the proposal from the Commission, drawn up after consulting the Administrative Commission on Social Security for Migrant Workers,

Having regard to the opinion of the European Parliament,

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

Whereas certain amendments should be made to Regulations (EEC) No 1408/71 ⁽¹⁾, No 574/72 ⁽²⁾, as both last amended by Regulation (EEC) No 2001/83 ⁽³⁾; whereas some of these amendments result from changes which have occurred in Member States' social security legislation, other amendments being of a technical nature and prompted by the experience gained from their implementation;

Whereas changes in the Danish legislation concerning social pensions make it necessary to amend existing entries in Annex VI to Regulation (EEC) No 1408/71;

Whereas it is necessary to make provision in the said Annex VI for the waiving of the condition of residence in Denmark for the acquisition of the right to pension in respect of employed or self-employed persons or their survivors residing in a Member State other than Denmark and for ensuring the taking into account, under certain conditions, of periods of employment or self-employment completed in Denmark by an employed or self-employed person

for the purposes of calculating the surviving spouse's pension;

Whereas it is necessary to make provision in the said Annex VI enabling German institutions to reimburse contributions in respect of pension insurance paid by Greek teachers insured simultaneously in Germany and Greece;

Whereas new legislation in Greece concerning voluntary insurance schemes requires provision to be made in the said Annex VI incorporating the special procedure for applying this legislation and its conditions of eligibility to nationals of Member States other than Greece;

Whereas provisions in the said Annex VI concerning United Kingdom legislation, which permits wives or former wives to substitute periods of insurance completed by their husbands or former husbands in two or more Member States for their own insurance record where this is more favourable, require amendment to take account of the extension of this concession in certain cases to former husbands in respect of the insurance periods of their former wives, and to correct certain inadequacies in the wording of the existing text;

Whereas the interaction between United Kingdom legislation concerning the calculation of old-age pensions and the provisions of Regulation (EEC) No 1408/71 concerning the aggregation of periods of insurance, employment or residence completed in other Member States where, after the 6 April 1975, those periods were completed in a Member State other than the United Kingdom, produces, in conjunction with the special procedure included in the said Annex VI, anomalous and inequitable results;

Whereas it is necessary therefore to make an additional provision in the said Annex VI to the existing special procedure for applying the said legislation so as to correct the effects referred to;

⁽¹⁾ OJ No L 149, 5. 7. 1971, p. 2.

⁽²⁾ OJ No L 74, 27. 3. 1972, p. 1.

⁽³⁾ OJ No L 230, 22. 8. 1983, p. 6.

Whereas the instances in which a person should be subject simultaneously to the legislation of two Member States as an exception to the general rule should be as limited in number and scope as possible;

Whereas the wording of point 6 in Annex VII, which lists the instances in which these exceptions are to be permitted, concerning self-employment in Greece, is unnecessarily widely drawn and should be more specific to reflect the fact that the only scheme to which self-employed persons are to be compulsorily affiliated in Greece, whilst subject to a scheme for employed persons in another Member State, is a pension insurance scheme;

Whereas point 6 of Annex VII should be amended accordingly;

Whereas the experience gained from implementing Regulations (EEC) No 1408/71 and No 574/72 has revealed the need to improve the provisions dealing with the overlapping of family benefits or family allowances in Regulation (EEC) No 574/72;

Whereas the rule in Article 10 of Regulation (EEC) No 574/72 which provides that the right to family benefits arises under the legislation of the Member State in the territory of which the children reside takes effect solely where the person who exercises the professional or trade activity in the Member State of residence activating the transfer of priority is the spouse of the employed or formerly employed person, whether that spouse is himself or herself entitled to the benefit or not;

Whereas those provisions have been seen to operate unfairly in circumstances in which the person entitled to the benefit and exercising the professional or trade activity was not or was no longer the spouse of the employed or formerly employed person and they should therefore be amended so as to correct this anomaly;

Whereas it is necessary to introduce some textual amendments to Annexes 2, 3 and 4 to Regulation (EEC) No 574/72 as a result of the aforementioned changes in Danish legislation;

Whereas it is necessary to amend Annex 9 to Regulation (EEC) No 574/72 to take account of the extension of Regulations (EEC) No 1408/71 and No 574/72 to self-employed persons for the calculation of the average annual cost of benefits in kind;

Whereas it is necessary to amend Annex 10 to Regulation (EEC) No 574/72 following changes in the designation of the competent institution for paying pension supplements for dependent children of pensioners in Germany;

Whereas it is necessary to make provision in the said Annex 10 in order to specify the competent optional continued insurance scheme in Greece if the conditions for joining more than one such scheme are met,

HAS ADOPTED THIS REGULATION:

Article 1

Regulation (EEC) No 1408/71 is hereby amended as follows:

1. *Annex VI*

(a) In Section B, *Denmark*:

(i) Point 3 is replaced by the following:

3. (a) The provisions of Danish legislation on social pensions that stipulate that the right to pension is subject to the claimant being resident in Denmark are not applicable in respect of employed or self-employed persons or their survivors who reside in the territory of a Member State other than Denmark;

(b) For the purpose of calculating the pension, periods of employment or self-employment completed in Denmark by a frontier worker or a seasonal worker are regarded as periods of residence completed in Denmark by the surviving spouse in so far as the surviving spouse was, during these periods, linked to the frontier worker or seasonal worker by marriage without separation from bed and board or *de facto* separation on grounds of incompatibility, and provided that during these periods the spouse resided in the territory of another Member State;

(c) For the purpose of calculating the pension, periods of employment or self-employment completed in Denmark before 1 January 1984 by an employed or self-employed person other than a frontier worker or seasonal worker shall be regarded as periods of residence completed in Denmark by the surviving spouse, in so far as the surviving spouse was, during these periods, linked to the employed or self-employed person by marriage without separation from bed and board or *de facto* separation on grounds of incompatibility, and provided that during these periods the spouse resided in the territory of another Member State;

(d) Periods to be taken into account under the terms of (b) and (c) shall not be taken into consideration if they coincide with periods taken into

account for the calculation of the pension due to the person concerned under the legislation on compulsory insurance of another Member State or with periods during which the person concerned received a pension under such legislation. These latter periods shall however be taken into consideration if the annual amount of the said pension is less than half the basic amount of the social pension.'

- (ii) Point 4 is deleted.
 - (iii) At point 8 the words 'Invalidity, old-age and widows' pensions' are replaced by the words 'Invalidity pensions, early pensions, old-age pensions and widows' pensions.'
 - (iv) Points 5 to 10: are renumbered accordingly.
- (b) In Section C, *Germany*, the following point 16 is added:

'16. Greek teachers with civil service status who by virtue of their employment in German schools have paid compulsory contributions to German statutory pension insurance in addition to contributions to the Greek special scheme for civil servants and who ceased to be covered by German compulsory insurance after 31 December 1978 shall on application receive a contribution refund in respect of these compulsory contributions in accordance with Article 1303 of the insurance code (RVO) or Article 82 of the clerical staff insurance law (AVG). Claims for contribution refunds shall be valid if made either within one year of the date of entry into force of this provision, or within two years of the date upon which the person applying for the refund ceased to be subject to compulsory insurance.

Article 1303 (7) of the insurance code (RVO) and Article 82 (7) of the clerical staff insurance law (AVG) shall apply only in respect of periods for which compulsory contributions under German pension insurance were paid in addition to contributions to the Greek special scheme for civil servants and in respect of interrupted periods immediately following periods in which such compulsory contributions had been paid.'

- (c) In Section E, *Greece* the following point 3 is added:

'3. Law No 1469/84 concerning voluntary affiliation to the pension insurance scheme for Greek nationals and foreign nationals of Greek origin, is applicable to nationals of other Member States, stateless persons and refugees residing in the territory of a Member State in accordance with the following provisions.

Subject to the other conditions of this Law being met, contributions may be made:

- (a) where the person concerned is domiciled or resides in the territory of a Member State and has at some time in the past been compulsorily affiliated to the Greek pension insurance scheme; or
- (b) regardless of the place of domicile or residence, where the person concerned has either previously resided in Greece for ten years, whether consecutive or not, or has previously been subject to Greek legislation whether compulsorily or voluntarily for a period of 1 500 days.'

- (d) In Section J. *United Kingdom*:

- (i) Point 2 is replaced by the following:

'2. Where, in accordance with United Kingdom legislation, a person may be entitled to a retirement pension if:

- (a) the contributions of a former spouse are taken into account as if they were that person's own contributions; or
- (b) the relevant contribution conditions are satisfied by that person's spouse or former spouse

then provided, in each case, that the spouse or former spouse is or was an employed or self-employed person who had been subject to the legislation of two or more Member States, the provisions of Chapter 3 of Title III of the Regulation shall apply in order to determine entitlement under United Kingdom legislation; and references in the said Chapter 3 to "periods of insurance" shall be construed as references to periods of insurance completed by:

- (i) a spouse or former spouse, where a claim is made by a married woman, a man who is widowed or a person whose marriage has terminated otherwise than by the death of the spouse, or
- (ii) a former spouse, where a claim is made by a widow, who was not in receipt of a survivor's benefit immediately before reaching pensionable age or who is only in receipt of an age-related widow's pension calculated pursuant to Article 46 (2) of the Regulation.'

- (ii) In point 13 the following paragraph 2 is inserted after paragraph (1):

'2. For the purposes of Article 46 (2) (b) of the Regulation, where

- (a) in any income tax year starting on or after 6 April 1975 an employed person had completed periods of insurance, employment or residence exclusively in a Member State other than the United Kingdom, and the application of paragraph 1 (a) (i) results in that year being counted as a qualifying year within the meaning of United Kingdom legislation for the purposes of Article 46 (2) (a) of the Regulation, he shall be deemed to have been insured for 52 weeks in that year in that other Member State;
- (b) any income tax year starting on or after 6 April 1975 does not count as a qualifying year within the meaning of United Kingdom legislation for the purposes of Article 46 (2) (a) of the Regulation, any periods of insurance, employment or residence completed in that year shall be disregarded.'

and the present paragraph 2 becomes paragraph 3.

2. Annex VII

Point 6 is replaced by the following:

'6. For the pension insurance scheme for self-employed persons: where he is self-employed in Greece and gainfully employed in any other Member State.'

Article 2

Regulation (EEC) No 574/72 is hereby amended as follows:

1. In Article 10, paragraph 1 is replaced by the following:

- '1. (a) Entitlement to family benefits or family allowances due under the legislation of a Member State, according to which acquisition of the right to those benefits or allowances is not subject to conditions of insurance, employment or self-employment shall be suspended when, during the same period and for the same member of the family, benefits are due in pursuance of Articles 73, 74, 77 or 78 of the Regulation.
- (b) Where, however, a professional or trade activity is exercised or pursued in the territory of the said Member State by:
- (i) in the case of benefits due in pursuance of Articles 73 or 74 of the Regulation, the person entitled to the family

benefits or family allowances, or the person to whom they are payable; then the right to family benefits or family allowances due in pursuance of those Articles shall be suspended and only those family benefits or family allowances of the Member State in whose territory the member of the family is residing shall be paid, the cost to be borne by that Member State.

- (ii) in the case of benefits due in pursuance of Articles 77 or 78 of the Regulation, the person entitled to those benefits or the person to whom they are payable, and in the case of benefits due in pursuance of Article 78, the person in respect of whom they are payable; where this is the case the person concerned shall be entitled to the family benefits or family allowances of the Member State in whose territory the children reside, the cost to be borne by that Member State, and, where appropriate, to benefits other than the family allowances referred to in Articles 77 or 78 of the Regulation, the cost to be borne by the competent State as defined by those Articles.'

2. Annex 2, Section B, *Denmark*, is amended as follows:

- (a) The text of paragraph 1 (b) (i), in the left-hand column, is replaced by the following:

'Benefits granted under the legislation on social pensions'.

- (b) The text of paragraph 1 (c) (i), in the left-hand column, is replaced by the following:

'Pensions granted under the legislation on social pensions'.

3. Annex 3, Section B, *Denmark*, is amended as follows:

The text of paragraph 1 (c) (i), in the left-hand column, is replaced by the following:

'Pensions granted under the legislation on social pensions'.

4. Annex 4, Section B, *Denmark*, is amended as follows:

In part I, the text of paragraph 2, in the left-hand column, is replaced by the following:

'Pensions and benefits provided under the legislation on social pensions'.

5. *Annex 9* is amended as follows:

(a) In Section A, *Belgium*, the following text is added:

'However, for the purposes of applying Articles 94 and 95 of the implementing Regulation to cases in which Article 35 (2) of the Regulation applies, the scheme for compulsory health care insurance for self-employed persons shall be taken into consideration when calculating the average annual cost of benefits in kind.'

(b) In Section D, *France*, the following text is added:

'However, for the purposes of Articles 94 and 95 of the implementing Regulation in cases where Article 35 (2) of the Regulation applies, the sickness and maternity insurance scheme for self-employed persons in non-agricultural occupations shall be taken into consideration when calculating the average annual cost of benefits in kind'.

6. *Annex 10* is amended as follows:

(a) In Section C, *Germany*, the text of paragraph 7 (a), in the left-hand column, is replaced by the following:

'Family allowances paid pursuant to Articles 77 and 78 of the Regulation':

(b) In Section E, *Greece*, the following paragraph 1 is inserted:

'1. For the purposes of applying Article 6 (1) of the implementing Regulation:

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Ασφαλίσεων (ΙΚΑ) Αθήνα
(Social Insurance Institute, Athens)';

and paragraphs 1 to 10 are renumbered accordingly.

Article 3

1. This Regulation shall enter into force on the day of its publication in the *Official Journal of the European Communities*.

2. Article 1, except for paragraph (1) (c), and Article 2 (2), (3) and (4) shall apply with effect from 1 January 1984.

3. Article 1 (1) (c) shall apply with effect from 1 January 1985.

This Regulation shall be binding in its entirety and directly applicable in all Member States.