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I

(Information)

COMMISSION

ECU (*) — EUROPEAN UNIT OF ACCOUNT (*)

25 January 1980

Currency amount for one unit:

Belgian and Luxembourg franc	40.4852	Swiss franc	2.31858
German mark	2.49215	Spanish peseta	95.1899
Dutch guilder	2.75135	Swedish krona	5.97376
Pound sterling	0.632068	Norwegian krone	7.04785
Danish krone	7.78041	Canadian dollar	1.66661
French franc	5.84179	Portuguese escudo	71.9609
Italian lira	1160.73	Austrian schilling	17.8895
Irish pound	0.673161	Finnish markka	5.31431
United States dollar	1.43922	Japanese yen	344.333
		Greek drachma	not available

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 'eccc' which puts the automatic system into operation resulting in the transmission of the conversion rates of the EUA;
- the transmission should not be interrupted until the end of the message, which is marked by the code 'ffff'.

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

(†) Council Decision 75/250/EEC of 21 April 1975 (Convention of Lomé) (OJ No L 134, 24. 4. 1975, p. 33).

Commission Decision No 3289/75/ECSC of 18 December 1975 (OJ No L 327, 19. 12. 1975, p. 4)

Decisions of the Council of Governors of the European Investment Bank of 18 March 1975 and of 30 December 1977.

Financial Regulation of 21 December 1977 concerning the general budget of the European Communities (OJ No L 356, 31. 12. 1977, p. 1).

Communication from the Commission under Article 5 (5) of Council Decision 75/210/EEC of 27 March 1975

By virtue of Article 4 (4) of Council Decision 75/210/EEC of 27 March 1975 on unilateral import arrangements in respect of State-trading countries⁽¹⁾, the Commission has adopted the following changes to the import arrangements applied in Italy with regard to Czechoslovakia with effect from 9 January 1980:

- Exceptional opening of a quota of Lit 410 000 000 for the importation of bearings (CCI 84.62)

⁽¹⁾ OJ No L 99, 21. 4. 1975, p. 7.

Nomination of the members of the Scientific Advisory Committee to examine the toxicity and ecotoxicity of chemical compounds

The Scientific Advisory Committee to examine the toxicity and ecotoxicity of chemical compounds was set up by Commission Decision 78/618/EEC of 28 June 1978⁽¹⁾.

The Commission has decided to nominate the following members as from 24 October 1979 and for a period of three years:

SENIOR EXPERTS FROM THE MEMBER STATES

Toxicology:

<i>Name</i>	<i>Title and function</i>
P. E. FOURNIER	Professeur, Docteur en médecine, Professeur de clinique toxicologique, Médecin des hôpitaux de Paris (France);
K. JENSEN	Overlæge, Doktor i medicin, Medicinsk Afdeling CT, Bispebjerg Hospital, København (Danmark);
F. H. KEMPER	Professor Doktor der Medizin, Direktor des Instituts für Pharmakologie und Toxikologie der Universität Munster (Bundesrepublik Deutschland);
A. LAPONTAINE	Professeur, Docteur en médecine, Directeur de l'Institut d'Hygiène et d'Epidémiologie, Bruxelles (Belgique);

⁽¹⁾ OJ No L 198, 22. 7. 1978, p. 17.

N. LOPRIENO	Professore di Genetica, Laboratorio di Genetica, Università di Pisa (Italia);
D. M. PUGH	Statutory Lecturer, Department of Veterinary Medicine and Pharmacology, University College Dublin (Ireland);
E. SMITH	Senior Medical Officer, Department of Health and Social Security, London (United Kingdom);
G. J. VAN ESCHE	Doctorandus, Directeur van de Sector Toxicologie en Chemisch Levensmiddelenonderzoek, Rijksinstituut voor Volksgezondheid, Bilthoven (Nederland);
R. WENNIG	Docteur des Sciences, Chargé de Recherches à l'Institut d'Hygiène et Santé Publique, Luxembourg (Grand Duché de Luxembourg).

Ecotoxicology:

<i>Name</i>	<i>Title and function</i>
P. BRO-RASMUSSEN	Professor, Danmarks Tekniske Højskole, Lyngby (Danmark);
D. CALAMARI	Professore dell'Università degli Studi di Milano, Dottore in Scienze Biologiche, Istituto di Ricerca sulle Acque Consiglio Nazionale delle Ricerche Brugherio, Milano (Italia);
P. CHAMBERS	Senior Lecturer in Pharmacology, Head of Department of Pharmacology, Trinity College, University of Dublin, Dublin (Ireland);
P. HANSEN	Ingénieur Chimiste, Ingénieur Chef de Service, Institut d'Hygiène et de Santé Publique, Luxembourg, (Grand Duché de Luxembourg);
H. J. HUECK	Doctor in de Wis- en Natuurkunde, Hoofd van de Afdeling Biologie, Divisie Maatschappelijke Technologie van de Organisatie voor Toegepast Natuurwetenschappelijk Onderzoek (TNO), Delft, (Nederland);
F. KORTE	Professor, Direktor des Instituts für Chemie der Technischen Universität München und Leiter des Instituts für Ökologische Chemie der Gesellschaft für Strahlen- und Umweltforschung mbH München Neuherberg, (Bundesrepublik Deutschland);

N. W. MOORE	Doctor in Philosophy, Fellow of the Institute of Biology, Visiting Professor of Wye College, University of London, Chief Advisory Officer of the Nature Conservancy Council, London (United Kingdom);
G. PERSOONE	Professor aan de Rijksuniversiteit, Gent, Dokter in de Wetenschappen, Directeur van het Laboratorium voor Biologisch Onderzoek van Waterverontreiniging en Marikultuur, Gent, (België);
R. TRUHAUT	Professeur honoraire de Toxicologie, Directeur du Centre de Recherches Toxicologiques de la Faculté des Sciences Pharmaceutiques et Biologiques de l'Université René Descartes, Membre de l'Institut (Académie des Sciences), de l'Académie Nationale de Médecine et de l'Académie d'Agriculture, Paris, (France).

COMMISSION REPRESENTATIVES

<i>Name</i>	<i>Title and function</i>
Ph. BOURDEAU	Ingénieur Agronome, Doctor in Philosophy (Ecology), Chef de Division — Programme de recherches environnement et matières premières, Direction Générale Recherche, Science et Education, Professeur à l'Université libre de Bruxelles,
P. ROCIIT	Professeur, Docteur en médecine, Conseiller hors classe, Directeur de la direction Santé et Sécurité de la Direction Générale Emploi et Affaires Sociales;
W. A. SCHÄFER	Diplom Chemiker, Doktor der Naturwissenschaften, Leiter der Sonderdienste Chemie, Kunststoff, Kautschuk;
J. G. P. M. SMETS	Ingenieur in de Landbouwwetenschappen, Doctor (Ecologie), Afdelingshoofd, Dienst Milieuzaken en Consumentenbelangen, Afdeling Voorkoming van verontreiniging en hinder in de atmosfeer en door chemicaliën.

II

(Preparatory Act)

COMMISSION

Proposal for a Council Regulation amending Regulation (EEC) No 1119/78 laying down special measures for peas and field beans used in the feeding of animals

(submitted by the Commission to the Council on 21 December 1979)

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community, and in particular Articles 42 and 43 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 Council Regulation (EEC) No 1119/78 (1) provides for the granting of aid for peas and field beans harvested in the Community and used in the manufacture of animal feedingsuffs;

Whereas it has become apparent that certain undertakings use the abovementioned products for the extraction of a protein concentrate intended for human consumption; whereas the other products obtained in this extraction process, which represent the major part of the quantity employed are intended

for use in animal feedingsuffs; whereas the aid should also be granted to these undertakings in proportion to the quantities of peas and field beans intended for the manufacture of animal feedingsuffs, on condition that the products in question have a certain protein content,

HAS ADOPTED THIS REGULATION:

Article 1

Article 2 (2) of Regulation (EEC) No 1119/78 shall be replaced by the following text:

'2. Aid shall be granted only to manufacturers of animal feedingsuffs and to undertakings which extract protein concentrate which:

- satisfy the conditions necessary to qualify for aid,
- have concluded with producers of peas and field beans, or with other natural or legal persons contracts providing for the payment to such producers of a price no lower than the minimum price.

This minimum price shall be fixed at a level which, allowing for market fluctuations and the cost of transporting the products in question from the producer to the processor, will enable producers to obtain a fair return.

(1) OJ No L 142, 30. 5. 1978, p. 8.

This price shall be fixed at the same time as the activating price and in accordance with the same procedure.

In the case of undertakings extracting protein concentrate, the abovementioned aid shall be granted only in proportion to the quantities of products intended for use in animal feedings and provided that their protein content is at least equal to a minimum to be determined.

Article 2

This Regulation shall enter into force on 1 March 1980.

It shall apply to peas and field beans employed as from 1 May 1980.

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

Proposal for a Council Directive concerning the harmonization of income taxation provisions with respect to freedom of movement for workers within the Community

(submitted by the Commission to the Council on 21 December 1979)

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 freedom of movement for workers is a fundamental objective of the Treaty;

Whereas the present systems of income taxation have different rules for residents and non-residents; whereas these differences may penalize workers who exercise their employment in Member States where they are not resident for tax purposes; whereas these differences are most acute in the case of frontier workers;

Whereas, in order to ensure greater freedom of movement for workers, it is essential to reduce the differences that exist in the taxation of the employment income of resident and non-resident workers;

Whereas a frontier worker returns as a rule daily to the Member State where he resides and pays his indirect taxes for the most part to that Member State;

whereas it is much simpler for the frontier worker to have to deal only with the tax authorities of that Member State; whereas these considerations militate in favour of taxing the frontier worker in that Member State in respect of his employment income derived from another Member State;

Whereas the Member State in which a frontier worker exercises his employment must nonetheless be able to levy a withholding tax on the income of such a worker; whereas the withholding tax should not, however, be greater than that levied on the income of a resident worker in otherwise identical circumstances; whereas the Member State of which the frontier worker is a resident must credit the withholding tax against the tax it levies on his employment income and repay any excess, thus assuring taxation at the level prevailing in that Member State;

Whereas, in order to ensure the uniform application of these rules of taxation, it is necessary to establish a common definition of 'frontier worker';

Whereas it may be left to the Member States concerned to regulate by agreement the allocation between themselves of the revenue accruing from this taxation;

Whereas it is expedient to lay down at the same time common rules for taxing the employment income of other non-resident workers, including income from public, private or social security pensions; whereas such income should be taxed in the Member State in which it arises but should not be subjected to more burdensome taxation than in the case of a resident

worker; whereas there are grounds for applying a *pro rata* rule to the general tax reliefs granted by that Member State where the worker has other income; whereas Member States should be left free to determine the progressive rate applicable to the employment income by taking into account all the worker's income, both positive and negative, just as if he were resident;

Whereas provision should also be made, in order to ensure equal treatment between resident and non-resident workers, for the case where complete equality requires the worker's spouse or children to be resident in the Member State in which employment is exercised by granting the worker the option to have them so regarded;

Whereas the rule under which payments of interest, insurance premiums, pension contributions etc., rank for tax relief only when they are made to an institution resident in the taxing Member State can affect both freedom of movement for workers and freedom to provide services within the Community; whereas it is therefore desirable to eliminate this discrimination by making such relief available in the case of payments to corresponding institutions in other Member States,

HAS ADOPTED THIS DIRECTIVE:

PART I

General provisions and definitions

Article 1

Each Member State shall apply the provisions of the following Articles to:

- the taxation of the income of frontier workers,
- the taxation of the income of other non-resident employed persons,
- the taxation treatment of certain payments.

Article 2

1. The taxes to which this Directive applies are taxes on income. All taxes imposed on total income or on elements of income, irrespective of the manner in which they are levied, shall be regarded as taxes on income.

2. The taxes referred to in paragraph 1 are at present:

in Belgium:

Impôt des personnes physiques/Personenbelasting,
Impôt des non-résidents/Belasting der niet-verblijfhouders;

in Denmark:

Indkomstskat til staten,
Kommunal indkomstskat,
Amtskommunal indkomstskat,
Folkepensionsbidrag,
Sømandsskat,
Særlig indkomstskat,
Kirkeskat,
Bidrag til dagpengefonden;

in Germany:

Einkommensteuer;

in France:

Impôt sur le revenu;

in Ireland:

Income tax;

in Italy:

Imposta sul reddito delle persone fisiche;

in Luxembourg:

Impôt sur le revenu des personnes physiques;

in the Netherlands:

Inkomstenbelasting;

in the United Kingdom:

Income tax.

3. The provisions of paragraph 1 shall apply also to any identical or substantially similar taxes imposed subsequently, whether in addition to or in place of the taxes listed in paragraph 2. The Member States shall inform one another and the Commission whenever such a tax enters into force.

Article 3

1. For the purposes of this Directive, the term 'resident' is to be interpreted according to national tax provisions and the relevant double taxation agreements.

2. For the purposes of this Directive, 'frontier worker' means any individual:

- (a) deriving income from employment;
- (b) who exercises that employment in a Member State where he is not resident; and
- (c) who is resident in another Member State to which he returns as a rule daily.

A frontier worker who is posted by his employer to a place inside the Community other than his usual place of work so that he is prevented from returning daily to the place where he resides shall not thereby lose his status of a frontier worker as regards the States mentioned in the first subparagraph, provided that such posting does not exceed in aggregate one third of the days in the calendar year for which he has, or would have if the posting were disregarded, the status of a frontier worker.

PART II

Taxation of frontier workers

Article 4

1. The employment income of a frontier worker shall be subject to tax in the Member State of which he is a resident.
2. The Member State in which employment is exercised may, however, levy a tax on that income, but only by means of a withholding tax. Where a withholding tax is levied on residents and non-residents alike, it shall not be greater in the case of a non-resident than it would be for a resident in the same circumstances.
3. The tax which has been levied in accordance with paragraph 2 shall be credited against the tax levied on that employment income in the Member State of which the frontier worker is a resident. To the extent that the tax levied in accordance with paragraph 2 exceeds the tax levied in the latter Member State, the latter Member State shall refund the excess to the frontier worker.

Article 5

1. The two Member States concerned shall agree upon the apportionment between them of the tax receipts and amounts of refund.
2. Until such time as an agreement is reached, the said receipts shall continue to be apportioned in the same way as the apportionment which would result from the application of double taxation agreements.

PART III

Taxation of employed persons other than frontier workers

Article 6

The provisions of Articles 7 and 8 shall apply to natural persons other than the frontier workers referred to in Article 3 (2) who are residents of one Member State and who are taxed in another Member

State, without being resident there, on the following items of income:

- income from dependent personal services;
- pensions and other similar remuneration received in consideration of past employment, including social security pensions, as well as pensions and other similar remuneration paid by a Member State or a political subdivision or a local authority thereof in respect of past services rendered to that Member State or subdivision or local authority thereof in the discharge of functions of a governmental nature.

Article 7

1. The items of income specified in Article 6 may not be subjected in the taxing State to any more burdensome taxation than if the taxpayer were resident in that State.
2. By way of derogation from the provisions of paragraph 1, the Member State may, in taxing the income specified in Article 6 where a taxpayer has other income, grant that taxpayer the allowances, exemptions, deductions and other general tax reliefs reserved for resident taxpayers only in the proportion that the net income mentioned in Article 6 bears to the total net income.

That Member State may also provide that the tax rate applicable to the income taxable under Article 6 is to be computed as if the taxpayer were a resident of the Member State.

Article 8

Where the tax payable on the items of income specified in Article 6 in the taxing Member State depends upon whether the spouse or children of the taxpayer is or are resident in that Member State, that Member State shall, in taxing those items of income, grant the same tax treatment, if the taxpayer so requests, as if the spouse or children were resident in that Member State.

The provisions of the second subparagraph of Article 7 (2) shall apply correspondingly.

PART IV

Tax relief for certain payments

Article 9

1. Where a Member State grants an advantage for the purposes of income tax within the meaning of Article 2, whether by way of deduction from the tax base or otherwise, for payments made by a natural person to an insurance company, bank, pension fund, building society or any other recipient, such a tax advantage shall not be refused solely because that

recipient is situated, established or resident in another Member State.

2. The Member State which is first mentioned in paragraph 1 may, as a condition for applying that paragraph, require the recipient to be subject to similar tax obligations to those which would be required of the corresponding recipient resident in its own territory.

PART V

Final provisions

Article 10

The provisions of this Directive shall not constitute an obstacle to the application of national provisions necessary to avoid fraud and abuse.

Article 11

Member States shall bring into force the legal and administrative provisions necessary to comply with the provisions of this Directive not later than 1 January of the third year following the year of its adoption. They shall forthwith inform the Commission thereof.

Article 12

This Directive is addressed to the Member States.

Proposal for a Council Regulation approving two Agreements in the form of an exchange of letters between the European Economic Community and the Government of Canada concerning fisheries

(submitted by the Commission to the Council on 21 December 1979)

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

Government of Canada concerning salmon fishing, signed in Brussels on ... ;

Having regard to the Treaty establishing the European Economic Community, and in particular Article 43 thereof,

HAS ADOPTED THIS REGULATION:

Having regard to the proposal from the Commission,

Article 1

Having regard to the opinion of the European Parliament,

The Agreement in the form of an exchange of letters between the European Economic Community and the Government of Canada concerning the extension for 1980 of their Agreement on fisheries and the Agreement in the form of an exchange of letters between the European Economic Community and the Government of Canada concerning salmon fishing are approved on behalf of the Community.

Whereas it is in the Community's interest to approve the Agreement in the form of an exchange of letters between the European Economic Community and the Government of Canada concerning the extension for 1980 of their Agreement on fisheries and the Agreement in the form of an exchange of letters between the European Economic Community and the

The instruments referred to in the preceding paragraph are annexed to this Regulation.

Article 2

The President of the Council shall, on behalf of the Community, give the notification provided for in the said Agreements (1).

(1) The date of entry into force of the Agreement will be published in the *Official Journal of the European Communities* by the Secretariat General of the Council.

Article 3

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

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

ANNEX

Agreement in the form of an exchange of letters between the European Economic Community and the Government of Canada concerning the extension of their Agreement on fisheries

Sir,

I have the honour to refer to the Agreement on fisheries between the European Economic Community and the Government of Canada, done at Brussels, 28 June 1979.

In order to meet the interests of both the European Economic Community and the Government of Canada, I have the honour to propose that the Agreement, as amended below, be valid until 31 December 1980.

With reference to Article V, paragraph four of the Agreement, I have the honour to propose that this provision be amended to read as follows:

'In the event that third-party fishing causes a threat to the conservation of the living resources of the waters beyond and adjacent to the areas referred to in Article II, the two Parties agree to take cooperative action to overcome that threat.'

With reference to Article VIII, paragraph four of the Agreement, I have the honour to propose that this provision be amended to read as follows:

'The Parties agree to request that the International Council for the Exploration of the Sea conduct a scientific review of the North Atlantic salmon stocks, pursuant to terms of reference to be developed by the two Parties, and that this review be completed and a report presented by 30 June 1980.'

If this proposal is acceptable to the Government of Canada, I have the further honour to propose that this Note, and your reply to that effect, shall constitute an agreement between the European Economic Community and the Government of Canada, which shall enter into force on the date on which the parties notify each other of the completion of the procedures necessary for this purpose.

I would draw your attention to the fact that this letter will be published in the *Official Journal of the European Communities* in the six official languages of the Community, all versions being equally authentic.

I would be obliged if you would kindly let me know that your Government is in agreement with the foregoing.

For the European Economic Community

Agreement in the form of an exchange of letters between the European Economic Community and the Government of Canada concerning salmon fishing

Sir,

With reference to the Agreement in the form of an exchange of letters between the European Economic Community and the Government of Canada on fisheries signed on this date and, in particular, to Article VIII, paragraph 3, of the Agreement thereby extended, I have the honour to confirm that for 1980 the agreed annual total catch of Atlantic salmon, west of 44 degrees west longitude, by Community vessels is limited to a maximum of 1 190 tonnes. This amount will be subject to revision by agreement of the two parties taking into account any new scientific information.

I would draw your attention to the fact that this letter will be published in the *Official Journal of the European Communities* in the six official languages of the Community, all versions being equally authentic.

I would be obliged if you would kindly let me know that your Government is in agreement with the foregoing.

For the European Economic Community

CORRIGENDA

Corrigendum to notices of open competition

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ESC C/13/79, English-speaking typists;
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(Official Journal of the European Communities No C 293 of 22 November 1979)

Page 9, heading VIII, and pages 11, 13, 14 and 16, heading VII 'Applications':

for:

'... Applications must be posted not later than 2 January 1980 ...'

read:

'... Applications must be posted not later than 10 February 1980 ...'

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