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238th Plenary Session

The Economic and Social Committee held its 238th Plenary Session on 2 and 3 July 1986 in the Committee building. Mr Gerd Muhr, the Committee Chairman, presided.

Extract from the Chairman's statement: South Africa

In his opening statement the Chairman said the following about the situation in South Africa:

'Day after day, news reaches us from there which fills us with indignation and disgust; every day basic human and civil rights, such as freedom of expression and association, are literally trampled underfoot. The Community cannot ignore these facts and the discussions at the last European summit show this. Many of us would have surely liked to have seen some more clear-cut decisions. Even the ESC will have to concern itself with certain aspects of this problem.

In November last year the Luxembourg President of the Council called upon our Committee to state its view, when the occasion arose, on the application of the code of conduct for European firms in South Africa. Such a move is worthy of note, as it took place within the framework of European political cooperation, and therefore outside the normal scope of the Rome Treaties. But for the sake of its own credibility, the ESC should beware of issuing improvised and hasty Opinions. Basically it affirmed its position last year at the joint meeting with representatives of the ACP states and I would like to draw attention to this once again here.

As regards future work I have taken the liberty, as part of my activity at the annual conference of the International Labour Organization, of informing the ILO's Director-General, Mr Blanchard, of our work programme and inviting him to speak to us about the ILO's work in this area.

In this organization — which, like us, is a tripartite one, though in a different way — decisive work on South Africa has been done over the years, which we could usefully refer to.

I should inform you that Mr Blanchard has accepted my invitation in principle.'

This Session was attended by Mr Alois Pfeiffer, Member of the Commission, who took part in the debate on the economic situation in the Community in mid-1986.

OPINIONS ADOPTED

1. ECONOMIC SITUATION (Own-initiative Opinion)

'The Economic Situation in the Community (mid-1986)'

Excerpts from the speech by Mr Pfeiffer, Commission Member

Mr Pfeiffer said inter alia:

'How can we capitalize on the relatively good initial situation in 1986 to resolve our growth and employment problems? The answer is both simple and difficult by effective implementation of the cooperative growth strategy and employment which the Council adopted last December.

Briefly, the macroeconomic task is as follows: in 1986 and thereafter we must maintain the clearly rising trend in the profitability of job-creating investments. This means that moderate increases in real labour costs and an appropriate trend in demand must continue in 1987 and probably later. This is not a matter of course. According to our forecasts, things will not go so well in this respect in 1987 as in 1986. The impact of a drop in oil prices which has pushed up real incomes and consumer demand without raising costs will probably be largely exhausted next year. It is therefore urgently necessary to talk with the two sides of industry about an appropriate rise in real wages and the nature of support for demand.

More microeconomic measures to improve market flexibility form an important area of our strategy where further major efforts are required. I would merely mention small firms, promotion of venture-capital formation, vocational training and specific measures to combat youth and long-term unemployment.

Greater market flexibility and rapid progress towards establishment of a Community-wide domestic market will help to make growth more dynamic and more employment-generating, thus reconciling the need to create jobs and the need to achieve productivity gains if our economy is to remain competitive. We have perhaps not fully grasped the role which can be played here by the many branches of the service sector. Most measures to improve market flexibility have an important social dimension. Here, progress can only be achieved on the basis of a



At the Plenary Session. From right to left: Commissioner Pfeiffer, Mr Muhr (ESC Chairman) and Mr Louet (ESC Secretary-General).

dialogue with the two sides of industry. Some labour-market measures fall largely within the collective bargaining autonomy of the two sides of industry — especially the re-organization and reduction of working time in ways which do not affect costs; this can make a contribution to a type of economic growth which creates more jobs.

Finally, I would like to say clearly that I have the impression that most Member States are still not doing enough to implement the Community strategy for growth and employment. The beneficial impact of the slump in oil prices is all too easily attributed to the success of the governments' economic policies. The broad willingness of the two sides of industry to cooperate which is evident at Community level must be turned to good account at national level. An improvement in the social dialogue at national level, an important component of the Community strategy endorsed by the Council, is not materializing — or the basic issues are being avoided.

Resolute cooperation at all levels between governments, employers and workers is the only way to tackle Europe's mass unemployment effectively.'

Discussion

About 12 members took part in the general discussion. Some members from the Employers' Group expressed regret that the measures taken to combat unemployment had not produced the positive results hoped for. They called for more public investment. Also, Europe had to become more competitive on the world market. In their view the reduction of working time was a mistake that jeopardized the competitiveness of European industry. The two sides of industry had an interest in an integrated, health economy that would create jobs.

Some members from the Workers' Group asked whether the trade union movement had not gone too far in supporting the cooperative strategy. They had hoped that jobs would be created in return. They had thought that there would be an increase in public and private investment. But despite the improvement in the economic situation thanks to wage restraint, investment had not increased. On the contrary, the forecasts were that there would be little if any expansion of employment and that unemployment would persist. A reduction of working time was therefore essential.

Certain representatives of small and medium-sized enterprises drew attention to the importance of this sector for the European economy. It created jobs, some members felt that the available employment had to be flexibly redistributed and referred to the problems encountered by

SMEs. They added that the reduction of working time posed a problem for SMEs employing four, five or six persons.

Gist of the Committee Opinion¹

In view of the European Community's modest economic growth and a somewhat rosier economic outlook as a result of the weakening of the dollar and oil prices, the time is opportune for Member States to turn their attention away from the fight against inflation to combat the scourge of unemployment.

This was a major element of the Opinion adopted by 91 votes for with 47 against and 5 abstentions.

The European Community's programme to implement a medium-term cooperative growth strategy for more employment was investigated, in particular the question of real wage moderation. Its purpose is to ensure a continuous improvement in profitability and the volume of investment, to make labour-intensive production more profitable and halt the fall in capital productivity. The Committee questioned whether wage moderation alone would result in more labour-intensive production processes and expressed the widespread fear that the economic progress of the Community might suffer if real wage growth were checked because the purchasing power of the consumers would be curbed. However, lower interest rates and slower price rises caused by cheaper imports could boost real demand. An increase in public investment would also be necessary.

Further, if the employment situation is to be improved, a reduction of working time should be included in the cooperative growth strategy and special labour market initiatives will have to be taken to back it up (training of the jobless, retraining of those in work, encouragement of mobility etc.).

In view of the low rates of inflation, the Committee considers it would be wrong to adopt an anti-inflationary monetary policy and recommended a neutral one.

The Committee stressed that the Community's growth strategy will be improved by the development of the internal market. A larger market and keener competition are likely to cut costs and stimulate growth. The benefits will be felt by the Community as a whole. However, the resulting structural changes will have regional and sectoral consequences and affect firms, workers and consumers. To offset adverse

¹ CES 636/86.

effects of these changes on individual groups, effective measures — to be financed by the expected higher economic output — must be envisaged. Structural reports should be issued, to provide the data needed for this purpose.

On energy policy, the Committee considered that although the drop in oil prices does bring short-term advantages, it may reduce efforts to develop new sources of energy and to control energy consumption in the long term. The European Community must keep its indigenous energy sources competitive.

This Opinion was drawn up in the light of the paper produced by the Section for Economic and Financial Questions, chaired by Mr Marvier (France — Various interests). The Rapporteur was Mr Geuenich (Germany — Workers).

2. ASEAN (Own-initiative Opinion)

'Relations between the European Community and the Member States of the Association of South-East Asian Nations (Asean)'

Purpose of the work

The Asean Member States¹ are situated in a part of the world which is remarkable for its rapid growth rate and business initiatives which the Community and especially business circles in the Community cannot ignore.

The possibilities for Community activities in this region are all the more viable since excellent political links already exist and since these countries show, for their part, a willingness to "diversify" their external relations.

The EC-Asean Agreement² of 7 March 1980 created a suitable basis for cooperation activities. Within this framework, the Community can pass on its technological developments and expertise and contribute to training leading personnel and experts.

¹ Indonesia, Malaysia, the Philippines, Singapore and Thailand, Joined recently by Brunei-Darussalam.
All of these countries, though not Asean as such, are covered by the Community's Generalized System of Tariff Preferences.

² Outline Agreement for commercial, economic and development cooperation (OJ L 144, 10.6.1980), extended to include Brunei-Darussalam by a special Protocol in March 1985 (OJ L 81, 23.3.1985).

While exports (particularly of manufactured products) from Asean countries to the Community are constantly increasing, the Community itself has only a minor share of Asean markets, which are dominated by Japan and the United States.

Moreover, while Asean expects various forms of cooperation from the Community rather than aid, it should be emphasized that some Asean countries belong to those developing countries to which the Community and its Member States allot significant amounts of aid (20% of the Community's aid funds set aside for non-associated countries).

Gist of the Committee Opinion¹

In its Opinion, adopted by a large majority with one abstention, the Committee points out that the Community's share of Asean trade is declining — although it is still the third largest trading partner of these countries, after Japan and the USA. Asean in turn accounts for a small proportion of the external trade of the Community, which takes 13% of its aggregate exports. The Opinion argues that Asean countries should abstain from compensation trading.

As regards social conditions, the Opinion points to the need for ILO standards to be fully applied in Asean countries. All Asean governments should promote and guarantee basic trade union rights and minimum social standards (freedom of association and collective bargaining, minimum working conditions, health and safety at work) based on ILO conventions. Particular problems are inequality of opportunity for men and women, and child labour.

Improvement of education and training should be a major component of Asean/EC cooperation. It is essential that the unions should participate in the implementation of training policies and programmes. A greater contribution by the EC to the improvement of training opportunities will be an investment in the development of relations between the Community and Asean.

Shipping-sector issues should be included in future EC-Asean negotiations. Asean countries resort to discrimination against third flag carriers. These practices infringe free and fair competition in access to maritime transportation and are highly detrimental to the interests of EC shipowners.

On the investment side Asean, with its 280 million inhabitants, is a growth area and an important potential market. Interest in investment

¹ CES 637/86.

from the EC is considerable. The Opinion stresses the need for more balanced conditions of competition with regard to contracts in Asean countries, and urges that the Asean countries lift their restrictions on foreign banks.

As regards agriculture the Opinion points out that Asean is a major producer and exporter of agricultural products. Given the increasing surpluses to be expected in the region and the state of the Community and world agricultural markets, the Opinion says that, in the interests of the people of the Asean countries and taking the current circumstances in each country as a starting point, it might be advisable to make certain changes in the agricultural production system, and encourage agricultural cooperatives and mechanization, in order to secure economic and social advance.

If the EC wishes to play a greater role in the Asean markets, long-term market strategies will have to be developed which include readiness to cooperate with local firms in addition to the transfer of know-how.

This Opinion was drawn up in the light of the paper produced by the Section for External Relations, chaired by Mr Zinkin (United Kingdom — Employers). The Rapporteur was Mr Nierhaus (Germany — Workers).

3. SMEs / TERTIARY SECTOR (Information Report)¹

Gist of the Information Report

The Community makes a distinction between market and non-market services. The present Report confines itself to the first group, and excludes banking, insurance, transport, communications and the professions. The main aim is to assess the role and prospects of the small firms which form the backbone of the services sector.

The Report assesses the impact of services on the Community economy, considering each sector and country individually. Reference is also made to the regional imbalance. The Report goes on to stress the major part which the Community should play to help the service sector grow, and to encourage the setting-up and development of small firms in the sector. The Commission is asked to:

take greater account of the market-service sector when making Community economic and political decisions and involve the sector's representative organizations in the decision-making process;

¹ CES 627/85 fin + Appendix.

create the conditions for general non-inflationary economic growth encouraging risk-taking and the setting-up of new companies;

conduct a statistical and descriptive survey of the sector, and particularly of market services. This must be detailed enough to bring out the situation in the various sub-sectors;

create a real internal market and pursue full implementation of the right of establishment;

be particularly careful that the rules on competition (Articles 85 and 86 of the Treaty) are adequately applied to services, to avoid the violations which can easily occur in an ill-defined sector. This applies particularly to mergers, which weaken the market position of small firms. This in turn has adverse effects on both consumers and subcontractors;

extend and adapt consumer protection policy with reference to services;

promote the basic and specific measures set out in the action programme for a Community small firms policy drawn up at the end of 1983;

implement the action programme in a way which ensures that allocation of the Community's structural funds does not discriminate unnecessarily between small firms in the service sector and those in industry or the craft sector. Access to these funds is indispensable for the introduction of new information technologies, for restructuring, and to encourage the setting-up and development of small service firms. Vocational training is a direct consequence of the introduction of new technologies and must be expanded at all levels;

promote action to facilitate access to financing by solving the guarantee problem and making it easier for the Community and Member States to take part responsibility for guarantees;

encourage risk-capital investment and merchant banking. The capital market should also be opened up, and made more transparent, in order to funnel savings towards productive investment. Wider use of the ECU and a stronger EMS are fundamental for the development of service firms;

implement administrative, legal and fiscal measures, not to provide sanctions but to take account of the special characteristics of the service sector, removing the obstacles which often make it difficult for service firms to gain a market foothold and grow.

The Committee decided by a large majority (6 votes against and 1 abstention) to forward the report to the Commission and the Council.

The Information Report was drawn up in the light of the paper produced by the Section for Industry, Commerce, Crafts and Services, chaired by Mr de Wit (Netherlands — Employers). The Rapporteur was Mr Regaldo (Italy — Employers).

4. STAR

'Proposal for a Council Regulation (EEC) instituting a Community Programme for the development of certain less-favoured regions of the Community by improving access to advanced telecommunications services (STAR Programme)'

Gist of the Commission document

Studies carried out recently by the Commission have shown that the least-favoured regions of the Community are lagging a long way behind as regards both telecommunications equipment and the level of services on offer. In addition, since the location of the new equipment and services is determined by the pattern of demand, the natural tendency is for them to be concentrated in the central regions, which are also the most dynamic in the Community. This works to the detriment of the less-developed, outlying regions.

The Community cannot allow this to continue. The Commission takes the view that new technological developments, instead of being allowed to lead to the ossification of existing economic structures, must be the means whereby the less-developed regions are able to participate in the qualitative improvements now discernible in new technologies in Europe.

The substance of the programme

The Community programme put forward by the Commission is to be seen in this light. In order to maximize the aforementioned advantages, it provides for the installation of the modern equipment that is needed and for a consistent series of aid measures to boost the supply of, and the demand for, advanced services.

Naturally, the bulk of the financial resources available is earmarked for basic equipment. The specific nature of the Community programme consists here in financing only advanced telecommunications that reflect the policy guidelines laid down by the Community in this field (establishment of major telecommunications links including the broadband transnational digital network — investment projects assisted in this connection may include land-based (or submarine) systems, notably those using optical fibres, and satellite systems — as well as digitalization, superimposed networks, and cellular radio).

To permit proper use of this basic equipment, appropriate back-up measures are planned to stimulate the supply of advanced services directly accessible to the productive sector (notably small and medium-sized enterprises), on the one hand, and to encourage the demand for such services, on the other. The aim is to allow individuals and firms in the less-favoured regions to take full advantage of the services accessible to them.

The regions

The regions covered by the programme are:

- in France: Corsica and the overseas departments
- in Greece: all regions, including Athens
- in Ireland: all regions
- in Italy: The Mezzogiorno
- in the United Kingdom: Northern Ireland
- in Spain: regions to be determined at a later date
- in Portugal: regions to be determined at a later date

The financing

As the programme is consistent both with the objectives of regional policy and with the Community's guidelines in the field of telecommunications, the level of Community participation will be the maximum normally permissible under the ERDF Regulation (up to 55% of the total public expenditure in question).

All or some of the aid may be in the form of a capital grant or an interest subsidy.

Gist of the Committee Opinion¹

This Opinion, adopted by a large majority with 6 votes against, approves this initial Community programme — the counterpart of the Valoren Programme — which should give backward peripheral regions the chance to make a qualitative leap forward and catch up in other areas where they lag behind (productive activities, communications, accessibility of markets).

It points out, however, that resources are limited, that the structural funds are jeopardized by present budgetary constraints and that implementation of this programme must go hand-in-hand with the

¹ CES 638/86.

opening-up and liberalization of the telecommunications market which is currently dominated by State monopolies and big business. As a remedy and as a way of reducing costs, encouragement should be given to the work of agencies or business cooperatives.

This Opinion was drawn up in the light of the paper produced by the Section for Regional Development, chaired by Mr Dassis (Greece — Workers). The Rapporteur was Mr Broicher (Germany — Employers).

5. SOCIAL SECURITY SPAIN/PORTUGAL

'Proposal for a Council Regulation (EEC) 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(86) 125 final)

Gist of the Commission document

The purpose of this proposal for a Council Regulation is to formulate the adjustments to instruments adopted by the Council in the field of social security for migrant workers necessitated by the enlargement of the Community but not incorporated in Annex I to the Act concerning the conditions of accession.

It should be remembered in this context that two Council Regulations¹ amending Regulations (EEC) No 1408/71 and (EEC) No 574/72 have been adopted since the signing of the Act of Accession.

Furthermore, Chapter V (2) and (3) of Annex II to the Act of Accession requires that the Annexes to Regulations (EEC) No 1408/71 and (EEC) No 574/72 be amended insofar as required by amendments to legislation of the new Member States and/or the conclusion of an agreement between the competent authorities of the present Member States and the new Member States, or between the latter States, on the retention of certain provisions of bilateral Conventions.

Gist of the Committee Opinion²

The Economic and Social Committee adopted unanimously its Opinion approving the proposed Regulation.

¹ Council Regulations (EEC) No 1660/85 and No 1661/85 of 13 June 1985 (OJ L 160, 20.6.1985).

² CES 639/86.

The Rapporteur-General was Mr Pearson (Ireland — Employers).

6. FORESTRY SECTOR

'Discussion Paper on Community Action in the Forestry Sector, accompanied by a Complementary Memorandum'

Gist of the Commission proposal

In a programme presented to the European Parliament in March 1985 the European Commission undertook to submit proposals on forestry. It subsequently decided to consult widely before making concrete proposals.

To facilitate these consultations the Commission is publishing as an addition to the present document, a more extensive and more detailed paper on forestry in the Community (COM(86) 26 final).

A Community Action Programme would clearly be complementary to national policies. This Forestry Action Programme could involve a series of measures which would lead to an extension of the forest area and improvements in the utility derived from existing forests. While the Commission is not proposing to establish a Community forestry policy, many of the actions suggested would be more effective if taken at Community rather than Member State level.

A number of reasons have prompted the Commission to take further initiatives in the forestry sectors:

The reduction of agricultural surpluses will lead to the search for alternative crops, including forests.

The Community's considerable trade deficit in wood and wood products justifies an increase in Community timber production, if this can be done economically.

Action is needed to maintain and expand economic activities and employment, especially in rural areas.

Action is needed to stop the accelerating destruction of European forests by air pollution and fire. The area lost to fire each year in Spain and Portugal is approximately the same as that in the other 10 Member States combined.

The suggestions for Community action, which the Commission is putting forward in this paper, fall into three groups:

- extension of the forest area,
- better utilisation of existing woodland,
- protection of forests.

The Commission calls on the other Community Institutions and other organizations to put forward their own views and comments. These will be taken into consideration when the Commission comes to present its proposals before the summer of 1986.

Gist of the Committee Opinion¹

In view of the economic, social and ecological importance of forests, the Committee, in its Opinion adopted unanimously, welcomes the Commission's proposals to tackle forestry issues.

In its view, reforestation can assist the Commission's efforts to cut back surplus production even if the impact will not be felt for some time, and will have to be backed by appropriate promotional measures.

The Committee would also point out that pressure on the agricultural market cannot be relieved simply via an economic programme for action on forests. Independent of farm policy considerations, the Community, in conjunction with the Member States, must shoulder the major task of devising measures to preserve, extend and promote forests.

The Committee therefore advocates increased coordination of national measures and of policies on the wood product market. In addition, the Commission should take account of the problems specific to upland forests and of the need to apply the profitability criterion to all forms of holdings to be found in the Community so that forests can play their ecological role at as little cost as possible.

In its specific comments on the Commission's proposals, the Committee scrutinizes matters relating to the extension of woodland areas and the implementation of traditional financing instruments in a sector with a long term production cycle. Owing to the high investment and maintenance costs, the various forms of afforestation militate for financial incentives in the shape of aid calculated per hectare and varying according to the category of tree, combined with compensation for loss of earnings from farming. The Committee also recommends incentives for the setting-up and operation of forestry associations.

This Opinion was drawn up in the light of the paper produced by the Section for Agriculture, chaired by Mr de Caffarelli (France — Various interests). The Rapporteur was Mr Schnieders (Germany — Employers).

¹ CES 635/86.

7. ACTION AGAINST POVERTY (Amendment)

'Proposal for a Council Decision amending Decision 85/8/EEC on specific Community action to combat poverty' (COM(86) 275 final)

Gist of the Commission Proposal

The Commission proposes to raise the anti-poverty programme budget from 25 million ECU to 29 million ECU in order to take account of the accession of Spain and Portugal to the Community.

Gist of the Committee's Opinion¹

The Economic and Social Committee adopted this Opinion by a large majority with one abstention.

It supports the amending Decision but feels that the programme's budget as a whole is too limited.

The Rapporteur-General for this Opinion was Mr Roycroft (United Kingdom — Various interests).

8. DETERMINATION OF CUSTOMS OBLIGATIONS

'Proposal for a Council Regulation laying down provisions applicable to goods brought into the customs territory of the Community' (COM(86) 766 final)

Gist of the Commission document

The purpose of this proposal is the conversion into a Regulation of Council Directive 68/312/EEC of 30 July 1968 on harmonization of the provisions laid down by law, regulation or administrative action relating to the customs treatment of goods entering the customs territory of the Community and the temporary storage of such goods.

This proposal for a Regulation is, of course, very largely based on the text of Directive 68/312/EEC, but with the clarifications and amendments necessary in legislation which is to apply directly.

The main purpose of this proposal for a Regulation is to determine the obligations incumbent on persons who bring goods into the customs territory of the Community and on those who subsequently assume

¹ CES 634/86.

responsibility for them, in connection with their carriage or storage, until they are assigned a customs-approved treatment or use.

Gist of the Committee Opinion¹

The Committee unanimously adopted this Opinion. It welcomes the proposal for a Regulation, but pleads for priority to be given to work on a Community Customs Code, or alternatively calls for the simultaneous enactment of all draft Regulations still awaiting adoption in the field of Customs Laws.

The Committee considers that it is also the duty of the Community's legislative body to take such action in order to help stabilize legislation and save private individuals and administrations from being overburdened by excessively frequent changes in the laws. In seeking to ensure the free movement of goods and persons within an expanded economic and uniform legal area, one of the tasks of the Community's legislative body in harmonizing legislation should be to restrict administrative formalities to what is strictly necessary in the particular area in question. The Committee also believes that it is essential to bring policies more into line with the actual interests of European citizens if large sections of the population are to feel helpless or even downright apathetic about the EC.

This Opinion was drawn up in the light of the paper produced by the Section for Industry, Commerce, Crafts and Services, chaired by Mr de Wit (Netherlands — Employers). The Rapporteur was Mr Broicher (Germany — Employers).

9. LISTED COMPANIES

'Proposal for a Council Directive on information to be published when major holdings in the capital of a listed company are acquired or disposed of' (COM(85) 791 final)

Gist of the Commission document

The purpose of the proposal is to reinforce Community provisions on the disclosure of information on operations carried out by listed companies.

The proposal provides for the disclosure of acquisitions or disposals of major holdings in such companies.

¹ CES 631/86.

Publication of this information is held to be vital to allow investors to take properly informed decisions.

The proposal defines the scope of the Directive, the content of the information to be disclosed, the thresholds for notification, and the methods of holding shares. It sets time limits for the notification, and defines conditions for derogations.

Gist of the Committee's Opinion¹

The Economic and Social Committee adopted this Opinion by a large majority with one vote against and 2 abstentions. It approves in principle the main points of the Commission's proposal because it clarifies existing rules.

It also feels that the adoption of the proposal will help to make stock exchange operations more transparent for shareholders and potential investors and encourage savers to acquire shares in listed companies.

In its specific comments the Committee asks that certain concepts, such as the scope of the proposed Directive, be further defined.

Finally, the Committee would like to see a reduction in the number of thresholds proposed and in some of the deadlines laid down for circulating information.

This Opinion was drawn up in the light of the paper produced by the Section for Economic and Financial Questions, chaired by Mr Marvier (France — Various interests). The Rapporteur was Mr Rouzier (France — Workers).

10. WINDING-UP OF CREDIT INSTITUTIONS

'Proposal for a Council Directive on the coordination of laws, regulations and administrative provisions relating to the reorganization and the winding-up of credit institutions'
(COM(85) 788 final)

Gist of the Commission proposal

This proposal for a Directive, based on Article 57(2) of the Treaty, falls within the scope of the coordination of rules relating to the business of credit institutions. It seemed appropriate, in coordinating the rules on supervision of the activities of credit institutions, to give consideration

¹ CES 628/86.

at the same time to what might happen in the event of a credit institution, and in particular one with branches in other Member States, running into difficulties and to make provision in those circumstances for effective collaboration between the supervisory authorities and to provide them with means of action extending beyond the national territory.

This proposal for a Directive also falls within the scope of the Council's work on the draft Convention on bankruptcy, winding-up, arrangements, compositions and similar proceedings. It respects the principles of unity and universality on which the rules of this draft Convention are based. The principle of unity in the choice of the competent authority corresponds, in the banking supervision sphere, to the principle of home country supervision, which confers the requisite supervisory powers on the authorities of the home country of the credit institution, which is considered as a single entity together with all its branches.

The method of coordination adopted is based on mutual recognition of the decisions of the authorities responsible for reorganization measures, provided that the measures are included in the list set out in Annex to the Directive, the authority which has taken the decision is listed as being responsible for implementing such measures and the measures are justified by the difficult position of the credit institutions as a whole, i.e. the head office and all its branches within the Community.

The same principle also applies to winding-up in the strict sense of the term; the specific rules laid down in the Directive in this connection mainly concern the conditions for withdrawing authorization in the light of winding-up and depositor safeguard requirements.

Gist of the Committee Opinion¹

In its Opinion, adopted unanimously, the Committee notes that under the new directive, the territorial validity of the host country's authorities' decisions on reorganization measures gives way to the rule that the decisions of the competent authorities of the home country are applicable and extend to all Member States where the credit institution has a branch.

Provision is made for one exception: should the competent authorities of the host country deem it necessary to implement one or more reorganization measures and the competent authorities of the home country, duly notified of this intention, consider that there is no need to intervene, the former authorities shall retain territorial competence and may exercise the powers vested in them by their national legislation.

¹ CES 633/86.

On the other hand, should the home country's authorities see fit to intervene, their decision shall be binding in the host country, whose authorities may not introduce or maintain any reorganization measure for which they are responsible.

The Committee feels that this provision can cause difficulties when the competent authorities of the host country conclude that the measures taken by the competent authorities of the home country are inadequate and fail to take sufficient heed of the host country's particular problems. Consequently, the Committee feels that decisions taken by the authorities of the home country should not prevent the authorities of the host country from introducing or maintaining measures for which they are responsible.

As regards deposit guarantee schemes, the Committee understands the public's anxiety as to whether, and how, their deposits are guaranteed in the event of a credit institution going bankrupt.

In view of public concern, in some Member States credit institutions have introduced guarantee schemes, with or without official assistance.

Schemes vary widely in respect of such details as: the ceiling for compensation, type of deposits covered, etc.

In view of the special nature and national connotations of the issue, the Committee feels it is justified to allow any branch of a credit institution having its head office in another Member State to subscribe to the host country's guarantee scheme on the same terms as those offered to credit institutions having their head office in the host country, unless (a) the branch is covered in the host country by the home country's scheme, (b) this scheme is no less favourable than the host country's scheme and (c) membership of the host country's scheme is not compulsory.

On the other hand, while some Member States do not have a guarantee scheme, it seems quite unacceptable to require existing guarantee schemes to provide cover for branches in a Member State where no such scheme operates.

This Opinion was drawn up in the light of the paper produced by the Section for Industry, Commerce, Crafts and Services, chaired by Mr De Wit (Netherlands — Employers). The Rapporteur was Mr De Bruyn (Belgium — Various interests).

11. COMMON INFORMATION MARKET

'Communication from the Commission to the Council on a Work Programme for creating a common information market' (COM(85) 658 final)

Gist of the Commission document

Faced with a changing information market on which new technologies have a considerable impact, the Commission advocates a policy aimed at:

- avoiding divergent trends which would be contrary to Member States' interests;
- avoiding unnecessary duplication of effort;
- helping to formulate convergent actions at national and Community level.

In order to strengthen the innovatory capabilities and trade efficiency of European organizations operating on the information market, the Commission will propose measures for *(a)* improving the tools used to analyse trends in this sector, *(b)* coordinating the efforts of public and private sectors more closely and promoting joint ventures, *(c)* enhancing the exploitation of the PTT infrastructure, and *(d)* improving the tax and commercial environment in which the organizations operate.

A European legal observatory for the information market will have the task of forestalling the erection of legal barriers which would divide up the European market, and of issuing opinions on worthy Community initiatives. Acting in liaison with the relevant Member State authorities and the users of the information services, the Commission will identify the barriers to the flow of information services in the Community and will propose solutions to overcome these, first of all in the fields of standardizing telecommunications services and postal services.

The existence of many Community languages makes it necessary to exploit the current and future results of the Community's multilingual action programmes and of the Eurotra programme (development of an advanced translating machine).

To stimulate demand, the Commission will take measures for the benefit of the public sector, small business, the educational sector and peripheral regions, etc.

Gist of the Committee Opinion¹

In a unanimous Opinion, the Committee supports the present Work Programme for creating a common information market. The document represents a continuation of existing Community policy, which dates back in principle to the Resolution of the Council of Ministers of 24 June 1971 on the promotion of the supply and use of information by means of coordinated measures taken by the Community and the Member States.

The present Work Programme is therefore not a single programme with fixed budgetary appropriations relating to particular projects. Instead, the longer-term objectives of EC policy with regard to the creation of a common information market are explained and spelt out in relation to the various aspects, after which the measures to be taken are set out along with the dates by which they are likely to be implemented.

The Committee considers that the proposed procedure is both appropriate and necessary as in the current situation the most promising course of action is not the provision of direct financial aid for individual projects, but rather the improvement of the basic political conditions. The technical, economic and legal conditions at both national and Community level must be improved, if not created, before the Community can compete seriously with, say, the information markets of the USA and Japan.

An important prerequisite is the readiness of people to make appropriate use of existing possibilities of disseminating information with the aid of new technology. The necessary knowledge and skills must be provided in the early stages of school education and vocational training.

Given the natural language barriers in the Community which are difficult to break down, the Committee generally doubts, however, whether the USA — the leader in terms of size on the world information market — can be caught up with at all.

The Committee agrees with the Commission that if politicians, economists and scientists are to work efficiently, it is more and more important that they have ready access to the specialist information they require. Although information was always important to business activity, the explosive growth in this field has made information a factor of production in its own right alongside labour, land and capital. This makes it all the more important for small and medium-sized businesses and the less-developed regions of the Community to have greater access to information so that they are not put at an even greater disadvantage.

¹ CES 632/86.

An essential prerequisite for the establishment of high-capacity on-line information services is the existence of a system of closely linked public transmission networks which extend beyond frontiers. High transmission speeds combined with low transmission costs are vital if the services are to score a success with professional users. The Committee would therefore re-emphasize that the development of integrated service digital networks (ISDN) by the national postal authorities and the standardization of these networks on the basis of uniform and, wherever possible, international data-transmission protocols are matters of prime importance. How important it is, for development of the specialist information market in the Community, to give priority to questions of standardization becomes clear in this context.

This Opinion was drawn up in the light of the paper produced by the Section for Industry, Commerce, Crafts and Services, chaired by Mr de Wit (Netherlands — Employers). The Rapporteur was Mr Nierhaus (Germany — Workers).

12. CUSTOMS WAREHOUSES

'Proposal for a Council Regulation (EEC) on customs warehouses and the Proposal for a Council Regulation (EEC) on free zones and free warehouses' (COM(85) 468 final)

Gist of the Commission document

The present proposals are simply a transfer of the principles set out in Council Directive 69/74/EEC (customs warehouses) and 69/75/EEC (free zones) of 4 March 1969 into the form of a Regulation.

Current Community legislation distinguishes simply between customs warehouses and free zones; the decision to set up or continue to maintain such facilities is left to the Member States, and is not subject to any particular conditions. One of the main distinctions between a customs warehouse and a free zone is that goods in a warehouse must as a rule be presented to customs, and in any case declared, while no such requirements attach to goods placed in a free zone. Placing goods in a customs warehouse can therefore be regarded as a customs procedure, whereas placing goods in a free zone is simply a physical act not normally attracting obligations under customs legislation. A consequence of this distinction is that stocks of goods in customs warehouses are continuously monitored, and anything taken from stock should be customs cleared, which is not the case with free zones. The distinction between a customs warehouse and a free zone is not, on the other hand, one of size, despite their names. Some Member States today have

establishments which might be regarded as warehouses in terms of size, but actually operate as free zones and thus come under Directive 69/75/EEC. The new legislation will take account of this situation.

Customs warehouses are not defined in the basic Directive 69/74 because there are many different forms of customs warehouses. But one thing they all have in common is that customs duties are not charged while goods remain in the warehouse.

The proposed Regulation on customs warehouses is based to a great extent on the principles set out in Directive 69/74/EEC. It makes a clear initial distinction, however, between the customs warehouse, i.e. the premises, which have to be approved and supervised by the customs authority, and customs warehousing, i.e. the use of the customs procedure.

The Commission does point out that there is some risk that when goods are placed under the custom warehousing procedure, the obligation to pay import duties or other charges to which the goods are liable may be avoided. For this reason, authorization to operate a customs warehouse or to place goods under the customs warehousing arrangements must normally be subject to the provision of a guarantee.

Free zones are defined under Directive 69/75 as any demarcated area established by the appropriate authorities where the goods contained therein are considered as being outside the customs territory of the Community for the purposes of applying customs duties, agricultural levies or rules on quantitative restrictions.

The proposal for a Regulation on free zones and free warehouses will involve amending Directive 69/75, so that the Commission will no longer allow goods in a free zone to be dealt with untrammelled by any restrictions, as if they were outside the customs territory of the Community.

While the Commission continues to attach some importance to this as a declaratory formula, and wholeheartedly supports its substance as underwriting the economic privileges accorded to free zones, it does not feel that the inclusion of this formula in the provisions or the Regulation itself would make for clarity in the Regulation.

Gist of the Committee Opinion¹

The Committee adopted this Opinion unanimously. It is pleased to note that the Commission's present proposals will be one of the final steps in

¹ CES 630/86.

converting Directives into Regulations as a preliminary to the establishment of a Community Customs Code which is currently being drawn up, the Committee attaches great importance to the Customs Code and calls on Commission and Council to treat work on the Code as a matter of priority with a view to its introduction, if possible, by 1992.

In this way the existing Regulations could be implemented as part and parcel of the Customs Code, thus avoiding the need for constant, partial changes in the law which are even now creating legal uncertainties and placing an unacceptable burden on individuals and national authorities.

The Committee doubts whether the Regulations can be based on Article 113 of the Treaty which provides for the adoption of measures by a qualified majority vote in the Council. The Committee has indeed in the past argued in favour of speeding up the Council's decision-making process by the use of qualified majority voting. It is however, impossible to overlook the fact that, with the exception of areas specifically covered by Article 113, all customs-law Regulations, including those listed in point 1.5., have so far been based on Article 235 of the Treaty which requires a unanimous decision by the Council.

In the specific comments on 'customs warehouses' the Committee points out that the effect of these two paragraphs is to require the provision of a guarantee both in respect of authorization to operate a customs warehouse and in respect of the placing of goods under the customs warehousing procedure. This would amount to requiring a double guarantee. The Committee also feels that there is no fiscal basis for this requirement; a single guarantee would provide the State with adequate security.

In its specific comments on 'free zones/free warehouses' the Committee suggests that legal definitions of free zones and free customs warehouses be included in the list. It strikes the Committee that the authors of the draft legislation have also failed to define free zones and free customs warehouses, in contrast to customs warehouses and other legal institutions which have already been properly defined; the parties concerned are thus obliged to deduce the essential characteristics of free zones and free warehouses from the draft Regulation as a whole.

This Opinion was drawn up in the light of the paper produced by the Section for Industry, Commerce, Crafts and Services, chaired by Mr De Wit (Netherlands — Employers). The Rapporteur was Mr Broicher (Germany — Employers).

13. EUROPEAN FOUNDATION

'Proposal for a Council Regulation (EEC) amending Regulation (EEC) No 1365/75 on the creation of a European Foundation for the Improvement of Living and Working Conditions'

Gist of the Commission document

The Commission's proposed amendments to the Foundation Regulation comprise basically:

an enlargement of its Administrative Board to include members to represent living conditions interests;

the setting up within the Administrative Board of a Bureau consisting of a government representative, an employee representative, an employer representative and a living conditions interest representative, and presided over by the Commission representative;

the Foundation's budget to be allocated in line with its mandate, i.e. 40% for working conditions, 40% for living conditions and 20% for the specific work programme.

According to the Commission these proposals will make for more efficient management of the Foundation and greater participation by all the parties concerned in the preparation of its work programme.

This new organization of the Foundation will be reviewed at the latest five years after the adoption of these proposals by the Council.

Gist of the Committee Opinion¹

The Economic and Social Committee adopted this Opinion by a large majority with 11 abstentions. It notes that although the Commission's amendments to the Regulation on the Dublin Foundation do not call into question the tasks or original objectives and purpose of the Foundation, they do contain significant and harmful policy implications in that they would bring sweeping changes to the role played by the social partners in the Institution. The Committee also believes that the amendments could pose a serious threat to the democratic basis on which the Foundation operates, to its autonomous status and to the effectiveness and coherence of its work.

¹ CES 629/86.

It therefore regrets that it is unable to support the Commission's proposals, particularly since it feels that the Commission should continue to play its proper role within the Foundation.

The Committee is also aware that environmental protection, public health issues and the protection and promotion of consumers' interests are at present very much a matter of public concern.

The Committee is convinced that it is high time these questions were tackled in a way that lived up to the expectations of the people of Europe. It therefore calls for the setting up of a new European Foundation where priority would be given to studying environmental, health-related and consumer issues. The Committee is submitting this proposal to the Community Institutions, and particularly the Commission, in the hope that it will be regarded as a contribution to the search for a satisfactory solution to the objectives laid down by the Commission in its draft Regulation.

This Opinion was drawn up in the light of the paper produced by the Section for Protection of the Environment, Public Health and Consumer Affairs, chaired by Mrs Heuser (Germany — Various interests). The Rapporteur was Mr Meraviglia (Italy — Workers).

14. VINE-GROWING

'Proposal for a Council Regulation (EEC) on common measure to improve vine-growing structures in Portugal'

Gist of the Committee's Opinion¹

The Economic and Social Committee adopted this Opinion by a large majority with 2 abstentions and approves the Commission proposal, which has as its main aim the restructuring and rationalization of the Portuguese wine sector using the structural measures which have proved effective in other Member States.

The Committee invites the Commission to consider the case for similar measures to help other wine-growing areas whose situation is comparable to that of the Portuguese regions covered by the present proposal.

The Rapporteur-General for this Opinion was Mr Bento Gonçalves (Portugal — Various interests).

¹ CES 640/86.

External relations

Chairman's activities

On 1 July Mr Muhr had talks in Brussels with Sir David Hannay, United Kingdom Permanent Representative, on the occasion of that country's accession to the Council Presidency.

The following day he met Mr Naudo, President of the EC Builders' Association, and Mr Hinterschied, General Secretary of the European Trade Union Confederation, in Brussels.

Other activities

Mr Emo Capodilista, an ESC Vice-Chairman, and Mrs Rangoni-Machiavelli, an ESC Member, attended a ceremony marking the 10th anniversary of Seplis (European Secretariat for the Liberal, Learned and Social Professions), which was held in Brussels on 22 May 1986.

An ESC delegation of Mr Noordwal, Mr Ognibene and Mr Saïu attended the 4th Mediterranean Regions Conference held in Ajaccio (Corsica) from 22-24 May. The delegation spoke of the ESC's work on Integrated Mediterranean Programmes and discussed with Commissioner Varfis the ESC's role with economic and social interest groups in implementing the IMPs.

An ESC study group visited local employment initiatives in the Cork/South Tipperary region of Ireland from 26-28 May 1986. The group was led by Mr Van Melckenbeke, Principal Adviser to the Belgian Building Confederation, and included Mr Roseingrave, Mr Pearson and Mr Murphy, Irish Members of the ESC.

The Secretary-General, Mr Louet, attended the annual meeting of the general secretaries of the economic and social councils of the Community and the Member States in Brussels on 30 May 1986.

ESC Members Mr Sørensen and Mrs Bredima attended the press conference on sea transport in Athens on 2 June 1986.

On 4 June 1986 ESC Members Mrs Engelen-Kefer gave a press conference in Munich to launch the Opinion on equal opportunities for women.

The Study Group on Socio-Structural Measures in Agriculture and the Section for Agriculture had meetings in Bordeaux on 4 and 5 June.

ESC Member Mr Broicher attended the workshop on regional aids organized in Bonn on 12 June by the German Chamber of Industry and Commerce.

ESC Member Mr Antonsen attended the 22nd annual meeting of the European Proprietary Medicines Association (AESGP), which was held in Copenhagen on 13 June with the theme: 'Health For All — The Role Of Self-Medication.'

ESC Members Mr Kenna and Mr Law attended the press conference on air policy which was organized in London on 13 June.

ESC Member Mr Vassilaras attended the conference on outlying maritime regions in the EEC, which was held in Ibiza (Balearic Islands) on 12 and 13 June.

ESC Vice-Chairman Mr Noordwal attended a ceremony in Luxembourg on 17 June to mark the 100th anniversary of the birth of Robert Schuman.

ESC Member Mr Vercellino attended the 3rd international fact-finding meeting on the health service, which was held at the headquarters of the CNEL (Italian National Economic and Labour Council) from 18-20 June.

The Section for Energy and Nuclear Questions' Study Group on the Joint Research Centre held a working meeting in Ispra and in Geel on 19 and 20 June.

New consultations

Since the last Plenary Session the Economic and Social Committee has been consulted on the following questions:

'Proposal for a Council Directive amending Council Directive 85/611/EEC on the coordination of laws, regulations and administrative provisions relating to Undertakings for collective investment in transferable securities (UCITS) as regards the investment policy of certain UCITS' (COM(86) 315 final)

'Proposal for a Council Directive amending Directive 80/1107/EEC concerning the protection of workers against risks connected with exposure to chemical, physical and biological agents at work' (COM(86) 296 final)

'Proposal for a Council Recommendation on the coordinated introduction of the Integrated Services Digital Network (ISDN) in the European Community' (COM(86) 205 final).

Provisional future work programme

September 1986 Plenary Session

Opinions upon consultation

'Yes for Europe' programme

Social developments

Tourism

GSP 1987

Collective investment undertakings

Non-resident carriers — inland waterways

Own-initiative Opinions

Financial integration in the Community

Information Reports

Development of island regions

Stocktaking and prospects for a Community rail policy

Importance of technological R & D for SMEs

Subsequent Plenary Sessions

Opinions upon consultation

Additives in foodstuffs

Labelling of foodstuffs

Materials in contact with foodstuffs

Foodstuffs for particular nutritional uses

Dumping of waste at sea

Foodstuffs

Simple pressure vessels

15th Competition Report

Annual and consolidated accounts

Roadworthiness tests for motor vehicles

Vine-growing structures in Portugal
Socio-structural agricultural measures
Protection of workers
Introduction of the ISDN
Non-resident carriers — road haulage
JRC programme of activities
2nd framework programme of technological R & D
Broadcasting

Own-initiative Opinions

EEC/US/Japan relations
Local employment initiatives
Integrated operations

Information reports

Health
Upland areas

Members' news

Appointment

The Council of Ministers has appointed Mr Maurice Droulin (France), an ESC Member, to replace Mr Louis Lauga. Mr Droulin is a member of the executive of the National Federation of Farmers' Unions (FNSEA).

Deaths

The ESC has learnt with deep regret of the deaths of two former Members: Mr Einar Carstens (Denmark) and Mr Wilhelm Geile (Germany).

PUBLICATIONS OBTAINABLE FROM THE ECONOMIC AND SOCIAL COMMITTEE

General documentation

The other European Assembly, January 1986 (CES 86-001)
European Union, a people's Europe and the Economic and Social Committee
(Committee Chairman Muhr's speeches to the *ad hoc* Committees for
Institutional Affairs and a People's Europe), 1985 (EX-43-85-35)

Opinions and studies

Occupational Medicine — occupational cancer (1985)
Consumer-producer dialogue (Opinion) (January 1985) (ESC 84-011)
Europe and the new technologies — Conference report (January 1985)
(ESC 84-016)
Irish border areas (Information report) (February 1984) (ESC 84-002)
Tourism (Opinion) (June 1984) (ESC 84-004)
The economic and social situation in the Community (2 opinions) (July 1983)
(ESC-83-013)
Youth employment (Opinion) (June 1983) (ESC-83-011)
Transport policy in the 1980s (Opinion) (March 1983) 99 pp. (ESC 83-003)
Guidelines for Mediterranean agriculture (4 opinions) (September 1982) 64 pp.
(ESC 82-010)
The economic and social situation of the Community (2 opinions) (July 1982)
57 pp. (ESC 82-008)
The promotion of small and medium-sized enterprises (Opinion) (June 1982)
70 pp. (ESC 82-007)
Agricultural aspects of Spain's entry into the EC (Opinion) (February 1982)
107 pp. (ESC 81-017)
The EEC's external relations — Stocktaking and consistency of action (Study)
(January 1982) 139 pp.
Genetic engineering (Colloquy) (October 1981) 120 pp. (ESC 81-014)
Economic pointers for 1982 (Opinion) (August 1981) 32 pp. (ESC 81-010)
Problems of the handicapped (Opinion) (September 1981) ± 46 pp. (ESC 81-013)
Present situation in the Community's building sector (Opinion) (September 1981)
± 24 pp. (ESC 81-011)
Community competition policy (Opinion) (ESC-81-008)
Development policy and working conditions (September 1980) (Opinion) 61 pp.
(ESC 80-012)
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(Study) 168 pp. (ESC 80-001)
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Enlargement of the European Community Greece-Spain-Portugal (Septem-
ber 1979) (Study) 75 pp. (ESC 79-002)
The Community's relations with Spain (June 1979) (Study) 112 pp. (ESC 79-001)
Community shipping policy — flags of convenience (April 1979) (Opinion)
170 pp.
Youth unemployment — Education and training (November 1978) (5 opinions)
97 pp.
The stage reached in aligning labour legislation in the European Community
(June 1978) (Documentation) 60 pp.
Monetary disorder (June 1978) (Opinion) 98 pp.
Industrial change and employment (November 1977) (Opinion) 98 pp.
EEC's transport problems with East European countries (December 1977)
(Opinion) 164 pp.
Systems of education and vocational training (August 1976) (Study) 114 pp.

Obtainable from Gower Publishing Co. Ltd., 1 Westmead, Farnborough, Hants GU 147RU:

Community Advisory Committee for the Representation of Socio-Economic Interests (UKL 8.50)
European interest groups and their relationship to the Economic and Social Committee (UKL 25)

Obtainable from Editions Delta, 92-94 Square Plasky, 1040 Brussels:

Action by the European Community through its financial instruments (Brussels 1979) (BFR 425)
The economic and social interest groups of Greece (BFR 350)
The right of initiative of the ESC (BFR 400)

Obtainable from Kogan Page Ltd., 120 Pentonville Rd., London N1

Directory of European Agricultural Organizations (UKL 39)

Office for Official Publications of the EC

Bulletin (monthly publication)
Annual Report 1983 (ECU 3.93 - UKL 2.30)
Annual Report 1984 (ECU 4.05)
EEC Air Transport Policy (October 1985) (ESC 85-10) (ECU 5.50, UKL 3.30, IRL 4, USD 5.00)
The Economic and Social Situation of the Community (1985) (84-015) (ECU 5.60, IRL 4, UKL 3.50, USD 4.)

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