

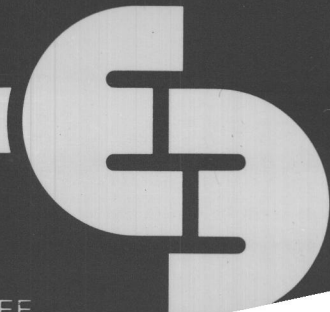
ECONOMIC AND SOCIAL CONSULTATIVE ASSEMBLY

BULLETIN

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266th Plenary Session

The 266th Plenary Session of the Economic and Social Committee of the European Communities was held in Brussels on 31 May and 1 June, and was chaired by the Committee Chairman, Mr Alberto Masprone.

The Session was attended by Mr Cardoso e Cunha, Commission Member, who gave a speech on the current energy situation in the Community.

Excerpts from the speech given by Mr Cardoso e Cunha

European Commissioner Antonio Cardoso e Cunha set out a real Community energy policy in his speech to the EC's Economic and Social Committee.

The policy now had a 'legal base' thanks to Article 100a of the EEC Treaty, which allowed the Council of Ministers to adopt by a qualified majority any measure seeking to bring together national laws for the establishment and operation of the internal market.

The policy had also been made legitimate by the declaration of the Heads of State or Government adopted in Rhodes (Greece) last December, which explicitly mentioned energy as one of the areas where progress was necessary if the single internal market was to be achieved.

The Commissioner recalled a series of proposals for directives which had been referred to at the meeting of the Council of Energy Ministers on 11 May:

- (i) improved energy price transparency for the final consumer;
- (ii) liberalization of cross-border trade in electricity;
- (iii) right of transit for high-voltage electricity transport networks, etc.

Other questions, described as 'sensitive', would be the subject of Commission positions adopted in the future. Among these the Commissioner mentioned the environment, saying: 'The Commission is currently preparing a report on the main balances to be



Mr Cardoso e Cunha, Member of the Commission, took part in the Committee's Plenary Session. He is seen here on the right with the Committee's Chairman, Mr Masprone.

struck between energy policy and the protection of the environment.’

In 1984-85, the Economic and Social Committee had produced a report on this subject on its own initiative, pointed out the Chairman of the ESC's Energy Section, Aldo Romoli (Employers — Italy).

Turning to the nuclear question, the Commissioner announced that the Commission was planning to take a new look at the role of nuclear energy in the Community energy equation ‘... mainly in view of the pressing need to reduce emissions of wastes which are now contributing to the destruction of the ozone layer.’

Debate

Paul Flum (Germany — Workers), who had been rapporteur for an Opinion adopted by the ESC on its own initiative in 1987 on the consequences of the Chernobyl nuclear accident, warned the Commissioner that nuclear energy should only represent a ‘transitional phase’.

Finally, Walter Briganti (Italy), a member of the ESC's Various Interests Group (farmers, consumers, small businesses, cooperatives, etc.), pointed out to the Commissioner that the Commission had still not opened an office to deal with the social economy. As well as energy, small businesses, crafts, trade and tourism, Commissioner Cardoso e Cunha is also responsible for the social economy.

ADOPTION OF OPINIONS

1. THIRD-PARTY INSURANCE AND DIRECT INSURANCE OTHER THAN LIFE ASSURANCE

Proposal for a Council Directive amending, particularly as regards motor-vehicle liability insurance, first Council Directive 73/239/EEC, and second Council Directive 88/357/EEC on the coordination of laws, regulations and administrative provisions relating to direct insurance other than life assurance and laying down provisions to facilitate the effective exercise of freedom to provide services and amending Directive 73/239/EEC

[COM(88) 791 final — SYN 179]

Gist of the Commission proposal

The main purpose of the proposed Directive is to bring third-party motor insurance within the scope of the second Council Directive 88/357/EEC relating to direct insurance other than life assurance.

Third-party motor insurance is compulsory in all Member States under the first Directive 72/166/EEC on motor-vehicle insurance. It is not included in the second Directive since there are special considerations peculiar to this insurance class justifying a separate proposal.

These relate to:

- (i) national guarantee funds;
- (ii) operation of the green-card system and, in particular, the Supplementary Agreement between the national motor-insurers' bureaux;
- (iii) the need to safeguard the interests of accident victims in their position as third-party claimants: 'claims settlement representative'.

The proposed Directive deals with the above points, focusing in particular on the following:

Re point (i): Member States are required by Directive 84/5/EEC to have a guarantee fund to ensure that accident victims are not left without compensation even when the party responsible is uninsured or unidentified.

It is now proposed that the Member State of provision of services shall require the 'services' undertaking to become a member of, and participate in, the financing of its national guarantee fund.

Re point (ii): This bureau gives a guarantee for other participating bureaux that it will accept financial liability for accidents caused in the territories covered by those other bureaux by a vehicle based in its own territory, whether or not that vehicle was properly insured. The bureau of the country of the accident can thus compensate the victims of such an accident, confident that it will be reimbursed by the bureau of origin of the vehicle, and the authorities of the visited country have no need to check the insurance of visiting vehicles (green card).

Re point (iii): The victim of a road accident in Member State A which is caused by a vehicle registered in that same Member State but where the liability insurer is established in Member State B, must at present pursue his claim in State B without being able to deal with anyone on the spot. It is now proposed to allow the Member State of provision of services to require the undertaking providing services in this insurance class to nominate a claims-settlement representative resident or established in that State and possessing the necessary powers to bind the undertaking.

Gist of the Committee Opinion ¹

In its Opinion, adopted unanimously, the Committee draws the Commission's attention to a number of concerns which have as their prime objective the protection of the victims of accidents involving motor vehicles.

The introduction of the new arrangements should not delay the settlement of claims once liability has been determined. The Commission is called upon to exert whatever influence it can to encourage the early settlement of claims.

Furthermore, it should be made clear that when an undertaking joins a national bureau in another Member State it must, in addition to contributing towards the cost thereof, comply with the ethical standards laid down by and for the members of that bureau, even if these are more stringent than those imposed by the Member State where the undertaking is established.

¹ CES 674/89.

Finally, the legal status of a nominated claims representative is not entirely clear. His legal status and the extent to which he is answerable on behalf of his employing insurance company to the courts of law of the Member State in which he operates should be made clear.

In general the Committee feels that the Commission has not sufficiently distinguished between

- (i) the laws, regulations and administrative provisions in each Member State concerning access to the activity of insurer and the exercise of this activity; and
- (ii) the laws applicable to insurance contracts.

In view of this first category of provisions, the Commission should, as a matter of urgency, introduce proposals for a sufficient harmonization of the provisions relating to financial guarantees (especially technical reserves) to enable the implementation of the principle of checking by the country of origin and the granting of a single authorization valid throughout the Community. This legislation should preferably be implemented simultaneously with the present Directive.

This Opinion was drawn up in the light of the paper produced by the Section for Industry, Commerce, Crafts and Services, chaired by Mr Kazazis (Greece — Employers). The rapporteur was Mr Speirs (United Kingdom — Various Interests).

2. CAPACITY OF AIR-TRAFFIC CONTROL

Proposal for a Council Decision on consultation and coordination between Member States in the field of air-traffic services and air-traffic flow management

Proposal for a Council Decision extending Decision 78/174/EEC to the field of sea and air transport infrastructure

Proposal for a Council Recommendation on a flexible and efficient use of airspace
[COM(88) 577 final]

Gist of the Commission proposals

The Commission is proposing a series of measures designed to enable the European air-transport network to cope with the growing pressures that have made themselves felt in recent months.

Noting that, during the summer of 1988, millions of passengers had to put up with delays and inconvenience, the Commission proposes:

- (a) the creation of a centralized air-flow management system to coordinate the activities of the existing independent units;
- (b) technical harmonization to improve training, communications and technical compatibility;
- (c) efforts by the Member States to make some of the airspace reserved for military purposes available for civilian use;
- (d) Community coordination of airport infrastructure planning, with the possibility of Community financial support and a better dialogue between airports and their users;
- (e) research aimed at the development of a fully integrated and automated system for air-traffic management in European airspace.

Improving the traffic flow

A centralized air-traffic flow management system for European airspace is essential, in the view of the Commission, since the present network of national air-traffic control centres is ill-suited to managing the growing volume of traffic. There are currently eight 'air-traffic flow management units' responsible for handling air traffic in the Community, particularly at peak periods. Very often three or four of these are involved in the handling of one flight.

The technology is often incompatible between different national centres and the transfer of information and/or flight responsibility from one area to another is usually by telephone. The Commission sees Eurocontrol as the body best placed to ensure centralized air-traffic flow management. Hence a proposal for a Council Decision providing for the establishment of a common air-traffic flow management system based on the existing Eurocontrol central database. This proposal also provides for coordination by the Member States of the planning and acquisition of air-navigation facilities and the development of common air-traffic control procedures and training programmes for controllers.

Better use of Community airspace

The division between military and civil airspace dates back to the 1940s and 1950s. The Commission believes that the areas for military use should now be redefined to ease the flow of civilian transport. It should also be possible to release unused military airspace for daily or seasonal traffic peaks. The Commission proposes a Council Recommendation urging Member States to take

appropriate measures to ensure more flexible and more efficient use of total airspace.

Joint planning of infrastructure

The Commission considers it necessary to provide for an institutional framework that will ensure that airport infrastructure planning is effective and coordinated at Community level. Decision 78/174/EEC had already introduced a consultation procedure within the framework of an inland transport infrastructure committee. A proposal for a Council Decision is currently seeking to extend this consultation to both air and sea transport.

Technical harmonization

A number of Community standards should be laid down in the context of 1992 in order to improve communication, technical compatibility and training. The Commission has already had a study carried out on the work of air-traffic controllers and sees scope for further technical harmonization as regards the substitution of area navigation for the system of obligatory air corridors, the development of a conflict alert system for air-traffic control centres, automation of the transfer of responsibility between ATC centres, automatic altitude transponders in aircraft and automatic landing systems at airports.

Concrete proposals on these subjects are to be worked out by experts from the Commission and the Member States, who should be meeting shortly. The Commission also intends to produce as soon as possible a draft Directive on the mutual recognition of pilots' licences and the licences of other flight crew members and ground staff.

Gist of the Committee Opinion ¹

In its Opinion, adopted by a large majority with two votes against, according to the Committee the measures proposed by the Commission do not go far enough and are geared very much to the medium and long term. The ultimate aim will have to be the establishment of a centralized air-traffic control system in Europe. The Commission ought to make a start forthwith on the preliminary work for this.

¹ CES 675/89.

The Community should give priority to short-term measures (to be taken in parallel with medium- and long-term measures), such as redistributing airspace in a way that is more beneficial to civil aviation, and the finding and training of qualified staff.

The Committee considers that such coordination should be accompanied by an increase in the funds for air and sea transport infrastructure and by a fairer distribution of these funds among the various modes of transport in order to improve the situation in the air-traffic sector.

The Committee feels that the reallocation of airspace for the benefit of civil traffic should be pursued more vigorously. In addition, air-traffic control should be organized in a way which permits better coordination between military and civil controllers.

This Opinion was drawn up in the light of the paper produced by the Section for Transport and Communications, chaired by Mr L. J. Smith (United Kingdom — Workers). The rapporteur was Mr Bleser (Luxembourg — Workers).

3. ELIMINATION OF FRONTIER CONTROLS IN THE FIELD OF ROAD AND INLAND WATERWAY TRANSPORT

Proposal for a Council Regulation (EEC) on the elimination of controls performed at the frontiers of Member States in the field of road and inland waterway transport
[COM(88) 800 final]

Gist of the Commission proposal

Community legislation in the field of road and inland waterway transport requires Member States to check vehicles' and vessels' technical characteristics, authorizations and other documents. The Member States are free to organize and perform these checks, etc., where they wish but in practice they carry them out at their frontiers. Consequently, despite the progress made towards the common transport policy, long waits at internal Community frontiers seriously impair the flow of traffic.

According to the Commission, the performance of checks at frontiers is not justified on economic grounds or because of road-safety considerations. The Commission therefore proposes the elimination

of these frontier checks since it thinks that they can be performed just as efficiently within the Member States.

The present proposal is based on (a) the common transport policy's aim of promoting the smooth flow of traffic within the Community and (b) the requirements of the internal market as an area without internal frontiers in which the free movement of goods, persons, services and capital will be ensured in accordance with the provisions of the Treaty.

The proposal involves a number of Directives and Regulations which are already in force. The Directives relate *inter alia* to the weights, dimensions and certain other technical characteristics of certain motor vehicles; the technical inspection of motor vehicles; the use of hired vehicles; the standardization of certain rules relating to authorizations for the carriage of goods by road between Member States; and the mutual recognition of navigability licences. The Regulations deal *inter alia* with common rules for the international carriage of passengers by coach and bus; common rules for shuttle services and special regular services by coach and bus between Member States; and social legislation in the field of road transport (Regulations 3820/85 and 3821/85). The proposal also covers certain national provisions, such as checks on goods and passenger-vehicle drivers' licences and on vehicle-insurance certificates.

Gist of the Committee Opinion ¹

The Committee adopted its Opinion unanimously, with two abstentions.

The Committee endorses the Commission proposal, but nevertheless stresses that the controls relating to completion of the transport market or to transport safety are not the only controls carried out at the Community's internal frontiers. As long as the other controls (for example, veterinary and plant health controls) are maintained, this proposal will achieve very little. The Committee therefore doubts whether it marks a real breakthrough in the elimination of frontier controls by the end of 1992.

The Committee also expresses concern as to the proposal's possible social repercussions for customs officials, carriers and border police. Preventive measures will therefore have to be taken in good

¹ CES 682/89.

time (for example, by drawing up social programmes) to alleviate these repercussions.

The Committee recommends that the proposed Regulation provide for the issue of a certificate after the first of the random checks to be carried out in future at a place other than the internal frontiers, in order to avoid duplication of checks.

Finally, the Committee believes that implementation of the Commission proposal must not under any circumstances lead to a relaxation of checks on drivers' working hours and rest periods. One solution would be a substantial increase in the percentage of checks to be carried out on firms' premises.

This Opinion was drawn up in the light of the paper produced by the Section for Transport and Communications, chaired by Mr L. J. Smith (United Kingdom — Workers). The rapporteur was Mr Pronk (The Netherlands — Workers).

4. WEIGHTS AND DIMENSIONS OF ROAD VEHICLES

Proposal for a Directive amending Directive 85/3/EEC on the weights, dimensions and certain other technical characteristics of certain road vehicles
[COM(88) 759 final]

Gist of the Commission document

The proposal is accompanied by a report justifying the derogation accorded to Ireland and the United Kingdom as regards certain maximum permitted weights in international traffic laid down in Directive 85/3/EEC and its amendment.

Sufficient data on these countries have now been collected to fix a definite time-limit for the derogations in question.

In both cases, the time-limit should be long enough to allow for the completion of surveys aimed at identifying individual bridges which are below the load-bearing standards, and to allow for the strengthening of the most important bridges on principal roads.

The duration of the derogations (to terminate on 31 December 1996) is based on a technical analysis of the situation of each country's infrastructure.

Gist of the Committee Opinion ¹

Despite repeated pleas and the strong opposition of all members from Great Britain and Ireland, the Economic and Social Committee of the European Communities has rejected the Commission's proposals to allow these two countries a derogation until 31 December 1996 for harmonizing lorry-weights.

In its Opinion, adopted by 93 votes for, 36 against and 12 abstentions, the Committee points out that this exemption is a disincentive to action and perpetuates a widespread distortion of competition.

In the wide-ranging debate, Mr Ian Campbell (Member of the British Railways Board, Employers' Group) explained that it was impossible to strengthen the 4 500 bridges involved unless the timespan was extended, while Mr P. Murphy (Ireland — Workers' Group) stressed the difficulties of Irish authorities to finance the necessary infrastructure work.

The Opinion states, however, that all should be done at both national and Community level to allay the fear held by public opinion in various countries on environmental and safety grounds, particularly by providing assistance for the necessary infrastructure improvements.

This Opinion was drawn up in the light of the paper produced by the Section for Transport and Communications, chaired by Mr L. J. Smith (United Kingdom — Workers). The rapporteur was Mr Cavazzuti (Italy — Workers).

¹ CES 683/89.

5. FOOD INGREDIENTS TREATED WITH IONIZING RADIATION

Proposal for a Council Directive on the approximation of the laws of the Member States concerning foods and food ingredients treated with ionizing radiation
[COM(88) 654 final — SYN 169]

Gist of the Commission document

Food irradiation is a physical method of processing food which is comparable to methods such as heat treatment or freezing.

The food is exposed in specialized facilities for a short period to X-rays or electron beams generated by appropriate machines or gamma-rays emitted by the radionuclides Cobalt-60 or less frequently Caesium-137. The process of irradiation does not make the food radioactive.

A Commission proposal was envisaged in the White Paper for the completion of the internal market in foodstuffs in order to guarantee a high level of protection to the consumer and ensure the free circulation of irradiated foods.

Whilst recognizing that, when carried out within the limits mentioned in the Report of the Scientific Committee for food, the process presents no danger, the Commission is proposing that irradiation should only be allowed for a relatively restricted list of foods, where the process offers clear advantages to the consumer.

Even though irradiation presents no health risk, there is no need to permit the irradiation of fresh meat.

The Commission also believes that food circulating between traders should be identified as having been irradiated to ensure that the end product is correctly labelled.

The absence of a satisfactory method for detecting irradiated food renders the registration of irradiation installations and the application of common rules and rigorous control of the process even more imperative.

The Commission therefore proposes that rules for the operation of installations are laid down on the basis of the FAO/WHO code of practice for the operation of irradiation facilities.

It is particularly important that products imported from third countries will have been submitted to the same rigorous conditions as those applied by operators in the Community.

Annex I of the proposal for a Directive contains the list of authorized foodstuffs.

Annex II lists the sources of ionizing radiation.

Annex IV relates to the technical methodology of calculating the overall average absorbed dose.

Annex V describes the criteria by which the suitability of the process for particular food items will be assessed.

The Advisory Committee for Foodstuffs discussed the matter at its meeting on 26 May 1987.

The Commission has studied the question of the high level of health, safety, environmental and consumer protection required by the terms of Article 100a, paragraph 3. It has done so after seeking the advice of the Scientific Committee for Food.

Gist of the Committee Opinion ¹

Proposals for Community legislation on food ionization will not be given the go-ahead until the Commission has produced conclusive proof of the technological need for irradiation and of the safety of this method of preservation.

This is the gist of amendments tabled by two German members (Mr Paul Flum, of the Workers' Group, and Mr Johannes Jaschick, a consumer representative of the Various Interests Group) to the draft Committee Opinion, which was finally adopted by 85 votes to 43, with 16 abstentions.

The Commission proposes to limit ionization (exposure for a short period to X-rays or electron beams, or to gamma-rays emitted by the radionuclides Cobalt-60 or Caesium-137) to a relatively restricted list of foodstuffs. Fresh meat *inter alia* would be excluded.

The Commission also proposes that rules for the operation of ionizing installations be based on the FAO/WHO (Food and Agriculture Organization/World Health Organization) code of practice for the operation of irradiation facilities.

¹ CES 678/89.

In its draft Opinion, the Committee's Industry Section favoured introducing a Community legislative framework, rather than continuing to leave the control of food ionization to national legislation. However, the Section Opinion was adopted by only 27 votes in favour, with 20 dissenting votes and 5 abstentions.

The amendment — the result of an alliance between workers and consumers — making acceptance of a Community framework conditional upon a certain amount of proof to be produced by the Commission was adopted at the Plenary Session by 76 votes to 59, with 12 abstentions.

This Opinion was drawn up in the light of the paper produced by the Section for Industry, Commerce, Crafts and Services, chaired by Mr Kazazis (Greece — Employers). The rapporteur was Mr Gardner (United Kingdom — Employers).

6. PILOT PROJECTS TO COMBAT RABIES

Proposal for a Council Regulation instituting a certificate for dogs and cats on visits of less than one year in the Member States and introducing Community measures to set up pilot projects for the control and eradication of rabies
COM(88) 836 final]

Gist of the Commission proposal

The aim of the proposal is to encourage the Member States, by means of Community financial aid, to draw up large-scale pilot projects for the eradication of rabies in certain areas. Their target is firstly to eradicate the disease and secondly to prevent reinfection. This would make it possible to complete the internal market in this sector.

Gist of the Committee Opinion ¹

This Opinion, adopted unanimously, states that 'quarantine measures are to be maintained for a time', that is until the Community is rabies-free.

This will be achieved by the oral vaccination of all foxes in the Community, and also in the border regions with Eastern Europe up

¹ CES 680/89.

to a depth of 100 km. Vaccination will be carried out in the form of a bait, dispersed at approximately 15 per square kilometre in predetermined positions indicated on a ground map, and eradication will be fully achieved when there is no disease left, even after the vaccination of wildlife has been terminated and there is no fresh outbreak.

Financial support for this scheme will come both from the Community and the Member States.

The Opinion also states that research in the field of rabies should continue to be supported, especially 'new developments in immunology and other methods of control'.

This Opinion was drawn up in the light of the paper produced by the Section for Agriculture and Fisheries, chaired by Mr Laur (France — Various Interests). The rapporteur was Mr Storie-Pugh (United Kingdom — Various Interests).

7. HEALTH CONDITIONS GOVERNING INTRA-COMMUNITY TRADE IN BOVINE ANIMALS

Proposal for a Council Regulation (EEC) on animal-health conditions governing intra-Community trade in ovine and caprine animals

Proposal for a Council Directive amending Directive 72/462/EEC on health and veterinary inspection problems upon importation of bovine animals and swine and fresh meat from third countries in order to include ovine and caprine animals
[COM(88) 742 final]

Gist of the Commission proposals

In the context of completion of the internal market and with a view to ensuring that the production of ovine and caprine animals develops on a sound basis and to raising productivity in this sector, the Commission is seeking to lay down at Community level animal-health rules regarding the marketing of these animals. To this end, it is proposing two instruments:

- (i) a proposal for a Regulation harmonizing animal-health rules with a view to promoting intra-Community trade and preventing the spread of disease;

- (ii) a proposal for a Directive laying down a Community regime for imports from third countries.

A. Proposal for a Regulation

The development of intra-Community trade presupposes the elimination of disparities between the Member States in the area of health conditions, through the establishment of marketing rules and the meeting of certain animal-health requirements designed to avoid the spread of contagious disease.

The proposal for a Regulation lays down a number of definitions in connection with the health conditions for the successive stages in the marketing process from the place of loading until the place of destination:

- (i) initial conditions (loading, animals' health status);
- (ii) transport conditions (assembly of animals, etc.);
- (iii) conditions concerning inspections (competence, place, procedures, etc.).

The Regulation is to be reviewed before March 1992 in the context of the proposals for completing the internal market.

B. Proposal for a Directive

This proposal follows on from the proposal for a Regulation and lays down rules applicable to sheep and goats imported from third countries.

The proposal seeks to bring ovine and caprine animals within the scope of Directive 72/462/EEC on imports of bovine animals, swine and fresh meat, with due regard being paid to the special characteristics of ovine and caprine animals.

It lays down the health inspection procedures on import with particular reference to the certificate accompanying the animals.

Gist of the Committee Opinion ¹

In the context of completion of the internal market and with a view to ensuring that the production of ovine and caprine animals develops on a sound basis and to raising productivity in this sector, the Commission is seeking to lay down at Community level animal-

¹ CES 676/89.

health rules regarding the marketing of these animals. To this end it is proposing two instruments:

- (i) a proposal for a Regulation harmonizing animal-health rules with a view to promoting intra-Community trade and preventing the spread of disease;
- (ii) a proposal for a Directive laying down a Community regime for imports from third countries.

In its Opinion adopted unanimously, with one abstention, the Committee approves the Commission's proposals but points out that this is a difficult problem. It recognizes that after 1992 there will be an increasing need for inspections. In its view it is of paramount importance that the overall responsibility remains directly in the hands of the Commission's experts.

This Opinion was drawn up in the light of the paper produced by the Section for Agriculture and Fisheries, chaired by Mr Laur (France — Various Interests). The rapporteur was Mr Storie-Pugh (United Kingdom — Various Interests).

8. HEALTH CONDITIONS GOVERNING INTRA-COMMUNITY TRADE IN AND IMPORTS OF POULTRY AND HATCHING EGGS

Proposal for a Council Regulation on animal-health conditions governing intra-Community trade in and imports from third countries of poultry and hatching eggs

[COM(89) 9 final]

Gist of the Commission proposal

The Commission proposal provides firstly for harmonization of animal-health rules governing trade between the Member States and secondly for Community arrangements for imports from third countries.

The proposed regime is based on regular monitoring of production establishments (pedigree breeding and other breeding establishments; hatcheries), making provision for the approval of such establishments and laying down certain conditions for the consignment and transport of poultry and hatching eggs between Member States. It also takes into account the situation of Member States which have set up or planned programmes for combating certain poultry diseases.

Gist of the Committee Opinion ¹

In its Opinion, adopted unanimously, the Committee welcomes the proposal and endorses the Commission's intention to harmonize health measures without restricting the free movement of poultry and hatching eggs in the Community. It would like to see all disparities in animal health conditions eliminated and hence the consistent and uniform application throughout the Community of the principles now being established. The Committee would also like to see references to the health aspects of the transport of poultry within the Community.

This Opinion was drawn up in the light of the paper produced by the Section for Agriculture and Fisheries, chaired by Mr Laur (France — Various Interests). The rapporteur was Mr Rolão Gonçalves (Portugal — Employers).

9. BATTERIES AND ACCUMULATORS

Proposal for a Council Directive on batteries and accumulators containing dangerous substances
[COM(88) 672 final — SYN 170]

Gist of the Commission proposal

Legal basis: Article 100a

Aims

The proposal forms part of the Community waste management programme designed to protect the environment and help complete the internal market. The three primary aims of the proposal are the smooth running of the internal market, the disposal of spent batteries and accumulators without causing pollution and the encouragement of the re-use of the raw materials they contain. A fourth aim is to encourage the production of batteries and accumulators whose dangerous-substance content is low, by taking off the market products not in line with technical progress in this respect.

Background

The European Parliament's Committee on the Environment has already discussed this question and has recognized the need for

¹ CES 677/89.

measures at Community level.¹ Steps are being taken in a number of Member States, often in the form of voluntary collection agreements, as in Belgium and the Netherlands. Article 14 of the German law on waste lays down general provisions, to be followed by specific implementing measures. Outside the Community, Switzerland and Sweden have adopted wider-ranging measures than the present proposals; they cover batteries and accumulators with a mercury content of over 0.025%.

Measures being proposed

The proposal calls on the Member States to set objectives to protect the environment against the hazards posed by batteries and accumulators, to draw up programmes and to inform the Commission of the programmes adopted, the measures taken, and the means employed.

In principle, it is left to the Member States to choose the means employed. Consequently, this proposal lays down the general framework within which the Member States must act, rather than specific detailed rules. The Commission, assisted by the Waste Management Committee, will assess the progress made and the need for any further Community measures, based on the information and statistics submitted by the Member States.

Gist of the Committee Opinion¹

In its Opinion, adopted unanimously, the Committee is in favour of preventing spent batteries and accumulators from being disposed of with other household refuse by introducing deposit and return systems. These should, however, be combined with a consumer information/education campaign, particularly in schools.

The Directive could prove difficult to apply in Member States which do not have adequate collection, recycling and storage facilities. The Committee therefore calls on these countries to adopt the necessary provisions so that the Directive can be incorporated into national legislations. Strict monitoring will also be needed to prevent storage and/or transport under conditions which do not comply with the Directives in this area.

The Committee points out that the proposal is related to two other recent draft Directives on waste, and repeats its call for the various texts to be more closely aligned. It also reiterates its comments

¹ CES 681/89.

regarding the choice of legal basis: although Article 100a offers obvious procedural advantages, reference to Articles 130r and 130s would be more in keeping with the environmental implications of the current proposal.

Finally, the Committee stresses that every possible step should be taken to protect the health of people working in approved units for the special collection or recycling of spent batteries and accumulators.

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 Mr Jaschick (Germany — Various Interests). The rapporteur was Mr Proumens (Belgium — Employers).

10. GAS APPLIANCES

Proposal for a Council Directive on the approximation of the laws of the Member States relating to appliances burning gaseous fuels

[COM(88) 786 final — SYN 178]

Gist of the Commission document

The proposal has been prepared in application of the Council Resolution on a new approach to technical harmonization and standards. It covers appliances used for domestic, commercial or industrial purposes. It excludes appliances where the pressure vessel aspect plays an important part, for example, steam boilers, and appliances specifically designed for use in industrial processes.

The aim of the proposal is to harmonize national provisions concerning safety and energy conservation, eliminating the technical barriers to trade which arise out of the disparities in national provisions.

The essential requirements set out in Annex I of the proposal will ensure a high level of protection. Pending the introduction of European standards, conformity of products to the Directive could be proved by conformity to national standards. The Commission will have verified that national standards meet the essential requirements of the Directive after consultation of the Standing Committee set up under Directive 83/189/EEC.

Considering the nature of the appliances and the specific risks involved, the means of attestation of conformity provided for by the

Directive require the intervention of a notified third party at both the design and the manufacturing level.

At the design level: an EC-type examination is obligatory.

At the manufacturing level:

- (i) for series-manufactured appliances
 - (a) EC declaration of production conformity (Type 1), or
 - (b) EC declaration of production conformity (Type 2), or
 - (c) EC verification (Type 1);
- (ii) for appliances produced as a single unit
EC verification (Type 2).

Each Member State is to communicate to the other Member States and to the Commission the notified bodies responsible for carrying out the attestation procedures. The Commission will publish this list. The Directive also provides for the affixing of an EC mark of conformity.

Gist of the Committee Opinion ¹

In its Opinion, adopted unanimously, with 3 abstentions, the Committee endorses the draft Directive, calling for closer alignment of the legal provisions applicable to domestic gas appliances and those applicable to non-domestic appliances, and for regulations covering the installation, repair and maintenance of appliances by qualified technicians.

Regulations should cover the safety of gas supply infrastructures, especially terminals, and their regular testing and maintenance.

Safety measures (audible warning signals, electronic devices, odour detectors) should also be provided for in the event of leakages.

The involvement of manufacturers, authorities, workers and consumers is therefore essential in those bodies responsible for drawing up European standards.

Gas appliances imported from non-member countries may only be put on the market if they meet the safety standards laid down in the Directive.

This Opinion was drawn up in the light of the paper produced by the Section for Industry, Commerce, Crafts and Services, chaired by

¹ CES 679/89.

Mr Kazazis (Greece — Employers). The rapporteur was Mr Frandi (Italy — Workers).

11. NON-AUTOMATIC WEIGHING INSTRUMENTS

Proposal for a Council Directive on the harmonization of the laws of the Member States relating to non-automatic weighing instruments
[COM(88) 780 final — SYN 174]

Gist of the Commission document

This 'new approach' draft Directive applies to all non-automatic weighing instruments (electronic or mechanical). It covers:

- (a) 1. commercial transactions;
 - 2. the determination of a toll, tariff, bonus, penalty, indemnity, etc.;
 - 3. law enforcement and expert opinion;
 - 4. health monitoring, diagnosis and treatment of illness;
- (b) all other applications.

Instruments to be used for any of the applications referred to in (a) must satisfy the essential requirements set out in the Directive; instruments to be used for other applications need not satisfy these requirements.

As regards conformity assessment, the procedure for which is described in Annex 2, the Directive makes a distinction between standard and non-standard instruments. The manufacture of standard instruments is subject to the EC type examination. Before being taken into service they are subject to either the EC declaration of production conformity (Type 2) or EC verification (Type 1). The manufacture of non-standard instruments is subject to EC verification (Type 2).

The Member States must notify the other Member States and the Commission of the bodies responsible for the attestation procedures. The Directive provides for the affixing of the EC mark of conformity. Instruments which carry this mark and are used for any of the applications referred to in (a) are subject to in-service inspection by a notified body.

Gist of the Committee Opinion ¹

In its Opinion, adopted unanimously, the Committee insists that it should be made clear whether only new machines are subject to the Directive or whether second-hand machines are also required to comply.

The Section suggests what to stamp on the machines in order to take into consideration the problem of gravitational variation when a machine is moved from one area to another.

This Opinion was drawn up in the light of the paper produced by the Section for Industry, Commerce, Crafts and Services, chaired by Mr Kazazis (Greece — Employers). The rapporteur was Mr Pearson (Ireland — Employers).

¹ CES 673/89.

External relations

Activities of the Chairman and the Secretary-General

On 5 May, the Chairman, Mr Masprone, attended a seminar on the theme 'Industry and insurance in the light of the single market', held in Trieste, Italy.

On 10 May Mr Masprone visited Athens where he had talks with Mr Yennimatas, Greek Labour Minister, and Mr Pangalos, Greek Minister for European Affairs.

On 10 and 11 May the Secretary-General, Mr Moreau, visited the Economic and Social Council of Brittany in Rennes. He also gave a speech on 'Europe 1992' at the Rennes Chamber of Commerce and Industry.

On 11 May, at the headquarters of the French Economic and Social Council in Paris, Mr Moreau attended the presentation of the Legion of Honour to Mr Louet, Honorary Secretary-General of the Economic and Social Committee.

On 16 May Mr Masprone had talks with Sir Leon Brittan, Vice-President of the EC Commission in Brussels.

On 17 May Mr Masprone attended the General Assembly of Cefpar in Brussels.

On 17 May Mr Moreau gave an address before the National Liaison Committee for the Activities of Mutual-benefit Societies, Cooperatives and Non-profitmaking Associations in Paris.

On 18 May Mr Masprone delivered an address at a seminar on 'The freedom of movement of workers in the Community: Problems for Switzerland', organized by the Research Institute for Labour and Labour Law at the University of St Gallen in Berne, Switzerland.

On 21 May the Chairman spoke at the second Congress of Portuguese Agriculture in Lisbon.

On 22 and 23 May Mr Masprone and Mr Moreau visited Spain for a meeting of the Study Group on the Economic Situation in Spain,

held in Madrid. The delegation met the Spanish authorities, the economic and social organizations, the Secretary of State for Economic Affairs, Mr Pedro Perez, and representatives of the Bank of Spain. They also had talks with the Basque trade unions and, on 23 May, they attended the opening of a seminar arranged by the National Confederation of Mutual-benefit Societies, Cooperatives and Agricultural Credit Banks. The Chairman had talks with the President and a delegation from the Spanish Confederation of Employers' Organizations, followed by a press conference. Mr Masprone extended his stay in Spain by a visit to Salamanca where he delivered an address at the university. The Mayor of Salamanca invited him to a reception.

On 24 May, at ESC headquarters in Brussels, the Secretary-General received a group of visitors from the Indre Chamber of Agriculture (Indre-et-Loire and Eure, France).

On 26 May the Secretary-General spoke at the meeting of the Île-de-France Economic and Social Council in Brussels.

Other activities

On 4 and 5 May Mr Carroll, a member of the Committee, attended a conference on the 'Achievement of the internal market — economic and social dimensions', organized by the German Employees' Trade Union (DAC) in Walsrode, Germany.

From 5 to 7 May Mr Roseingrave, a Committee member, attended a meeting of the Coordination Group on family care of the elderly', organized by the European Foundation for the Improvement of Living and Working Conditions in County Wicklow, Ireland.

From 17 to 19 May Mr Serra Carraciolo, a Committee member, stood in for Mr Masprone at the Euromontana 89 colloquium (upland areas) at Zestoa in Spain.

On 18 and 19 May Mr McLaughlin, an ESC Director, attended a colloquium in Paris on the 'French Presidency'.

On 19 May Mr Vercellino, an ESC member, attended a conference/debate devoted to 'Europe 93 — Social and political rights of migrants', organized by the Charleroi Immigration Centre in Charleroi, Belgium.

On 23 May Mr Roseingrave, an ESC member, attended a meeting of the Evaluation Committee on a study on coping with social and economic change at neighbourhood level — phase I, organized by

the European Foundation for the Improvement of Living and Working Conditions in Brussels.

On 25 May Mr Schwaiger, an ESC Director, visited Nice (France) where he delivered an address on the 'Role of the ESC and basic social rights' at the Institute for Advanced International Studies.

New consultations

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

Proposal for a Council Regulation (EEC) on the importation of certain furs

[COM(89) 198 final]

Erasmus programme

[COM(89) 235 final]

Review of the 'Pensions' chapter in Regulation 1408/71 on social security for migrant workers

Determining the persons liable for payment of a customs debt

[COM(89) 214 final]

Research programme in the field of management and storage of radioactive waste 1990-94

[COM(89) 226 final]

Legal instrument on the transparency of energy prices

GSP 1990

[COM(89) 242 final]

Provisional future work programme

June 1989 Plenary Session

Ecofin Section

OPINIONS

VAT on second-hand goods
[COM(88) 846 final]

Liberalization of capital movements
[COM(89) 60 final]

Social Section

Social developments in 1988

OWN-INITIATIVE WORK

Ecofin section

Economic situation in the first half of 1989

July 1989 Plenary Session

OPINIONS

Ecofin Section

Listing particulars to be published for admission to stock exchange
[COM(89) 133 final — SYN 191]

Environment Section

Noise level of subsonic aircraft
[COM(88) 662 final]

Veterinary medicines
[COM(88) 779 final]

Pesticide residues in fruit and vegetables
[COM(88) 798 final]

Plant-protection products
[COM(89) 34 final]

Industry Section

Legal protection of computer programmes
[COM(88) 816 final — SYN 183]

Regional Development Section

13th ERDF report
[COM(88) 728 final]

Energy Section

Thermie programme
[COM(89) 121 final]

OWN-INITIATIVE WORK*Social Section*

Poverty

Environment Section

Consumer information centre

External Relations Section

1992 and the EC's external trade

*Information Report**External Relations Section*

Relations between the EEC and the Mediterranean countries
(Community Mediterranean policy)

September 1989 Plenary Session**OPINIONS***Ecofin Section*

Take-over bids
[COM(88) 823 final]

Social Section

Right of asylum and status of refugees

Environment Section

Danube basin water resources
[COM(89) 28 final]
Advertising of tobacco products
[COM(89) 163 final]

Community Directive on the general safety of products
[COM(89) 162 final]

Industry Section

Life assurance
[COM(88) 729 final — SYN 177]

Investment services for securities
[COM(88) 778 final — SYN 176]

Technical standards and regulations
[COM(88) 722 final]

Transport Section

Roadworthiness tests
[COM(89) 6 final]

Pan-European public radio messaging system
[COM(89) 166 final]

Fixing of rates/carriage of goods by road
[COM(89) 189 final]

OWN-INITIATIVE WORK

Social Section

Social consequences of cross-border mergers

Regional Development Section

Declining industrial areas

Transport Section

Positive measures in favour of maritime transport

Subcommittee

Use of agricultural and forestry resources

October 1989 Plenary Session

OPINIONS

Social Section

European cultural area (Additional Opinion)

Industry Section

18th report on competition

Agriculture Section

Processing and marketing of fishery and aquaculture products
[COM(89) 187 final]

OWN-INITIATIVE WORK*Ecofin Section*

Economic and monetary union (Delors Report)

Regional Development Section

Cooperatives' contribution to regional development

November 1989 Plenary Session**OPINIONS***Social Section*

Mutual recognition of professional qualifications
[COM(88) 824 final]

Subsequent Plenary Sessions**OPINIONS***Environment Section*

Tourism — Five-year programme

Protection of the Mediterranean environment

Protection of natural and semi-natural habitats and of wild fauna
and flora

[COM(88) 381 final]

Tourism sector: harmonization and collection of statistical data

[COM(88) 652 final]

Industry Section

Improvements of the business environment

[COM(89) 102 final]

Relations between the Member States and the railways

[COM(88) 842 final]

Energy Section

Framework programme, R&D (1987-91)

External Relations Section

Preparation for the 13th Annual ACP/EEC Meeting

Development of economic and commercial relations between the EEC and Latin America

OWN-INITIATIVE WORK

GATT/Uruguay Round

Subcommittees

The future of rural society
[COM(88) 501 final]

Environment and agriculture
[COM(88) 338 final/2]

Members' news

Appointment

The Council of the European Communities has appointed Mr Michel Bordes-Pages (France) as a member of the Economic and Social Committee to replace Mr Michel Saiu who has resigned. Mr Bordes-Pages is Secretary-General of the French Confederation of Executive Staff (CGC).

PUBLICATIONS OBTAINABLE FROM THE ECONOMIC AND SOCIAL COMMITTEE

General documentation

The other European Assembly (CES 89-003)
Leaflet on the ESC

Opinions and studies

Europe and the new technologies (1986) (ESC 89-004)
Disadvantaged island regions (July 1988) (ESC 88-009)
Basic Community social rights (Opinion) (February 1989)
Horizon 1992: The ESC supports the removal of fiscal frontiers (July 1988)
(8 Opinions)
Target date 1992: The ESC supports 'the new-frontier Europe' (June 1988)
(7 Opinions) (ESC 88-010)

Obtainable from Gower Publishing Co. Ltd, 1 Westmead, Farnborough, Hants GUI 47RU

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, rue Scailquin 55, 1030 Brussels

The economic and social interest groups of Portugal (BFR 350)
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 Road, London N1

Directory of European agricultural organizations (UKL 39)

Office for Official Publications of the European Communities

Bulletin (monthly) (per issue: ECU 4. Annual subscription: ECU 28)
Annual Report 1988 (ECU 8.50)
Effects of the CAP on the social situation of farmworkers in the European
Community (Brussels, 1987) (ECU 3.40)
European environment policy: air, water, waste management (Brussels,
1987) (ECU 3.50)
Community rail policy (ECU 7.40)
EEC maritime transport policy (Brussels, June 1986) (ECU 3.40)
EEC air transport policy (October 1985) (ECU 5.50)
GATT — towards a new round (Opinion) (Brussels, 1986) (ECU 2.20)
Competition policy (ECU 3.40)
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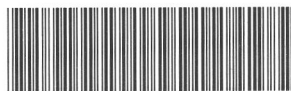
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