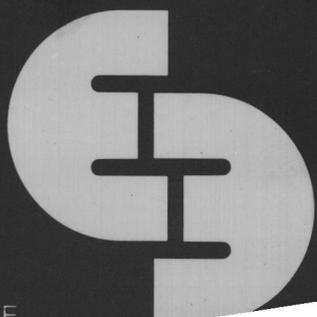


ECONOMIC AND SOCIAL CONSULTATIVE ASSEMBLY

BULLETIN



EUROPEAN COMMUNITIES
ECONOMIC AND SOCIAL COMMITTEE



The Bulletin reports every month (10 issues yearly) on the activities of the Economic and Social Committee, a Community consultative body. It is edited by the Secretariat-General of the Economic and Social Committee of the European Communities (2 rue Ravenstein, B-1000 Brussels) in the official Community languages.

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270th Plenary Session

The Economic and Social Committee of the European Communities held its 270th Plenary Session in Brussels on 18 and 19 October 1989. The Committee Chairman, Mr Alberto Masprone, presided.

The Session was attended by Mr Jean-Pierre Soisson, French Minister for Social Affairs and President-in-office of the Council.

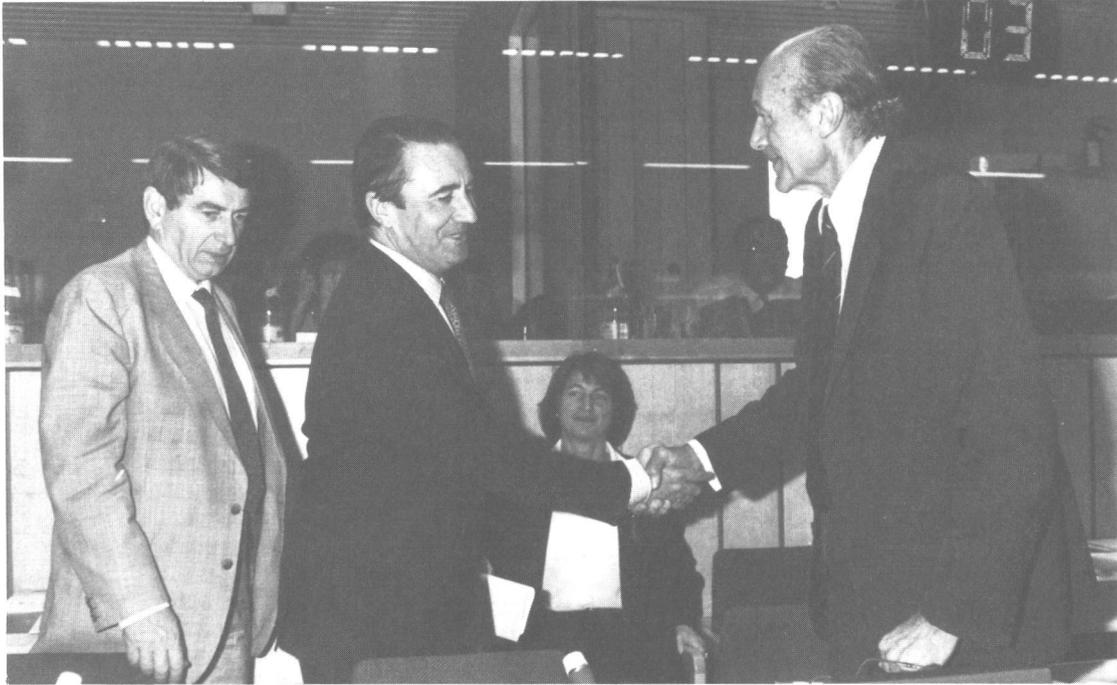
Comments on the Social Charter by Mr Jean-Pierre Soisson, French Minister for Social Affairs and debate

'The Commission's draft Social Charter will differ from the draft which I will submit to the Social Affairs Council on 30 October', Jean-Pierre Soisson, French Minister for Social Affairs, told the Economic and Social Committee of the European Communities (ESC). 'There will, for example, be radical changes to Articles 5 and 6.'

In the Commission draft these two articles set out the principle of equal treatment for host country workers and workers from another Member State, e.g. in connection with public works contracts, even where sub-contracting is involved. But these requirements are limited to 'Community workers engaged in non-temporary gainful employment'.

François Staedelin, French Chairman of the Workers' Group at the ESC, interjected that the two articles had been incorporated into the draft adopted by the Commission on 27 September 'without warning'. He continued: 'There is a real declaration of war. These two articles legitimize social dumping. They allow employers to rotate workers, so as to be able to operate on a temporary labour-contract basis'.

From the employers' side, it was the vagueness of some of the terms used in the Commission's draft Social Charter which elicited criticism. Francis Whitworth (United Kingdom) asked for clarification of concepts such as a 'decent wage'. He added that the Social Charter should make Community firms more able to compete



Mr Jean-Pierre Soisson, French Minister for Social Affairs is greeted by Mr Masprone, ESC President (right), and Mr Moreau, ESC Secretary-General, upon his arrival to attend the Plenary Session.

worldwide, to provide stable employment, create wealth and improve working conditions for everyone'.

'I should like to see a text which takes account of the real rights of workers', Jean-Pierre Soisson replied. The Council's draft Charter would spell out more clearly the ways in which firms' competitiveness had to be preserved and improved. 'I have had several meetings with my British opposite number. We are now in agreement on procedure.'

Whilst stressing that he did not want a confrontation with the United Kingdom, Jean-Pierre Soisson said that neither did he want to see the draft Charter 'watered down', ending up as 'an anodyne document without political significance'. 'If agreement cannot be achieved among the Twelve, I would at least like to see the largest possible number of countries join us.' He added that not only the United Kingdom, but also Ireland, Portugal and Denmark wanted a more flexible document than, for example, the Federal Republic of Germany. The Minister also said that the solemn declaration on the Social Charter was inseparable from the action programme drawn up by the Commission on its own responsibility. The programme would be submitted to the Social Affairs Council on 30 November.

Finally, Jean-Pierre Soisson stressed that, contrary to the Opinion which the Committee had issued on 22 February last on basic social rights in the Community, he had not wanted a general text that would be a citizens' charter. 'The charter is devoted to workers' rights', he affirmed clearly, thus setting off a storm of criticism from the Various Interests' Group (craftsmen, cooperatives, the professions, consumers, environmentalists, farmers, small businessmen etc.).

The Chairman of the Various Interests' Group, Nikolaos Vassilaras (Greece), explained that 'the social dimension which the citizens of Europe dreamed about is not reflected in the Commission's draft'. 'Not all workers are covered by the draft Charter', protested the Italian Walter Briganti, 'only employees. We can no longer consider just the factory worker. We ask that there be a wider social dialogue'. 'Why limit the social dialogue to an exchange between the bosses' and trade union establishments?' was the call from Alfons Margot (Belgium). 'Do we want an exclusive society bearing the label 'two sides of industry', leaving the others to manage as best they can?'

'There is that which is desirable and that which is possible during the next two months', replied Jean-Pierre Soisson, the Minister. 'I

preferred to tackle a few specific subjects and get some results. I assumed the responsibility for reducing the charter to a workers' charter, for otherwise I would never have produced a text. If I want the Economic and Social Committee to be more involved in the Community's work, it is because I am aware of the make-up of your assembly. It is through the Committee that the self-employed must be more involved in the Community's activities'.

As an example of strengthening the Committee's role, Jean-Pierre Soisson proposed that an ESC Opinion serve each year as the basis for a debate on jobs in the Council of Social Affairs Ministers, using concrete data provided by the European employment observatory, the creation of which he would be proposing at the Council meeting on 30 November.

Jean-Pierre Soisson solemnly reaffirmed what he had declared to a Committee delegation that had paid an official visit to him in Paris on 20 September: the French Presidency of the Council of the European Communities supported wholeheartedly the memorandum adopted on 20 June by the Committee Bureau on upgrading the role of the Economic and Social Committee in the run-up to 1992, in which the Committee (whose budget was only an Appendix 1 to the Council's budget) asked to be treated as a full Community institution, and notably like the Court of Justice and the Court of Auditors, as regards the application of the entire Financial Regulation. The French Presidency would do everything to increase the role and the budgetary resources of the Economic and Social Committee.

ADOPTION OF OPINIONS

1. ECONOMIC AND MONETARY UNION IN THE COMMUNITY (Delors Report) (Own-initiative Opinion)

Content and scope of European economic union

At the Hanover Summit on 27 and 28 June 1988, the European Council recalled that 'in adopting the Single Act, the Member States confirmed the objective of progressive realization of economic and monetary union'. It therefore decided to examine the means of achieving this union at its meeting in Madrid in June

1989, and to that end it decided to entrust to a committee chaired by the Commission's President, Jacques Delors, 'the task of studying and proposing concrete stages leading towards this union'.

Publication of the Delors Report of 12 April 1989 coincided with the Ecofin Council meeting in Luxembourg on 17 April.

The Madrid European Council (26 and 27 June 1989) reached the following conclusions on economic and monetary union:

The European Council restated its determination progressively to achieve economic and monetary union as provided for in the Single Act and confirmed at the European Council meeting in Hanover. Economic and monetary union must be seen in the perspective of the completion of the internal market and in the context of economic and social cohesion.

The European Council considered that the report by the committee chaired by Jacques Delors, which defines a process designed to lead by stages to economic and monetary union, fulfilled the mandate given in Hanover and provided a good basis for further work. The European Council felt that its realization would have to take account of the parallelism between economic and monetary aspects, respect the principle of 'subsidiarity' and allow for the diversity of specific situations.

The European Council decided that the first stage of the realization of economic and monetary union would begin on 1 July 1990.

The European Council asked the competent bodies (the Ecofin and General Affairs Councils, the Commission, the Committee of Central Bank Governors and the Monetary Committee):

- (a) to adopt the provisions necessary for the launch of the first stage on 1 July 1990;
- (b) to carry out the preparatory work for the organization of an intergovernmental conference to lay down the subsequent stages; that conference would meet once the first stage had begun and would be preceded by full and adequate preparation.

Gist of the Committee Opinion ¹

The Economic and Social Committee adopted its Opinion on Economic and Monetary Union by 111 votes for, 6 votes against and 4 abstentions.

Economic and monetary union would give the Community greater clout internationally. The ecus would be able to compete better with the dollar and the yen, as an investment and reserve currency, than any European currency today. A Community speaking with one voice could play a greater role (and a role that really befits Europe) in the world monetary system, in international organizations such as the World Bank and the International Monetary Fund and in other groups such as the G7.

The ecu would be increasingly used as an invoicing currency internationally, thereby strengthening the Community's position in world trade. Price quotations and contracts for oil, raw materials and technological products would no longer be exclusively in dollars. The role that the ecu would over time assume here would bring immeasurable benefit to the Community. Monetary union would thus have a 'usefulness' extending far beyond savings in exchange costs and in payment transactions. The importance and also the responsibilities of the Community at world level would increase not just in monetary terms but also in economic terms.

The key to progress towards economic and monetary union will be political will and readiness to make the requisite institutional arrangements. The Madrid European Council's decision of 27 June to launch the first phase of EMU on 1 June 1990 as proposed in point 43 of the Report is obviously not yet regarded in all Member States as a clear political commitment to a fully-fledged monetary union, i.e. as a 'decision to embark on the entire process' as the Delors Report states in point 39. On the other hand, some progress will be made in the monetary sector in the run-up to 1992 thanks to the liberalization of capital movements and financial services and the coordination of banking supervision.

However, the question of how the transfer of economic and monetary powers to the Community is viewed is still all-important for the broad political approval needed by EMU. One difficulty here is that the Community bodies have not yet discussed to what extent irrevocable exchange rates or even a single Community currency will make it necessary to transfer powers and decision-

¹ CES 1135/89.

making to the Community. The extent of this transfer of powers to Community bodies (such as the Council of Ministers and the European System of Central Banks) is of key importance for the political endorsement of economic and monetary union and should therefore be agreed on before a binding decision is reached on the final stage of EMU.

Monetary integration must and can be to the fore if it is decided to set up a European System of Central Banks — ESCB — (point 32) with a mandate for a common monetary policy (point 24). On the other hand, individual Member States should rightly be entitled to retain a certain degree of autonomy in their economic decision-making. This degree of autonomy, which still has to be agreed on, would satisfy the principle of subsidiarity and would ensure that Member States retain their identity and plurality (economic, social, cultural, political — point 17) as they should.

It would be feasible — without the role of the EC Commission being changed and pending an increase in the European Parliament's powers — for the Council of Economic and Finance Ministers to be entrusted with temporary economic policy-making powers on the basis of Articles 102a, 104 and 105 of the EEC Treaty.

The Committee believes that the Delors Report does not give sufficient consideration to the various social aspects of these adjustments and structural changes, and trusts that the social dimension of economic and monetary union will be carefully examined in the course of the further preparations.

This Opinion was drawn up in the light of the paper produced by the Section for Economic, Financial and Monetary Questions chaired by Mr Margot (Belgium — Various Interests). The rapporteur was Mr Meyer-Horn (Germany — Employers).

2. SOCIAL CONSEQUENCES OF TRANSNATIONAL MERGERS (Own-initiative Opinion)

Gist of the Committee Opinion¹

The Economic and Social Committee adopted its Opinion by 79 votes for, 51 against and 12 abstentions.

¹ CES 1133/89.

It is to be expected that the number of mergers will rise considerably as the European single market is completed.

Restructuring and concentrations between undertakings improve the chances of enhancing the competitiveness of European industry, the conditions of growth and the standard of living in the Community.

In the case of a cross-frontier merger a number of questions concerning conflict of laws arise:

- (i) Does the same company law remain applicable?
- (ii) Which industrial tribunal is responsible?
- (iii) Do the existing wage contracts remain applicable?
- (iv) Potential effects on worker representation?

Without Community legal provisions on basic standards, there is the risk that the intensifying competition may lead the Member States to set the social standards at the lowest level. The ESC Opinion on basic Community social rights should therefore be put into practice very rapidly.

There is a vital need for information and participation rights for employees' representatives at plant level in connection with cross-frontier concentrations between undertakings. A Community framework should be devised for this. This framework ought to be based on national rules on workers' representation, and provide for regular information and consultation of workers' representatives at the European level.

In view of the rise in cross-frontier concentrations between undertakings in the Community, the Committee proposes that a European Advisory Committee be set up.

In a minority declaration the ESC Employers' Group firmly rejects the conclusions of the Own-initiative Opinion, stating:

The Opinion calls for the introduction of a new battery of instruments, in a form not found in any of the EC States. In the view of the Employers' Group the proposed instruments are neither desirable nor expedient. European advisory committees would be inflexible and take no account of existing information and consultation procedures and machinery in the individual Member States. They would not provide an appropriate means of tackling the problems raised in the Opinion.

This Opinion was drawn up in the light of the paper produced by the Section for Social, Family, Educational and Cultural Affairs, chaired

by Mr Carroll (Ireland — Workers). The rapporteur was Mr Schmitz (Germany — Workers).

3. RIGHT OF RESIDENCE FOR STUDENTS, PENSIONERS, EMPLOYEES AND OTHER PERSONS WHO HAVE CEASED THEIR OCCUPATIONAL ACTIVITY

Proposal for a Council Directive on the right of residence for students

[COM(89) 275 final — SYN 199]

Proposal for a Council Directive on the right of residence for employees and persons who have ceased their occupational activity

[COM(89) 275 final — SYN 200]

Proposal for a Council Directive on the right of residence

[COM(89) 275 final — SYN 199 — SYN 200]

Gist of the Commission proposal

In 1979, the Commission first submitted a proposal for a Directive on the right of residence of nationals of the Member States on the territory of another Member State. After 10 years of discussions, the Member States were still unable to reach unanimity on this proposal. Therefore, on 3 May 1989, the Commission withdrew the 1979 proposal and announced that it would present three new proposals, the provisions and legal basis of which would correspond more closely to the specific situation of each category covered. The right of residence, accordingly, would be granted as follows:

- (i) to *students* (plus spouse and dependent children), provided that they are enrolled in an educational establishment (for vocational or professional training) and are covered by sickness insurance schemes (legal basis — Articles 7, 8a and 128);
- (ii) to *pensioners* (plus family), provided that they are recipients of a pension or old-age benefits and are covered by a sickness insurance scheme (Articles 3c, 8a, 49 to 54);
- (iii) to *other persons* (plus family) provided that they are covered by sickness insurance and have sufficient resources to avoid becoming a burden on the social security system of the host Member State during their period of residence (Articles 3c, 8a, 100).

Provisions to comply with these Directives should be brought into force by 31 December 1990.

Gist of the Committee Opinion ¹

In its Opinion, adopted unanimously, the Committee approves the intent of the proposals though it is of the view that one comprehensive Directive concerning the right of residence of all Community citizens would have been much more appropriate than one catering for workers and the three draft Directives contained in the document under consideration.

Following 10 years' discussion, the Committee understands the anxiety of potential host Member States was due to the possibility that they would have to bear the costs of adequate income maintenance, and the burden of sickness and failing health, and that the Member States of origin would be relieved of their responsibilities for their citizens choosing to reside in the territory of another Member State. This anxiety has been removed by the new elements introduced, that the right of residence should be granted provided the beneficiaries are (a) properly covered in terms of sickness insurance, and (b) do not require social security cover in the host country. Proper regard must also be taken of the position of widows, divorcees, non-Community spouses, and their dependants or orphans, when finalizing this Directive.

This Opinion was drawn up in the light of the paper produced by the Section for Social, Family, Educational and Cultural Affairs, chaired by Mr Carroll (Ireland — Workers). The rapporteur was Mr Pearson (Ireland — Employers).

4. EUROPE AGAINST CANCER

**Draft Council resolution concerning an action plan
1990-1994 in the framework of the Europe against cancer
programme**

Gist of the Commission document

The objective of the second action plan is to continue and to strengthen the action undertaken between 1987 and 1989 in the fields of prevention, information and health education, and training

¹ CES 1129/89.

of the health professions. This action plan is therefore a necessary further step towards the realization of the programme's objective, that of reducing mortality by cancer by 15% compared to the present trend between now and the year 2000. The planned budget is ECU 55 million over five years.

The objective, strategy and themes of this action plan are the same as those laid out in the first action plan. However, some changes in priority were necessary.

Although there is less emphasis on information in this action plan, it should be underlined that this does not mean that the Commission no longer believes in the essential role of health information in promoting the prevention of cancer. The fact is that the partners of the programme are convinced of the importance of the 'European code against cancer' and are now willing to undertake continued efforts for its dissemination while calling less on financial assistance from the Community budget.

This, in turn, will allow for the reallocation of funds to two other priority areas whose value can be enhanced by the European Community, i.e. the promotion of pan-European studies on nutrition and cancer, and support for health personnel wishing to be trained in another Member State.

Gist of the Committee Opinion ¹

Unanimously, the Committee approves the second action plan, while recommending a number of ways to make it more effective.

The ECU 55 million earmarked for the plan should act as a trigger and to coordinate national activity; unless additional funds are made available and action is taken at national level, the cancer programme objectives will fail.

The considerable disparities between Member States' use of preventive screening need to be removed: the Section feels that those in our society who are at risk should be given identical opportunities for preventive screening action right across the Community.

In European Cancer Information Year, the Committee urges that special attention be paid to the education of young people; maximum use should be made of the media and the Commission's information video should be shown widely. Closer cooperation with the

¹ CES 1139/89.

social partners is also needed in order to promote information and screening, with paid time off work for the purpose.

The time has come to go beyond pilot schemes and to improve public attitudes towards preventive and screening programmes, while also increasing the awareness and skills of the health professionals. The European Cancer Code should be made more available to the general public and given greater attention by governments, national bodies, employers and trade unions.

The Committee looks at the various aspects of the action plan, from the fight against tobacco addiction to research on links between nutrition and cancer. It also draws attention to the action being taken to prevent cancers arising from exposure to ionizing radiation or chemical carcinogens and especially radon gas.

The Committee recommends an increase in the proportion of the budget spent on training of health personnel, stressing their role in the development of any preventive action.

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 Aspinall (United Kingdom — Various Interests).

5. PESTICIDE RESIDUES

Proposal for a Council Regulation on the fixing of maximum levels for pesticide residues in and on certain products of plant origin including fruit and vegetables and amending the procedural rules of Directive 76/895/EEC
[COM(89) 798 final]

Gist of the Commission proposal

The main objectives of the proposal are as follows:

- (a) establishment of a list of pesticide residue levels for fruit and vegetables;
- (b) extension of existing regulations to cover products not now covered, e.g. potatoes, oil seeds, pulses, etc.;
- (c) the combination in one Community measure of pre-harvest and post-harvest residue levels;

- (d) the establishment of a committee procedure to deal not only with technical problems but also health and consumer issues.

Gist of the Committee Opinion ¹

In its Opinion adopted unanimously, the Committee approves the Commission proposal, but makes the following suggestions regarding widening the scope of Community pesticide legislation.

The Commission should:

- (i) propose special maximum residue levels for products intended for sowing or planting;
- (ii) extend the Regulation to products earmarked for export to third countries, particularly to the Third World;
- (iii) consider legislation to cover processed foods which may contain pesticide residues.

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 Silva (Portugal — Workers).

6. EUROTENET II

Proposal for a Council Decision relating to the adoption of a Community action programme in the field of vocational training and technological change (Eurotecnet II)

[COM(89) 355 final]

Gist of the Commission proposal

Eurotecnet II (1990-1994) will have two principal objectives:

The first will be to improve the capacity of training systems across the Community in order to take account of technological changes and their impact on employment, work and qualifications.

The second objective is focused on the need for training systems to be more proactive. They should be able (a) to adapt to the implications of future technological development for new and existing

¹ CES 1123/89.

occupations, (b) to ensure that the new skills and qualifications are catered for as they are required.

Eurotecnet I (1985-1988) sprang from the Council Resolution of 2 June 1983 on vocational training and new information technologies. It established principles for raising the level of qualifications and highlighted the need to link training activities to technological innovation and internal company restructuring. It also emphasizes the additional added value to be gained from linking up national innovation in the field of training.

The Eurotecnet I format is being retained, i.e. a network of exemplary demonstration projects will be established to be drawn from the different economic sectors, and covering the range of technological developments as well as the needs of special groups such as women, young unqualified people and the unemployed who are also underskilled.

The new programme is also a direct response and follow-up to Community-level efforts to improve the social dialogue between employers and trade unions concerned with the training and motivation of the workforce in the face of technological change, particularly in the context of the single market.

The Commission is proposing an initial budget of ECU 29 million for the three years to the end of 1992; this should ensure high levels of added value and the 'multiplier' effect to the Community effort. An important aspect of the funding arrangements is the involvement of the European Social Fund, enabling the benefits of the Eurotecnet programme to be exploited on a broad front.

The philosophy of 'subsidiarity' fully applies to the programme, with Member States being called upon to implement a common framework of principles for the development and improvement of training policies and systems in the new technologies.

The Community's role will be to support and supplement measures taken at national level with a series of animation, dissemination and coordination actions. Particular attention will be given to channeling expertise in training to those regions of the Community which lack the human resources required to take advantage of technological progress within the internal market.

Gist of the Committee Opinion ¹

The Economic and Social Committee adopted its Opinion unanimously. It endorses the proposal, agreeing with the Commission that technological change requires even greater efforts to improve workers' skills in all fields of activity and at all levels. The move towards a single market represents an additional challenge in that workers are now required to be more professionally and geographically mobile than before and ready to work abroad. Eurotecnet II can help to improve the transparency of basic and further training in the Community, further the exchange of experiences, and ensure that training curricula and methods which have already proved successful in one place can benefit other regions in other Member States.

In its specific comments the Committee states that special help and support should be given in overcoming the language problems associated with the development of links between demonstration projects. Help is needed with interpreting for workshops and round-table discussions attended by the organizers of similar projects, and with the translation of project descriptions, material and documentation.

The Committee particularly welcomes the plan to set up European training and technology consortia. However, the enterprises to be included must be chosen with great care so as to ensure that the consortia cover the widest possible range of experiences, attitudes and approaches. This means including not only enterprises of different sizes and from different sectors but also training establishments not linked to firms or covering several firms. The social partners must also be properly represented in the consortia in the interests of furthering and developing the 'social dialogue'.

The Committee also supports the Commission's view that training staff can have a 'multiplier effect' and so should play a central role in the exchange of training programmes. To provide training staff with the necessary information, more use should be made of the appropriate national bodies, be they trade associations, authorities, chambers or institutes.

This Opinion was drawn up in the light of the paper produced by the Section for Social, Family, Educational and Cultural Affairs, chaired by Mr Carroll (Ireland — Workers). The rapporteur was Mr Nierhaus (Germany — Workers).

¹ CES 1130/89.

7. COMPUTER PROGRAMS

Proposal for a Council Directive on the legal protection of computer programs [COM(89) 816 final]

Gist of the Commission document

Computer programs are at present not clearly protected in all Member States by existing legislation and such protection, where it exists, has different attributes.

Certain existing differences in the legal protection of computer programs have direct and negative effects on the functioning of the common market. Those differences need to be removed and new ones prevented from arising.

The Community's legal framework on the protection of computer programs can be limited to establishing that Member States should accord protection to computer programs under copyright law as literary works, and who and what should be protected, the exclusive rights and for how long the protection should apply.

The proposed Directive states that a computer program shall not be protected unless it satisfies the same conditions as regards its originality as apply to other literary works.

The author of a computer program is the natural person or group of natural persons who have created the program. The proposed Directive establishes who is entitled to exercise all rights in respect of the program when it was created:

- (a) by a group of persons;
- (b) under a contract;
- (c) in the course of employment;
- (d) by the use of a computer program.

The exclusive rights shall include the right to authorize the reproduction, the adaptation and the distribution of a computer program.

Protection shall be granted for 50 years from the date of creation.

Gist of the Committee Opinion ¹

The Economic and Social Committee adopted its Opinion unanimously. It stresses the importance of keeping as close as possible to the Berne Convention.

The Commission does not define 'originality'. As the interpretation of this word in law differs from Member State to Member State, the continued existence of different degrees of originality in the Member States could act as a barrier to trade in computer programs between Member States. The Committee suggests a number of elements to be incorporated in a possible definition of 'originality'.-

Program authorship: the Committee believes that it is right that the first owner of the copyright in commissioned works should be the person who has ordered and paid for them.

The Commission has not placed any geographical restriction on exhaustion of rights (such as a restriction to the Community). Whatever the merits of a geographical restriction the Committee considers this a matter of trade as opposed to copyright legislation. The Committee supports the objective of the clause that specifies clearly in terms of copyright law that the position of EC individuals and companies acquiring program licences from copyright holders outside the Community is protected. However, the whole question of parallel importing of computer programs from outside the Community requires further study by the Commission.

The Commission should consider including the right to make backup copies of a program as one of the user's general rights.

Term of protection: the Committee stresses the advantage of adhering closely to the Berne Convention. Consequently, it suggests that the term of protection shall be the life of the author (or, if there is more than one author, the life of the last author to die) plus 50 years. The term of protection for a computer-generated work shall be 50 years from the date of generation.

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 Moreland (United Kingdom — Various Interests).

¹ CES 1121/89.

8. TELECOMMUNICATIONS TERMINAL EQUIPMENT

Proposal for a Council Directive on the approximation of the laws of the Member States concerning telecommunications terminal equipment, including the mutual recognition of their conformity
[COM(89) 289 final]

Gist of the Commission proposal

The aims of the proposed Directive are:

1. To establish the final stage of the implementation of the single market for telecommunications terminal equipment based on the essential requirements already specified in Directive 86/361/EEC.¹
2. To bring into force, as part of the procedure for the approval of terminal equipment to be placed on the market, harmonized procedures for certification, testing, marking, quality assurance and product surveillance, to ensure adherence to the essential requirements mentioned above.
3. To guarantee the right to connect terminal equipment, legally placed on the market, to public telecommunications networks without further procedures.

Gist of the Committee Opinion²

In its Opinion, adopted unanimously, the Committee views with concern the discrepancy between the rapid pace of technical developments in the field of information technology and telecommunications on the one hand, and the time-consuming standardization and administrative work required to incorporate these new developments into uniform standards for the whole of the EC on the other.

To ensure optimum effectiveness of the Commission's measures aimed at mutual recognition of the conformity of telecommunications terminal equipment, the Committee recommends that the terminology used in all Directives in this sector be standardized.

¹ OJ C 303, 25.11.1985, p. 2 (rapporteur: M. Nierhaus).

² CES 1120/89.

In the Committee's view the present Directive will only be fully effective if as many national standards and specifications as possible are harmonized. This standardization work at EC level is a matter of special urgency. It is no longer sufficient to harmonize existing national standards by means of a long process of adjustment throughout the Community. Bodies such as the European Community for Standardization (CEN), the European Committee for Electrotechnical Standardization (Cenelec) and the European Telecommunications Standards Institute (ETSI) must adopt a forward-looking approach so that EC technical standards are generally available before the production stage is reached. This is the only way to stem the emergence of *de facto* standards and the distortion of competition which such standards bring.

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 Nierhaus (Germany — Workers).

9. RADIOACTIVE WASTE

Proposal for a Council Decision adopting a specific research and technical development programme for the European Atomic Energy Community in the field of management and storage of radioactive waste (1990-1994)

[COM(89) 226 final]

Gist of the Commission document

The research programme in the field of management and storage of radioactive waste comes under research activity 5 'Energy' of the framework programme of Community activities in the field of research and technological development (1987-1991),¹ and more specifically under activity 5.1. 'Fission: nuclear safety'.

The main objective of this programme, the fourth in this field, is to contribute to the demonstration and to the bringing to maturity of a complete system for radioactive waste management which ensures the safety of the population and the protection of the environment during all the handling phases, and in particular during the final disposal phase.

¹ OJ L 302, 24.10.1987, p. 1.

The proposed programme is a continuation of the current 1985-1989 programme.¹ The Commission proposal follows the broad lines of that programme but incorporates a number of changes to take account of the results obtained and future requirements.

The new programme, to which the Commission proposes to allocate the total sum of ECU 79.6 million (including an appropriation to cover the cost of a staff of 14), will be in two parts embracing the following fields of research:

- Part A: Waste management and associated R&D actions*
(ECU 46.2 million)
- Task A:* System studies and harmonization of waste management practices and policies (ECU 3.8 million)
- Task 2:* Treatment of radioactive waste (ECU 6.8 million)
- Task 3:* Characterization and qualification of waste forms, packages and their environment (ECU 16.8 million)
- Task 4:* Radioactive waste disposal; research in support of the development of underground repositories (ECU 16.8 million)
- Task 5:* Safety assessment (ECU 2 million)

- Part B: Construction and/or operation of underground facilities open to Community joint activities* (ECU 25 million)
- Project 1:* Pilot underground facility in the Asse salt mine in the Federal Republic of Germany (ECU 15 million)
- Project 2:* Pilot underground facility in the argillaceous layer under the Mol nuclear site in Belgium (ECU 5 million)
- Project 3:* Underground validation facility in France (ECU 3 million)
- Project 4:* Underground validation facility in the United Kingdom (ECU 2 million)

The remainder of the budget, i.e. ECU 8.4 million, is intended to cover management and administrative expenditure (including staff costs).

These activities will be conducted primarily in the form of shared-cost research contracts. Study contracts and training and mobility grants may also be awarded.

¹ OJ L 83, 25.3.1985, p. 20.

The proposal for a Council Decision also lays down the evaluation criteria for the programme.

Gist of the Committee Opinion ¹

In its Opinion, adopted unanimously, the Committee welcomes the Commission's new programme in principle and stresses that even if there are differences of opinion within the Community as to the future of nuclear energy, it is undeniable that, whatever decisions are taken on the matter, a system for managing radioactive waste disposal must be set up.

More generally, the Committee stresses that dealing with the problem posed by waste in an industrial society calls for significant R&D efforts in various scientific fields and a concerted approach by the authorities, the aim being to eliminate disturbances to the ecological balance caused by conventional waste and to prevent any disturbance from being caused by nuclear waste.

The Committee also emphasizes that in addition to the technical factors essential for the management of nuclear waste covered by the programme, commitment and the promotion at all levels of a real political dialogue in order to achieve a wide consensus on the subject are indispensable to the success of the programme.

The Committee takes the view that in the long term the research results can lead to safe storage installations only if, once the technical conditions are fulfilled, public opinion is informed and realizes the need for, and rightness of, the solutions adopted.

This Opinion was drawn up in the light of the paper produced by the Section for Energy, Nuclear Questions and Research chaired by Mr Romoli (Italy — Employers). The rapporteur was Mr Flum (Germany — Workers).

¹ CES 1128/89.

10. RECHAR

Regional action programme on the initiative of the Commission concerning the economic conversion of coal mining areas (Rechar)

Gist of the Commission proposal

In the context of reform of the structural Funds, the Commission has proposed a preliminary initiative in the form of an operational programme of regional action.

The aim is to encourage the conversion of the Community's coal mining areas along the lines of the Resider (steel-making areas) and Renaval (shipbuilding) programmes.

Since the beginning of the 1960s the coal industry has been experiencing severe problems which have necessitated massive restructuring. Over the last 30 years coal production has fallen by half, with the loss of a million jobs.

Faced with competition from other energy sources, coal's share of total energy consumption has fallen steadily throughout the Community, to less than 22% in 1988. This trend is likely to continue in the next few years.

Most coal mining areas affected by the crisis are in declining industrial regions which have also experienced restructuring in other key sectors. In some cases coal mining areas are a serious, but isolated problem in otherwise relatively prosperous regions.

The concrete objectives of the Rechar programme are:

- (i) to improve the physical and socio-economic environment of the areas concerned;
- (ii) to promote alternative economic activities and in particular the setting up and development of small firms.

The list of eligible areas will be published by the Commission. Unemployment in the coal industry will be the key criterion in delineating the eligible areas.

Measures which will be eligible for support from ERDF, ESF and ECSC funds are *inter alia*: environment improvement, the redevelopment of industrial premises, the promotion and development of small firms, the promotion of tourism, the setting up of conversion and regional development firms, social infrastructure and vocational training.

The amount of the funding available over the five year span of the Rechar programme (1990-1994) will be fixed when the programme is finally adopted.

Gist of the Committee Opinion ¹

Without seeking to apportion blame for the crisis in coal mining areas, the Committee unanimously endorses the Commission's measures to relaunch and diversify economic activity in these areas. The Committee stresses that these measures should not cause the energy policy objectives outlined in 1986 to be forgotten, e.g. the maintenance of a minimum of competitive activity in the sector concerned.

The essential preconditions for the success of the programme are: complete integration of national, regional and Community activities, suitable participation by local economic and social interest groups, and a programme of training and/or retraining for workers in time to forestall major social problems linked to unemployment.

This new impetus should concentrate, *inter alia*, on new technologies and protection of the environment.

The Committee criticizes the proposal's lack of financial detail and suggests the setting up of suitable regional bodies, where no such bodies already exist, to administer Rechar funds. These funds must be additional to, and not a substitute for, other aid measures.

The Committee also suggests various amendments to the Articles of the draft Decision, e.g. with regard to the delineation of eligible zones and unemployment measurement thresholds.

This Opinion was drawn up in the light of the paper produced by the Section for Regional Development and Town and Country Planning chaired by Mr Vasco Cal (Portugal — Workers). The rapporteur was Mr Schmitz (Germany — Workers).

¹ CES 1136/89.

11. ABOLITION OF LODGEMENT OF THE TRANSIT ADVICE NOTE

Proposal for a Council Regulation (EEC) amending Regulation (EEC) No 222/77 in respect of the abolition of lodgement of the transit advice note on crossing an internal frontier of the Community
[COM(89) 331 final — SYN 205]

Gist of the Commission document

Council Regulation (EEC) No 222/77 of 13 December 1976 on Community transit ¹ obliges carriers to present a transit advice note to the customs office at the point of entry into each Member State through which goods pass in the course of a Community transit operation. This makes it possible, in cases where goods are not produced at the office of destination, to establish the Member State where the irregularity is deemed to have taken place and where any charges payable are to be collected.

The obligation to complete and then lodge a transit advice note at each frontier is, as far as traders are concerned, not compatible with the objectives of the abolition of formalities in intra-Community trade.

The Commission therefore proposes to abolish the note and introduce a substitute procedure as a transitional phase towards the abolition of formalities in intra-Community trade.

However, as a space without internal frontiers must allow goods to circulate without obstacles, the Community transit procedure must be adapted in order to take account of the abolition of those frontiers by 31 December 1992 at the latest. The Commission thus intends to present a complementary proposal during the second half of 1989, the objective of which will be to adapt the Community transit procedure accordingly.

Gist of the Committee Opinion ²

In its Opinion, adopted unanimously less one abstention, the Committee approves the Commission proposal, which conforms with the programme of measures contained in the White Paper and involves

¹ OJ L 38, 9.2.1977, p. 1.

² CES 1137/89.

the re-launch of a proposal which has been before the Council for 10 years.

The new substitute procedure, although satisfactory for operators, calls for the following comments:

- (i) the disappearance of goods can also be the result of fraud (deficits, surpluses and forged invoices). Apart from the taxation to be applied, penalties (usually fines) may be imposed. This raises the question of what legal procedure to apply. As harmonization of this sphere is not planned yet, it would be useful to specify that Member States must penalize any breaches effectively;
- (ii) rather than imposing the highest rate of tax applicable in the Community as it proposes, the Commission is asked to consider applying the tax of the country of departure on condition that the principal guarantees the difference between the tax of the country of departure and the highest applicable tax in the Community, which could be due if the goods disappeared.

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

12. TAX-PAID ALLOWANCES IN INTRA-COMMUNITY TRAVEL

Proposal for a Council Directive amending Directive 69/169/EEC to increase in real terms the tax-paid allowances in intra-Community travel
[COM(89) 331 final — SYN 205]

Gist of the Commission document

The Community adopted common travellers' allowances for goods from another Member State in 1969 by means of Council Directive 69/169/EEC. This introduced a tax exemption for persons travelling within the Community that was equal at the time to 75 units of account for goods not subject to any specific quantity limits. That amount has since increased on a number of occasions, essentially to take account of inflation. On the occasion of the increase in 1985 it was stipulated that Denmark, Greece and Ireland were to be allowed certain derogations.

Directive 69/169/EEC also contains specific quantity limits for some goods subject to excise duties such as alcoholic drinks, tobacco and perfumery.

After the implementation of the Single European Act, the Commission proposed in August 1987 in a series of proposals that the concept of 'export' and 'import' inside the Community should be discontinued. In future, export will only take place if the goods are removed to a third country. This means that only goods which are bought tax paid will be able to circulate freely inside the Community.

As a consequence, persons buying goods tax paid on the open market will be able to take them with them freely and in whatever quantities they wish. They would no longer be liable to be stopped at internal frontiers and asked to pay tax at import, leading to double taxation.

In order to respect these obligations imposed by the Single Act, it is evident that progress towards this situation of no longer having restrictions means that the current travellers' allowances must be increased in real terms in stages between now and the completion of the internal market so that the restrictions become progressively lighter.

Concretely the Commission proposes that the value allowance for non-excise goods (i.e. goods subject only to VAT) be quadrupled by 1 January 1992 in three equal stages, i.e. ECU 800 on 1 January 1990, ECU 1 200 on 1 January 1991 and ECU 1 600 on 1 January 1992.

This change will not lead to the creation of commercial currents of imports as the allowances are only for the goods which form part of the personal luggage of a traveller.

The Commission proposes that the special allowances in force for Denmark, Greece and Ireland be phased out so that the unit limit becomes ECU 340 on 1 January 1990 increasing to ECU 750 (approximately 60% of the 'normal' allowance of ECU 1 200) on 1 January 1991. It has not been considered necessary to provide for further derogations after 1 January 1992.

Specific quantity allowances are laid down for the goods subject to excise duties. Given the nature of the goods concerned (wines, tobacco, etc.), the Commission has proposed to only double the amounts involved by 1992 in three equal steps on 1 January 1990, 1 January 1991 and 1 January 1992.

The Commission proposes that the allowances for tea and coffee be abolished from 1 January 1990 for both intra-Community traffic and third country traffic.

The special Danish derogation for travellers who have been out of Denmark for less than 48 hours should be abolished by 1993 also in three stages, and the period should be reduced to 24 hours from 1 January 1991.

Gist of the Committee Opinion¹

In its Opinion, adopted by a large majority with 2 votes against, the Committee approves the proposal as part of the measures to eliminate border controls at the Community's internal frontiers from 1 January 1993.

The exceptions designed to protect the Danish retail trade are considered as transitional measures which cannot compromise the free movement of goods and people within the Community after 1 January 1993.

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

13. RATES FOR THE CARRIAGE OF GOODS BY ROAD

Proposal for a Council Regulation (EEC) on the fixing of rates for the carriage of goods by road between Member States
[COM(89) 188 final]

Gist of the Commission document

The current system for fixing rates for the carriage of goods by road between Member States is governed by Council Regulation (EEC) No 3568/83 of 1 December 1983,² as amended by Council Regulation (EEC) No 1991/88 of 30 June 1988.³ Article 20 of this Regulation makes it apply until 31 December 1989.

¹ CES 1138/89.

² OJ L 359, 22.12.1983, p. 1.

³ OJ L 176, 7.7.1988, p. 5.

Regulation No 3568/83 sets out a mixed system with reference tariffs side by side with compulsory tariffs. It should be pointed out that:

- (a) in 1984 the Benelux countries decided to convert their compulsory tariffs into reference tariffs;
- (b) Spain and Portugal opted for reference tariffs when they joined the Community in 1986;
- (c) at the Council meeting on transport on 20 and 21 June 1988 the Member States agreed to abolish the last remaining compulsory tariffs and convert them into reference tariffs with effect from 1 January 1989.

The present proposal sets out the general principle that from 1 January 1990 on the parties to a haulage contract will be free to agree the rates.

It opens up the possibility for the trade associations representing road haulage undertakings in each Member State to establish and update bilateral, multilateral or unilateral cost indices for their members.

The Member States and the Commission must be able to obtain the information which they need on rates actually charged in order to fulfil their obligation to monitor trends on the transport market in the interests of society at large.

Gist of the Committee Opinion ¹

In its Opinion adopted by 76 votes for, 44 votes against and 5 abstentions the Committee feels that total deregulation of rate-fixing could seriously harm all parties in this sector (carriers, users and the workforce — both employees and self-employed).

The Committee recommends that new progressive arrangements for this sector should differ at least partially, from those at present proposed. They should be designed to ensure transparency, competition, plurality and safety, with the competent Community authority continuing to play an operative and guiding role but without creating further bureaucratic structures.

The new arrangements should involve the following:

- (i) updating of the current reference tariff system, with the introduction of arrangements for specifying cost indices;

¹ CES 1132/89.

- (ii) these indices will form the key yardstick for rate-fixing;
- (iii) appointments of bodies (e.g. Chambers of Commerce system) to compile these indices under public (preferably Community) supervision, involving all parties concerned (carriers, users, workforce).
- (iv) possibility of the same authority monitoring the rates charged (Article 5 of the Commission proposal).

On a more general level, the Committee takes the opportunity to stress the need for a framework regulation to underpin the new, coherent transport policy which is made increasingly necessary by the present distortions (which will worsen unless action is taken) and the approach of 1992. It is becoming increasingly difficult (or even irrational) to evaluate piecemeal proposals which fail to provide an overall picture of what is being planned.

At all events provision must be made for a transitional period, during which periodical checks should be carried out. The Committee urgently hopes that this phase can be completed by 31 December 1992.

The Committee protested on a matter of form; the Council press release contains no reference to the Committee in the shape of the phrase 'pending the Opinion of the Economic and Social Committee', despite the fact that referral is mandatory.

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).

14. MARITIME TRANSPORT — DANGEROUS GOODS IN PACKAGE

Proposal for a Council Directive concerning minimum requirements for vessels entering or leaving Community ports carrying packages of dangerous or polluting goods
[COM(89) 7 final]

Gist of the Commission document

Directive 79/116/EEC lays down minimum requirements for tankers entering or leaving Community ports carrying bulk consignments of oil, gas or chemical products. The aim of the Directive is to reduce

the risk of accidents involving these tankers in the Community's coastal waters.

There is a major loophole in the Directive, however, in that it fails to include shipments of dangerous goods in packages, containers, tanker wagons, tanker lorries, mobile tankers, etc. There has been a significant increase in shipments of dangerous goods in recent years, with a consequent increase in the risk of accidents.

The aim of the present Commission proposal is to equip the Community with appropriate legislation to cover this loophole. More specifically, it requires vessels entering or leaving Community ports and carrying dangerous goods in packages to comply with certain minimum requirements designed to improve the safety of shipping, protect human life and safeguard the marine environment and coastal areas of the Member States.

The Commission proposal is primarily concerned with the information and notification procedure to be followed by vessels carrying dangerous goods in packages, and the type of information to be given.

Gist of the Committee Opinion ¹

In its Opinion, adopted unanimously, the Committee has a number of reservations about the way the Commission is handling the issue. It warns that in the highly internationalized area of protection of the marine environment, to introduce Community standards and requirements could result in conflict with international standards. The Committee points out that international regulations already exist for the prevention of pollution by harmful substances carried by sea in packages (Annex III of the International Marpol Convention). These were adopted by the International Maritime Organization (IMO), a specialized agency of the United Nations which is the body 'par excellence' for dealing with shipping safety and protection of the marine environment. The Section emphasizes that Marpol sets the highest standards and that Community vessels already meet them.

The Committee generally feels that to adopt regional controls in addition to the internationally agreed measures established and implemented through the IMO would lead not to an improvement in safety but to confusion and misunderstanding.

¹ CES 1127/89.

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 Mrs Bredima-Savopoulou (Greece — Employers).

15. FISHERIES/MARKETING STRUCTURES

Proposal for a Council Regulation (EEC) on the improvement of the conditions under which fishery and aquaculture products are processed and marketed [COM(89) 187 final]

Gist of the Commission proposal

The proposed measures contribute towards the objectives of economic and social cohesion and towards Objective 5(a) — speeding up the adjustment of agricultural structures — as defined in the framework Regulation on the reform of the structural Funds.

This reform involves the repeal, on 31 December 1989, of Regulation 355/77 on the improvement of the conditions under which agricultural products are processed and marketed.

The Commission's proposal is intended to replace Regulation 355/77 as regards the processing and marketing of fishery and aquaculture products. In the Commission's view, the time has come for a clear distinction to be made between the processing and marketing of fishery and aquaculture products and equivalent operations in respect of agricultural products.

The adoption of separate regulations is justified by the fact that the processing and marketing of fishery and aquaculture products fall within the scope of the common fisheries policy. Furthermore, the processing industry for fishery and aquaculture products needs to be developed more intensively in order to improve the Community's negative balance of trade, which is due to the large volume of imported fishery and aquaculture products (about ECU 4 billion per year).

Under the provisions of the proposed Regulation, each Member State will be required to draw up a sectoral plan, on the basis of which the Commission will adopt appropriate Community measures. This will improve coordination, effectiveness and planning.

It will also be possible to ensure greater compatibility with other policies making up the common fisheries policy, in particular the policy to improve and adjust structures in the fisheries and aquaculture sectors, as defined in Regulation 4028/86.

The proposed Regulation applies to all regions of the Community, but stipulates higher rates of aid for schemes to be applied in the regions covered by Objective 1 (less-developed regions). This is consistent with the demands of economic and social cohesion.

Operational programmes and global grants will be the main forms of aid.

Gist of the Committee Opinion ¹

In its Opinion, adopted unanimously, the Committee welcomes the introduction of a special Regulation for fisheries and aquaculture products, seeing that these have quite distinct problems from agricultural products. The general aim of the Regulation is approved. It feels however that, compared with Regulation 355/77, the general aims are insufficiently clearly stated and too many references made, without explanation, to other Community legal instruments.

The Committee is also concerned that the historic underfunding of this sector is to continue and that inadequate allowance has been made for inflation. It is surely unrealistic to bring forward a Regulation when the available funding will clearly be insufficient to meet the applications for all suitable projects. The Committee suggests that the possibility of establishing a type of NCI (New Community Instrument) applicable to this sector be examined. This would be self-financing but allow for borrowing at lower rates of interest because of the borrowing powers of the EIB. In view of the fact that the breeding, reproduction and raising of fish and other seafoods by means of aquaculture, in fresh and brackish waters, is an increasing activity it would, in the Committee's view, be illogical for production facilities making use of raw material from these sources not to be accorded equal treatment under this Regulation with that derived from seawater installations.

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 Hancock (United Kingdom — Employers).

¹ CES 1126/89.

16. FOUR DAIRY PROPOSALS

Proposal for a Council Regulation (EEC) amending Regulation (EEC) No 775/87 temporarily withdrawing a proportion of the reference quantities mentioned in Article 5 (c)(1) of Regulation (EEC) No 804/68 on the common organization of the market in milk and milk products

Proposal for a Council Regulation (EEC) amending Regulation (EEC) No 766/89 establishing, for the period running from 1 April 1989 to 31 March 1990, the Community reserve for the application of the levy referred to in Article 5 (c) of Regulation (EEC) No 804/68 in the milk and milk products sector

Proposal for a Council Regulation (EEC) amending Regulation (EEC) No 804/68 on the common organization of the market in milk and milk products

Proposal for a Council Regulation (EEC) amending Regulation (EEC) No 857/84 adopting general rules for the application of the levy referred to in Article 5 (c) of Regulation (EEC) No 804/68 in the milk and milk products sector

Gist of the Commission proposals

In respect of the objective of restoring a better balance in the market, the situation in the sector is now much improved. This is evident from the 7.4 million tonnes decline in deliveries, the drop in the manufacture of intervention products, the disappearance of public stocks and the virtual obsolescence of the intervention buying system. The international market situation has developed favourably as a result, but export markets remain fragile and a renewed increase in production in OECD countries could put the improvements at risk.

The restoration of a better balance to the market has been accompanied by a reduction in budget expenditure and a satisfactory level of producer incomes. Therefore, it is not proposed to make changes to the system, which would lessen the overall effectiveness of the quota system in ensuring that the supply of milk does not expand.

However, there is not the same cause for satisfaction with regard to the mechanisms which have assured this control of quantities.

The major element of malfunctioning relates to the quantities of quota currently suspended and for which compensation is paid. There is a considerable excess of deliveries above the levels of quota available, and the Commission believes this anomaly is very largely attributable to the weakening of the dissuasive effect of the super-levy resulting from the way in which compensation is paid for the suspended quantities. Compensation is paid even in cases where the producer exceeded his available quota. The result has been that the nominal amount of super-levy paid is not only reduced by the effect of inter-regional compensation but also by the amount of compensation. In the Commission's view this is a distortion of the system because, depending on their situation, producers are able to produce profitably in excess of their available quota, while others have little or no possibility of improving their position. For that reason, the Commission proposes that the right to compensation would be limited to producers who do not exceed their available quota. It will result in a reduction of over-quota production and the actual level of production will be more in line with the level of quotas available taking into account the suspended quantities.

A number of problems of different categories of producers, in particular the hardship cases (as defined in Articles 3 and 4 of Regulation 857/84), the young farmers, new entrants, small farmers with sub-viable quota allocations and developing farmers have not had the circumstances adequately treated in all Member States. The pattern of problems across Member States is by no means uniform, and it is not realistic to propose a single set of measures to be applied in every Member State. For that reason, the Commission proposes, within the overall objective of maintaining deliveries in line with the actual level of available quotas, allocating extra quota to these special cases.

In order to respond to these problems the Commission proposes to increase the Community reserve by the quantity necessary to allocate to each Member State a 1% increase in its global quantity. General rules will be established to determine how the allocations to individuals should be made, while leaving Member States sufficient freedom to adopt a plan (subject to Commission approval) which answers their own particular needs, especially for hardship cases, encouragement of young farmers or new entrants, small farmers, improvement of the structure in hill areas. In Member States where the sum of the reference quantities allocated exceeds the guaranteed global quantity, the Commission insists that the increased reserve in its totality be utilized to solve this problem.

In order to respect the available guaranteed total quantity, the Commission proposes to transform 1% of the 5.5% suspended quantities into a definitive reduction of the guaranteed total quantity. Furthermore, given the change proposed above on the tightening of the rules regarding the payment of compensation for the suspended quotas, which will result in a reduction of over-quota production, in the Commission's view the allocation of extra quotas to special cases will not result in more milk produced in total.

The combination of these two major actions, which the Commission will insist are taken together, will enable the overall effect of the quota system on supply to be maintained, bring the supply of milk much more closely into line with the allocated quotas, improve the functioning of the suspension/compensation system, and reduce the stresses which have accumulated within the system with regard to particular categories of producers. In the light of this rebalancing and given the reduction in the withdrawn quantities resulting from the transformation of 1% of suspension into 1% of definitive reduction, it will be possible, in the Commission's view, to maintain (until the end of the eighth period, as foreseen in current legislation) the total compensation payable to producers through a corresponding increase of the amount per 100 kg.

The effect on individual producers will be that nobody will have their available quota reduced, nor will the level of compensation currently provided for be reduced for those who do not exceed their available quota. Certain categories of farmers will receive an increase in their allocated quota, depending upon the dispositions in the Member State concerned. Over-quota production will become significantly less profitable, and therefore current levels of production on farms now exceeding their quota will be considerably reduced. It is expected that through this modification, total levels of production will not increase and therefore the overall market situation will remain unchanged.

Under those circumstances, there should be no negative impact on the budget. The proposal not to pay the compensation to the extent that farmers exceed their available quota should result in a considerable reduction of over-production and in less expenditure on compensation payments. This should more than offset the increase of 1% allocated to the reserve.

Gist of the Committee Opinion¹

In its Opinion, adopted unanimously, the Committee approves the Commission's proposals.

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 Schnieders (Germany — Employers).

17. SET-ASIDE REIMBURSEMENT RATES

Proposal for a Council Regulation (EEC) amending Regulation (EEC) as regards the rates of reimbursement for the set-aside of arable land
[COM(89) 353 final]

Gist of the Commission proposal

In order to achieve a more effective and balanced implementation of the set-aside scheme, the Commission proposes that the Member States should take steps to ensure that adequate publicity is given to inform all potential beneficiaries of the opportunities it affords.

At the same time, the Commission is amending the reimbursement rates for land set aside from 1 July 1989.

The increased Community financing will cost an extra ECU 32 million in 1990.

Gist of the Committee Opinion²

In its Opinion, adopted unanimously, the Committee notes that the set-aside scheme has not produced the intended effects. The Committee sees the present proposal as only one means of ensuring that the set-aside mechanism is used in an effective and balanced manner. It therefore asks the Commission to use the instruments at its disposal to press the Member States to set their aid at a level which truly reflects the agronomic and economic needs of the various regions.

This Opinion was drawn up in the light of the paper produced by the Section for Agriculture and Fisheries chaired by Mr Laur (France —

¹ CES 1125/89.

² CES 1134/89.

Various Interests). The rapporteur was Mr Luchetti (Italy — *Various Interests*).

18. IRISH AGRICULTURAL STATISTICS

Proposal for a Council Decision amending Decision 88/390/EEC on special support for the development of agricultural statistics in Ireland
[COM(89) 383 final]

Gist of the Commission proposal

In response to the Irish authorities' request, the Commission is proposing that the programme for the development of agricultural statistics in Ireland be extended for one year. This extension will not entail any increase in the original spending.

Gist of the Committee Opinion ¹

In its Opinion, adopted unanimously, the Committee approves the Commission's proposals.

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 Kelly (Ireland — Various Interests).

19. PROTECTION OF VERTEBRATE ANIMALS

Proposal for a Council Decision on the conclusion, on behalf of the Community, of the European Convention for the protection of vertebrate animals used for experimental and other scientific purposes
[COM(89) 302 final — SYN 198]

Gist of the Commission document

The Convention covered by this proposal has already been signed by the EEC in 1986, but for procedural reasons the Member States must also sign individually and see that the instruments of ratification be deposited at the same time.

¹ CES 1124/89.

Four Member States have not yet signed — Ireland, Italy, Luxembourg and Portugal — and this proposed Decision will oblige them to do so.

Gist of the Committee Opinion ¹

In its Opinion, adopted unanimously, the Committee supports the proposal, noting with concern that no Member State has yet ratified (and four have not even signed) the Convention.

It also supports the plan to establish a European Centre for the Development and Validation of Alternative Testing Methods.

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 Storie-Pugh (United Kingdom — Various Interests).

20. ERASMUS II PROGRAMME

Proposal for a Council Decision amending Decision 87/327/EEC of 15 June 1987 adopting the European Community action scheme for the mobility of university students (Erasmus)
[COM(89) 392 final]

Gist of the Commission proposal

The Erasmus programme for the mobility of students within the European Community launched in June 1987 has been warmly received by students and universities in the 12 Member States. In the first three years of its operation, nearly 40 000 students and 8 000 members of the teaching staff will have spent time abroad under 2 000 inter-university cooperation programmes involving 1 000 higher education establishments. The total amount of financial support requested was more than three times the budget available (ECU 93.7 million).

The lessons learned from the process for evaluating the initial two years of the programme have made it possible for the Commission to propose the following amendments to the Council Decision of 15

¹ CES 1122/89.

June 1987 adopting the Community action scheme for the mobility of university students:

- (i) the introduction of multi-annual financial support (three years) for the inter-university cooperation programme to encourage long-term commitment on the part of the universities;
- (ii) the extension of the programme to certain categories of student hitherto excluded. These are mainly students who have completed a course of studies in their own country and who now wish to embark on another elsewhere in the Community;
- (iii) the minimum duration of stay for students has been increased to six months with a view to making periods of study abroad more profitable from the linguistic, academic and cultural point of view;
- (iv) 5% of the funds intended for student grants has been set aside to offset certain imbalances in geographic distribution and between the various disciplines;
- (v) an opportunity for the universities to obtain financial support for the linguistic preparation of students prior to their departure. This is a determining factor in the success of exchanges;
- (vi) certain other amendments of a more formal nature meeting the need expressed by the universities for more flexible administration of the programme.

Although the second phase of Erasmus covers a five-year period (1990-1994), the Commission has confined itself to proposing a budget of ECU 192 million over three years under the inter-institutional budgetary agreement adopted on 15 February 1988. The financing of the last two years (1993-1994) will be examined in the light of the evolution of the financial forecasts. This represents more than twice the budget for the programme's initial three years (ECU 93.7 million).

The proposed breakdown of the budget is as follows:

1990	ECU 58 million
1991	ECU 63 million
1992	ECU 70 million

This would make it possible to finance the mobility of approximately 30 000 students in 1992, 2% of the student population of the European Community.

Gist of the Committee Opinion ¹

In its Opinion adopted unanimously, the Committee first underlines the importance of the Erasmus programme. It then points out that in the run-up to the internal market there is an urgent need to produce yet more graduates who have had direct experience of working in other EC Member States, in order to secure progress in vital economic and social cooperation within the Community.

The Committee firmly reiterates its support for the Community's general objectives with regard to increased mobility for students, namely its desire to increase to some 10% the proportion of students who spend time studying in another Member State. Since numbers still fall far short of this figure, the scale of the efforts needed to achieve the objective becomes clear. The Erasmus programme may further the objective but the Member States will have to make considerable efforts through their national exchange programmes if they are to get anywhere near the target percentage by 1992.

Experience has shown that the available resources are totally inadequate to promote all programmes which are deemed appropriate. The Committee therefore welcomes the proposal to increase the funding to ECU 192 million for a three-year period.

The Committee recommends that in future, in addition to such relatively short-term budgeting, the Commission also keeps in mind a longer-term view of further funding for the Erasmus programme.

The Opinion also stresses that linguistic and cultural preparation of exchange students is crucial to the programme's success.

In its concluding remarks the Committee calls upon the Commission to promote the mobility of other social groups in addition to students.

This Opinion was drawn up in the light of the paper produced by the Section for Social, Family, Educational and Cultural Affairs chaired by Mr Carroll (Ireland — Workers). The rapporteur was Mr Nierhaus (Germany — Workers).

¹ CES 1131/89.

New consultations

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

Proposal for a Council Decision amending Council Decision No 85/338/EEC in order to provide for the continuation of the Commission work programme concerning an experimental project for gathering, coordinating and ensuring the consistency of information on the state of the environment and natural resources in the Community

[COM(89) 542 final]

Proposal for a Council Regulation (EEC) amending Regulation (EEC) No 727/70 on the common organization of the market in raw tobacco

[COM(89) 424 final]

Proposal for a Council Decision on the conclusion of the agreement between the Swiss Confederation and the European Economic Community concerning direct insurance other than life assurance (SYN 220)

Proposal for a Council Directive on the implementation of the agreement between the Swiss Confederation and the European Economic Community concerning direct insurance other than life assurance

(SYN 221)

Proposal for a Council Regulation laying down special provisions for the application of Articles 36 and 37 of the Agreement between the European Economic Community and the Swiss Confederation concerning direct insurance other than life assurance

(SYN 222)

[COM(89) 436 final]

Proposal for a Council Regulation (EEC) amending Regulation (EEC) No 2727/75 on the common organization of the market in cereals

[COM(89) 449 final]

Proposal for a Council Decision concerning the further development of the Handynet system in the context of the Helios programme

[COM(89) 450 final]

Proposal for a Council Decision concerning the administration of bovine somatotrophin (BST)

[COM(89) 379 final]

Provisional future work programme

November 1989 Plenary Session

OPINIONS

Ecofin Section

Annual Economic Report 1989/90

Social Section

Pensions

[COM(89) 370 final]

Environment Section

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

[COM(89) 381 final]

EEC-accepted plant protection products

[COM(89) 34 final]

Tobacco advertising

[COM(89) 163 final]

Establishment of the European Environment Agency and the Monitoring and Information Network

[COM(89) 303 final]

Medical and health research — Cooperation agreement

EEC/Norway [COM(89) 388 final — SYN 215]

EEC/Switzerland [COM(89) 387 final — SYN 212]

EEC/Austria [COM(89) 389 final — SYN 214]

EEC/Sweden [COM(89) 390 final — SYN 213]

EEC/Finland [COM(89) 386 final — SYN 211]

State of the environment and natural resources in the Community (Corine)

[COM(89) 542 final]

Industry Section

Improvement of the business environment and promotion of the development of SMEs (Additional Opinion)
[COM(89) 102 final]

Harmonization of procedures for the release of goods of free circulation
[COM(89) 385 final — SYN 216]

Energy Section

Legal instruments on transparency of energy prices
[COM(89) 332 final]

Transit of natural gas in the Community
[COM(89) 334 final]

Investment schemes of interest to the Community in the oil, natural gas and electricity sectors
[COM(89) 335 final]

Increase in Community trade in electricity
[COM(89) 336 final]

Illustrative nuclear programme (PINC)
[COM(89) 347 final]

Regional Development Section

Envireg — Community regional programme
Declining industrial areas

Transport and Communications Section

Use of vehicles hired without drivers
[COM(89) 430 final]

Community civil aviation
[COM(89) 373 final]

Rules of competition — air transport sector
[COM(89) 417 final]

Relations between the Member States and the railways
[COM(88) 842 final]

External Relations Section

EEC relations with the countries of Eastern Europe (Information Report)

Preparations for the 13th annual ACP/EEC meeting

EEC/Latin America

GATT/Uruguay Round

Agriculture Section

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Commission's action programme for the attainment of basic social rights

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European cultural area (Additional Opinion)

General system for the recognition of professional education and training

[COM(89) 372 final — SYN 209]

Environment Section

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[COM(89) 162 final — SYN 192]

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[COM(89) 198 final]

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[COM(89) 282 final — SYN 217]

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[COM(88) 363 final]

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[COM(89) 262 final]

Tourism — harmonization and collection of statistical data

[COM(88) 652 final]

Industry Section

Spray suppression devices

[COM(89) 377 final — SYN 210]

18th competition policy report

[COM(89) 873 final]

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[COM(89) 376 final]

Section for Agriculture and Fisheries

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Protection of calves

[COM(89) 114 final]

Protection of pigs

[COM(89) 115 final]

Protection of animals during transport

[COM(89) 322 final]

Tobacco

[COM(89) 424 final]

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