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229th PLENARY SESSION

The 229th Plenary Session of the Economic and Social Committee of the European Communities was held in Brussels on 25 and 26 September 1985. The Chairman, Mr Gerd Muhr, presided.

Address by Mr Gerd Muhr, Chairman of the ESC

Institutional matters

'I should like to focus attention once again on the institutional matters on which I have already commented in connection with the work of the Dooge Committee. As you are aware, the Foreign Ministers met for the first time at the beginning of September in pursuance of the Milan decision to hold an intergovernmental conference. On this occasion, too, the two issues that have marked the debate in recent years emerged clearly, namely whether an attempt should first be made to utilize to a greater extent the room for manoeuvre offered by the existing Treaties and deepen the Community by engaging in new areas of activity, or whether a qualitative leap, a new institutional start, is needed.

These two options are reflected also in our work, particularly in the Opinion on the prospects for the 1980s. We came to the conclusion then — and this is still my personal conviction — that these are not alternatives and that progress can be made in the two areas in parallel.

The whole question of a people's Europe is also relevant to the deepening of the Community. You will therefore be interested to learn that the Chairman of the Preparatory Committee, Professor Adonnino, has expressed his appreciation of the ESC's positive contribution.

More than the other issues, the solution of the institutional problems is a task where time is pressing; while there may be differences of opinion on the details of how the decision-making process should be streamlined, all concerned are agreed that the procedures devised for a Community of six are no longer appropriate for a Community of twelve. Fundamental changes will therefore have to be made in this area by next year.

We, too, shall be directly affected by such institutional changes. In agreement with the Bureau I therefore contacted the Luxembourg Foreign Minister, as President of the Council, before the summer holidays to acquaint him once again with our basic wishes in connection with the intergovernmental conference. I also requested that the ESC be officially informed in due course about the work of this conference. I stressed the following requirements from our point of view:

- I. more extensive application of the majority principle in the Council of Ministers;
- II. a greater role for the European Parliament in the Community legislative process;
- III. an appropriate place for the advisory function, in the form of the ESC, in the institutional machinery of the Community. This means among other things that the ESC should produce Opinions not only for the Commission and the Council but also for the European Parliament.

This last requirement implies the following:

1. Earlier consultation of the ESC, particularly by the Commission, in the drafting phase.
2. Concentration of advisory activities in the ESC and no setting-up of new advisory bodies.

The ESC offers facilities to groupings of the two sides of industry which should operate with the greatest possible autonomy, e.g. the sectoral committees.

3. Greater powers regarding internal organization.

The ESC must above all be able to lay down its Rules of Procedure itself without being subject to the tutelage of the Council.

4. Improvement of members' status.

This covers both the question of an expense allowance, which does not exist at present, and the personal status of members.

5. Changing of the ESC's name to Economic and Social Council, with the status of Community institution.

I should like to lay special emphasis on the last point, since granting of institution status would enable the ESC to solve a lot of the above-mentioned problems itself. A precondition for this is that the ESC has the power to lay down its own Rules of Procedure and that certain provisions in our financial rules of 1977 are adapted accordingly.

Mr Poos, the Luxembourg Foreign Minister, replied immediately that the question of the ESC being informed about the deliberations of the conference would be placed before the conference and that we would be informed of the outcome.

I also sent an identical letter to the President of the Commission.

Mr Delors stated that he agreed that this conference should seek to bring about more majority decisions, greater involvement of the European Parliament and closer integration of the ESC in the institutional machinery.

He assured us that the Commission would endeavour to ensure that account is taken of the work of the ESC in the legislative process.

That is all I have to say about institutional matters.

The situation in South Africa

The second subject I should like to comment on is the situation in South Africa. Each day brings us reports in the press, on the radio and on television that cannot but shock.

The ESC cannot and will not shut its eyes to the events in South Africa. At stake here are not only moral principles and human rights but also democratic principles to which we as representatives of free associations are committed. The most recent decisions of the Council of Ministers mean that the problem of apartheid has now officially become a matter of concern to the Community. We should therefore endorse the final declaration adopted unanimously at the meeting of representatives of EEC and ACP socio-economic organizations and forward it to the Council of Ministers. The passage in question is as follows:

“ representatives of the economic and social sectors in the ACP countries and the European Communities urge that full weight be given to those provisions of Lomé III which underline the interaction between the development effort and the promotion of man and his fundamental rights, including his economic, social and cultural rights.

(They) emphasize that any form of discrimination is the very negation of these objectives (and) underline that the most institutionalized and most intolerable form of discrimination is the system of apartheid.

(They) urgently appeal to the parties to the Convention to condemn this system and to take all concrete measures likely to put pressure on the South African Government with a view to eradicating apartheid and establishing in South Africa a genuinely democratic regime based on equal rights for all.”

Opinions adopted

1. COMMUNITY AIR TRANSPORT POLICY

'Civil Aviation — Memorandum No 2 — Progress of work on a Community policy for air transport' (COM(84) 72 final).

Gist of the Commission document

The situation in the Community is so different from that in the USA — especially with State-owned, and hence State-financed, airlines common in Europe — that the Community cannot and must not strive for deregulation on the US model. With this in mind, the Commission proposals:

cover only intra-Community flights;

keep to the structure of the existing system with its mix of bilateral agreements and arrangements between governments and cooperation between the airlines;

none the less call for a number of changes to produce a more flexible system allowing competition greater play and aiming at making the airlines more efficient, at allowing efficient, innovatory airlines to make a profit, at stimulating growth and, hence, creating jobs and, finally, at providing a service more in tune with the passengers' requirements;

provide a safety-net guaranteeing the airlines of the Member States party to bilateral agreements at least 25% of the market.

The Commission is convinced that a package of measures along these lines will gradually put civil aviation on a more efficient footing and enable it to get a tighter grip on its costs and to take greater account of the passengers' interests, without disrupting the industry.

The policy is built around action to relax the current system of State control combined with inter-airline agreements and to pass on the resultant savings to the passengers.

This should result in:

a flexible market, but no disruption;

greater competition, but no deregulation;

flexible fares, but no dumping or excessively high fares;

cooperation between airlines (e.g. in the IATA or pools) but not at the price of stamping out competition;

greater mobility, but not at the expense of social progress; greater account being taken of passengers' requirements, but not without leaving the airlines a profit margin.

Since all the measures proposed are inextricably linked, they must be adopted and implemented as a single package.

Gist of the Committee Opinion¹

A policy which will encourage innovation and greater commercial freedom in European air transport is recommended in an Opinion adopted by 88 votes for and 4 votes against, by the Economic and Social Committee. The process which governs tariff formulation must take due account of consumer interests and result in tariffs which are flexible, responsive to the market, allow airlines to innovate and are rapidly adaptable; recently introduced reforms in this area should also be taken into consideration when tariffs are fixed. In the same vein, procedures for settling disputes between governments should be speeded up.

It is noted with satisfaction that the Commission Memorandum on the subject does not propose any US-type deregulation. However, some changes can be made to the regulatory framework. If such changes result in increased demand for international air transport services, more jobs will be created in the air transport and ancillary services. A larger air transport market will also benefit other economic activities, such as tourism, the hotel trade and industry.

The Opinion approves the Commission's proposals with regard to inter-airline consultations (especially with regard to the maintenance of customer/consumer benefits such as the interlining system). These consultations should be allowed but should not be made mandatory.

However, the regulatory changes should avoid disruption of the social environment which could be caused by more open competition. According to the ESC, the Memorandum does not devote enough space to the social aspects. For this reason, scope should be provided in future for consultations on the socio-economic implications of the air transport services proposals. Similarly, specific conditions of employment in air transport should be established by agreement between employers and employees and their organizations at national and local level.

The Opinion was drawn up in the light of the paper produced by the Section for Transport and Communications, chaired by Mr Delourme (Belgium - Workers). The Rapporteur was Mr Kenna (Ireland - Employers).

¹ CES 782/85.

2. EASING OF SOCIAL REGULATIONS (Supplementary Opinion)

**'Proposal for a Council Regulation (EEC) amending Regulation (EEC) No 543/69 on the harmonization of certain social legislation relating to road transport and Regulation (EEC) No 1463/70 on the introduction of recording equipment in road transport, and the draft Council Recommendation on the implementation of the social regulations in road transport'¹
(COM(84) 147 final/2 and COM(85) 458 final)**

Gist of the Committee Opinion of 27 February 1985

The Committee reached agreement in the following two key areas:

driving period: 9 hours daily; average of 45 hours weekly;

rest period: 12 hours daily and an average of 48 hours weekly over a four-week reference period.

The Committee authorized derogations on condition that they covered specific routes and specific types of transport. Such derogations involved increasing the daily driving period to 10 hours and shortening daily and weekly rest periods under conditions to be worked out in negotiations between employers and workers.

After hearing evidence from the Rapporteur, Mr L.J. Smith, the European Parliament by and large endorsed the Committee's Opinion. The Commission then amended its original proposal in accordance with the second paragraph of Article 149 of the EEC Treaty.

Gist of the Committee's additional Opinion¹

With its Additional Opinion, adopted by a large majority with 4 abstentions, the Committee hopes to issue a strong warning to the Council about the dangers of adopting other parameters. The revised social regulations should be flexible and socially progressive. They will, however, have to remain applicable and enforceable in practice if the other objective, i.e. road safety, is to be achieved.

In the Committee's Opinion, the provisions governing the daily rest period now being reworked in the Council's working party are likely to jeopardize the attainment of these objectives.

¹ CES 781/85.

This Opinion was drawn up in the light of the paper produced by the Section for Transport and Communications, chaired by Mr Delourme (Belgium - Workers). The Rapporteur was Mr L.J. Smith (United Kingdom - Workers).

3. TRANSPORT INFRASTRUCTURE

**'Communication from the Commission to the Council:
Broad outlines of a medium-term transport infrastructure'
(COM(84) 709 final)**

Gist of the Commission document

On 7 May 1984 the Commission submitted to the Council a Memorandum on the continuation of transport infrastructure measures of Community Interest (COM(84) 253 final). The Commission referred in its Memorandum to its proposals on financial support for projects of Community interest in the field of transport infrastructure, i.e.:

'Proposal for a Council Regulation concerning aid to projects of Community interest in the field of transport infrastructure of 5 July 1976;¹

Proposal for a Council Regulation on financial support for a multiannual transport infrastructure programme of 5 August 1983;²

Communication to the Council of 20 March 1984: Urgent measures to extend infrastructure to facilitate border crossings.'³

At its meeting on 10 May 1984 the Council considered the above-mentioned Memorandum of 7 May 1984 and called on the Commission to present a Report, by 31 December 1984, to serve as a basis for:

an outline programme of major transport infrastructure projects to be implemented in the medium term;

objective criteria to be applied by the Infrastructure Committee in combination with priorities drawn up by the Member States concerned;

a method of combining Committee funding — both budgetary and non-budgetary — together with national aid.

¹ OJ C 207, 2.9.1976, p. 9.

² OJ C 36, 10.2.1984, p. 3.

³ COM(84) 172 final of 20 March 1984.

The document now before the ESC, 'Broad outlines of a medium-term transport infrastructure policy', was accordingly submitted by the Commission before 31 December 1984 as a Report under the terms of the agreement. The document aims, according to the Commission, 'to put forward solutions in three separate areas in line with the broad approach laid down by the Council':

- drawing up of an inventory of schemes of interest to the Community;
- drawing up of selection criteria;
- determination of procedures for Community intervention.

The Commission document, which has 10 Annexes, is divided up as follows:

- introduction;
- the objectives;
- development of networks of Community interest;
- selection methods with regard to financial intervention by the Community;
- financing (cf. Annexes 9 and 10);
- proposals for further action on transport infrastructure.

The Economic and Social Committee has on most occasions in the past expressed its views on Commission proposals. These particular 'broad outlines' deserve and need to be examined.

Gist of the Committee Opinion¹

In its Opinion, adopted unanimously, the Committee would re-emphasize that the launching of a common transport infrastructure policy is long overdue. The Committee consequently supports every initiative which furthers such a policy.

The Committee notes that the 'broad outlines' seek to establish a medium-term investment and financing programme in place of modest annual budgetary allocations. A mere statement of intent, however, is not enough. What is needed much more is the firm political will to realize such a programme and the readiness of the Member States to effectively participate in the programme.

This Opinion was drawn up in the light of the paper produced by the Section for Transport and Communications, chaired by Mr Delourme (Belgium - Workers). The Rapporteur was Mr Plank (Germany - Various Interests).

¹ CES 773/85.

4. TELEVISION WITHOUT FRONTIERS

(Own-initiative Opinion)

**'Green Paper on the establishment of the common market
for broadcasting, especially by satellite and cable'
(COM(84) 300 final/final 2)**

Gist of the Commission document

The Commission Green Paper seeks to analyse current issues in trans-frontier broadcasting, particularly television within the Community. On the basis of this analysis it suggests that (a) the Community should ensure that the relevant directly applicable provisions of the Community Treaty are adhered to and (b) that limited legislation should be adopted as a first step in the creation of a legal basis for a single Community-wide broadcasting area in conformity with that Treaty's objectives. The Commission trusts that the Green Paper and in particular its suggestions for Community action, will provoke a wide debate with all interested parties, before formal legislative proposals are forwarded to the Council. The ESC is to be consulted on these proposals.

It is proposed to abolish all discriminatory and other restrictions on broadcasts from other Member States which are not in accordance with the directly applicable rules of the Treaty (in particular Articles 59 and 62), and the following measures are also suggested:

- (a) coordination of specific aspects of national legislation on radio and TV advertising;
- (b) coordination of certain aspects of national broadcasting legislation designed to protect children and young persons; and
- (c) limited coordination of national copyright legislation in order to ensure that the rights of copyright holders to prohibit the simultaneous transmission of radio and television programmes from other Member States are replaced by rights to obtain equitable remuneration (legal licensing arrangements).

Gist of the Committee Opinion¹

The European Commission's Green Paper on television without frontiers does not pay sufficient attention to consumers and employment aspects. This is the principal complaint made by the Economic and Social Committee in its Opinion adopted by 74 votes for, 8 votes

¹ CES 776/85.

against and 7 abstentions. Nevertheless, it does recognize that the Green Paper provides an excellent analysis of the legal problems of unrestricted broadcasting.

In its Report the Committee emphasizes that it is not the task of the Community to interfere with the media structure of individual Member States. The Community's role is solely that of ensuring that broadcasters can transmit their programmes to all countries of the Community and that EEC viewers can receive all broadcasts transmitted in the Community.

In its Opinion the Committee states that it would like to see the Commission put forward measures designed to (a) guarantee and further the production of television programmes within the Community and (b) encourage the emergence of autonomous EEC programme producers operating independently of broadcasting organizations. The aim would be to stimulate creativity and cultural life in Europe.

In the field of broadcasting the Committee also considers that it is necessary to:

- (i) improve the basic and further training of both the technical and creative staff of broadcasting organizations;
- (ii) encourage the creation of a multilingual European television channel.

The Economic and Social Committee attaches great importance to the protection of copyright for authors, performers, producers, and all others involved in cable and satellite broadcasting. Steps must therefore be taken to ensure that the exploitation of copyright and performance rights are adequately rewarded, even in the case of cross-frontier and cable broadcasts outside the original country of transmission.

The Committee agrees with the view that contractual systems are the only way to properly protect copyright. The Committee also considers that statutory Community licensing can only be considered in the unlikely event that no satisfactory contractual agreements are reached.

As far as the possibility of limiting advertising time is concerned, there is still no case at the present time for regulating the problem along the lines advocated by the Commission. Should the Commission propose an upper limit on average daily advertising time, the Committee reserves the right to express its final views when consulted on actual draft Directives.

The Committee also hopes that the Commission will study the possibility of bringing out programmes aimed at non-member countries (particularly the USA) so as to be able to inform them of the activities and problems of the Community.

This Opinion was drawn up in the light of the work produced by the Sub-Committee on Television without Frontiers, chaired by Mr Flum (Germany - Workers). The Rapporteurs were Mr Broicher (Germany - Employers), Mr Pronk (Netherlands - Workers) and Mr Ramaekers (Belgium - Various Interests).

5. CINEMA AND TELEVISION CO-PRODUCTIONS

'Proposal for a Council Regulation (EEC) on a Community aid scheme for non-documentary cinema and television co-productions' (COM(85) 174 final)

Outline of Commission document

The main aim of this proposal is to help solve the problem of financing non-documentary programmes in the audio-visual media by encouraging the development of the European film and television programme industry. The industry currently faces strong competition from productions originating in non-member countries and is liable to be threatened still further by the introduction and spread of cable and satellite broadcasting.

Under the Commission proposal, only co-productions involving at least three co-producers from different Community countries will qualify for Community aid; each co-producer will have to contribute not more than 60% and not less than 10% of the production costs. The minimum contribution arrangement is designed to eliminate fictitious arrangements.

Aid will be tied to distribution (in the case of films) or broadcasting (in the case either of films which have already been screened or of programmes intended primarily for television).

To take account of the different needs of cinema and television co-productions — and the different risks involved — the aid will take two different forms: advances on earnings with interest in the case of co-productions intended primarily for the cinema; and interest-free loans in the case of co-productions for television, the cost of which will be amortized since they are assured of a screening.

Although the cost to the Community of the proposed scheme has not yet been fixed, it should be possible to support about 40 co-productions a year.

The Commission's proposal comes at a time when demand is rising steeply and likely to continue to do so while the number of European

cinema and television co-productions is clearly diminishing to leave a weakened basis for production which suffers from market fragmentation.

Outline of the Committee Opinion¹

The Committee adopted an Opinion by 73 votes for, 2 votes against and 9 abstentions in which it generally welcomes the aims of the proposal. It notes, however, that it has a number of shortcomings, particularly as to its practical feasibility. This is partly because there is not sufficient clarity about the basic differences between the production and transmission of television programmes and the production and distribution of feature (cinema) films. In attempting to assist both areas, a virtually identical support mechanism is being proposed for two sectors with fundamentally different market positions, particularly in the EEC.

The market impact of television productions is more or less known when the co-production agreements are concluded and the broadcasting undertakings given.

Feature films are a completely different matter. Here the financial return depends on box-office receipts and cannot be anticipated by a distribution guarantee. It thus remains uncertain until the end.

There is thus a need for arrangements which take account of the abovementioned special characteristics of the two areas. The Committee suggests that the Regulation be subdivided into two distinct parts, one governing the selection criteria and aid arrangements for the television sector, and the other doing the same for the cinema film sector. An aid scheme of this type, divided into two parts but contained in a single Regulation, would ensure that both areas benefit simultaneously from the Community aid system.

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

¹ CES 777/85.

6. INFORMATION TECHNOLOGY AND TELECOMMUNICATIONS STANDARDS

'Proposal for a Council Directive on standardization in the field of information technology and telecommunications and the proposal for a Council Directive concerning the first phase of the establishment of the mutual recognition of type approval for telecommunication terminal equipment'

(COM(85) 230 final)

Gist of the Commission document

This document contains two proposals for Directives dealing with:
standardization in the field of information technology (IT) and telecommunications; and
the mutual recognition of type approval of telecommunication terminals.

The adoption of the two Directives is part of the Community's overall strategy in the field of IT and telecommunications, sectors which are recognized as being of crucial importance for Europe's economic and technological future.

The two proposals are expected to pave the way towards the creation of a common market in IT equipment and services, to increase the efficiency of information exchange and to reduce user conversion costs caused by hardware and software incompatibility. The implementation of these Directives will promote a more competitive market structure and strengthen the growing links between computing and communication systems.

The two draft Directives, taken together, have the following main objectives:

to instigate satisfactory procedures for establishing standards by specialized technical organizations (CEN/Cenelec and CEPT);

to ensure that the regulatory mechanisms which concern the exchange of data and the interoperability of systems in information technology and telecommunications are subject to procedures which complement those of Directive 83/189/EEC on an information procedure in the field of standards, and that the work achieved at Community level is not duplicated and/or impeded by work undertaken in parallel at national level;

to see to it that European standards in information technology and common specifications in telecommunications serve as references in public purchasing by the Community institutions and the Member

States, this being a *sine qua non* for a genuine free market in the field of public purchasing;

to set up progressively a procedure for the mutual recognition of tests for telecommunications equipment carried out by laboratories approved in the Member States, on the basis of common specifications adopted at Community level.

For the practical implementation of the draft Directive on standardization, the Commission proposes setting up a standing committee which will assist it in the pursuit of the Directive's objectives and which will be composed of representatives appointed by the Member States under the chairmanship of a Commission representative.

Regarding the draft Directive on mutual recognition, the Commission will be assisted by an existing committee, namely the Senior Officials Group on Telecommunications.

Gist of the Committee Opinion¹

The Economic and Social Committee adopted its Opinion unanimously. It strongly supports these draft Directives as they form part of a Community policy which it considers necessary. At the same time it realizes that these measures will only be fully effective in achieving the desired technical and economic objectives if (a) the Governments of all the Member States seriously intend to create a workable Community policy on standards and a European telecommunications network as quickly as possible and (b) the Member States employ purchasing or other policies which endorse the intention of these Directives.

In view of the keen international competition in IT, the Committee calls on the Member States to take all necessary measures, by developing the technology on a Community scale, to create a large market which will ensure that European industry is competitive on the world market.

The Committee appreciates that the Directives may influence firms to forego a policy of setting *de facto* standards autonomously in the hope of obtaining short-term market advantages, and considers the creation of greater transparency and agreement about strategic decisions relating to telecommunications in the Community to be the key issue on which all other developments and steps will depend.

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

¹ CES 771/85.

7. CROSS-BORDER MERGERS

**'Proposal for a Tenth Council Directive based on Article 54(3)(g) of the Treaty concerning cross-border mergers of public limited companies'
(COM(84) 727 final)**

Gist of the Commission document

The aim of the proposal for a Directive is to give EEC companies the opportunity to develop forms of cooperation including mergers, so that the emergence of larger-scale companies will enable the potential of the European economic space to be exploited in full. In this way the competitiveness of European industry *vis-à-vis* large companies from non-Community countries could be improved.

Mergers between companies from different Member States are at present blocked by tax and legal obstacles. The laws of some Member States prevent cross-border mergers, whilst other Member States subject them to strict controls. Community companies seeking to merge are, therefore, compelled to resort to cumbersome alternatives.

In order to overcome the legal obstacles, in 1973 the Commission proposed a convention on international mergers which was, however, never adopted. But since then the chances of achieving a solution have improved for three reasons:

- (a) a 1978 EEC Directive (Third Company Law Directive) regulated national mergers and at the same time created a basis for transnational mergers;
- (b) the tax problems are shortly to be resolved by decision of the Council;
- (c) there is today a much greater awareness in the EEC of the need to facilitate and promote cooperation.

The proposal for a Directive is the tenth proposal in the Company Law series. It extends the existing national merger provisions to cross-border mergers and lays down specific common rules applicable to mergers between companies from different Member States. The preparatory measures and the procedures arising from disclosure obligations will be implemented separately. The companies concerned will remain subject to the laws of their respective Member States and will synchronize the individual stages of the merger process. The final act and specific preparatory acts will, however, have to be carried out in accordance with harmonized rules or the laws applicable in the country concerned. This applies in particular to the content of the draft terms of merger, the protection of creditors of the company transferring its assets, the date

on which the merger takes effect and the grounds of nullity for a merger.

Until the entry into force of the Fifth Directive the Member States with employee participation laws may prevent a company with employee participation from undergoing a given stage in the merger process if this would lead to the loss of employee participation (employee participation clause, Article 1(3) of the proposal for a Directive).

Gist of the Committee Opinion¹

In its Opinion, adopted by 66 votes for, with 9 votes against and 9 abstentions, the Committee stresses the importance of the proposed Directive as a step towards creating a uniform and durable internal Community market.

The Committee reaffirms its support for the harmonization of participation rights and for the view that the wishes of company and employee should be given equal weight. It thinks a regulation should be drawn up on this; in the meanwhile there should be a waiver to the Tenth Directive on company law, which extends the national merger provisions to cross-border mergers.

The Committee fears that instead of such a cross-border merger the companies would make use of the existing wide variety of possibilities for cross-border economic activities.

The Committee considers that the craft Tenth Directive should be revised and, therefore, submits to the Commission a number of suggestions reflecting the views of the groups represented at the Economic and Social Committee, together with suggestions concerning consumer protection.

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

8. NEW COMMUNITY INSTRUMENT

**'Proposal for a Council Decision empowering the Commission to borrow under the New Community Instrument for the purpose of promoting investment within the Community (NCI IV)
(COM(85) 250 final)**

¹ CES 780/85.

Gist of the Commission proposal

The Economic and Social Committee adopted its Opinion unanimously on this subject. As the funds borrowed by the Commission under the New Community Instrument (NCI III) are almost entirely committed, the Commission is asking for permission to borrow a further 1 500 million ECU for the granting of loans.

These loans are to finance investments to help industrial adjustment and improve the Community's competitiveness, mainly through innovation, the application of new technologies and the rational use of energy.

The main beneficiaries of the loans will be small and medium-sized firms.

Lending arrangements will be diversified and adapted to the features of investments. The loans will be made available to financial intermediaries, who can pass them on either in the form of loans, as in the past, or as a capital contribution. Provision may be made for deferring capital and interest payments.

In addition, the financing base for loans would be extended to cover licences, patents, know-how and research related to these investments.

Gist of the Committee Opinion¹

The Economic and Social Committee adopted its Opinion unanimously on this subject. As the funds borrowed by the Commission under NCI III are virtually entirely committed, the Committee agrees that the Commission should borrow a further sum of some 1 500 million ECU.

It approves the Commission's intent to use the NCI to support technological innovation in small firms in the Community, but it considers that NCI loans, sometimes accompanied by national grants, should not distort competition between companies in different Member States.

The Committee notes that small firms in the distributive trades and tourism cannot benefit from NCI loans and asks that companies in these sectors which meet the basic conditions should be able to receive NCI loans.

Finally, it regrets that the Committee, unlike the Council and the Parliament, is not kept up-to-date on NCI loan activities.

This Opinion was drawn up in the light of the paper produced by the Section for Economic and Financial Questions, chaired by Mr Marvier

¹ CES 775/85.

(France - Various Interests). The Rapporteur was Mr Rouzier (France - Workers).

9. GENERALIZED TARIFF PREFERENCES SCHEME (GSP) — EXTENSION 1986-90

**'Communication of the Commission to the Council concerning the revision of the generalized system of tariff preferences of the European Community'
(COM(85) 203 final)**

Gist of the Commission's proposal

For the years 1986-90, the Commission is planning a GSP which is more selective as regards products and supplying countries, although the overall offer is maintained.

As far as the management of the GSP is concerned, the Commission is proposing a consultation procedure with a management committee for any decision to be taken concerning the re-imposition of duties and the redistribution of unused quotas.

Gist of the Committee Opinion¹

Among the things advocated by the Committee in its Opinion, which was adopted by a large majority with 5 abstentions are:

non-application of the GSP to countries whose per capita GNP is at least equal to that of one of the EEC Member States; and

the exclusion of counterfeit, dumped and subsidized goods and products produced on the territory of an LDC which have no effect on the development of the country in question.

The Committee is against the setting-up of a management committee because it feels that this would prevent the automatic redistribution of quotas and re-imposition of duties after ceilings were exhausted, which is necessary for economic operators.

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

¹ CES 774/85.

10. ERDF AMENDMENT/ENLARGEMENT

'Proposal for a Council Regulation (EEC) amending Regulation (EEC) No 1787/84 on the European Regional Development Fund' (COM(85) 331 final)

Gist of the Commission document

Spanish and Portuguese membership requires the creation of two new brackets for granting ERDF aid and the readjustment of the ranges granted to other Member States to make up 100% total.

The Commission has introduced bands ranging from 10.65% to 14.20% for Portugal and from 17.95% to 23.93% for Spain. These are based on the per capita GDP of disadvantaged regions in these countries compared to their national average.

The relationships between percentages attributed to other Member States remain the same. Resources available for each country should be the same in value terms as in 1985, as the Commission is proposing a 45% increase in the 1986 ERDF budget.

Special measures favouring Portugal are also envisaged. The level of development in the whole of the country is below the Community average and the national budget cannot take on the cost of investment required.

Gist of the Committee Opinion¹

The Committee feels that the Commission has followed the correct procedure regarding calculations, and respects the criteria previously laid down for other countries.

In its Opinion, adopted by a very large majority with 1 abstention, the Committee insists on the great importance of corresponding increases in 1986 and subsequent ERDF budgets. It hopes that the Council will adopt this measure without delay, demonstrating a real commitment to move towards a cohesive economic unit, reducing existing disparities.

With this aim in mind, it should not be forgotten that the increase in own resources should allow further progress to be made towards financial instruments aimed at structural change.

¹ CES 770/85.

This Opinion was drawn up in the light of the paper produced by the Section for Regional Development, chaired by Mr Dassis (Greece - Workers). The Rapporteur was Mr Della Croce (Italy - Workers).

11. REGIONAL DEVELOPMENT FUND NON-QUOTA MEASURES

'Proposal for a Council Regulation amending Regulation (EEC) No 2617/80 instituting a specific Community regional development measure contributing to overcoming constraints on the development of new economic activities in certain zones adversely affected by restructuring of the shipbuilding industry as amended by Regulation (EEC) No 217/84

Proposal for a Council Regulation amending Regulation (EEC) No 219/84 instituting a specific Community regional development measure contributing to overcoming constraints on the development of new economic activities in certain zones adversely affected by restructuring of the textile and clothing industry

Proposal for a Council Regulation amending Regulation (EEC) No 2619/80, adopted by the Council on 7 October 1980 instituting a specific Community regional development measure, contributing to the improvement of the economic and social situation of the border areas of Ireland and Northern Ireland

Proposal for a Council Regulation instituting a specific Community regional development measure contributing to the development of new economic activities in certain zones affected by implementation of the Community fisheries policy'

and the

'Proposal for a Council Regulation (EEC) relating to the establishment of specific Community regional development measures in 1985 and amending Regulation (EEC) No 1787/84'

Gist of the Commission documents

When the Council adopted a second series of non-quota measures in January 1984, it noted that the Commission, due to insufficient information, intended to propose an 'extension' in order to broaden the

territorial coverage of certain non-quota measures, and to institute a new measure related to the Community's fisheries policy.

These additional proposals were submitted by the Commission on 14 December 1984 (COM(84) 715 final) but by this time a slight legal amendment to the ERDF Regulation was required. The Committee therefore received a new request for an Opinion (COM(85) 243 final), which the Section for Regional Development decided to cover in its Opinion on the previous referrals.

Gist of the Committee Opinion¹

The Opinion, adopted unanimously, approves both the proposed measures and the legal amendment to the ERDF Regulation.

With respect to the proposed measures on the border areas of Ireland and Northern Ireland, the Committee would recommend that the Commission refer to the Committee's 1983 information report on the subject, containing a number of other recommendations which should be taken into account in the near future. In the meantime, the Committee would agree with the European Parliament that the non-quota measures should cover a slightly broader area.

Fleetwood should also benefit from the measures to help fishing.

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

12. INFANT FORMULAE

'Proposal for a Council Directive on the approximation of the laws of the Member States relating to infant formulae and follow-up milks'

Gist of the Commission document

This proposal is for a specific Directive on the production and marketing of infant foods as breast-milk substitutes within the framework of a basic Directive on dietary foods adopted in 1977.

Two types of infant food are involved:
infant formulae for the newly born;
follow-up milk for older infants.

¹ CES 783/85.

The proposed Directive establishes (a) criteria for the ingredients of the infant foods and (b) labelling requirements with specific prohibitions on suggesting that breast-milk substitutes are superior to breast feeding.

It should be noted that controversy surrounds the use of breast-milk substitutes particularly in Third World countries, and there are divergent views on which codes should apply.

Attention is drawn in particular to:

the WHO international code of marketing of breast milk substitutes;

the voluntary code drawn up by the National Associations of Manufacturers of Dietetic Foods of the EEC (IDACE).

There also exists the Codex Alimentarius (WHO/FAO) which covers purely technical matters.

Gist of the Committee Opinion¹

In an Opinion, adopted by 48 votes for, 19 votes against and 6 abstentions, the Committee approves the Commission's proposal.

However, it makes a number of remarks about the important subject of the labelling of breast milk substitutes: the label should include firstly some form of identification of the product, in particular distinguishing it from powdered whole milk or other types of powdered milk, and secondly, information and guidance for the proper use of the product, and not material of a promotional nature.

This Opinion was drawn up in the light of the paper produced by the Section for Protection of the Environment, Public Health and Consumer Affairs, chaired by Mrs Heuser (Germany - Various Interests). The Rapporteur was Mr Hilkens (Netherlands - Various Interests).

13. DETERGENTS

'Proposal for a Council Directive amending Directive No 73/404/EEC on the approximation of the laws of the Member States relating to detergents'

Gist of the Commission document

The basic Council Directive 73/404/EEC of 22 November 1973 specifies the average biodegradability of the surfactants contained in deter-

¹ CES 778/85.

gents. Article 2(a)1 of that Directive, as amended by Directive 82/242/EEC, permits derogations from these requirements in the case of non-ionic surfactants of low biodegradability.

When the basic Directive was amended, the Council asked the Commission to review the derogations and, if need be, to let it have proposals for their possible extension.

The Commission has discovered that research has failed to develop substitution products which comply with the Directive's biodegradability requirements, particularly in the industrial sector. It therefore proposes that the derogations be extended until 31 December 1990.

However, the Commission also proposes at the same time to limit the scope of this extension — which hitherto was generally valid — in so far as it is now for the Member States themselves to decide whether or not to continue granting exemptions until the abovementioned date.

Gist of the Committee Opinion¹

In a unanimous opinion the Committee thinks the Commission proposals to extend the derogation period until 31 December 1990 should only apply to industry. It believes that such a derogation should no longer apply to domestic dish-washing detergents, although a short period of, say, one year should be allowed to give the industry in some Member States the time to adapt.

The Rapporteur-General for this Opinion was Mr Ramaekers (Belgium - Various Interests).

14. SMALL CONSIGNMENTS

**'Proposal for a Council Directive amending Directive 78/1035/EEC on the exemption from taxes of imports of small consignments of goods of a non-commercial character from third countries'
(COM(85) 305 final)**

Gist of the Commission document

The Commission's intention in the proposed Directive is to increase the tax exemption for small consignments of goods from 35 ECU to 45 ECU, on the grounds that the real value of goods which can be sent free of tax by a private individual in a third country to another private individual in a Member State is now lower than in 1978 (the year of the parent Directive 78/1035/EEC).

¹ CES 779/85.

Concurrently, the proposed Directive aligns the increase in tax exemption with the recent proposal introducing a similar increase in the ceiling on customs duty exemptions for small consignments from third countries.

Gist of the Committee Opinion¹

In its Opinion, adopted unanimously, the Committee welcomes the proposed Directive but insists that the recommended increase from 35 ECU to 45 ECU should genuinely take account of inflation.

It therefore asks the Commission to introduce a semi-automatic procedure, so as to prevent the adjustment of Directives to inflation leading to a decrease in the real value of the exemption.

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

¹ CES 772/85.

EXTERNAL RELATIONS

Statement by Mr Narjes before the meeting of the Energy Section

The need to further strengthen European technology has been felt in the Community for four or five years now. Such action is needed to counter weak growth and the loss of European competitiveness, declared Mr Karl-Heinz Narjes, Commissioner responsible for research and science, the Joint Research Centre, industrial affairs and information technology, before the Section for Energy and Nuclear Questions of the Economic and Social Committee on 6 September 1985.

Mr Narjes first thanked the Committee for the quality of its work before going on to berate the fact that innovatory potential in the Community was not fully exploited. He then stressed the quality of the links that needed to be forged between the business world, scientists and universities.

Europe, continued the Commissioner, must face up to the technological challenges before it by redoubling its efforts and developing ambitious research programmes (Esprit, RACE, etc.) at Community level. The Commission's plan for a European Technology Community was already a qualitative step forward. This plan aimed to strengthen existing research and technology potential in Europe and make it more effective. Eureka will further this goal. We shall know in the next few months what Eureka will have to become, what it will be able to accomplish, and how Eureka and the planned European Technology Community will coexist. Given the sheer scale of the American challenge with its SDI, Europe must attach greater importance to research. Europe's research budget should be doubled between now and 1990, rising from 3% to 8% of the Community's budget, declared Mr Narjes, adding that we needed to enhance our prestige in matters of research.

During the debate that followed Mr de Normann (Employers - United Kingdom) emphasized that research and development needed to be converted into economically profitable activities. We cannot emulate American solutions and apply them to Europe but must find a solution peculiar to the Community. Mr Arena (Employers - Italy) thought it regrettable that the Commission should limit its research to the pre-

competitive stage — something which was unsatisfactory for the business world.

Mr Flum (Workers - Federal Republic of Germany) supported by Mr Vercellino (Workers - Italy), said that Eureka must take more account of workers' needs because technological progress has repercussions for workers. Eureka must pay particular attention to the self-fulfilment of workers.

Mr Roseingrave (Various Interests - Ireland) asked questions about the applications of research. Did the funds allocated to research achieve practical results? Were Eureka and the European Technology Community compatible?

Annual meeting of the economic and social partners of the ACP countries and the EEC

The economic and social partners of the European Communities and ACP States (African, Caribbean, Pacific) held a meeting in Brussels from 18 to 20 September 1985.

Those taking part in the meeting included: Mr Emo Capodilista, Vice-Chairman of the Economic and Social Committee, representing ESC Chairman, Mr Gerd Muhr, Mr G. Zandzou and Mr G. Bersani, Co-Chairmen of the Joint Committee of the ACP/EEC Consultative Assembly, Mr L. Natali, Vice-President of the Commission of the EC, His Excellency Mr Z. Mongo So'O, Chairman of the ACP Ambassadors' Committee, Mr E.W. Carrington, Secretary-General a.i. of the Group of the ACP States, Mr I. Fong Poen, Minister of Transport and Industry of the Republic of Surinam and Chairman of the ACP Council, His Excellency Mr J. Weyland, Chairman of the Committee of Permanent Representatives.

The Economic and Social Committee presented reports on the following subjects: how to develop the trade and industry of ACP States (Mr Staratzke, Employers Group, Federal Republic of Germany); the role of Community farmers, women, and small-scale and commercial fishing in the rural development of the ACP States (Mr Vasseur, Various Interests Group, France); and finally, ways and means of enhancing the human, social and cultural dimension of Lomé III (Mr Soulat, Workers Group, France)



Marc Deville. Photo News.

At the meeting of ACP/EEC countries. From left to right: Mr Fong Poen, President of the ACP Council, Mr Emo Capodilista, Vice-Chairman of the ESC, Mr Zanzou and Mr Bersani, Co-Chairmen of the Joint Committee of the ACP/EEC Consultative Assembly and Mr Graziosi, Director at the ESC.

ESC meeting on maritime transport policy in Athens

A delegation from the Economic and Social Committee of the European Communities, headed by Mr Alfred Delourme, Secretary-General of the Belgian General Confederation of Labour, met in Athens from 18-20 September 1985 to complete a report on the Community's maritime transport policy. The 35 delegates from nine EEC Member States had talks with the Greek Minister for the Merchant Navy, Mr Stathis Alexandris, and the leaders of all the Greek organizations involved in maritime transport representing ship-owners, sailors, charterers, ship-yards, chartering associations and movements for the protection of the marine environment. These discussions provided the delegation with extremely useful information for the Committee's report.

Members of the ESC delegation included: Mr C.A. Bos, Chairman of the Study Group and Mayor of the town of Katwijk (Netherlands), Mr Mols Sorensen, Rapporteur and Member of the Danish Federation of Merchant Marine Officers, Mrs A. Bredima, Special Advisor to the Greek Ship-Owners' Association and Mr Georgios Anastassopoulos, Chairman of the European Parliament's Transport Committee, who was an observer to the proceedings.



Mr Stathis Alexandris, Minister for the Greek Merchant Navy, is received by Mr Alfred Delourme, Chairman of the Section for Transport and Communications of the ESC, in Athens.

NEW CONSULTATIONS

Since the last Plenary Session, the Council has requested the Economic and Social Committee to deliver Opinions on the following subjects:

'Proposal for a Council Regulation (EEC) abolishing certain postal charges for customs presentation' (COM(85) 356 final)

'Proposal for a Council Regulation (EEC) amending Regulation (EEC) No 1408/71 on the application of social security schemes to employed persons, to self-employed persons and to members of their families moving within the Community' (COM(85) 396 final)

'Proposal for a Council Regulation (EEC) amending Regulation No 2950/83 on the implementation of Decision 83/516/EEC on the tasks of the European Social Fund' (COM(85) 451 final)

'Draft amendments to certain Articles of the draft Commission Regulation laying down detailed rules for the implementation of certain provisions of the Financial Regulation of 21 December 1977 (COM(80) 431/3 of 24 July 1980 (COM(85) 337/2)

'Proposal for a Council Decision adopting an action programme of the Community in education and training for technology — Comett (1986-92)' (COM(85) 431 final)

'Proposal for a Council Directive on the harmonization of the laws, regulations and administrative provisions relating to the application of the principles of good laboratory practice and the verification of their application for tests on chemical substances' (COM(85) 380 final)

'Proposal for a Council Decision adopting three multiannual research and development programmes in the field of the environment (1986-90):

- I. Environment protection*
 - II. Climatology*
 - III. Major technological hazards'*
- (COM(85) 391 final)*

'Proposal for a Council Directive on the dumping of waste at sea' (COM(85) 373 final)

'Proposal for a Council Directive on the approximation of the laws, regulations and administrative provisions of the Member States relating to the classification, packaging and labelling of dangerous preparations' (COM(85) 364 final)

'Draft Council Resolution concerning consumer education in primary and secondary schools' (COM(85) 369 final)

'Proposals for Council Decisions concerning contributions to the European Coal and Steel Community from the general budget of the European Communities to finance measures connected with the restructuring of the coal and steel industries' (COM(85) 428 final)

'Proposal for a Council Directive amending Council Directive 83/643/EEC on the facilitation of physical inspections and administrative formalities in respect of the carriage of goods between Member States' (COM(85) 436 final)

'Proposal for a Council Regulation (EEC) amending Regulation (EEC) No 1785/81 on the common organization of the markets in the sugar sector' (COM(85) 433 final)

'Proposal from the Commission to the Council fixing the Community's generalized tariff preferences scheme for 1986' (COM(85) 425 final)

'Proposal for a Council Decision adopting a multiannual research action programme on materials (raw materials and advanced materials) (1986-89)' (COM(85) 399 final)

'Proposal for a Council Directive on a general system for the recognition of higher education diplomas' (COM(85) 355 final)

'Proposal for a Council Regulation amending Regulation (EEC) No 543/69 on the harmonization of certain social legislation relating to road transport and Regulation (EEC) No 1463/70 on the introduction of recording equipment in road transport' (COM(85) 147 final/2 and COM(85) 458 final)

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