

ECONOMIC AND SOCIAL CONSULTATIVE ASSEMBLY

BULLETIN

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ECONOMIC AND SOCIAL COMMITTEE

Brussels - No 4/1988

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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Catalogue number: ESC 88-007-EN

Luxembourg: Office for Official Publications of the European Communities, 1988

Catalogue number: EX-AA-88-004-EN-C

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Printed in Belgium

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254th Plenary Session

The 254th Plenary Session of the Economic and Social Committee of the European Communities was held in the Committee building, Brussels, on 23 and 24 March 1988. The Committee Chairman, Mr Fons Margot, presided.

The Session was attended by Lord Cockfield, Commission Vice-President, who took part in the debate on the progress made in completing the internal market.

Summary of the speech by Lord Cockfield, Vice-President of the Commission

Addressing the Plenary Session of the Economic and Social Committee, Lord Cockfield said that the concept of 1992 was suddenly being accepted everywhere as the target for achieving the internal single market. A few months ago, a seminar had been organized in Paris; at the beginning of March, a drive had been launched in Germany, a publicity campaign had started in the United Kingdom and the issue had been taken up by trade and industry almost everywhere.

These events showed that governments throughout the Community were becoming committed to this programme. There was quite a difference between governments giving their approval to the idea and the stage when it becomes accepted by administrations and when they have to adjust their policies accordingly. It was also essential for trade and industry to get in on the act before things happen, to have the ability to devise their strategy to take advantage of opportunities when they would arise.

Lord Cockfield acknowledged that the great increase of public and media interest in the programme had had its effect in exerting pressure on governments. He said that it was his job and that of Committee members to stimulate that interest and to increase awareness of the Community's aims. 'We are living in the most exciting period of the Community's history', he said.

Lord Cockfield then summarized the targets which the Commission had set itself and the progress achieved so far. After an initial target

of approximately 300 proposals, they had been reduced to 286. Of these the Commission had tabled 208. Thirteen had been withdrawn for various reasons, such as having been overtaken by events, giving a net total of 195. This means that 91, or one third, would still have to be tackled, some 60 proposals by the end of the year. On that basis, the target which the Commission set itself for December 1988 will have been achieved by 90%.

The Council had so far adopted 74 proposals. It had 120 on the table and 91 more to come this year and next year. As a result of the Single European Act, with majority voting, progress, though still slow in 1987, should become rapid as the Council and European Parliament become more familiar with the cooperation procedure.

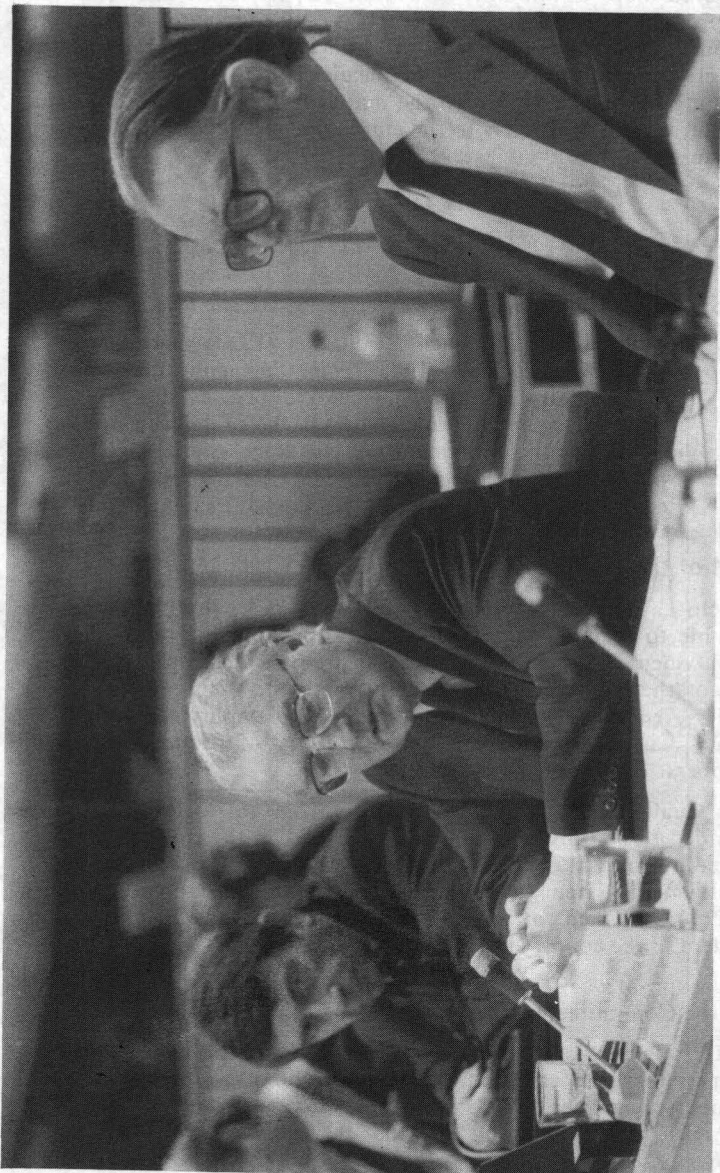
By the end of the current year, work in significant areas should be completed: in the field of standards, public procurement, food laws, banking and non-life insurance, mutual recognition of diplomas and broadcasting. 'The final message I wanted to give you is that this process is now irresistible', Lord Cockfield concluded.

Summary of the debate

In the debate, Mr Kazazis (Greece — Employers' Group) said that the internal market would give Europe the ability to compete with other economic and commercial powers. He wondered, however, if it might not have negative effects on small countries, and wanted to know if the Commission envisaged any particular measures to achieve the economic and social cohesion needed to lessen regional differences.

Mr Staedelin (France — Chairman of the Workers' Group) regretted the fact that Lord Cockfield had failed to mention workers or trade unions. The latter had taken risks in accepting the White Paper on the internal market in the hope that the social aspect would be dealt with later but they were still waiting. The unions favoured normalization and definition of standards but proposed the setting-up of a tripartite committee of representatives of governments, employers and workers, in addition to the CEN-Cenelec.

Mr De Tavernier (Belgium — Various Interests' Group) underlined the need for action on biotechnology in agriculture and on stud fees. Several members, namely Mr Moreland and Mr Whitworth (both United Kingdom — Employers' Group), Mr Della Croce (Italy — Workers' Group) and Mr Pardon (Belgium — Employers' Group) raised the question of tax harmonization and its implications on fields such as transport, banking and insurance. Others, including



From left to right) Mr Morcau, Secretary-General; Mr Margot, Chairman; Lord Cockfield, Vice-President of the Commission.

Mrs Alma Williams (United Kingdom — Various Interests' Group) urged greater publicity for the aims of the single market. She also favoured more Community legislation for consumer protection and on product safety. Mr Gardner (United Kingdom — Employers' Group) expressed his concern about lack of implementation of the Directive on food additives and pleaded for the harmonization of labelling of food products. In the matter of recognition of diplomas, he referred to the barriers to the employment of teachers, considered in many countries as civil servants.

OPINIONS ADOPTED

1. SOCIAL SECURITY — FAMILY BENEFITS

'Proposal for a Council Regulation (EEC) amending Regulation (EEC) No 1408/71 on the application of social security schemes to employed persons, to self-employed persons and to members of their families moving within the Community, and Regulation (EEC) No 574/72 laying down the procedure for implementing Regulation (EEC) No 1408/71' [COM(88) 27 final]

Gist of the Commission document

Article 73(1) of Regulation No 1408/71 stipulates that family benefits payable to members of the family residing outside the country of employment of a Community worker are provided for by the legislation of the country of employment, with the exception of France. Under Article 73(2), where the country of employment is France, family benefits are payable by the country of residence of family members.

This dual system, exempting France from the general rule, was intended to be only temporary. In April 1975, the Commission submitted a proposal to the Commission advocating that the country of employment system be made general, so as to establish a uniform system of payment of family benefits to members of the family not resident in the country of employment.

The proposal was supported at the time by the European Parliament and the Committee, but was never adopted by the Council.

In its Judgment of 15 January 1986 (PINNA), the Court of Justice deemed that the criterion of the country of residence of family members was discriminatory and criticized the dual system created by Article 73 of Regulation No 1408/71.

As the 1975 draft regulation cannot be upheld, largely for technical reasons, the Commission once again proposes that the country of employment system be made general, in order to guarantee equal treatment of workers employed in the same country.

Gist of the Committee Opinion¹

The Committee approves the Commission proposal, and the Opinion was adopted with no votes against and two abstentions.

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).

2. ELECTROMAGNETIC COMPATIBILITY

'Proposal for a Council Directive on the approximation of the laws of the Member States relating to electromagnetic compatibility' [COM(87) 527 final]

Gist of the Draft Directive

The proposal for a Directive is being sent to the Council by the Commission in application of the resolution of 7 May 1985 on a new approach to technical harmonization and standards.

It applies to a vast range of equipment, broadly embracing all electrical appliances, apparatus and installations, including vehicles, electricity distribution networks and systems of communications (transport — railways) and telecommunications, in so far as they are liable to cause electromagnetic disturbance or their performance is liable to be affected by such disturbance.

Electromagnetic compatibility is a much more general concept than interference, as covered by Directives 76/889/EEC and 76/890/EEC. It implies the ability of a device, equipment or system to function satisfactorily in its electromagnetic environment without introducing intolerable electromagnetic disturbances to anything in that environment.

The Draft Directive has considerable economic implications since it covers the products of several industries, such as electrical and electronic engineering — whose products include domestic appliances

¹ C.I.S 323/88.

and installation equipment — information technology and major infrastructures, such as electricity distribution, telecommunications and sound and television broadcasting networks.

Gist of the Committee Opinion¹

In its Opinion, adopted unanimously, the Committee approves the Commission proposal, but asks the Commission to review the wording of the Directive's escape clause in order to avoid abuse.

The ESC furthermore invites the Commission to publish the special measures taken by a Member State in the Official Journal and suggests alternative publishing procedures to the costly and time-consuming Official Journal publication.

The Committee also feels that the procedure for certification of conformity is too narrow and proposes the introduction of a uniform Euro-Mark for EMC conformity.

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 Noordwal (The Netherlands — Employers).

3. CALCIUM CONTENT OF FERTILIZERS

'Proposal for a Council Directive supplementing and amending Directive 76/116/EEC in respect of the calcium, magnesium, sodium and sulphur content of fertilizers' [COM(87) 646 final]

Gist of the Commission document

The purpose of the proposed Directive is to modify Council Directive 76/116/EEC of 18 December 1975 on the approximation of the laws of the Member States relating to fertilizers so as to include the nutrients calcium, magnesium, sodium and sulphur. As fertilizers containing these nutrients are traded between the Member States in accordance with national needs and regulations, these will have to be harmonized in order to eliminate barriers to trade.

The proposed directive will extend the rules for the marketing of solid EEC fertilizers (laid down in Council Directive 76/116/EEC) to fertilizers containing calcium, magnesium, sodium and sulphur.

¹ CES 324/88.

Gist of the Committee Opinion¹

In its Opinion, adopted unanimously, the Committee approves the Draft Directive as it will lead to an improvement in the flow of information to users of solid fertilizers and, by approximating the laws of the Member States, it will make for greater market transparency.

The Committee also reiterates the views expressed in previous Opinions concerning the need to protect the environment and public health.

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 Bento Gonçalves (Portugal — Various Interests).

4. STATISTICAL RETURNS — CARRIAGE OF GOODS BY ROAD

'Draft Council Directive amending Directive 78/546/EEC on statistical returns in respect of carriage of goods by road, as part of regional statistics'
[COM(87) 548 final]

Gist of the Commission proposal

The aim of Council Directive 78/546/EEC on statistical returns in respect of carriage of goods by road, as part of regional statistics, is (i) to provide fuller information on volume and trends with regard to the carriage of goods by road in vehicles registered in the Community, and (ii) to permit comparison of these data with figures for other means of transport. The Directive requires the collection on an annual basis of data on the national and international carriage of goods by vehicles registered in the Member States.

The current Commission proposal, which takes account of the development of the common transport policy, is intended to amend the above Directive so as to:

- (i) require certain data to be provided quarterly; it is now evident that an interval of one year between each supply of data no longer suffices to keep track of current trends in the carriage of goods by road and to compare these data with figures for other means of transport which are received more often;

¹ CES 325/88.

- (ii) define and measure certain movements of goods not dealt with in Directive 78/546/EEC which are likely to develop further in the future, i.e. cross trade and cabotage, traffic where loading and unloading are conducted outside the country of registration (in cross-trade between two countries and in cabotage within one Member State);
- (iii) limit the quantity of data required by the Member States at intra-Community frontier crossing-points as part of the policy adopted by the Council and the Commission of eliminating as far as possible from 1 January 1988 (the date of introduction of the single administrative document) the administrative documents required for intra-Community trade;
- (iv) update the list of third countries to bring it into line with the lists for other means of transport. There should be added to the list a number of third countries previously grouped together as 'other European countries'.

Gist of the Committee Opinion¹

In an Opinion, adopted unanimously, the Committee endorses the Commission proposal and welcomes the amendment to the 10-year-old Directive in order to make more detailed statistics on the carriage of goods by road available.

Nevertheless, the Committee voices the following comments and reservations on the Commission proposal:

- (i) the figures published will not necessarily be reliable, as they will be based on surveys carried out amongst vehicle owners. Obviously, it will be administratively difficult for some hauliers to provide the required information and many will not be motivated to seek out the necessary data;
- (ii) the geographical reference in the title serves little purpose and should be deleted;
- (iii) the fact that the statistics cover only tractor vehicles places a question mark over their reliability, as the tractor vehicle does not always accompany the trailer unit for the whole of the itinerary;
- (iv) the comparability of the figures published in the various Member States also poses a problem, as the Commission requirements are rather vague and offer no guarantee that a uniform survey and calculation system will operate in the Community.

¹ CFS 326/88

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 Bos (The Netherlands — Various Interests).

5. HEALTH PROBLEMS — MINCED MEAT

'Proposal for a Council Directive on health problems affecting the production, placing on the market of the Community and importation from third countries of minced meat and meat in pieces of less than one hundred grams' [COM(87) 658 final]

Gist of the Commission document

This proposal for a Directive aims:

- (i) to harmonize, within the framework of Directives 64/433/EEC and 72/642/EEC, the health rules governing trade in minced meat and meat in pieces of less than one hundred grams so as to reduce trade barriers (internal market);
- (ii) to guarantee consumers standardized health protection.

The proposed rules should initially only apply to intra-Community trade and then be extended step by step to the national market in order to achieve complete harmonization between the two sectors by 1 January 1992.

If these meat products are not the subject of commercial transactions or are prepared for the customer on the spot, they are excluded from the scope of the Directive.

The Annex lays down the hygiene and health control rules which are to be followed.

These will be amended by the Commission to keep in line with technological progress (Veterinary Committee procedure).

Gist of the Committee Opinion¹

The Committee adopted its Opinion unanimously.

It welcomes the Commission proposal and is in general agreement. A similar proposal is required for white meat, where the majority of public health incidents occur.

¹ CES 327/88.

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

6. KNOW-HOW LICENSING AGREEMENTS

'Draft Commission Regulation on the application of Article 85(3) of the Treaty to certain categories on know-how licensing agreements' (OJ C 214/87 of 12 August 1987)

Gist of the Draft Regulation

Article 85(1) of the EEC Treaty prohibits all agreements between undertakings which may affect trade between Member States and which have as their object or effect the distortion of competition within the common market.

Under Article 85(3) of the Treaty this prohibition may be declared inapplicable. Regulation 19/65/EEC empowers the Commission to apply Article 85(3) by Regulation.

The draft Regulation has been published in the Official Journal of the European Communities as part of the customary procedure in such cases, namely,

- (i) publication in the Official Journal in order to elicit comments from interested parties;
- (ii) consultation of the Advisory Committee on Restrictive Practices and Dominant Positions;
- (iii) final adoption of the Regulation by the Commission.

Know-how licensing agreements are agreements whereby one undertaking (the licensor) which holds a body of non-patented technical information (the know-how), confers on another undertaking (the licensee) the exclusive or non-exclusive right to exploit that information, in particular in the production, use or sale of goods or services.

The increasing economic importance of non-patented technical information, and the large number of agreements currently being concluded by industry solely for the exploitation of such information (so-called 'pure' know-how licensing agreements) make it necessary to provide greater legal certainty with regard to the status of such agreements under competition rules. In the light of experience acquired so far, it is possible to define a category of such know-how

licensing agreements which are capable of falling within the scope of Article 85(1), because of their restrictive effects within the common market, but which can normally be regarded as satisfying the conditions laid down in Article 85(3).

Gist of the Committee Opinion¹

In an Opinion, adopted unanimously, the Committee supports the Commission's plan and agrees with the Commission that the increasing economic importance of non-patented technical information makes it necessary to give greater legal certainty to agreements governing the transfer of such knowledge.

The Committee is convinced that the planned Regulation should make special allowance for the interests of small and medium-sized enterprises. Because of their limited resources these enterprises rely heavily on being able to recoup part of their high R&D costs. In addition, the acquisition of know-how from others is the most economical — and often the sole — way of keeping abreast of technical progress.

The acquisition of new technology is not financially worthwhile if the licensee is exposed from the outset to competition from the licensor or other licensees in possession of the same technology.

It must therefore be possible to agree on territorial protection for each individual agreement. The Committee proposes a period of 10 years in each case in order to protect the licensee's interests.

Equally, the licensor must be able to protect himself against competition from the licensee. He will not make his know-how available to other firms if, in so doing, he endangers his own markets.

The Committee thinks that the Commission's draft does not cater sufficiently for the parties' legitimate needs. It restricts the possibilities for territorial protection to such an extent that in many cases neither the licensor nor the licensee will have any incentive to enter into a know-how licensing agreement.

Finally, the Committee thinks that the transitional provisions applying to firms in Greece, Portugal and Spain are unclear.

The Committee therefore proposes that the time-limits involved should apply from the date of conclusion of each know-how agreement, irrespective of when the Member State in question joined the Community.

¹ CES 328/88.

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 Petersen (Germany — Employers).

7. ECLAIR PROGRAMME

'Proposal for a Council Decision to adopt a first multi-annual programme (1988-93) for biotechnology-based agro-industrial research and technological development (Eclair)'

Gist of the Commission document

The purpose of the Eclair programme proposed by the Commission is to promote in the medium and long term the competitiveness of Community agriculture and industry by strengthening the links between these two sectors via the implementation of joint research and development activities at Community level.

The Eclair programme, the aim of which is to stimulate R&D activities at the interface between agriculture and industry, is part of Action 4 of the framework programme for the Community activities in R&D (Exploitation and optimum use of biological resources). The present proposal comes under sub-action 4.2. (Agro-industrial technologies).

The Commission will soon be submitting a second proposal on food-industry technologies to complement the Eclair programme.

The Eclair programme, which is designed to promote new developments in the life sciences and biotechnology at the precompetitive stage, divides into three sections:

(i) Agricultural production for industrial uses

These activities are aimed at improving existing agricultural products and developing alternative products. They concern in particular the characterization, selection, use and propagation of new biotechnology methods.

A large part of these activities will be taken up by agricultural projects which correspond to industrial needs, and will thereby open up supplementary outlets.

(ii) Industrial aspects

The activities in the field of industrial production will be both upstream and downstream of agriculture.

Upstream activities include the development of biodegradable pesticides and the more efficient use of fertilizers. In more general terms, the projects will be designed to benefit the environment rather than simply to increase yields.

In relation to downstream activities, one can cite new fractionation and preparation processes which will adapt traditional technologies to modern methods. Similarly, new uses for certain constituents of agricultural products (flax, rape and starch) can be developed.

(iii) Integrated projects

These projects concern a range of objectives which relate to integrated agro-industrial projects, such as whole-crop harvesting and to the on-farm use of new technologies. Whole-crop harvesting intends to use all parts of the plants and to avoid leaving part of the crop in the field.

The programme will be implemented by means of shared-cost research contracts with Community financing not normally exceeding 50% of the total cost of a project. The estimated cost of Community participation over the period in question is 80 million ECU (including 5.6 million ECU staff costs).

Training grants designed to encourage mobility will also be made available under the programme.

The Commission has also laid down certain selection criteria for research projects, together with conditions for participation in the programme so as to ensure the projects' Community and industrial relevance.

Gist of the Committee Opinion¹

The Economic and Social Committee adopted its Opinion on the Eclair programme unanimously.

The Committee wonders about the links between Eclair and the Community's programmes on agricultural research and is critical of the lack of coordination between these programmes. The Committee

¹ CES 329/88.

asks that in future the Commission include in its proposals for specific biotechnology projects an appendix dealing with risk evaluation, the measures to be taken to protect public health and the direct links with ecological considerations.

The ESC feels that the Eclair programme must meet certain criteria if it is to be regarded as sufficiently useful and innovative, and regrets:

- (i) the relatively insignificant role of coordination;
- (ii) the unbalanced distribution of research projects, given the relative importance of the various subsectors of Community agriculture;
- (iii) the lack of innovative approaches;
- (iv) the insufficient attention paid to environmental problems;
- (v) the unproven economic viability of some research projects.

Finally, the Committee stresses the need to bear in mind the ethical problems raised by modern biotechnology as regards both pure research and applied science. The Committee calls on the Commission to set in motion the necessary consultation with the organizations and institutions concerned (the Council of Europe, for example).

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 De Tavernier (Belgium — Various Interests).

8. DEVELOPMENT OF AGRICULTURE IN SPAIN

'Proposal for a Council Regulation (EEC) on a specific common measure to encourage the development of agriculture in certain regions of Spain'

Gist of the Commission's proposal

The proposed common measure concerns Spain's less-favoured farming areas as designated by Directive 86/466/EEC concerning the list of less-favoured farming areas within the meaning of Directive 75/268/EEC. Priority will be given to measures which are intended for Spain's mountainous and least-favoured areas and which are designed to improve economic and social cohesion as defined in the Single Act. About 75% of the areas concerned qualify as least-favoured areas within the meaning of COM(87) 100 final.

One of the main characteristics of those areas is the fact that they have fallen well behind in terms of development and, hence, agricultural incomes.

This proposal provides for a number of measures, namely,

- (i) improving rural infrastructure;
- (ii) renewing existing networks of irrigation or building collective irrigation networks where these are needed to change over to new types of farming/production;
- (iii) reparaclling agricultural land (this includes a number of accompanying measures);
- (iv) combating erosion;
- (v) improving privately-owned agricultural land;
- (vi) improving woodlands (includes a number of accompanying measures);
- (vii) improving farm housing.

The estimated time required for implementing the common measure is five years as from the date on which the first programme is approved by the Commission. The total estimated cost of the common measure to the EAGGF Guidance Section is 420 million ECU. The measures concerned will be adopted pursuant to Article 18 of Regulation (EEC) No 797/85 and the cost to the Community budget in 1985-89 (about 75 million ECU) will be covered by the estimated amount set out in Regulation (EEC) No 797/85 and the funds available in respect of the Guidance Section generally. The balance, i.e. 345 million ECU, is to be made available under the financial arrangements for 1990-94.

Gist of the Committee Opinion¹

The Committee unanimously approves the Commission proposal, but reiterates its criticisms, already voiced when similar proposals were put forward for Italy and France, of the method suggested by the Commission.

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 Quevedo Rojo (Spain — Various Interests).

¹ CFS 330/88.

9. COMMUNITY TRAFFIC IN TRANSIT (Own-initiative Opinion)

'Community traffic in transit through non-EC countries (Switzerland, Austria and Yugoslavia)'

Gist of the Committee Opinion¹

The aim of bilateral and/or multilateral transit negotiations between the Community and these three countries is to ensure basically equal conditions for transit traffic, if necessary in stages.

In an Own-initiative Opinion adopted unanimously, the Committee states that failure to achieve a satisfactory outcome to the Community's negotiations within a reasonable space of time will cause a serious crisis in relations with Switzerland, Yugoslavia and Austria, confirming serious distortions of competition between the Member States.

The Community must first of all recognize that a fair solution to the problem of transit traffic in the three countries concerned poses serious problems. Consequently, the real problems regarding the protection of the natural environment, the development of lines of communication and congested road and rail traffic (always a possibility) will have to be looked at very closely and in a most constructive frame of mind.

The Community will therefore have to approach negotiations in a spirit of understanding and practical cooperation; it will also have to be prepared to make a financial contribution (in one way or another) as envisaged in the past.

This, however, does not mean being prepared to sit back and accept unilateral decisions. Even if it is beyond dispute that every country has sovereign rights and can decide by itself how to exercise these rights, it is also perfectly clear that it is through negotiations — and in no other way — that ways will have to be found of restoring basic conditions of equality and non-discrimination for Community goods and traffic in transit through the three countries in question. Agreements which only partially solve contentious issues cannot be envisaged — at least not in principle and not as the outcome of a possible transitional period. Negotiations will therefore have to end in overall agreement even if, to reach such an agreement, it will be necessary to adopt provisional solutions and move through a succession of phases.

¹ CES 331/88

Consequently, any attempt on the part of one of the three countries to now impose new restrictions on existing conditions of rail and road transit, or any attempt by the Community itself to impose restrictions on the transit of Austrian, Swiss or Yugoslav goods through the Community's own territory, would have to be decisively rejected not only as an unacceptable bid to 'force' the current negotiations but also as a grave and flagrant violation of the GATT principle of 'standstill'.

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).

10. MUTUAL RECOGNITION OF MEDICAL QUALIFICATIONS

'Proposal for a Council Directive amending Directives 75/362/EEC, 77/452/EEC, 78/686/EEC, 78/1026/EEC and 80/154/EEC relating to the mutual recognition of diplomas, certificates and other evidence of formal qualifications as doctor, nurse responsible for general care, dental practitioner, veterinary surgeon and midwife, together with Directives 75/363/EEC, 78/1027/EEC and 80/155/EEC concerning the coordination of provisions laid down by law, regulation or administrative action relating to the activities of doctors, veterinary surgeons and midwives' [COM(87) 577 final]

Gist of the Commission document

The purpose of the proposal is to make technical amendments to the eight existing Directives, made necessary by changes in Member States' legislation. A series of similar amendments has already been made to the 1975 'Doctors' Directives by Directive 82/76/EEC.

The proposed amendments mainly relate to:

- (i) the wording of the diploma or formal qualification;
- (ii) the titles of certain medical specialities;
- (iii) the insertion or deletion of certain medical specialities and of certain headings;
- (iv) acquired rights;
- (v) some types of training as veterinary surgeon not complying fully with Directive 78/1026/EEC.

Gist of the Committee Opinion¹

In an Opinion, adopted with no votes against and four abstentions, the Committee approves the Commission proposal, but expresses its concern that sectoral Directives for the paramedical professions have not yet been adopted, in common with Directives on a number of other vocations outside the health field. The Committee also calls for rapid completion of the work on a general Directive on the recognition of qualifications.

The Committee notes that in relation to students who obtain their university degrees in Member States other than their State of origin, such persons would, in most Member States, be required to take the State examination or complete the period of post-graduation training in their State of origin if they wished to establish themselves in their country of origin. This question was raised in relation to students completing their university degrees outside their country of origin and returning to their own State, without having acquired the right to practice in the State in which they trained. The position of EC Member State nationals who have obtained qualifications in a non-EC Member State must also be mentioned. The logic of the Commission's new approach in the general system of recognition of diplomas should mean that if their qualifications are recognized by one Member State and they have acquired the right to practise in that State, they must clearly also be accepted for work in other Member States (as if they had obtained their qualifications in the country where they are in practice).

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 Storie-Pugh (United Kingdom — Various Interests).

¹ CES 332/88.

11. MUTUAL RECOGNITION OF NURSES' QUALIFICATIONS

'Proposal for a Council Directive amending Directive 77/452/EEC concerning the mutual recognition of diplomas, certificates and other evidence of the formal qualifications of nurses responsible for general care, including measures to facilitate the effective exercise of the right of establishment and freedom to provide services, and Directive 77/453/EEC concerning the coordination of provisions laid down by law, regulation or administrative action in respect of the activities of nurses responsible for general care' [COM(87) 649 final]

Gist of the Commission document

The proposal, which falls within the cooperation procedure, seeks to amend two previous directives. It focuses on the following issues:

- (i) the balance, during nurses' training, between (a) theoretical and technical instruction, and (b) clinical instruction;
- (ii) nurses to have major responsibility for clinical instruction;
- (iii) bringing certain sections of Directive 77/452/EEC into line with similar provisions in other directives concerned with mutual recognition of qualifications (regulation of access to nursing; disciplinary procedures);
- (iv) amendments to the headings of the Annex to Directive 77/453/EEC (terminology and translation).

The Committee previously dealt *inter alia* with general and vocational training in its Opinion of 23 April 1970 (OJ C 108 of 26 August 1970).

Gist of the Committee Opinion¹

The Committee unanimously approves the amendments proposed by the Commission, and notes that these were to a large extent inspired by the recommendations drawn up by the advisory committee on nurses' training. The Opinion also considers the management of training institutions and the personnel involved in the training process. The Committee urges that the Directive be implemented as soon as is practicable.

¹ CES 333/88.

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 Storie-Pugh (United Kingdom — Various Interests).

12. HEALTH CONDITIONS — NEMATODES

‘Proposal for a Council Regulation (EEC) laying down health conditions for the marketing of fish and fish products concerning nematodes’ [COM(88) 47 final]

Gist of the Commission document

The placing on the market in the Community of fresh fish and fish products encounters several technical barriers connected with the nature of the product. One of these barriers is constituted by the presence of larvae of nematodes which may constitute a hazard to human health.

It is essential, therefore, that fresh fish and fish products be handled and treated in accordance with requirements which make it possible to limit those hazards.

Compliance with these requirements implies that provisions are made for the control of the respect thereof.

The planned provisions will apply to all fish and fish products placed on the Community market. The adoption of the proposal should contribute to the removal of certain health barriers to trade in fish and fish products and help to bring about an internal market in this area.

Gist of the Committee Opinion¹

In an Opinion adopted with no votes against and nine abstentions, the Committee welcomes the aim of the Commission proposal, namely to lay down health conditions, to safeguard the interests of consumers, to further harmonization of the conditions under which fish and fish products are marketed, and to bring about competition on equal terms.

The Committee notes that the proposal raises several problems of primary importance affecting both public health and the balance of the market in the majority of fish species.

¹ CES 334/88

The Committee can already state that in several areas the Commission document is generally defective and incapable of effective implementation.

The aim of this Committee Opinion is to draw the attention of the competent Community authorities to the scale of the problem and to the means necessary to resolve it.

The rapporteur-general for this Opinion was Mr Roseingrave (Ireland — Various Interests).

External relations

Activities of the Chairman

Mr Margot, Chairman, Mr Kenna, Committee member, and Mr Burton and Mr Bustamante from the secretariat, attended the inaugural session of the EC/China Seminar — Business Week organized by the EC Commission on 29 February 1988.

The Chairman, accompanied by Committee members Mr Gle-sener, Mr Müller, Mr Murphy and Mr Proumens, attended the Conference 'Man/Health/Environment' organized in Luxembourg on 3 March as part of the European Year of the Environment.

The Chairman attended the 'Mustermesse' Colloquium in Basle on 10 March where he spoke on the 'Opportunities and risks for Swiss small businesses in future relations with the European Communities'.

Mr Margot attended the opening of the 'Handwerkmesse' in Munich on 12 March.

On 14 March he held talks in Brussels with Mr De Clercq, Commissioner.

Mr Margot and Mr McLaughlin, Director in the ESC, attended a debate on the internal market, organized in Bonn on 15 March by the Federal Association of German Industries.

On 16 March Mr Margot had talks with Mr Palmieri and Mr Tosi of the Confederazione Nazionale dell'Artigianato.

Other activities

An ESC delegation comprising Mr Pelletier, Mr Amato, Mr Luchetti, Mr Neto da Silva, Mr Nugeyre, Mr Zufiaur Narvaiza and Mr Collas visited Morocco from 29 February to 1 March. Mr Schwaiger and Mr van de Graaf of the secretariat accompanied the delegation. It had talks with ministers and heads of socio-economic organizations on EC-Morocco relations.

Mr Boisseree, a member of the Committee, attended the international conference on the environmental policy of the United

States and the EC, organized by the Belgian Committee of the European Year of the Environment on 1 March.

Mr Sutherland, Commissioner, attended the meeting of the Section for Protection of the Environment, Public Health and Consumer Affairs held at ESC headquarters on 1 March.

Mr Jacques Moreau, Secretary-General of the ESC, made a speech to the representatives of the French Chambers of Commerce in Brussels on 8 March.

Mr Warnke, German Transport Minister and President-in-Office of the Council, attended the Transport Section meeting at ESC headquarters in Brussels on 9 March.

Mr Jacques Moreau, ESC Secretary-General, spoke in Paris at the Centre des Jeunes Dirigeants de l'Économie Sociale on 11 March.

On 15 March Mr Moreau met Mr Fonteneau, Director of the International Labour Office (ILO), in Brussels.

On 15 March the Study Group on a European Financial Area heard, as part of its work, statements by Mr Godeaux, Chairman of the Committee of Governors of the Central Banks and President of the Bank of Belgium; Mr Guill, Director of the Institut Monétaire du Luxembourg; Mr Schlesinger, Vice-President of the Bundesbank; and Mr Kirby, head of the international division of the Bank of England.

An ESC delegation comprising Mr Poeton, Mr Neto da Silva, Mr Jenkins, Mr Delhomenie, Mr Clavel and Mr Briganti visited Lomé from 21 to 25 March.

On 22 March Mr Boisseree, a member of the Committee, attended the Round Table organized by the European Parliament in Brussels as part of the European Year of the Environment.

On 22 March Mr Moreau had a discussion at the Tunisian Embassy in Brussels.

On 29 March ESC Secretary-General Moreau took part in the meeting 'Association European Year of Cinema and Television 88' chaired by Mrs S. Veil in Paris.

On 30 March he participated in the Round Table on the theme '1992 — Feminine Europe' held by the French Democratic Labour Confederation in Paris.



Mr Warnke, German Minister for Transport and President-in-Office of the Council (on the left) is welcomed by Mr L. J. Smith, Chairman of the ESC's Transport Section.

New consultations

Since the last Plenary Session the Economic and Social Committee has been, or will shortly be, consulted on the following questions:

'Proposal for a Council Decision concluding and implementing the Vienna Convention for the protection of the ozone layer and the Montreal Protocol on substances that deplete the ozone layer'

'Proposal for a Council Regulation (EEC) laying down common rules applicable to certain products which deplete the ozone layer' [COM(88) 58 final]

'Proposal for a Second Council Directive on the coordination of laws, regulations and administrative provisions relating to the taking-up and pursuit of the business of credit institutions and amending Directive 77/780/EEC' [COM(87) 715 final]

'Proposal for a Council Directive on the prevention of air pollution from new municipal waste incineration plants'

'Proposal for a Council Directive on the reduction of air pollution from existing municipal waste incineration plants' [COM(88) 71 final]

'Proposal for a Framework Directive to improve the safety and health of workers at the workplace' [COM(88) 73 final]

'Proposal for a Council Directive concerning the minimum safety and health requirements for the workplace (first individual Directive within the meaning of Article 13 of the Framework Directive' [COM(88) 79 final and COM(88) 74 final]

'Proposal for a Directive concerning the minimum safety and health requirements for the use of work equipment (machines, equipment, tools, products and installations)' [COM(88) 75 final]

'Proposal for a Directive concerning the minimum safety and health requirements for the use of personal protective equipment' [COM(88) 76 final]

'Proposal for a Directive concerning the minimum safety and health requirements for work with visual display units' [COM (88) 77 final]

'Proposal for a Directive concerning the minimum safety and health requirements for handling heavy loads where there is a risk of back injury for workers' [COM(88) 78 final]

'Proposal amending Directive 82/501/EEC on the major accident hazards of certain industrial activities'

'Proposal for a Council Directive amending Directive 74/561/EEC on admission to the occupation of road haulage operator in national and international transport operations, Directive 74/562/EEC on admission to the occupation of road passenger transport operator in national and international transport operations and Directive 77/796/EEC aiming at the mutual recognition of diplomas, certificates and other evidence of formal qualifications for goods haulage operators and road passenger transport operators, including measures intended to encourage these operators effectively to exercise their right to freedom of establishment' [COM(88) 95 final]

'Proposal for a 12th Council Directive on company law concerning one-man private limited companies' [COM(88) 101 final]

Provisional programme of future work

April 1988 Plenary Session

Opinions upon consultation

Farm prices

Tax harmonization [COM(87) 320 final]

European financial area [COM(87) 550 final]

A fresh boost for culture [COM(87) 603 final]

12th ERDF Report [COM(87) 521 final]

Sound level of motorcycles [COM(88) 6 final]

Carriage of goods by road [COM(88) 10 final]

Wine sector/quality wines psr [COM(87) 642 final]

Dangerous substances [COM(88) 7 final]

Green Paper on telecommunications [COM(88) 48 final]

Nematodes [COM(88) 47 final] (additional Opinion)

Franchising agreements (additional Opinion)

Framework Directive on safety and health of workers
[COM(88) 73 final]

Minimum safety and health requirements for the workplace
[COM(88) 74 final]

Own-initiative Opinion

General duty to sell safe goods

Upland areas (Opinion and report)

- Relations between the EEC and the State-trading countries

Information report

ACP indebtedness

Subsequent Plenary Sessions

Opinions upon consultation

- Economic situation in mid-1988
- Social developments
- Protection of workers against carcinogens [COM(87) 641 final]
- Equal treatment of men and women (burden of proof)
- Protection of workers against biological substances
- Pharmaceuticals [COM(87) 697 final]
- Labelling of tobacco products [COM(87) 719 final]
- Tar content of cigarettes [COM(87) 720 final]
- Protection of the ozone layer [COM(88) 58 final]
- Merger control
- Major accident hazards
- Approximation of legislation — machinery
- Air pollution — motor vehicle gas [COM(87) 705 final]
- Social legislation — road transport
- Transport infrastructure costs [COM(87) 716 final]
- Package travel [COM(88) 41 final]
- Credit institutions [COM(87) 715 final]
- Minimum requirements for the use of work equipment [COM(88) 75 final]
- Minimum requirements for the use of personal protective equipment [COM(88) 76 final]
- Minimum requirements for work with visual display units [COM(88) 77 final]
- Minimum requirements for handling heavy loads [COM(88) 78 final]
- Municipal waste incineration [COM(88) 71 final]
- Admission to the occupation of transport operator [COM(88) 95 final]
- Driving licences [COM(87) 509 final]
- One-person companies [COM(88) 101 final]
- Air transport (three additional Opinions)
- Consumer credit

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- Fourth Lomé Convention
- Social aspects of sea fishing
- Sardines and herrings
- Distribution of wine-growing areas in Spain

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