

ECONOMIC AND SOCIAL CONSULTATIVE ASSEMBLY

BULLETIN



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277th Plenary Session of 30 and 31 May 1990

The 277th Plenary Session of the Economic and Social Committee of the European Communities was held in Brussels on 30 and 31 May 1990. Mr Alberto Masprone, Committee Chairman, took the chair.

The Session was attended by Mr Jean Dondelinger, Member of the Commission, who addressed the Committee on the Community's action programme to promote the development of the audiovisual industry in Europe.

Summary of the statement by Mr Jean Dondelinger, Member of the Commission, and of the debate

The audiovisual industry is bound to develop rapidly and its development will have the firm support of the Community — this was the main theme of Commissioner Dondelinger's address to the Plenary Session of the Economic and Social Committee. The vast majority of film and TV programme productions — both public and private — are destined for national audiences, i.e. limited markets, and the cost of such productions is thus a considerable handicap. Only two out of eight films are shown outside their countries of origin.

The adoption of the Directive on television without frontiers and the Decision on high-definition TV in Europe was a clear indication of the Community's interest in establishing a legal base for a European audiovisual area. Following the success of the Media programme — which was conceived as an experimental programme and based on cofinancing — the Commission was now going to propose a joint Media-Eureka programme covering a period of five years and focusing on the industry's peripheral aspects. The programme would deal with both technical and economic matters such as scripting, pre-production, research, finance and distribution. Commissioner Dondelinger welcomed the Committee's ideas on



Mr Alberto Masprone (left), Chairman of the Economic and Social Committee, welcomes Commissioner Jean Dondelinger on his arrival at the ESC premises for the Committee's Plenary Session.

these matters, as expressed in its Opinions, and its support for the Commission's audiovisual policy.

In the ensuing debate, Mr Paul Broicher (Germany — Employers) emphasized the importance of solving copyright problems and setting up European television networks. These would need financial support. Mr Paul Flum (Germany — Workers) pointed out the risks involved in single, central control of the media, such as that exercised by dictatorships, and, in view of the enormous influence of the audiovisual media in the economic, social and cultural spheres, called for the economic and social interest groups to be represented in the formulation of European audiovisual policy. He stressed that all social groups should have freedom to express their views in broadcasts. The ESC had been the first to demand that the right of reply be granted by all European networks.

Mrs Beatrice Ragoni-Machiavelli (Italy — Various Interests) drew attention to the potentially serious consequences for the European social fabric if viewers continued to watch programmes which constituted a low-quality subculture. The image of Europe would be projected by its media, not only in the Community but throughout the world. This also applied to the Third World, and above all to the countries of Eastern Europe, which were now open to all programmes. She hoped there would be Community aid, e.g. for the dubbing of high-quality productions to make them more competitive. Racism and xenophobia must be combated by television output with positive educational effects.

ADOPTION OF OPINIONS

1. EEC/EFTA RELATIONS (Own-initiative Opinion)

Gist of the Committee Opinion¹

Introducing the Economic and Social Committee's Own-initiative Opinion on EEC/EFTA relations, the rapporteur, Mr Vasco Cal, stressed that the European Economic Space (EES) should not be viewed as the extension of the EC to embrace EFTA.

On the contrary, at the present stage in the process, the success of the EES negotiations is important for the Community's own goals

¹ CES 661/90.

and for lasting and dynamic relations between the Community and its main trading partners.

The Opinion warns against the threat to EFTA's competitiveness — EFTA countries will have a great deal to lose if they are excluded from the single market process, and much to gain if they can participate in it. The removal of barriers to intra-Community trade and the effects of economies of scale will cause processing industries to focus their investments more on the EC.

One 'overall gain' to be achieved by the establishment of the EES will be a reduction in the distortions caused by liberalization. Europe's competitiveness and negotiating position in relation to the rest of the world would be strengthened.

The Opinion sees the EES as a *sui generis* entity, to be governed by a treaty covering both points of substance and the legal and institutional aspects.

The agreement envisaged with EFTA would have to include provision for a surveillance procedure linked to a legal mechanism. This mechanism should be based on the Court of Justice in Luxembourg, but judges from the EFTA nations would also assist the Court.

Since the Community's decision-making procedure cannot involve the EFTA nations on the same terms as the EC Member States, the Opinion proposes mutual information on and consideration of each party's viewpoint. Legislation could be formulated within a system providing osmosis at various levels — ESC, European Parliament and Commission.

ESC members, who play a consultative role in the decision-framing process, could thus take into account the special interests of their EFTA partners, without slowing down the Community decision-making process or jeopardizing the Committee's own freedom to act.

A joint body comprising ESC and EFTA representatives should be granted the right of initiative.

The ESC considers that economic cohesion and the social dimension should be central aspects of the EES treaty.

This Opinion, adopted by a large majority with six abstentions, was drawn up in the light of the paper produced by the Section for External Relations, Trade and Development Policy, chaired by Mr A. E. Neto da Silva (Portugal — Employers). Rapporteur: Mr Vasco Cal (Portugal — Workers).

2. STATISTICAL CLASSIFICATION OF ECONOMIC ACTIVITIES (NACE)

Proposal for a Council Regulation (EEC) on the statistical classification of economic activities in the European Communities
[COM(90) 1 final — SYN 241]

Gist of the Commission document

NACE 1970 (General industrial classification of economic activities within the European Communities), which is currently in use, is not covered by a regulation and Community data are today often collected according to the national classifications and transformed by means of conversion keys which reduce compatibility. Furthermore, this system offers poor world-wide compatibility with other classifications of economic activities. Lastly, there are hardly any links between NACE (classification of activities) and product classifications.

Classifications of economic activities are devised for categorizing production units according to the activities carried on by them, with a view to the preparation of statistics of the phenomena relating to the participation of such units in the economic process — e.g. the output, the input of factors of production (labour, materials, investment) or the revenue of the units in question.

The proposed regulation makes compulsory only the use of NACE Rev. 1 as the Community statistical language. The Regulation itself imposes no obligation on Member States to collect and supply data.

Gist of the Committee Opinion ¹

Whilst approving the proposed regulation, the Committee would repeat its call for the Advisory Committee provided for in Article 7 to be replaced by a management committee.

The Committee would like to draw attention to its concern that the abolition of intra-Community border controls may lead to a decline in the quality of statistics.

It would be a good idea for the Commission to provide technical, training and financial assistance for the statistical services of those

¹ CES 650/90.

Member States who do not have adequate facilities or qualified staff.

This Opinion, adopted unanimously, was drawn up in the light of the paper produced by the Section for Economic, Financial and Monetary Questions, chaired by Mr Alfons Margot (Belgium — Various Interests). Rapporteur working alone: Mr Camille Giacomelli (Luxembourg — Employers).

3. INDIRECT TAXES ON THE RAISING OF CAPITAL

Proposal for a Council Directive amending Directive 69/335/EEC concerning indirect taxes on the raising of capital
[COM(90) 94 final]

Gist of the Commission document

Within the same Member State, collective investment undertakings may, depending on their legal form, be subject to two different sets of rules governing tax on the raising of capital.

The Commission takes the view that this differential treatment is unjustified and that Member States should be put in a position to avoid it. The attached proposal for a Directive therefore makes it possible for Member States to exempt from the general rules contributions of capital to collective investment undertakings established in the form of investment companies.

Gist of the Committee Opinion ¹

The Committee welcomes the Commission's proposal, the aim of which is to place all investment companies, irrespective of their legal form, on an equal footing as regards the application of capital duty.

However, it regrets that the Commission has not been able to propose the total abolition of capital duty; the Committee feels that such a duty has no place in a rational tax system and points out that, on several occasions in the past, it has called unanimously for abolition.

¹ CES 651/90.

This Opinion, adopted unanimously, was drawn up in the light of the paper produced by the Section for Economic, Financial and Monetary Questions, chaired by Mr Alfons Margot (Belgium — Various Interests). Rapporteur: Mr Paul Broicher (Germany — Employers).

4. OUTLYING ISLAND REGIONS (REGIS)

Community initiative to assist the most remote regions of the Community (Regis)

Gist of the Commission document

The seven regions covered by the initiative for remote regions are Guadeloupe, Guyana, Martinique, Réunion, the Canary Islands, the Azores and Madeira. It involves both loans and non-refundable aid to supplement the Community support structures, taking account of the distance from the European Community and the immediate proximity of non-EC countries, and covering the following measures:

1. diversification of agricultural products with a view to both self-sufficiency and export;
2. assistance for adventure holidays, services, innovation, craft zones, industrial zones, and new or renewable energy sources;
3. transport infrastructure where necessary, telecommunications infrastructure in all cases;
4. cooperation with the ACP countries in the form of seminars, services and equipment purchasing;
5. aid in coping with natural disasters (cyclones, volcanic eruptions, tidal waves, etc.);
6. vocational training in all the above fields; remedies for long-term unemployment.

The programmes will be co-funded by the Member States and the Community; the contribution by the structural Funds to Regis is estimated at ECU 200 million for 1990-93. The Commission reserves the right to adjust the level of its participation to take account of the quality of the programmes proposed. The Member States will have six months in which to present their programmes.

Gist of the Committee Opinion ¹

The Committee welcomes the Commission initiative but considers that all island and remote regions should benefit from Community assistance in proportion to their needs and as part of a structured policy.

In particular, it would seem that there is currently no specific action in favour of the islands off the coast of Ireland.

In the Committee's view, the Community's financial contribution towards alleviating island problems still falls far short of what is needed. The activities eligible for Regis funding must therefore be seen as demonstration projects and not as an effective practical remedy to the disadvantages of the island regions.

The Committee also expresses fears as to the capacity of Spain and Portugal to cofinance these programmes. It calls for the full involvement of local communities and key socio-economic groups in the framing and management of the selected programmes and therefore advocates full transparency and widespread publicity for Regis operations.

The Regis programme is also important because it gives the Community an opportunity to project its image and extend its activities to remote regions, close to Africa, the Caribbean and the Pacific, where other development models are to be found.

On specific points, the Opinion recommends prompt action to find a solution to organization of the banana market, transport costs and the promotion of vocational training to optimize local potential.

This Opinion, adopted unanimously, was drawn up in the light of the paper produced by the Section for Regional Development and Town and Country Planning, chaired by Mr Vasco Cal (Portugal — Workers). Rapporteur: Mr Luigi Della Croce (Italy — Workers).

¹ CES 662/90.

5. REGIONAL RESEARCH, TECHNOLOGICAL AND INNOVATORY CAPACITY (STRIDE)

Research and development programme for the regions (Stride)

Gist of the Commission document

The Stride programme aims to strengthen the research, technological and innovatory (RTD) capacity of the less-developed regions, to assist regions seriously affected by industrial decline by stimulating innovation, and to complement other Community actions in favour of R&D.

In the context of Stride, Community assistance in the form of loans and grants will be made available for measures included in operational programmes to be submitted by the Member States.

Stride is designed as a set of actions to complement measures in favour of R&D to be financed within the Community support frameworks. Eligible measures under Stride are listed under three categories which together form a comprehensive R&D strategy:

- (a) improved research capabilities in the Objective 1 regions;
- (b) participation of research centres and firms in Objective 1 regions in Community and other international research programmes and networks;
- (c) promoting cooperation between research centres and industry in Objective 1 and, to a lesser extent, in Objective 2 regions.

Member States have six months to present detailed proposals for operational programmes.

Programmes submitted under Stride should reflect informed scientific opinion on the R&D and technological potential of the regions concerned.

Where appropriate, funding may be disbursed through a comprehensive grant made to intermediaries with the necessary scientific and financial expertise to administer Stride funding jointly on behalf of the Commission and the Member State concerned, in consultation with the regional and local authorities involved.

Stride will be financed jointly by the Member State concerned and the Community. ECU 400 million will be contributed by the ERDF and ESF for the period 1990-93 to areas eligible for Stride. Loans from EIB and ECSC resources may also be made available.

Gist of the Committee Opinion ¹

The Opinion gives general approval to the Stride programme. The programme is likely to be of particular benefit to Objective 1 regions (\pm 80%), with around 15% of aid going to Objective 2 industrial regions. The Opinion recalls earlier Committee work on research and technological development, and the stance taken in these Opinions. It considers that Stride should provide important support for the Value and Sprint II programmes.

The Opinion raises the question of protection of intellectual property rights, which remains unresolved. If regional disparities are to be reduced, the case for introducing differential intellectual property rights should be explored.

The Opinion also considers the availability of venture capital. This is an obstacle to innovation in many Objective 1 regions (and even in Objective 2 regions) because of centralization of the capital markets.

Lastly, the Opinion stresses the importance of proper monitoring procedures.

This Opinion, adopted unanimously, was drawn up in the light of the paper produced by the Section for Regional Development and Town and Country Planning, chaired by Mr Vasco Cal (Portugal — Workers). Rapporteur: Mr Campbell Christie (United Kingdom — Workers).

6. BORDER AREAS (INTERREG)

Community initiative on border areas (Interreg)

Gist of the Commission document

The aim of this programme is to accelerate the integration of internal border areas and to help promote cooperation between the Community's external border areas and adjoining areas in third countries, especially at a time when the countries of Eastern Europe are opening up.

¹ CES 663/90.

Loans and aid will be granted for the following measures, for areas defined jointly with the Member States:

- (i) planning and drawing-up of cross-border programmes (studies and investment);
- (ii) exchange of information between public and private organizations, social or charitable organizations;
- (iii) creation of permanent institutional or administrative structures responsible for implementing this cooperation.

This last point will receive aid as a matter of priority among the various proposals submitted by the States and regions.

The emphasis will be on the creation of jobs through the promotion of SMEs and tourism, the improvement of agricultural productivity and environmental measures (pumping, purification, irrigation, 'clean' energy, safeguarding forests, maintaining nature reserves, etc.).

All other sectors, such as infrastructure and vocational training, will also be eligible.

The programmes proposed by the Member States must concern areas covered by Objectives 1, 2 and 5b of the Funds' reform. Some exceptions are, however, provided for and mentioned in the Commission text.

Community financing will be additional to that of the Member States and will amount to approximately ECU 700 million between now and 1993.

To assess priorities, the Commission will examine to what extent the programmes are consistent with an overall regional strategy, with the completion of the internal market and the principle of complementarity.

Gist of the Committee Opinion ¹

In its Opinion the Committee gives its full support to the Interreg initiative which should provide a model for the establishment of the single market. The sole defect of the initiative is the paucity of the funds allocated to it. The Committee does, however, draw attention to the problems posed by the proliferation of EC programmes which are becoming difficult to comprehend and manage. The Committee calls for greater transparency in this regard.

¹ CES 664/90.

Implementation of the programme will, in the Committee's view, require considerable flexibility on the part of the Member States (particularly as regards the definition of eligible areas) together with an ability to formulate overall strategies with the assistance of a large number of public and private economic operators.

Such steps have been taken spontaneously and in an exemplary fashion in a number of frontier areas; in other areas, however, progress has been restricted by red tape or a lack of political will. The Commission should provide the impetus to resolve these problems.

The Committee underlines the need for all trade associations and all sides of industry to be involved in these programmes from the outset and for them to be kept informed in an appropriate way. The Committee also recommends the establishment of joint cross-frontier regional development associations.

The Committee points out that the formulation of land-use plans by the authorities in the Member States acting in concert would enable tremendous progress to be made. The numbers of such plans are woefully inadequate in the EC as a whole.

This Opinion, adopted unanimously, was drawn up in the light of the paper produced by the Section for Regional Development and Town and Country Planning, chaired by Mr Vasco Cal (Portugal — Workers). Rapporteur: Mr Eugène Muller (Luxembourg — Various Interests).

7. ROAD-TRAIN DIMENSIONS

Proposal for a Council Directive amending, with a view to fixing certain maximum authorized dimensions for road trains, Directive 85/3/EEC on the weights, dimensions and certain other technical characteristics of certain road vehicles
[COM(90) 641 final]

Gist of the Commission proposal

On 18 July 1989 the Council adopted Directive 89/461/EEC amending Directive 85/3/EEC on weights, dimensions and other characteristics of lorries. The Committee issued its Opinion on the draft Directive on 1 June 1989 (see OJ C 194 of 31 July 1989).

The main aim of Directive 89/461/EEC was to call a halt to the reduction in the space reserved for the driver and the coupling device caused by the tendency to make vehicles more productive.

Technical developments in the design of road trains have been similar to those affecting articulated vehicles. As a result new legal provisions need to be introduced.

The basic problem is similar in the case of both types of vehicles. Within the legally permitted total length of 18m for road trains technical development has, in order to gain loading space, led to shorter cabins and shorter coupling mechanisms between truck and trailer.

The aim of the current draft Directive is to supplement EC legal provisions designed to put a stop to this development. The Commission therefore proposes that:

- (i) the maximum authorized length of a road train be increased from 18m to 18.35m;
- (ii) the total load length of truck and trailer combined be set at 15.30m;
- (iii) the sum of the total load length of truck and trailer and the distance between truck and trailer be set at 16m.

It is also proposed to allow the use of existing road trains that do not comply with the provisions on total load length on condition that these vehicles do not exceed the 'old' maximum authorized length of 18m.

This exemption will apply only until 1 January 1995.

Gist of the Committee Opinion ¹

The Committee reiterates the need for swift action to adopt specific provisions complying with Community regulations so as to provide legal safeguards for all parties concerned and halt the persistent move towards ever-larger road-haulage vehicles.

The Committee feels that the Commission could have taken bolder steps to reverse this development and seized the opportunity for a reduction (albeit a modest one) in the overall length of road trains.

The Committee stresses that these specific measures must be viewed in the broader context of goods transport policy. It calls for

¹ CES 660/90.

the adoption of Community and national policies designed to promote combined transport and boost rail transport of goods, especially over long distances.

This Opinion, adopted by 104 votes for, 31 votes against and 8 abstentions, 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). Rapporteur: Mr Gian Battista Cavazutti (Italy — Workers).

8. OPERATION OF AIR-CARGO SERVICES

Proposal for a Council Regulation (EEC) on the operation of air-cargo services [COM(90) 63 final]

Gist of the Commission proposal

Currently the exercise of all air-cargo services is determined by operating rights resulting from bilateral air service agreements. The existing EC regulations which liberalize intra-Community air services (the December 1987 'package') are limited to air freight in combination with passenger services. Cargo-only services are excluded.

To give air carriers the same marketing opportunities as their competitors the Commission is therefore proposing to lift existing limitations on market entry.

On the rate-setting mechanism, it is proposed to retain certain possibilities for intervention in view of the specific safety considerations for air transport. It is therefore suggested that rates should continue to be filed with governments, for information purposes. Only when a government is not convinced that the rate includes a sufficient margin to ensure satisfactory technical and safety standards can it ask the Commission to reject the cargo rate.

Member States are to allow the exercise of air traffic rights between different airports in the Community without discrimination between Community operators. Thus, carriers will be able to change aircraft in an airport of their choice according to their needs. Any limitations that the Member States may impose on carriers will have to be justified on grounds of air traffic control, protection of the environment, social legislation or safety regulations, and must in no case be discriminatory.

The liberalization of the market in air-cargo services comes at a time when this sector is seeing many developments, especially in the area of high-speed specialized transport, delivery of letters and parcels and air transport of perishable goods. Until now, the organization of goods transport has always been highly complicated because it has required many intermediaries. More and more operators can now be found who specialize in express delivery by air and who take on the whole operation, providing a door-to-door service.

Gist of the Committee Opinion ¹

The Committee has already expressed its approval — under the conditions specified in its Opinion — of the second phase of liberalization of air transport, which includes flights carrying freight in combination with passengers. The further liberalization of freight-only services is welcomed under conditions analogous to those specified in that earlier Opinion. This liberalization will provide scope for EC airlines to be in a position to compete with integrators and with surface transport on terms which are more favourable than in the past, and will extend the possibility for industry to avail itself of the benefit of faster city-to-city links by air in order to improve competitiveness.

The Committee suggests that the Commission take account of the difficulties which are experienced by the airlines of small, peripheral States in providing adequate cargo services to their main Community markets (Member States). The expansion of air freight on a more liberal basis would encourage the creation of jobs within European airlines and expansion of the aircraft industry.

The Committee, in supporting the Commission's proposals, suggests that full account be taken of the following issues, which are also reflected in the Committee's Opinion on the second phase of liberalization of scheduled passenger services. In summary, the Committee's Opinion states that:

- (i) the aim should be to achieve the highest possible level of safety;
- (ii) it is essential that bottlenecks be avoided in air traffic control, and in and around airports, or in access to airports, particularly in view of the fact that a large proportion of air freight is carried on combined passenger/freight services. Such

¹ CES 652/90.

bottlenecks will cause distortions between carriers providing combined services and those providing freight-only services, where these carriers compete for the same airport or airway capacity;

- (iii) the Commission's pending proposals concerned with the harmonization of technical and social standards in air transport should also apply where appropriate, taking into account the differences between freight-only and combined passenger/freight services; for environmental reasons, the operation of jet aircraft at night should be carefully controlled. The Committee favours the operation of the quietest available aircraft.

This Opinion, adopted unanimously, 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). Rapporteur: Mr John Kenna (Ireland — Employers).

9. ORGANIC FARMING

Proposal for a Council Regulation (EEC) on organic production of agricultural products and indications referring thereto on agricultural products and foodstuffs

[COM(89) 552 final]

Gist of the Commission proposal

The aim of the proposed Regulation is to set up a harmonized framework for the labelling, production and inspection of agricultural products and foodstuffs bearing, or intended to bear, indications referring to organic production methods.

The Commission said it intended to take initiatives to encourage this method of agriculture within a legislative framework which would ensure fair competition between producers, appropriate information for consumers and free circulation of the products concerned.

The proposal lays down:

- (i) conditions for the labelling of organically produced agricultural products marketed without frontier processing, and foodstuffs derived therefrom;
- (ii) production rules (basic rules for organic farming and provisions regarding the use of synthetic chemicals);

- (iii) a system of regular inspection, optional for producers, carried out at the Member State's discretion by private bodies, approved and supervised by the Member State, or by a public body;
- (iv) a system whereby products imported from third countries may be identified as being produced and marketed in conditions of production and inspection equivalent to those compulsorily applicable to products obtained in the Community.

Gist of the Committee Opinion ¹

The Committee welcomes the Commission proposal in principle, though it would want to see some changes in the detail:

- (a) The proposal does not cover animal products although live-stock is an essential part of organic rotation. Many units have mixed production of crops and animals and both need to be covered.
- (b) Finished and processed products are only partly covered. A proposal covering all foods is much more preferable.
- (c) The Regulation is too lax in allowing crops to be designated as organic; at least 24 months should have elapsed from the last application of artificial fertilizers and pesticides to land on which they have been grown.
- (d) Permitting both an effective and an ineffective control system is unsatisfactory.
- (e) The provisions are largely negative. Instead there should be positive lists of what is and what is not allowed. This is normal in all organic farming systems.
- (f) Consumers who believe in the benefits of organic foods think that they are buying completely 'natural' products. This proposal however allows the addition of varying amounts of synthetic material without adequate labelling to inform the consumer.

In fact most current practice permits a number of synthetic fertilizers and phytosanitary products in organic agriculture. This practice should continue but with adequate labelling to inform the consumer.

¹ CES 653/90.

This Opinion, adopted unanimously, was drawn up in the light of the paper produced by the Section for Agriculture and Fisheries, chaired by Mr André Laur (France — Various Interests). Rapporteur: Mr Kenneth J. Gardner (United Kingdom — Employers).

10. PLANT PROTECTION

Proposal for a Council Directive amending Directive 77/93/EEC on protective measures against the introduction into the Member States of organisms harmful to plants or plant products
[COM(89) 646 final]

Gist of the Commission proposal

The present proposal seeks to reconcile, on the one hand, the Community objective of free movement of plants and plant products with a minimum of prohibitions, restrictions and other formalities with, on the other hand, the need to prevent the introduction of harmful organisms into, and their spread within, areas where they are not established.

The proposal contains five essential elements:

- (a) The establishment of plant health standards for Community products, applying to trade between Member States and on the domestic market of each Member State, and also for third-country products, designed in particular to prevent the introduction into the Community of harmful organisms not known to exist there.
- (b) The transfer of check locations for Community products from internal Community frontiers to places of production, and for third-country products, to external Community frontiers. Such checks are mandatory and cover all plants and plant products grown, produced, used or otherwise present at places of production, and also the growing medium used there.
- (c) The issue of a 'plant passport' to material which has passed a Community inspection.
- (d) The identification of protected zones which, due to differences in ecological conditions and the distribution of certain harmful organisms, face particular plant health risks.
- (e) The establishment of a system of official checks during the marketing of plants and plant products, designed to ensure compliance with Community plant health regulations as part of

the single market. This system would aim to be as reliable and as standardized as possible throughout the Community while excluding specific border controls between the Member States.

Gist of the Committee Opinion ¹

The Committee recognizes that the proposal will help ensure that the new system does not lead to a deterioration in plant health within the Community through the introduction or propagation of new harmful agents. The Committee therefore approves the Commission proposal.

The Committee also considers that in cases such as the present, where simultaneous adoption of uniform criteria is vital in order to prevent defective interpretations in the national law of Member States, a Regulation would be a more appropriate instrument than a Directive. To minimize problems, the Committee suggests that the Commission shortly draw up a code of conduct for inspections on which the ESC should be consulted.

This Opinion, adopted unanimously, was drawn up in the light of the paper produced by the Section for Agriculture and Fisheries, chaired by Mr André Laur (France — Various Interests). Rapporteur: Mr Rui Herlândero Rolão Gonçalves (Portugal — Employers).

11. MARKETING OF YOUNG PLANTS

Proposal for a Council Regulation (EEC) on the marketing of young plants and propagating material, other than seeds, of vegetables
[COM(89) 649 final]

Gist of the Commission proposal

The proposal is intended to harmonize at Community level the quality and plant health standards which must be met by young plants and vegetative reproduction material marketed in the Member States, and would ensure that material meeting these standards can move freely throughout the Community. It is framed as a Regulation so that these standards become directly and simultaneously effective in all Member States.

¹ CES 654/90.

The proposal envisages three distinct stages in the establishment of the Community scheme:

1. As a first step towards harmonization, Member States will be prohibited, with immediate effect, from imposing any new conditions or marketing restrictions on young plants or vegetative reproduction material of any vegetable species (Article 5 and Article 21(a)).
2. From 1 January 1992, the new Community standards will come into effect for young plants raised directly from the seeds of vegetable species for which there is a market in such young plants (Article 3(a)(i) and Article 21(b)).

Vegetable seed has been regulated for some years in accordance with the provisions of Directive 70/458/EEC and young plants raised directly from vegetable seed form the major part of the market in young plants and vegetative reproduction material of vegetables. It is thus appropriate, in view of the experience gained in the operation of the Directive and the predominance of these products on the market, that the Community standards should apply initially to young plants raised from seed.

3. Not later than 1 January 1993, the Community standards will be extended to other young plants and to vegetative reproduction material (Article 21(b)).

The standards will be applicable to material marketed in intra-Community trade and in the domestic trade of Member States.

There are four essential elements in the Community scheme:

1. To ensure that material subject to the scheme is properly produced and stored, suppliers must comply with certain requirements (Article 4 and Annex I).
2. The material must comply with quality conditions relating to the material from which it derives, varietal identity and varietal purity, external quality, growing medium and packaging, and also with certain plant health conditions (Article 6(1) and Annex II, Part A). Member States will verify compliance with the quality conditions by check inspection but there will be systematic official inspection of the material to ensure compliance with the plant health conditions (Article 6(2) and Annex II, Part B).
3. In order to guarantee orderly marketing and to ensure their identity, the material must be marketed in homogeneous lots which are kept separate (Article 7).
4. For the same reasons, and also to attest its plant health status, the material must be accompanied by an official plant health

statement, issued following the plant health inspection referred to above, and by a supplier's document containing specified descriptive information (Article 8 and Annexes III and IV).

Material which complies with the requirements and conditions of the Regulation may move freely throughout the Community (Article 9).

There is also provision for establishing a Community regime for the importation of young plants and vegetative reproduction material from third countries (Article 13); for adoption of rules permitting, in the case of temporary supply difficulties, the marketing of material subject to less stringent requirements (Article 14); and for carrying out Community comparative tests in order to harmonize technical methods of examination and to compare young plants and propagating material produced in the Community with those produced in third countries (Article 15).

Gist of the Committee Opinion ¹

The Committee is concerned that the legislation may limit the flexibility and initiative which exists in the sector and is desired by consumers.

In respect of certain points, the proposal will need considerable clarification before its adoption. In the proposal, much of the detailed administration of the proposed measures is left to the Joint Standing Committee and will not be referred to the Council thus leaving much of the final form of the Regulation to officials.

This Opinion, adopted unanimously, was drawn up in the light of the paper produced by the Section for Agriculture and Fisheries, chaired by Mr André Laur (France — Various Interests). Rapporteur: Mr Michael Strauss (United Kingdom — Various Interests).

¹ CES 655/90.

12. MARKETING OF ORNAMENTAL PLANTS

Proposal for a Council Regulation (EEC) on the marketing of ornamental plant propagating material and ornamental plants
[COM(89) 650 final]

Gist of the Commission proposal

The aims of this proposal are: (i) to align, throughout the Community, mandatory quality and plant health standards for propagating material (including seeds) and ornamental plants marketed in Member States, and (ii) to ensure that material meeting these standards can move freely within the Community. A Regulation has been proposed in order to enact these standards directly and simultaneously in all Member States.

As a first step towards such alignment, Member States will be prohibited, with immediate effect, from imposing any new conditions or marketing restrictions on propagating material or ornamental plants of any ornamental genus or species (Article 14(1)). Thereafter the new Community standards will be phased in for each genus and species, beginning with those genera and species of major economic importance in the Community (listed in Article 1(2)). Article 1(3) provides for extension of these standards to other genera and species. The standards are to cover material marketed in both intra-Community trade and Member States' domestic trade.

Compliance with the Community standards will be attested by official certification following official examination of the material concerned. Except for 'classified plants', only certified material may be marketed (Article 6). Material must be certified in one of three categories, 'nuclear stock' (basic propagating material, production of which is the responsibility of the plant breeder), 'propagating stock' and 'certified plants'.

Community standards, governing both quality and plant health, will be laid down for each genus and species and for each category therein. The standards will be set out in schedules established in accordance with a Community procedure (Article 4), and for each species will come into force at a date specified on establishment of the relevant schedule. The deadline is 1 January 1993 (Article 24(2)).

It is, however, considered impracticable at present to restrict marketing to certified material, as there is unlikely to be enough of

it to satisfy Community demand. Article 7 therefore permits, for transitional periods only, the marketing of 'classified plants' which meet less rigorous requirements. These requirements will be set out in the Article 4 schedule established for the relevant genus or species.

In addition to establishing quality and plant health standards, the Regulation:

- (1) imposes certain obligations on suppliers, designed to ensure proper production and storage of propagating material and ornamental plants, and adequate monitoring by Member States (Article 5);
- (2) requires that, as far as possible, propagating material and ornamental plants placed on the market belong to a variety officially accepted in one or more Member States; this is to ensure that the varieties available are good varieties produced by systematic plant selection work (Article 9);
- (3) establishes Community rules on separation and homogeneity of lots, packing, sealing and marking. Application of these rules will ensure orderly marketing of propagating material and ornamental plants, guarantee their identity and convey the necessary information on their characteristics and compliance with Community standards to purchasers and the supervisory authorities (Articles 11 and 12).

Material complying with the Regulation's requirements and conditions may move freely throughout the Community (Article 14(2)).

The Regulation also provides for: (a) the adoption of rules which, in the event of temporary supply difficulties, permit the marketing of propagating material and ornamental plants meeting less stringent requirements (Article 13); (b) the establishment of Community rules for imports from non-Member States (Article 16); and (c) the introduction of comparative tests in order to align technical methods of examination and to compare material produced in EC with non-Community material (Article 19).

Gist of the Committee Opinion ¹

The Committee agrees that it is necessary to introduce Community legislation in order to harmonize quality and plant health standards as required for the completion of the internal market.

¹ CES 656/90.

The Committee notes that basically the same Regulation is being proposed for ornamental plants as for young vegetable plants and propagating material. Sufficient account is not taken of the very different nature of trading in this sector. The different nature of the trade is due to material being sold in smaller consignments, and sometimes mixed lots are required. Moreover this Regulation covers all ornamental plants, not only those intended for propagation.

Considering the extremely wide range of material concerned and the particular nature of the trade, the proposal is inappropriate and impracticable as it stands.

The proposal will need considerable clarification and modification before its adoption. In the proposal much of the detailed administration of the proposed measures is left to the Joint Standing Committee and will not be referred to Council. It is difficult to give a precise and constructive opinion on a proposal which leaves so much of the final form of the Regulation to officials who will not have to refer the matter back to the Council of Ministers and other Community institutions.

This Opinion, adopted unanimously, was drawn up in the light of the paper produced by the Section for Agriculture and Fisheries, chaired by Mr André Laur (France — Various Interests). Rapporteur: Mr Michael Strauss (United Kingdom — Various Interests).

13. MARKETING OF FRUIT PLANTS

Proposal for a Council Regulation (EEC) on the marketing of fruit plant propagating material and fruit plants intended for fruit production
[COM(89) 651 final]

Gist of the Commission proposal

The proposal aims to harmonize at Community level the quality and plant health standards which must be met by propagating material (including seeds) and fruit plants marketed in the Member States, and to ensure that material meeting these standards can move freely throughout the Community. It is framed as a Regulation so that these standards become directly and simultaneously effective in all Member States.

As a first step towards harmonization, Member States will be prohibited, with immediate effect, from imposing any new con-

ditions or marketing restrictions on propagating material or fruit plants of any fruit species (Article 14(1)). Thereafter the new Community standards will be phased in, species by species, beginning with species of major economic importance in the Community (listed in Article 1(2)). The extension of the standards to further species is provided for in Article 1(3). The standards will apply to material marketed both in intra-Community trade and in the domestic trade of Member States.

Compliance with Community standards will be attested by official certification following official examination of the material concerned. Except for 'classified plants', only certified material may be marketed (Article 6). Material must be certified in one of three categories: 'nuclear stock' (basic propagating material produced under the responsibility of the plant breeder); 'propagating stock'; and 'certified plants'. Material certified in the last two categories must be graded either as virus free (v.f.), i.e. free from all relevant viruses and virus-like pathogens, or virus tested (v.t.), i.e. free from certain serious viruses and virus-like pathogens which could reduce the usefulness of the material (Article 3(h) and (i)).

Community standards (both quality and plant health) will be laid down for each species and, within each species, for each category. They will be set out in schedules established in accordance with a Community procedure (Article 4). They will come into force for each species at a date fixed when the relevant schedule is established. This date may not be later than 1 January 1993 (Article 24(2)).

It is, however, considered impracticable at present to restrict marketing to certified material, as there is unlikely to be sufficient to satisfy Community demand. Article 7 therefore permits, for transitional periods only, the marketing of 'classified plants' which meet less rigorous requirements. These requirements will be set out in the Article 4 schedule established for the relevant species.

In addition to establishing quality and plant health standards, the Regulation:

- (1) imposes certain obligations on suppliers, to ensure proper production and storage of propagating material and fruit plants and adequate monitoring by Member States (Article 5);
- (2) requires that propagating material and fruit plants placed on the market must belong to a variety officially accepted in one or more Member States, so as to ensure that the varieties available are good varieties produced by systematic plant selection work (Article 10);

- (3) lays down Community rules concerning separation and homogeneity of lots, packing, sealing and marking. Orderly marketing of propagating material and fruit plants will thus be guaranteed and their identity ensured. Necessary information concerning their characteristics and their compliance with Community standards will be conveyed to purchasers and to the authorities responsible for control (Articles 11 and 12).

Material which complies with the requirements and conditions of the Regulation may move freely throughout the Community (Article 14(2)).

In the case of temporary supply difficulties, there is provision for the adoption of rules permitting the marketing of propagating material and fruit plants subject to less stringent requirements (Article 13); for establishing a Community regime for imports from third-countries (Article 16); and for conducting comparative trials in order to harmonize technical methods of examination and to compare material produced in the Community with third-country material (Article 19).

Gist of the Committee Opinion ¹

The Committee agrees that it is necessary to introduce Community legislation in order to harmonize quality and plant health standards as required for the completion of the internal market.

However, the Committee is concerned that the legislation may limit the flexibility and initiative which exists in the sector and is desired by consumers who have differing requirements with regard to quality standards and who are currently satisfied with an already self-regulating balance between supply and demand. Further, it is essential that sufficient Community resources are applied in order to ensure that adequate inspection is carried out to enforce the Regulation fairly throughout the Community.

In respect of certain points the proposal will need considerable clarification before its adoption. In the proposal much of the detailed administration of the proposed measures is left to the Joint Standing Committee and will not be referred to the Council. It is difficult to give a precise and constructive opinion on a proposal which leaves so much of the final form of the Regulation to officials who will not have to refer the matter back to the Council of Ministers and other Community institutions.

¹ CES 657/90.

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

14. HEALTH REQUIREMENTS — PRODUCTS OF ANIMAL ORIGIN

Proposal for a Council Regulation laying down animal health requirements for the placing on the market in the Community of animals and products of animal origin not covered in this respect by specific Community rules

[COM(89) 658 final]

Gist of the Commission proposal

The marketing of animals and products of animal origin constitutes a source of income for part of the farming population.

In order to ensure the rational development of these activities, raise productivity and contribute to completion of the single market, it is necessary to lay down common animal health rules governing the placing on the market of animals and products of animal origin which are not, nor will be, covered by specific Community legislation.

The proposal provides for the approximation of the rules governing the placing of these animals and products of animal origin on the market in the Community.

Removing the present disparities will encourage intra-Community trade in cagebirds, fur animals, bees, apiculture products, monkeys and ungulates while meeting certain animal health requirements designed to prevent the spread of disease.

Gist of the Committee Opinion ¹

The Committee welcomes this proposal as a general measure, as it fills another gap in Community animal health rules relating to trade in live animals and products; in this way, it facilitates completion of the internal market by harmonizing Member States' trade rules on

¹ CES 658/90.

the marketing of certain animals and products of animal origin not already covered by existing or proposed Community legislation.

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

15. INSURANCE AGREEMENTS

Proposal for a Council Regulation (EEC) on the application of Article 85(3) of the Treaty to certain categories of agreements, decisions and concerted practices in the insurance sector

[COM(89) 641 final]

Gist of the Commission document

In deciding that the insurance sector was fully subject to Articles 85 and 86 of the Treaty and Regulation No 17, the Court of Justice categorically rejected the argument that the prohibition laid down in Article 85(1) did not apply to this sector pending the adoption of an implementing regulation.

Following discussions between the Commission and the Comité européen des assurances, the majority of insurers and their associations decided to notify their agreements and recommendations.

In view of the large number of notifications, which would create a serious problem for the individual treatment of each case, the Commission favours a blanket solution based on the principle of group exemption. The adoption of such a formula would create a legal framework ensuring adequate flexibility for the insurance companies concerned in drafting their contracts. In the present case, the material conditions for group exemptions obtain. The notifications received by the Commission reveal that many of the various categories of agreements and concerted practices used are based on abstract criteria which qualify for a general exemption from the prohibition on cartels.

From the procedural standpoint, the proposal represents only a first step since, before the Commission can lay down a group exemption, the Council must adopt an enabling regulation under Article 87(2)(b) of the Treaty empowering the Commission to declare, pursuant to Article 85(3), that Article 85(1) does not apply

to certain categories of agreements, decisions and concerted practices in the insurance sector.

As regards content, it is proposed that future exemption arrangements should cover the following categories of agreements, decisions and concerted practices:

- (a) the elaboration and application of common risk premium tariffs based purely on collectively ascertained statistics or loss experience and/or of standard policy conditions;
- (b) cooperation in the field of co-insurance and reinsurance, in particular in the form of groups and pools;
- (c) cooperation in respect of claims settlement procedures;
- (d) cooperation in respect of testing and acceptance of security devices;
- (e) cooperation in respect of registers of and information on aggravated risks.

Gist of the Committee Opinion ¹

In proposing to adopt group exemption, the Commission is choosing a legal formula where it is in control of the data and can monitor application. However the Commission reserves the right to cancel or modify block exemption regulations. These particular guarantees are endorsed by the Committee.

The Committee therefore refers to the provisions capable of removing the risk of cartels and dominant positions which may bring about the failure of the competition policy. These are:

- (i) compliance with the conditions laid down by Article 85(3) of the EEC Treaty as regards cartels;
- (ii) the unavoidable provisions of Article 86 of the EEC Treaty concerning the risk of abuse of a dominant position; and
- (iii) the provisions of Regulation (EEC) No 4064/89 on merger control.

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

¹ CES 659/90.

External influence of the Economic and Social Committee

Activities of the Chairman and the Secretary-General

5 May: Recklinghausen, Federal Republic of Germany, attendance at the European Seminar on the role played by trade unions in building Europe. The seminar was organized by the Hans Böckler Foundation of the German Trade Union Confederation (DGB).

7 to 11 May: trip to Réunion at the invitation of the Réunion Economic and Social Council.

14 May: Strasbourg, attendance at the European Parliament's preparatory meeting for the Interinstitutional Conference.

17 May: Strasbourg, attendance at the Interinstitutional Conference in preparation for the Intergovernmental Conference.

18 May: Dublin, meeting between the General Secretaries of the national Economic and Social Councils and the ESC. Discussions focused on strategies for combating unemployment in the Community, the role of the Economic and Social Councils in briefing the social partners on economic and social matters, the economic consequences of recent events in Eastern Europe.

20 and 21 May: Hamburg, attendance at the 17th Ordinary Federal Congress of the German Trade Union Confederation (DGB).

22 May: attendance at the meeting of the ESC/EFTA joint contact Group in Brussels.

29 May: meeting at the Swedish Embassy in Brussels with the EFTA ambassadors.

29 May: meeting with the Finnish Ambassador in Brussels.

30 May: ESC premises, Brussels, meeting with the French National Committee for pensioners and the elderly.

Visits

The following groups visited the Committee during the reference period:

- 7 May 1990: FTF — Funktionærernes og Tjenestemændenes Fællesråd (Danish Civil Service Employees Confederation)
- 8 May 1990: Friedrich-Ebert Foundation (Germany)
- 8 May 1990: Ost-West Arbeitskreis e.V. — Bochum (Germany)
- 8 May 1990: Banskafs Blatt Service — Weinstadt (German journalists)
- 10 May 1990: Professional Engineering Consultants from 11 EC Member States (Euro-Consultants)
- 10 May 1990: Jeanne Bernard Technical School, Saint-Herblain (France)
- 11 May 1990: Euro-Consultants (continued)
- 14 May 1990: European Association of Food Workers, Hotel Workers and Allied Sectors (SETA-UITA) (German Tobacco Industry Workers)
- 14 May 1990: Norwegian Organization of Vocational Unions
- 16 May 1990: Quaker Council for European Affairs (UK)
- 17 May 1990: Central Committee for Political Training in Schleswig-Holstein (Senior lecturers) (Germany)
- 17 May 1990: Fulda CDU-Frauen-Union (Germany)
- 17 May 1990: Pope John Scholarship — Catholic Students Association of the University of Cologne (Germany)

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- 18 May 1990: Eberhard-Karls-Universität Tübingen — Institut für Politikwissenschaft (German lecturers) (Germany)
- 18 May 1990: Deutschland-politisches Bildungswerk Nordrhein-Westfalen (Germany)
- 18 May 1990: Bureau of the 'Deutscher Raiffeisenverband e.V.' (Germany)
- 21 May 1990: Erasmus University, Rotterdam and Rijksuniversiteit, Leiden (Political science post-graduate students) (the Netherlands)
- 21 May 1990: Centre for International Training and Cultural Exchange, Kreuzberg, Bonn (Germany)
- 23 May 1990: Oljeindustriens landsforening (Norwegian Oil Industry Association)
- 23 May 1990: Heinrich-Hertz-Gymnasium, Bonn (Germany)
- 29 May 1990: Caritasverband für den Kreis Ludwigsburg e.V. (Germany)
- 30 May 1990: Delegates from the French National Committee for pensioners and the elderly (France)

Provisional future work programme

July 1990 Plenary Session

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Excise duties

[COM(89) 551-525-526-527 final]

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Social developments in 1989

Communication on the elderly

[COM(90) 80 final]

Environment Section

Discharge of dangerous substances into the aquatic environment

[COM(90) 9 final]

Medicinal products for human use

Legal status for supply of medicinal products

[COM(89) 607 final — SYN 230]

Labelling of medicinal products and package leaflets

[COM(89) 607 final — SYN 231]

Minced and comminuted meat

[COM(89) 671 final]

Substances that deplete the ozone layer

[COM(90) 3 final]

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Social economy

[SEC(89) 2187 final]

Medicinal products for human use

Wholesale distribution

[COM(89) 607 final — SYN 229]

Air pollution by motor vehicle emissions
[COM(89) 662 final — SYN 240]

Motor vehicle glazing, dimensions, tyres
[COM(89) 653 final — SYN 236, 237, 238]

Audiovisual action programme
(programme industry)
[COM(90) 132 final]

Transport Section

Member States' relations with railways: public service
[COM(89) 564 final]

Road haulage
[COM(90) 64 final]

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Economic situation mid-1990

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EC relations with the countries of Eastern Europe

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[COM(90) 106 final — SYN 254]

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Environmental protection in the Mediterranean (Medspa)
[COM(89) 598 final]

Protection of natural habitats
[COM(88) 381 final and COM(90) 59 final]

Classification, packaging and labelling of dangerous substances —
7th amendment
[COM(89) 575 final — SYN 227]

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[COM(90) 71 final — SYN 253]

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[COM(90) 72 final — SYN 251-252]

Supplementary protection certificate for medicinal products
[COM(90) 101 final — SYN 225]

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[COM(90) 99 final]

Air transport — Relations between airports and users
[COM(90) 100 final]

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Human capital and mobility
[COM(90) 165 final]

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[COM(89) 648 final]

Placing on the market of fresh meat
[COM(89) 653 final]

Placing on the market of fresh poultrymeat
[COM(89) 668 final]

Placing on the market of fishery products
[COM(89) 645 final]

Placing on the market of milk and milk products
[COM(89) 667 final]

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[COM(89) 670 final]

Placing on the market of aquaculture animals and products
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