

ECONOMIC AND SOCIAL CONSULTATIVE ASSEMBLY

# BULLETIN

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## **256th Plenary Session**

### **30th anniversary of the Economic and Social Committee**

The 256th Plenary Session of the Economic and Social Committee was held in Brussels on 1, 2 and 3 June 1988. The Committee Chairman, Fons Margot, presided.

#### **Formal sitting**

On 1 June a formal sitting was held to mark the 30th anniversary of the ESC. Speeches were given by Mr Margot, Chairman of the Economic and Social Committee, Lord Plumb, President of the European Parliament, Mr Töpfer, Minister for the Environment of the Federal Republic of Germany, and Mr Delors, President of the Commission.

The main theme of the speeches to celebrate the 30th anniversary of the Economic and Social Committee of the European Communities was the vital role to be played by economic and social forces in meeting the challenge of 1992. The celebration, which was marked by a formal session in Brussels on 1 June, was much more than a simple mark of appreciation of members who have devoted and are devoting their time and energies freely to the construction of European unity. The message of all the speeches by the presidents of Europe's institutions at the formal session to which were invited the ambassadors, permanent representatives to the European Communities, the members and representatives of all the Community institutions, the chairmen and secretary-generals of national economic and social councils and the leading figures of pan-European socio-economic organizations, was that there should be a positive commitment on the part of socio-economic forces to achieving a single market within the deadlines laid down.



*Attending the formal sitting, from left to right in the second row, Mr Moreau, Secretary General, Mr Delors, President of the Commission, Lord Plumb, President of the European Parliament, Mr Margot, President of the ESC, Mr Töpfer, President of the Council, and Messrs Poeton and Zúfiar Narvaiza, Vice-Presidents of the Committee. In the first row are Mr Cecchini (left), author of the report on the cost of 'non-Europe', and beside him are Messrs Arnedo Orbananos and Prate, both Vice-Presidents of the European Investment Bank.*

**Extracts of speeches from:****Mr Margot, Chairman of the ESC**

The Chairman of the Economic and Social Committee, Mr Fons Margot, after having recalled the history of the Committee and its steadily growing influence in the Community over the years, declared that completion of the internal market would, if an adequate strategy was adopted, raise economic growth and improve the competitiveness of the Community.

‘The benefits from such growth should not accrue solely to privileged sectors, regions and categories. Relevant policies should include not only the preservation of social rights and the encouragement of investments in new industries — but also employment policies, the protection of the consumer and the development of backward regions or regions faced with restructuring problems. In this area the Committee can and must give momentum and guidance.’

Mr Margot went on to express his hope that the European Parliament would soon have genuine legislative powers and that the Economic and Social Committee would be recognized as an institution.

‘Now that the Parliament is elected by universal suffrage and is in the process of becoming a fully-fledged legislative body, it is fair to ask whether the time is not ripe to recognize the Committee as a full consultative council in all European institutions, granting its members the status commensurate with their duties and responsibilities.’

If we want the Community to become a ‘Europe of citizens’, then categories of economic and social life such as employers and workers, farmers, small businesses, the professions, families and consumers must feel that they have a ‘consultative’ voice in the decision-making process and decision-making bodies must attach importance to their opinions and their active, institutionalized participation.’

Mr Margot also underlined the contribution of economic and social forces to the internal market:

‘The best guarantee that the barriers to completion of the internal market will be removed at a faster pace is to ensure the active participation of employers’, workers’ and consumers’ representatives since it is they who will have to implement and bear the brunt of the decisions taken. It also goes without saying that

although it is the authorities who can stimulate and support the necessary job-creating investment, it is economic operators who will actually have to carry it out.

The active participation of socio-economic categories in the development of a dynamic Community economy presupposes as wide as possible a consensus on the policies to be implemented.'

Mr Margot concluded in these terms: 'What we have done over the last 30 years has shown that the Economic and Social Committee is ready to make an original and substantial contribution to the building of a strong European Community based on solidarity. Let us hope that it will be given the means to be able to make this contribution, not only with 1992 but also the longer term perspective in mind.'

#### **Lord Plumb, President of the European Parliament**

Lord Plumb, President of the European Parliament, recalled the beginning and development of the relations between his institution and the Committee and underlined the contribution of the latter to economic and social democracy. Reviewing the achievement, agreements and obstacles still to be overcome to achieve the single market, Lord Plumb declared:

'But the success of the challenge of 1992 cannot only concern specialists in European affairs. A laborious process of explanation and persuasion is required in order to win popular support. In most Member States the raising of consciousness concerning the goals of 1992 is being undertaken in the media, and this is a positive development. But we need to go beyond slogans in order to explain objectively, without dramatizing or creating illusions, that the single market is also the one and only opportunity for the Community to resume the process of growth and regain its place among the world's great powers. What would be our prospects for independence and security if we were forced to accept economic dependence, while the Soviets and Americans take the leading role in determining the security questions affecting our continent?

The celebrations of the birth centenaries of Robert Schuman and Jean Monnet, falling within two years of each other, come as a timely reminder of the fundamental political and humanistic objectives of the construction of Europe which we must keep before us for the benefit of the European peoples. Your Committee, along with others, has on frequent occasions endorsed this noble vision of Europe, expressing its view on family and population policy, on culture and on the problems of the young.





*On the left Mr Delors, President of the Commission, in the centre Lord Plumb addressing the Committee's formal session, and on the right Mr Margot, President of the ESC.*

We must persevere together in this direction. In June 1989, the citizens of the European Community will be called on once again to elect the Members of the European Parliament, and thus to express their support for the objectives which the Commission, Council and Parliament have together defined for the Community. I am convinced that the economic and social interests which you represent share these objectives, with the implementation of which you are institutionally associated. I am also convinced, consequently, that amongst the specialist public opinion you will argue effectively for the highest possible turnout.'

**Mr Töpfer Minister for the Environment of the Federal Republic of Germany and President-in-Office of the Council**

Mr Klaus Töpfer, thanked the members of the Committee for the contribution which they had freely given to the construction of Europe for the past 30 years. He then outlined the main issues which still had to be resolved before the internal market could be fully established. Those outstanding issues were of profound moment to the laws of the Member States, including as they did issues such as the liberalization of the capital market, tax harmonization and the liberalization of transport. The obstacles were well known and there was a need for a common political resolution in order to overcome national egoism. Without tax harmonization there would be no single internal market.

Mr Töpfer also underlined the fact that there was now a broad consensus over the need both to achieve monetary union, which would involve the establishment of a European central bank responsible for ensuring monetary stability in the Community, and to have a common European currency. A prerequisite for the achievement of those goals was, however, the accession of all the Member States to the EMS. The social aspects of the internal market were, in the view of Mr Töpfer, an integral part of the whole question. The Committee deserved praise for drawing particular attention to those aspects. As a forum for the various social interest groups the Committee would no doubt continue to consider those issues in the future.

Turning to the field of labour laws and standards as regards working conditions, Mr Töpfer stressed the need to ensure that harmonization did not mean downward harmonization.



*Mr Töpfer (right), Minister for the Environment of the Federal Republic of Germany and President-in-office of the Council, and Mr Margot, President of the ESC, at the formal session marking the Committee's 30th anniversary.*

**Mr Delors, President of the Commission**

The President of the Commission, Mr Jacques Delors, drew attention to the positive record of the Committee despite the twin difficulties which it faced, namely the difficulty which it had in communicating with public opinion in the twelve Member States and the existence of many other consultation media for the socio-occupational interest groups. An appraisal would have to be made of the situation in future with a view to rationalizing the consultation procedure. Although the Community was once again moving forward, Mr Delors pointed to the need for continued vigilance. He drew attention in that context to the various prerequisites for the implementation of the Single Act. The Act had six inter-connected priority objectives: the realization of a single market without frontiers, the supporting policies, scientific and technological cooperation, the strengthening of the EMS, the formulation of a common policy on the environment and the need to take account of the social dimension.

In Mr Delors' view the realization of the single market was based on two key requirements: increased competition and cooperation and a minimum of harmonization (the liberalization of road transport provided an example of what needed to be done). The achievement of the 1992 objectives would enable the Community to establish a firm and consistent common external policy. The Community must not be either a fortress or an open door. One of the problems which still had to be resolved was how to manage the diversity to be found in the Community. The Committee would have to take account of that aspect when drawing up its Opinions. Turning to the social dimension, Mr Delors earnestly hoped that the European Council meeting in Hanover would send out a political signal to enable that issue to be taken up. Workers and trade unions were awaiting such a signal. The Hanover summit would be decisive in that respect. Mr Delors then paid tribute to the socio-occupational interest groups and pointed out that the Committee had an irreplaceable role to play in seeking to identify positive compromises. The issue of the Committee's status would no doubt be settled via the institutional appraisals which would certainly be undertaken between now and 1993.

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*At the 30th anniversary reception at the palais d'Egmont, from left to right, Mr Margot, President of the ESC, Mr Martens, Prime Minister of Belgium, and Mr Delors, President of the Commission.*

The formal session was preceded by the presentation by Mr Cecchini of his report on the cost of 'non-Europe' and the benefits of the single market to be achieved by 1992.

## *OPINIONS ADOPTED*

### 1. ECONOMIC SITUATION IN THE COMMUNITY (MID-1988) (Own-initiative Opinion)

#### **Background to the Opinion**

It has become established practice for the ESC to issue two Opinions each year on the economic situation in the Community.

The first of these Opinions is drawn up on the ESC's own initiative, while the second is issued in response to a request from the Council and is based on a specific Commission document, namely the annual economic report, which is published around the end of October each year.

The Bureau of the Section for Economic, Financial and Monetary Questions considers that the first Opinion (an Own-initiative Opinion) is more a reflection of the ESC's position on Community economic policy.

The objective of this Opinion dealing with the first six months of the current year is as follows:

- (i) to inform the Council about the measures advocated by the Community's socio-economic organizations in the area of economic and budgetary policy. By delivering its Opinion at the end of the first six months of the year, the ESC makes its views on economic policy known to the Economic Policy Committee and the coordinating group at the Council in time for them to be taken into account in the final discussions on the preliminary economic budget;
- (ii) to serve as guide to the Commission concerning the various positions of the socio-economic interest groups on economic questions when it is drawing up its annual economic report;
- (iii) to briefly inform the economic and social councils and the socio-economic organizations of the Member States (through their representatives on the ESC) of how the ESC assesses

economic developments in the Community as a whole. It is hoped that circulation of the ESC Opinion to the advisory bodies of the Member States will enable the latter to take account of this European position on economic policy and possibly incorporate it in their proposals to their national government in connection with the national budget.

At the same time as the report on the economic situation in the Community, the Section draws up a report on the economic situation in the Member State holding the Presidency of the Council in the first six months of the year in question. The country this year is the Federal Republic of Germany.

### **Gist of the Committee Opinion <sup>1</sup>**

The priority task of Member States' economic policies this year, against an international background of unusual instability, must be to free Europe's economy from the uncertainties which have carried over from 1987. To this end, the national governments and Community institutions will have to coordinate their economic policies as part of a coherent mutually supportive plan, states an Own-initiative Opinion adopted by a large majority with 2 votes against. The objectives of this plan must be to:

- (i) increase growth, which is at present too modest to bring down unemployment — now the economic indicator of social marginalization;
- (ii) help restore more stable relations between the major currency areas and financial markets;
- (iii) help significantly reduce international imbalances, thereby also alleviating their impact on the most vulnerable areas.

Stronger growth in Europe and greater macro-economic convergence can revitalize the cooperative growth strategy for more employment, which has so far failed to achieve the results expected of it because of a lack of commitment from Member State Governments.

The combined effects of convergence, coordination and harmonization can help secure balanced progress towards economic and social cohesion in the Community. At the same time, they can help ensure that the single internal market is completed by 1992 and that the potential and the stimuli it offers are fully exploited.

<sup>1</sup> CES 597/88.



*On 1 June a reception was held at the palais d'Egmont in Brussels to celebrate the Committee's 30th anniversary. In the picture above Mr Margot, President of the ESC, and Mr Martens, Prime Minister of Belgium, are seen talking with two other guests.*



Action to boost the European economy can be based on:

- (i) the overall compromise reached by the European Council in Brussels on 11 and 12 February 1988, and
- (ii) the continuing upswing in the Community economy, confirmed by Commission forecasts.

In the short term, the priority measures should be to:

- (i) sustain internal demand, by boosting investment and private consumption (particularly consumption by certain specific groups);
- (ii) improve overall and specific conditions for expansion-oriented investment and the innovative sectors, while encouraging a drop in real interest rates;
- (iii) further strengthen the EMS and expand the role of the ECU.

Turning to the correction of international imbalances, the Opinion recommends that the various cooperation instruments should be strengthened at both European and international level, and the main trading partners should act together to tackle the real causes of these imbalances.

Finally, the Committee calls on the Heads of State or Government at the forthcoming European Summit in Hanover, to step up the political and institutional momentum which is vital to the cooperative growth strategy for more employment, by adopting a more efficiently targeted economic policy underpinned by more balanced procedures and greater international coordination.

*This Opinion was drawn up in the light of the paper produced by the Section for Economic, Financial and Monetary Questions, chaired by Mr Goris (Netherlands — Various Interests). The rapporteur was Mr Drago (Italy — Various Interests).*

### **Summary of Commissioner Schmidhuber's speech**

In his speech, Mr Schmidhuber focused on the Committee's Opinion on the economic situation in the Community. He said the Commission particularly welcomed the Committee's considerations and proposals on ways to achieve more dynamic economic growth.

Mr Schmidhuber considered that, despite the recent stock market crash, the latest economic figures pointed to a stable economic situation in the Member States. Even so, the 2.5% growth expected for 1988 could possibly weaken in 1989; and the growth rate for 1988 was still not enough to produce an effective cut in



*From left to right Mr Moreau, Secretary-General of the ESC, Mr Margot, President of the ESC and Mr Schmidhuber, Commissioner responsible for economic questions, who attended the session and spoke on the Committee's Opinion on the economic situation in the Community.*

unemployment. As the Community could not expect any external boosts to the economy in the foreseeable future, it would have to concentrate on strengthening domestic growth.

The Community's main political opportunity for solving its problems was the completion of the internal market in 1992. This should enable the Community to achieve between 4.5% and 7% additional growth in the medium term, providing up to 5 million extra jobs, and boosting the Community's foreign trade situation. However, these were simply possibilities, and they would have to be backed by supporting policies. To exploit this potential first meant improving supply and speeding up the development of the less advantaged countries and regions. Economic recovery and concrete social progress thus had to go hand in hand. Lastly, a stronger European Monetary System was also needed to support unhindered growth.

Concluding, Mr Schmidhuber urged that these ideas be incorporated into a determined initiative for the economic growth of the Community.

### **Extracts from the debate**

In the debate on the two Opinions covering the economic and social situations, Mr Jens-Peter Petersen (Germany — Employers' Group) pointed out that a growth rate of 2.5% was barely enough to avoid a rise in unemployment in Europe, and was incapable of reducing it. In contrast, the maximalist forecasts of the Cecchini report suggested a growth rate of 7% which could produce 5 million jobs. But completing the single market depended on political will. He made an urgent appeal to the Member States to pull together, and to the Commission to present a global view in this sense.

Mr François Staedelin (France — Chairman of the Workers' Group) expressed his regret that the strategy of cooperation for growth and employment had not got beyond the discussion stage, and deplored the lack of political will to implement it up to now. The workers had accepted wage restraints, but were still waiting for the results and needed a positive signal. In order to revive public investment, the Community could give this signal through a loan for infrastructure works and job creation.

Mr Walter Briganti (Italy — Various Interests Group) suggested that it was not enough simply to talk about growth — development should be included. In contemporary Europe pollution was grow-

ing, public health was compromised and green areas were being eroded. In a Community assessment, alongside the traditional data, the costs to the Community as a whole would also be shown.

Mr Ian M. Campbell (United Kingdom — Employers' Group) supported the Opinion on social developments, but felt that in the present situation it was unrealistic to aspire to fundamental social guarantees. Mr Campbell pointed out that the living standards of the vast majority of Europeans had improved enormously over the last 30 years, but we should not forget those who had not benefited from these improvements. Social policy should give priority to certain specific actions and certain specific groups. Social policy was first and foremost the responsibility of governments, and one could not transfer this responsibility to the Commission.

Mr Enrique Calvet Chambon (Spain — Workers' Group) stressed that imbalance not only existed between north and south, but also between regions and countries within the Community. The single market called for a restoration of balance. Resources needed to be transferred, particularly to help the new member countries and prevent social dumping.

Mr Theodoros Vlassopoulos (Greece — Various Interests Group) stressed the need to align economic policies within the Community and to increase internal demand. In the interests of the Community's economic and social cohesion, a subsidy policy was needed.

## 2. SOCIAL DEVELOPMENTS IN THE COMMUNITY IN 1987

### **Gist of the Commission document**

As in previous years, the Commission asked the Committee to issue an Opinion on social developments in the Community over the past year, taking as its basis the Commission's Report on Social Developments in 1987.

### **Gist of the Committee Opinion <sup>1</sup>**

In an Opinion adopted by a large majority with 2 votes against, the Committee stresses the undisputed, chronic nature of mass unem-

<sup>1</sup> CES 598/88.

ployment in the Community and points out that whilst *ad hoc* training and placement schemes have cut youth unemployment, adult and female unemployment have risen. While overall employment has also increased, many of the new jobs are part-time and do not provide adequate social security cover. Geographical disparities in unemployment levels have widened, and poverty is on the increase.

The main Community social policy initiatives in 1987 were either not binding or were hit by budget cuts. A number of draft Directives remained blocked in Council.

The 'social dialogue' continued, but needs the support of the Community institutions to define common minimum rights, partly with a view to the completion of the internal market, which is seen as a key instrument for unity and economic development.

At the same time, increasing the resources of the structural funds can help to tighten up social policy, the Committee says.

The Opinion stresses that a free, democratic Community must be built on the priority principles of consensus and social justice.

In this connection, the Committee calls for 'fundamental social guarantees', already discussed by the Social Council, to be brought to the direct attention of the European Council. Likewise, the proper application and extension of Community citizens' rights needs to be guaranteed. Social policy goals and priorities are clearly an integral part of a people's Europe.

*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 Mrs Rangoni-Machiavelli (Italy — Various Interests).*

### 3. PROTECTION OF WORKERS FROM THE RISKS RELATED TO EXPOSURE TO CARCINOGENS

**'Proposal for a Council Directive on the protection of workers from the risks related to exposure to carcinogens at work (sixth individual Directive within the meaning of Article 8 of Directive 80/1107/EEC)'**  
[COM(87) 641 final]

#### **Gist of the Commission document**

The Commission considers that in order to speed up progress towards the prevention of occupational cancer, it would now be ap-

appropriate to abandon the strategy of producing directives on individual carcinogens and instead to use their contents to formulate a new approach directed at producing a general directive, with the aim of harmonizing the conditions existing in this field in the individual Member States.

National regulations, which are outlined in the explanatory memorandum, differ considerably both in the scope and in the importance which they attribute to the various aspects of the question. The aim of the Draft Directive, according to the Commission, is to eliminate the differences which exist in Member States' legislation and to ensure greater protection for workers through the improvement of working methods and working conditions, of information and of human behaviour.

The Commission proposal refers to an initial list of carcinogenic agents (Annex I to the proposal) already assigned to categories 1 and 2 of the classification established following the adoption of the Directive on the approximation of the laws, regulations and administrative provisions relating to the classification, packaging and labelling of dangerous substances. This list will be added to as new substances are classified and labelled. The industrial processes evaluated by the IARC (International Agency for Research on Cancer) and at present recognized as responsible for increasing the risk to workers involved in them are also covered by this proposal (Annex II).

The Draft Directive, based on Article 118 A, covers the following main points:

- (a) aims and scope of the proposed measures;
- (b) definition of the term 'carcinogen';
- (c) measures to be taken to avoid exposure of workers and, where these are not reasonably practicable, additional measures;
- (d) information to be made available to the competent authorities by employers;
- (e) measures to be taken in the event of abnormal exposure (unforeseeable) and for activities in which a significant increase in exposure is foreseeable;
- (f) restrictions on access to places where activities involving carcinogens take place;
- (g) protective clothing and equipment;
- (h) information and training of workers;

- (i) verification by workers that the Directive is being properly applied;
- (j) health surveillance of workers;
- (k) health record keeping;
- (l) statistics of cases of occupational diseases due to carcinogens;
- (m) deadlines (31 December 1989) and methods for implementing the Directive.

In addition to issuing Opinions on specific Draft Directives (benzene, the proscription of certain specific agents and/or activities...), the Committee adopted an Own-initiative Opinion on occupational cancer on 29 May 1985 (OJ C 188 of 29 July 1985). This Opinion covers most of the points raised in the present Draft Directive, in particular:

- (i) the classification of carcinogenic agents;
- (ii) risk limitation;
- (iii) consultation, information collection and dissemination;
- (iv) registration of medical data.

In conclusion, the Committee said it was in favour of a special Directive dealing mainly with the use of carcinogens in the workplace.

### **Gist of the Committee Opinion <sup>1</sup>**

In an Opinion adopted by 94 votes for, 8 votes against and 15 abstentions, the Committee welcomes the proposed creation of a legal instrument to combat the danger of industrial cancer. It considers, however, that the proposals do not provide sufficient protection for the health of workers and, in particular, have the following shortcomings:

- (a) There is no legally binding, comprehensive ranking for the preventive measures to be adopted: the preventive aims are in fact considerably watered down by exemptions.
- (b) No provision is made for banning exposure to carcinogenic substances or for mandatory substitution of safe or less dangerous substances; it would be technically preferable for prohibitions to be included in this Directive, rather than the banning Directive.

<sup>1</sup> CES 599/88.

- (c) No maximum limits for exposure to carcinogens are laid down, nor is there an injunction to reduce current levels by using state of the art technology; sharp disparities between the Member States are therefore inevitable on this central issue.
- (d) There are no arrangements for dealing with the increased risk created by multiple carcinogens, although they are typical of the working environment of a large number of workers.
- (e) There is no provision for a Community-wide standardized procedure for measuring and analyzing the scale of exposure to carcinogens.
- (f) The proposal does not provide for mandatory measuring of carcinogenic levels; this is imperative, in the light of the threat to human life.
- (g) No provision is made for involving employers and workers in decision-making on measures to be adopted at plant or inter-company level; employers and workers should also be involved in the appropriate EC bodies in order to ensure a rapid classification of carcinogens based on the latest scientific findings.
- (h) The preventive requirements which the draft Directive imposes on Member States are fragmentary; this applies in particular to
  - (i) official monitoring of observance of legislation on registering carcinogens and related illnesses
  - (ii) arrangements for putting protective legislation into practice, e.g. by setting up measurement and analysis centres and providing information on health hazards, in particular in order to help small business.

*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 Etty (Netherlands — Workers).*



#### 4. PROTECTION OF THE OZONE LAYER

**'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, and the proposal for a Council Regulation (EEC) laying down common rules applicable to certain products which deplete the ozone layer'**

[COM(88) 58 final]

#### **Gist of the Commission document**

##### **Legal basis**

Articles 113, 116, 130 s.

##### **Objectives**

- (a) Ratification by the Community and the Member States of the Vienna Convention and Montreal Protocol;
- (b) Adoption of a Regulation establishing a Community system for controlling the production and consumption of CFCs and halons.

##### **Background**

Council Decisions 80/372/EEC and 82/795/EEC reducing the use of CFCs in aerosols by 30% and freezing the Community production of these substances at 1980 levels;

Vienna Convention on the protection of the ozone layer (1985) and the Montreal Protocol on products which deplete the ozone layer (September 1987).

##### **Deadlines**

The deadline for ratification of the Convention and Protocol is 15 September 1988; the Regulation would enter into force on 1 January 1989.

#### **Gist of the Committee Opinion**<sup>1</sup>

In an Opinion adopted unanimously, the Committee welcomes the Commission's proposal that the Community and all twelve Member

<sup>1</sup> CES 585/88.

States should sign and ratify the Vienna Convention and the Montreal Protocol as soon as possible, insofar as they have not done so already.

The phased 50% reduction in the production of chlorofluorocarbons (CFCs) by the year 2000 provided for in the Montreal Protocol is a first step in the right direction. All parties concerned should, however, bear in mind that the ozone problem will become more acute in the years ahead and that public opinion will press more strongly for a faster reduction in CFC production than is at present laid down in the Montreal Protocol. Renegotiation of the Montreal Protocol must also be envisaged.

On the question of 'industrial rationalization', the Committee proposes that the 10% overshoot should not apply to an entire concern (group) in the Community.

If imports are less than planned, concerns in the Community should not be permitted to sell or use additional quantities.

Exports should be permitted only where countries have ratified the Montreal Protocol. Special support should be given to the development and manufacture of substitutes in developing countries that have acceded to the Montreal Protocol.

*This Opinion was drawn up in the light of the paper produced by the Section for Protection of the Environment, Public Health and Consumer Affairs, chaired by Mr Jaschick (Germany — Various Interests). The rapporteur was Mr Schmitz (Germany — Workers).*

## 5. MAJOR ACCIDENT HAZARDS

**'Proposal for a Council Directive amending for the second time Directive 82/501/EEC on the major-accident hazards of certain industrial activities'**  
[COM(88) 124 final]

### **Gist of the Commission Proposal**

#### **Legal basis**

Article 130 s.

#### **Aim**

Amendment of the 'Seveso' Directive (82/501/EEC), governing the storage of dangerous substances and preparations, with a view to

improving environmental protection and the protection of public health.

### **Main amendments**

- (i) obligation to inform the public and stipulation of the minimum content of the information (new Annex VII) and the method of communicating the information;
- (ii) extension of the field of application to include isolated storage and storage in bulk or packaged form;
- (iii) addition of a further 18 substances to the 10 substances listed in the Annex.

### **Gist of the Committee Opinion <sup>1</sup>**

In an Opinion adopted unanimously, the Committee approves the Commission's move to strengthen and extend the scope of Directive 82/501/EEC ('Seveso' Directive), although it feels that a separate Directive would have made the provisions governing separate storage sites easier to understand.

The extension of the Directive to sites used solely for the storage of chemicals will affect categories and activities which may have difficulty in following the references to the basic Directive. Also the risk of a major accident at a site used solely for storage is different from that at an industrial plant, because of the absence of a whole series of production-linked activities with all that they entail.

Remembering that the aim of the Directive is to prevent serious accidents, the Committee urges the Commission to continue to use the most objective and scientific criteria to fix the threshold quantities for dangerous substances, and to update them as necessary.

The Committee welcomes the measures to provide the public and the neighbouring population with the fullest information possible, in line with recommendations made in earlier Committee Opinions on the basic Directive.

The Committee feels, however, that the public authorities must bear the primary responsibility for informing the public, and recommends that the information and data requested under Annex II should be specified more clearly.

<sup>1</sup> CES 586/88.

*This Opinion was drawn up in the light of the paper produced by the Section for Protection of the Environment, Public Health and Consumer Affairs, chaired by Mr Jaschick (Germany — Various Interests). The rapporteur was Mr Beltrami (Italy — Employers).*

## 6. AIR POLLUTION BY GASES FROM MOTOR VEHICLES

**'Proposal for a Council Directive amending Directive 70/220/EEC on the approximation of the laws of Member States relating to measures to be taken against air pollution by gases from the engines of motor vehicles'**  
[COM(87) 706 final]

### Gist of the Commission proposal

The proposal aims to establish a definitive European standard to limit pollution caused by gases emitted by motor vehicles with a small engine capacity (less than 1 400 cc). This standard would replace, not later than 1992/93, the interim standard of 45 grams per test for carbon monoxide (CO), 15 grams per test for the combined emissions of hydrocarbons (HC) and nitrogen oxides (NO) and 6 grams per test for nitrogen oxides (NO<sub>x</sub>). The new values would be as follows:

	<i>Carbon monoxide</i>	<i>Combined mass of hydrocarbons and nitrogen oxides</i>	<i>Nitrogen oxides</i>
Type-approval	30 g/test	8 g/test	
Production conformity	36 g/test	10 g/test	

The standard proposed follows the principles established in the Luxembourg agreement (Environment Council of 27 June 1985), according to which the European standards on gas emissions, adapted by categories of vehicle, must ensure that:

- (i) the effect on the European environment will be equivalent to that produced by the 1983 US standards;
- (ii) the standards can be achieved at a reasonable cost and by different technical means.

The proposed standard for vehicles of low engine capacity which would reduce emissions by 58% (HC and NO<sub>x</sub>) and 48% (CO).

Adoption of the proposed standard would mean that from the early 1990s about 90% of European car production would basically be subject to uniform emission standards. This would allow industry to carry over into the small car category the technical solutions which it is at present developing for the medium category, i.e. cost-efficient techniques with little or even positive effects on fuel consumption, and with an increase in vehicle prices of only 4% to 5%.

The implementation dates are those specified in the Luxembourg agreement:

- (i) 1 October 1992 for new vehicle types;
- (ii) 1 October 1993 for all new vehicles.

### **Gist of the Committee Opinion <sup>1</sup>**

In an Opinion adopted by 86 votes for, 10 votes against and 11 abstentions, the Committee endorses the Commission proposal barring the following reservations.

It recognizes the Luxembourg agreement to be an important milestone towards the improvement of the environment since it lays down upper limits for harmful emissions from vehicle exhausts. The targets set are considered to be perhaps not as ambitious as they might have been although it must be remembered that the agreement requires the objectives to be attained at reasonable cost and by different technical means.

The European motor industry has to await the setting of the new permissible standard before the necessary adjustments to production processes can be made. Although higher standards are already in practice in various European countries, the ESC considers the Commission proposal to be a step in the right direction and believes that current research and development programmes will make more ambitious goals feasible. These programmes should be given priority for evaluation in line with the Fourth Environment Action Programme and independently of the 1992/93 deadline. This deadline should not be allowed to interfere with continued progress towards the reduction of harmful exhaust emissions from motor vehicles.

The three categories of motor cars (small, medium and large) referred to in the Luxembourg agreement should be maintained.

<sup>1</sup> CES 587/88.

The Committee proposes making technical inspections mandatory so as to ensure that the standard is not only adhered to at the point of sale.

Thorough attendance to vehicles has to be guaranteed, inter alia by training staff to adapt to the new technical conditions.

Lead-free petrol and other fuels with the correct specifications must be available throughout the Community. Fuels distributed commercially must be identical to the reference fuels.

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

## 7. CONTROL OF CONCENTRATIONS

**'Proposal for a Council Regulation (EEC) on the control of concentrations between undertakings'**  
[COM(88) 97 final]

### **Gist of the Commission's proposal**

The Commission made a proposal to the Council for a Regulation on the control of concentrations between undertakings as long ago as 1973. The proposal, based on Articles 87 and 235 of the EEC Treaty, despite having been amended three times was unfortunately not acted upon by the Council.

In the light of the case law of the Court of Justice (Continental Can — Philip Morris) and its implications of applying the existing competition rules systematically to concentrations and intensive bilateral discussions with all the Member States, the Commission once again raised the political aspects of European merger control in the Council last year.

The Commission thereafter decided to amend its previous proposal.

The main amendments may be summarized as follows:

#### **Scope of application**

The Regulation applies only to concentrations 'having a Community dimension'.

A concentration has a Community dimension:

- (a) where at least two of the undertakings affecting the concentration have their principal field of Community activities in a different Member State, or
- (b) where the undertakings affecting the concentration have their principal field of Community activities in one and the same Member State, but where at least one of them has substantial operations in other Member States in particular through subsidiaries or direct sales.

A concentration does not have a Community dimension:

- (a) where the aggregate worldwide turnover of all the undertakings concerned is less than 1 000 million ECU, or
- (b) where the aggregate worldwide turnover of all the undertakings concerned exceeds 1 000 million ECU, but where the aggregate worldwide turnover of the undertaking to be acquired is less than 50 million ECU, or
- (c) where all the undertakings affecting the concentration achieve more than three-quarters of their aggregate Community-wide turnover within one and the same Member State.

### **Appraisal criteria**

All concentrations within the scope of the Regulation are subject to prior control. Concentrations which give rise to or strengthen a dominant position in the common market or in a substantial part of it are not compatible with the common market. Where the combined market share of the firms concerned does not exceed 20%, it is presumed that a dominant position does not exist.

### **Procedural rules**

The periods for proceedings have been substantially shortened; they amount to two months for the preliminary appraisal before the commencement of proceedings and to four months for the further examination leading to a final decision.

### **Prior notification of concentrations**

Concentrations within the scope of this Regulation, whether agreed or not, shall be notified to the Commission before they are put into effect.

## Gist of the Committee Opinion <sup>1</sup>

With the current spate of European mergers, the EC needs more than ever a system of merger control. This should be implemented as soon as possible, according to the most representative EC body of economic and social interests, the Economic and Social Committee, which thus brings strong and timely support to the EC Commissioner Peter Sutherland in his campaign to wrest a long-overdue decision from the Council of Ministers. With its overwhelming vote for the Opinion, adopted unanimously (with 2 abstentions) the Committee has shown that business and industry, labour and the consumers strongly back rapid adoption of a common EC merger control system.

Thus, the Committee observes that, under the new Commission proposal, mergers or concentrations which would give rise to or strengthen a dominant position in a substantial part of the Community, could be declared incompatible with the common market. In so doing the Commission is tightening the rules for concentrations which until now have been appraised solely in accordance with Article 86 of the EEC Treaty and banned only if a dominant position is being abused.

At the same time the Commission has introduced an additional assessment criterion, namely that of a 'substantial change of the competitive structure within the Community' [Article 6(1) and (2)]. This criterion will in future determine whether the Commission commences proceedings to establish whether or not a concentration may be authorized.

Because of its overwhelming importance, Ecosoc considers it essential that the definition of a 'substantial change of the competitive structure' be spelled out. In particular, it should be made clear that concentrations with a Community dimension which do not give rise to or strengthen a position of market dominance which could restrict effective competition, are compatible with the common market and will be unconditionally approved by the Commission or be deemed to have been approved.

The Committee appreciates the difficulty in arriving at a definition of 'Community dimension' which is satisfactory from the point of view of competition policy. It agrees with the Commission in principle that concentrations between firms from different Member States should be covered, and also national concentrations if the

<sup>1</sup> CES 588/88.



firms in question conduct a significant volume of cross-border business within the Community. It should also be made clear that concentrations in which third country firms are participants and which could restrict competition in the Community fall within the scope of the Regulation.

The decisive criteria to be applied in determining whether a concentration gives rise to or strengthens a dominant position are essentially qualitative and cannot be quantified in a Council Regulation. This is particularly true of the appraisal of international competition, which in many cases nips in the bud the development of dominant positions in the Community market. In view of the common market's openness, the competitive strength of foreign firms competing in the Community market should be taken into account in assessing the competitiveness of Community firms.

The Committee is in basic agreement with the Commission's view that introducing a market share criterion will help firms to assess for themselves whether a given concentration would be compatible with the common market. But it considers it important that exceeding the threshold does not automatically give rise to an assumption of incompatibility with the common market.

Last but not least the multifarious economic and social problems created by concentration cannot all be solved by a merger control system. This makes it all the more urgent to coordinate competition policy with other policy areas.

Account must also be taken of the need to safeguard employees' acquired rights in applying a Community system of concentration control. Thus the Commission should ensure that concentrations which are designed to put operations on a sound financial footing can be exempted from the ban, where this is essential in order to safeguard jobs.

*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).*

### **Summary of the speech by Mr Sutherland, Member of the Commission**

Mr Peter Sutherland, member of the Commission responsible for competition policy, took part in the debate on merger control.



*From left to right: Mr Margot, ESC President, Mr Sutherland, Commissioner responsible for competition policy, and Mr Poeton, Vice-President of the ESC.*

Here are some extracts from his speech:

'It is now widely acknowledged that if the economic objectives underpinning the single market strategy are to be achieved, the issue of merger control must be tackled. There is no doubt that mergers are capable of leading to concentrations in market power and that these, in turn, can have an adverse impact upon the common market.

It is also the case that mergers and other forms of concentration are becoming more and more commonplace, and evidence of this is to be seen almost daily in the financial press. It is true that a number of Member States have developed their own rules to regulate the situation, but we have to recognize that national laws alone, are not adequate to deal with all forms of merger, given the way that the market is presently evolving. I am thinking in particular here of cross-border mergers which may have an effect upon the Community as a whole.

The psychological task of gearing European industry to 1992 and the single market is beginning to show results. In these circumstances, it is essential that the proper legal framework is also constructed. At present, the same mergers between different companies in different Member States are subject to a pot-pourri of different rules with the distinct possibility that conflicting decisions will be reached. This is not fair on the companies concerned, nor to the workers who are entitled to expect greater legal certainty.

In addition, the criteria applied at national level in assessing mergers may be against the wider Community interest in that they reflect short-term national considerations. This can lead to disruptions in the functioning of the common market in a way which clearly conflicts with our objectives for 1992.

In the light of this situation and bearing in mind the deadline we have set ourselves for completing the single market, the issue of Community merger control can no longer be postponed. We put this point forcefully to the Council last year and with the important backing of both yourselves and the European Parliament, we succeeded in obtaining a commitment from them supporting in general terms, the principle of Community merger control. This allowed us to proceed with the formulation of an amended proposal which is now before you.'

## 8. SOCIAL REGULATIONS IN ROAD TRANSPORT

**'Proposal for a Council Regulation amending Regulation (EEC) No 3820/85 on the harmonization of certain social legislation relating to road transport and Regulation (EEC) No 3821/85 on recording equipment in road transport and the proposal for a Council Directive on standard checking procedures for the implementation of Regulation (EEC) No 3820/85 on the harmonization of certain social legislation relating to road transport and Regulation (EEC) No 3821/85 on recording equipment in road transport'**  
[COM(88) 21 final]

### **Gist of the Commission proposal**

On 20 December 1985 the Council adopted Regulation No 3820/85 on the harmonization of certain social legislation relating to road transport and Regulation No 3821/85 on recording equipment in road transport. It also adopted a resolution which sought to improve the application of the Social Regulations in road transport. The two Regulations entered into force on 29 September 1986.

As the Commission notes in its Communication of 5 January 1988, the implementation of these Regulations has given rise to a number of difficulties with regard to interpretation, monitoring and the exchange of information.

The present proposals, which supplement this Communication, are designed to overcome these difficulties. Their specific objectives are:

- (i) an unequivocal interpretation of the technical provisions with regard to driving hours, breaks and rest periods (e.g. new definitions of 'week' and 'day'; time spent at the wheel to be no more than 9 hours per 24-hour day, 56 hours per week and 90 hours per fortnight; 45-minute break for every 4 1/2 hours spent at the wheel);
- (ii) the organization of effective, uniform checks by the Member States; this will require the definition of minimum conditions which the checks will have to satisfy;
- (iii) the regular exchange of information on the application of the Regulations in the Member States; these exchanges should be compulsory, follow a standard procedure and be held at regular intervals.

The proposal for a Regulation covers the unequivocal interpretation of the technical provisions, while the checks and exchanges of information are dealt with in the proposal for a Directive.

According to the Commission, these proposals will contribute towards:

- (i) the reorganization of the road transport market, which is planned to be completed by 1992;
- (ii) the freedom to provide services in domestic and international road transport;
- (iii) the improvement of working conditions;
- (iv) the improvement of road safety;
- (v) the maintenance of a high-quality road transport service.

### **Gist of the Committee Opinion <sup>1</sup>**

The Committee adopted its Opinion on this subject unanimously, less 4 abstentions.

The Committee thinks that it is not possible at the moment to collect all the requisite facts about the amending proposal, and reserves the right to deliver an Additional Opinion thereon later. Consequently, it concentrates initially on the proposal for a Directive, i.e. the special duties of the Member States in connection with the harmonization of the rules governing drivers' hours.

The Committee makes a number of suggestions about the various aspects of the proposal.

Firstly, it demands that the reasons given in the Explanatory Memorandum for standardizing the application of the rules on drivers' hours should expressly include road safety and the obligation incumbent on employers to bear responsibility for improving working hours and occupational health and safety if high-quality road transport services are to be maintained.

Turning to the definition of 'check' (Article 1), the Committee thinks that it is difficult to lay down identical definitions for all the situations and operations, and for the competent authorities and inspecting officers, which, in the individual Member States, are covered by the system of checks set out in the Social Regulation.

<sup>1</sup> CES 592/88.

It would also appear doubtful whether the inspection bodies exist in all Member States and are capable of carrying out the recommended checks effectively. The ESC therefore thinks that it would be useful if the Commission were to produce some kind of synopsis indicating which national inspection documents and bodies comply with Community requirements and where there are unacceptable differences which should be eliminated.

On the question of the minimum requirements (Articles 2 and 3), the Committee thinks that a basic distinction should be drawn between roadside checks and checks on undertakings' premises. It regards the latter as more effective. As far as the quotas are concerned, it recommends that:

- (i) not only an annual quota should be laid down for checks at the roadside;
- (ii) the checks on undertakings' premises should cover every undertaking at least once every three years and at least 30% of undertakings each year.

The Committee also expresses some misgivings about the Commission's proposal to carry out Community-wide operations (Article 4). It does not consider this proposal to be an entirely suitable advert for a more highly-integrated common transport market.

On Article 5 of the proposal, the ESC agrees with the Commission that all important information about the application of the provisions should be exchanged by the Member States at regular intervals.

*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 von der Decken (Germany — Various Interests).*

## 9. CHARGING OF TRANSPORT INFRASTRUCTURE COSTS

**'Proposal for a Council Directive on the charging of transport infrastructure costs to heavy goods vehicles'**  
[COM(87) 716 final]

### **Gist of the Commission proposal**

In November 1985 and June 1987 the Council decided to establish by 1992 a road transport market in which all quantitative restric-

tions would be abolished. It also stated its intention of eliminating any remaining distortions of competition.

In December 1986 the Commission presented a Communication on vehicle taxes, excise duties on motor fuel and road tolls and the links between them<sup>1</sup>. On the basis of that communication the Council asked the Commission to transmit a proposal for a Directive in the matter.

Efforts to settle the problem of vehicle taxation have been a feature of the Community's history from its inception. Discussions and studies on charging for the use of infrastructure in the 1960s led to approval by the Council of the principle of a common approach as early as 1965. In 1971 this principle was translated into a formal Commission proposal aimed at putting the system into practice.

Along the same lines, in 1968 the Commission tabled a proposal on the taxation systems for commercial vehicles.<sup>2</sup> This proposal aimed at harmonizing tax structures and ensuring that they covered at least the marginal cost of the use of infrastructure, while leaving open alternative ways of covering the total costs.

One principle applied in all the proposals was the nationality principle: each carrier would be subject to tax in order to contribute to road infrastructure costs in the country in which his vehicle was registered.

This principle fully fitted road haulage practice at the time, when national services were the rule and international services the exception.

The December 1986 Communication clearly shows that practice has changed and that carriers from many Member States now drive more in other countries.

Consequently, the principle of heavy goods vehicle taxation based on nationality is now inadequate and no longer capable of attaining two of the principal objectives of any system for charging for the use of infrastructure, i.e.:

- (i) to harmonize conditions of competition within and between modes of transport;
- (ii) to allocate infrastructure costs to the actual users.

<sup>1</sup> COM(86) 750 final, 10.12.1986; Opinion CES 650/87 of 2.7.1987.

<sup>2</sup> Proposal for a first Council Directive adapting national systems of taxation on commercial vehicles, OJ C 65, 21.9.1968.

The time has come, therefore, for the Commission's proposals on this subject to turn to territoriality as the principle to ensure that increasingly the tax burden reflects the cost of the roads actually driven on by the carrier and not simply of the network in the country of registration.

The switch from nationality to territoriality is a radical change in the tax system. It would be inconceivable to complete this change overnight, especially while so many technical questions remain unanswered.

Consequently, this proposal marks the first phase, which will entail harmonizing the structures, ending certain differences and adopting an initial package of corrective measures and implementing procedures.

It is planned to take precautions now against any worsening of present distortions and to prevent the creation of fresh obstacles to fair competition. In addition, measures are urgently needed to improve the comparability of taxes in different Member States and, in the process, to restructure the bases of vehicle assessment by adopting the maximum permissible weight as the criterion in every Member State. Member States would be encouraged to narrow the gaps between their tax rates at the same time.

With regard to road tolls, the Commission has concluded that motorways are an integral part of a country's road infrastructure and must be treated as such. Consequently, tolls in their present form must be fitted into the taxation system based on territoriality.

Any tolls charged must in no way discriminate between carriers, must be in proportion to costs and must be collected in a way which impedes the normal traffic flow as little as possible.

### **Gist of the Committee Opinion <sup>1</sup>**

The Committee adopted its Opinion by 103 votes for, 14 votes against and 9 abstentions.

The Committee approves the basic aim of the proposal, i.e. the application of the principle of territoriality after 31 December 1992. This principle consists of allocating infrastructure costs on the basis of the roads actually used by the haulier, and not on the basis of the road network in the vehicle's country of registration. By apply-

<sup>1</sup> CES 593/88.



ing this principle it will be possible to attain two of the main objectives of a system of charging for the use of infrastructure, which are to harmonize terms of competition within and between modes of transport, and to allocate infrastructure costs to the actual users. It goes without saying that the same principle will be applied simultaneously to road, rail and waterway transport.

Consequently, the Committee draws attention to the need to ensure the 'feasibility' of the taxation whose final calculation will incorporate numerous data (duration of the journeys, tonnage of the vehicles, special features of infrastructure area-by-area and tolls). At all events any complications or inconveniences arising from the attempt to be fair should not be out of proportion to the taxation.

Lastly, the ESC points out that a part of infrastructure costs is borne by revenue accruing from the excise duty on diesel fuel. Therefore, the revenue from vehicle taxes should only cover part of infrastructure costs. The ratio between taxes and excise duties should depend on economic circumstances and the policy decisions of the Community and the Member States.

Of course, the fact that the ESC subscribes to the territoriality principle by no means implies that it is convinced of its feasibility or that it will necessarily agree with future proposals regarding the form to be taken by the system (tax disc, statistical returns, registration of vehicles at frontiers, price of fuel, system based on use of new technologies, satellites, etc.).

The Committee reserves the right to voice its views on this aspect when the Commission submits a proposal, but it would stress here and now that the scheme selected should:

- (i) permit a sufficiently exact assessment and allocation of costs,
- (ii) eliminate tax-related distortions of competition,
- (iii) not introduce any form of checks which disrupts the flow of traffic,
- (iv) cost as little as possible to operate,
- (v) not force firms, and especially small firms, to be involved in extra expense or paperwork.

*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 Rouzier (France — Workers).*

## 10. WINE SECTOR/QUALITY WINES PSR

**'Proposal for a Council Regulation (EEC) amending Regulation (EEC) No 823/87 laying down special provisions relating to quality wines produced in specified regions; the**

**Proposal for a Council Regulation (EEC) amending Regulation (EEC) No 358/79 on sparkling wines produced in the Community as defined in point 15 of Annex I to Regulation (EEC) No 822/87; and the**

**Proposal for a Council Regulation (EEC) amending Regulation (EEC) No 3309/85 laying down general rules for the description and presentation of sparkling wines and aerated wines'**

[COM(87) 642 final]

### **Gist of the Commission document**

#### **Amendment to Regulation (EEC) No 823/87**

Experience gained from applying Regulation (EEC) No 823/87 has shown the need to emphasize the horizontal nature of the said Regulation, which applies to all categories of quality wine produced in specified regions (psr), but also to remove from the Regulation the detailed technical provisions which would be more appropriately included in the special Regulations dealing with these matters which already exist or have yet to be adopted. The Commission stresses in this connection that the provisions of the Regulation apply to all quality wines psr, including sparkling, semi-sparkling and liqueur wines and that the detailed provisions, which apply only to quality sparkling wines produced in specified regions, should be transferred to Council Regulation (EEC) No 358/79 of 5 February 1979.

Finally, the Commission considers that the Member States' obligations as regards fixing yields per hectare for the production of quality wines and introducing measures to be taken if such yields per hectare are exceeded should be laid down more clearly.

#### **Amendment to Regulation (EEC) No 358/79**

The Commission proposes that the technical provisions relating in particular to the production and marketing of quality sparkling wines psr be deleted. Accordingly, these technical provisions must

be transferred to Regulation (EEC) No 358/79 which lays down general rules for the production of sparkling wines.

### **Amendment to Regulation (EEC) No 3309/85**

The proposal to revise Regulation (EEC) No 823/87 entails amendments to Regulation (EEC) No 3309/85 laying down general rules for the description and presentation of sparkling wines and aerated sparkling wines. This makes it necessary to lay down rules for the use of the terms 'crémant' and 'cava' in describing certain sparkling wines. The expression 'metodo classico' should also be protected so as to prevent abuses.

In addition, the deletion from Regulation (EEC) No 823/87 of the technical provisions relating to the description and presentation of quality wines psr entails transferring those provisions to Regulation (EEC) No 3309/85.

### **Gist of the Committee Opinion <sup>1</sup>**

The Committee adopted its Opinion unanimously.

It approves the basic line taken in the proposals, which is to tighten the common rules on production areas, methods of preparation and the place where raw materials are processed into quality wines psr.

Given that it seems neither possible nor opportune to consider a formal organization of the market in quality wines psr, and that there is a certain saturation of the market, the rules on the conditions needed to encourage the production of original and quality wines should be tightened up.

However, there are difficulties caused by the major differences which exist between the very large number of regions which produce quality wines psr.

*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 Yverneau (France — Various Interests).*

<sup>1</sup> CES 589/88.

## 11. NEMATODES (Additional Opinion)

**'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 permit limitation of 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 Opinion <sup>1</sup>**

In its Opinion adopted by 92 votes for and 8 abstentions, the Committee welcomes in general the Commission proposal to lay down essential health conditions for the marketing of fish and fish products which may contain nematodes.

While supporting the need for health and hygiene protection measures for fish and fish products, the Committee cannot accept the Commission proposal in its present form as in several areas it is defective, lacking in clarity and necessary definition and incapable of effective implementation.

The Committee regrets that the Commission proposal seems confined to intra-Community trade. It should refer explicitly to imports

<sup>1</sup> CES 590/88.

from third countries so that the latter can be treated in the same way as Community produce.

The Committee has also taken note of the Commission's decision to give a subsidy to Germany for a promotion programme aimed at restoring the German fish market.

It would welcome the opening of this possibility for subsidy to all other Member States in the immediate future on the basis of Council Regulation No 4028/86.

*This Opinion was drawn up in the light of the paper produced by the Section of Agriculture and Fisheries, chaired by Mr Laur (France — Various Interests). The rapporteur was Mr Roseingrave (Ireland — Various Interests).*

## 12. AGRICULTURAL STATISTICS IN IRELAND

**'Proposal for a Council Decision on special support for the development of agricultural statistics in Ireland'**  
[COM(88) 183 final]

### **Gist of the Commission's proposal**

The Commission has received an application from the Irish authorities for Community aid to assist the development of agricultural statistics in Ireland.

The Commission considers that the EC should make a contribution towards the cost to the Irish authorities of implementing a programme of measures with regard to the extension of the technical and administrative infrastructure, the creation of a register of agricultural holdings and the organization of postal surveys, assisted by an improved informatics infrastructure.

The proposed overall contribution from the Community is 3.5 million ECU.

Two similar projects have already been carried out in Italy and Greece with EC financial assistance.

### **Gist of the Committee Opinion <sup>1</sup>**

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

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

### **13. COLOURING MATTERS IN FOODSTUFFS**

**'Amended proposal for a Council Directive amending for the eighth time the Directive of 23 October 1962 on the approximation of the rules of the Member States concerning the colouring matters that are authorized for use in foodstuffs intended for human consumption'**  
[COM(88) 132 final]

### **Gist of the Commission proposal**

This referral concerns a revised (eighth) amendment to the original EEC Directive of 23 October 1962 on colorants, prepared in the light of a recent (December 1987) Opinion of the Scientific Committee for Food.

These concern restrictions on the use of the following three colouring agents:

- (i) Erythrosine (E 127);
- (ii) Caustic Sulphite Caramel (E 150b);
- (iii) Canthaxanthrin (E 160g).

### **Gist of the Committee Opinion <sup>2</sup>**

By its unanimous Opinion, the Committee approved the Commission's proposal with the following observations:

- (i) Erythrosine (Food Red 14)
  - (a) the possibility of extending the proposal to red fruit other than cherries should be considered;

<sup>1</sup> CES 591/88.

<sup>2</sup> CES 584/88.

- (b) temporary permission should be given to use this substance in certain speciality meat products such as the Spanish chorizo sausage;
  - (c) Allura Red AC should be accepted as an alternative when Erythrosine is restricted;
- (ii) Caustic Sulphite Caramel  
proposal accepted except that the name might be changed
  - (iii) Canthaxanthrin  
proposal accepted.

*This Opinion was drawn up in the light of the paper produced by the Section for Protection of the Environment, Public Health and Consumer Affairs, chaired by Mr Jaschick (Germany — Various Interests). The rapporteur was Mr Gardiner (United Kingdom — Employers).*

## 14. MEDICINAL PRODUCTS

**'Proposal for a Council Directive amending Directives 65/65/EEC, 75/318/EEC and 75/319/EEC on the approximation of provisions laid down by law, regulation or administrative action relating to proprietary medicinal products'**

**'Proposal for a Council Directive extending the scope of Directives 65/65/EEC and 75/319/EEC on the approximation of provisions laid down by law, regulation or administrative action relating to proprietary medicinal products and laying down additional provisions for immunological medicinal products consisting of vaccines, toxins or serums and allergens'**

**'Proposal for a Council Directive extending the scope of Directives 65/65/EEC and 75/319/EEC on the approximation of provisions laid down by law, regulation or administrative action relating to proprietary medicinal products and laying down additional provisions for medicinal products derived from human blood'**

**'Proposal for a Council Directive extending the scope of Directives 65/65/EEC and 75/319/EEC on the approximation of provisions laid down by law, regulation or administrative action relating to proprietary medicinal products and laying down additional provisions for radiopharmaceuticals'**

### **Gist of the Commission's proposal**

#### **Legal basis**

Article 100 A (cooperation procedure).

#### **Aim**

Extension of the field of application of pharmaceutical Directives 65/65/EEC, 75/318/EEC and 75/319/EEC to cover the following:

- (i) immunological medicinal products;
- (ii) medicinal products derived from human blood;
- (iii) radiopharmaceuticals;
- (iv) generic products.

The proposal also sets out a series of amendments dealing with:



- (i) information for patients with regard to medicinal products;
- (ii) the 'good manufacturing practice' requirements (to be set out in later specific Directives);
- (iii) exports to Third World countries.

### **Background**

This package of proposals stems from a commitment set out in the White Paper on the Internal Market and a mandate unanimously conferred on the Commission by the Council in Article 5 of Directive 87/22/EEC. (See ESC Opinion in OJ C 160 of 1 July 1985). It was also prompted by the conclusions with regard to improving the use of proprietary medicinal products by consumers reached at the Council meeting on 15 May 1987.

### **Main proposals**

- (a) Amendments to the existing Directives (65/65, 75/318, 75/319). Four objectives are being pursued:
  - (i) Non-proprietary medicinal products. At the present time, the Community pharmaceutical Directives only apply to proprietary medicinal products. However, in recent years, increasing interest has been given to so-called 'generic' pharmaceuticals which are copies of established products and are marketed under the international non-proprietary name, with or without the use of a logo or trade name by the manufacturer. In order to resolve any ambiguities in the present situation, the Commission is proposing that the scope of the Directives be extended to cover all industrially produced, ready-made medicinal products which may be placed on the market without further processing.
  - (ii) Information for patients. Article 6 of Directive 75/319/EEC has already harmonized the basic information to be contained in patient information leaflets. However, it is up to the Member States to decide whether or not a leaflet is to be included with the packaging of a medicinal product. The Commission is proposing that the inclusion of a patient information leaflet, established in accordance with Article 6 of Directive 75/319/EEC, should be obligatory in the packaging of medicinal products which may be obtained without a medical prescription.
  - (iii) Export of medicinal products. In accordance with current Community pharmaceutical legislation, all manufacturers of medicinal products must be in possession of a manufacturing authorization. The Commission is proposing that it be

stipulated that this manufacturing authorization be required even in cases where all the products manufactured are intended for export.

The Commission also proposes that the notifications of decisions to suspend or withdraw authorizations be passed on to the WHO which would in turn inform third countries. The Commission further proposes that any firm which unilaterally withdraws a product from the market should be obliged to notify the competent authority of the Member State concerned, which would then be obliged to inform the CPMP, and in appropriate cases, the WHO.

- (iv) Obligations on manufacturers. At the present time, authorization to manufacture medicinal products is granted by the competent authorities of the Member State in which a manufacturer is established. The authorities are responsible for ensuring that the manufacturer satisfies the legal requirement laid down. The Commission is proposing to supplement these provisions by introducing into the Directives a specific requirement for manufacturers to comply with the principles of good manufacturing practice for medicinal products.
- (b) Extension of EEC laws to new products. The three proposals to extend the pharmaceutical Directives to cover radiopharmaceuticals, immunological products (serums, vaccines, etc.), and medicinal products derived from human blood are based upon a common approach. In each case the proposal sets out a series of definitions of the products concerned and establishes the principle that these products may be placed on the market only after an authorization has been granted by the competent authority of the Member State(s) in which they are to be marketed. In addition, the proposals lay down certain fundamental requirements for each of these categories of products.

As regards the medicinal products derived from human blood, the Commission notes that each Member State has endeavoured to achieve self-sufficiency. It proposes that national self-sufficiency be replaced by self-sufficiency at EC level.

Radiopharmaceutical products are mainly used for diagnostic purposes. They contain radioactive isotopes and, as radioactivity is a matter of concern to the public, the draft Directive lays down rules with regard to labelling and the information to be provided for health personnel.

## Gist of the Committee Opinion <sup>1</sup>

Care must be taken to retain a broad overview of the entire operation to be carried out in this field, in order to create a framework which provides long-term safeguards for public health and the protection of the consumer's interests states the Committee's unanimously adopted Opinion.

However the Committee hopes that the other harmonization measures and rules, particularly with regard to homeopathic medicines and informing patients, will be rapidly adopted. In this connection, it takes the view that the obligation to provide an information leaflet must apply to all medicines. The Committee endorses the intention to make medicinal products intended for export subject to a manufacturing authorization and notification system, but stresses that the relevant procedures must run smoothly. For immunological products the Committee would like to see strict quality standards, particularly for vaccines manufactured by the recombinant DNA technique.

As far as products derived from human blood are concerned, the problems associated with the collection of the primary product, (ethical considerations, quality) should not be neglected.

*The rapporteur-general for this Opinion was Mr Hilkens (Netherlands — Various Interests).*

## 15. INDUSTRIAL AID FOR PORTUGAL (PEDIP)

**'Proposal for a Council Regulation on financial support for Portugal for a specific industrial development programme (Pedip)'**

### Gist of the Commission proposal

The specific programme for the development of Portuguese industry (Pedip) was prepared in close collaboration between the Portuguese Government and the Commission.

The European Council meeting in Brussels on 12 and 13 February 1988 endorsed the principle of Community assistance for the Pedip amounting to 500 million ECU for the period from 1988 to 1992. This would provide additional budgetary resources, over and above support from the structural Funds and Community loans.

<sup>1</sup> CES 653/88.

Four priority areas are envisaged in the Commission proposals:

- (i) basic industrial infrastructure;
- (ii) vocational training for careers in industry;
- (iii) the financing of productive investment;
- (iv) productivity tasks.

The rate of Community assistance, whatever its form, may not exceed 75% of the total cost of preparatory studies, pilot measures and technical assistance measures.

In its draft Regulation on financial support for Pedip, the Commission lays down the legal basis for conditions for the granting and management of the additional resources to be provided.

### **Procedure**

It was originally planned to submit the Opinion of the Regional Section at the July Plenary Session.

Besides the formal request for an Opinion, the Council and Commission representatives who attended the first and only meeting of the Study Group pointed out the urgency of this referral as the German Presidency intends to approve the proposed Regulation before the end of its term of office, i.e. around the middle of June.

In view of this urgency, the appointment of the Rapporteur-General will have to be confirmed by the Committee at the Plenary Session.

### **Gist of the Committee Opinion <sup>1</sup>**

The Opinion, adopted unanimously, begins by outlining the background to the present proposal and describing the main weaknesses in the industrial structure of Portugal. It stresses that the various Community measures must be consistent and compatible so as to facilitate the absorptive capacity of the Portuguese economy.

The Opinion approves the four priority areas of the programme which should help to increase the productivity and quality of the Portuguese industrial sector. The following aspects are particularly important: development of telecommunications, technological innovation, industrial quality.

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<sup>1</sup> CES 604/88.

Finally, the Opinion calls for a multiannual programme for the additional budgetary resources and approves the simplification of the procedure for submitting applications and the speeding-up of the Commission's decision-taking.

*The Rapporteur-General for this Opinion was Mr Velasco Manuel Cal (Portugal — Workers).*

## 16. NINTH AMENDMENT TO DANGEROUS SUBSTANCES DIRECTIVE

**'Proposal for a Council Directive amending for the ninth time Directive 76/769/EEC on the approximation of the laws, regulations and administrative provisions of the Member States relating to restrictions on the marketing and use of certain dangerous substances and preparations'**

[COM(88) 190 final]

### **Gist of the Commission proposal**

Basic Directive 76/769 concerns the harmonization of regulations on the marketing of dangerous substances; the said substances being listed in an annex.

To date there have been seven amendments to the original Directive, dealing with such substances as benzene, asbestos, PCB, etc.

An 8th amendment is pending covering various chemical substances of a carcinogenic nature used in the manufacture of decorative objects, tricks, jokes, etc.

The present proposal for a ninth amendment covers restrictions on pentachlorophenol, a fungicidal and bactericidal compound used especially as a wood preservative which is particularly dangerous in the aquatic environment.

### **Gist of the Committee Opinion <sup>1</sup>**

In an Opinion adopted unanimously, the Committee approves the Commission proposal subject to a number of technical comments.

*The rapporteur-general for this Opinion was Mr Proumens (Belgium — Employers).*

<sup>1</sup> CES 603/88.

## 17. WEIGHTS AND DIMENSIONS OF ROAD VEHICLES

**'Proposal for a Council Directive amending Directive 85/3/EEC on the weights, dimensions and certain other technical characteristics of certain road vehicles'**

### **Gist of the Commission proposal**

The Commission wishes to harmonize the maximum weights of rigid two-axle vehicles in international traffic in order to further their freedom of movement within the Community. The Commission proposes that this weight should be 18 tonnes as from 1 January 1990. This value is a compromise, taking into account the present limits in Member States for their domestic transport (16.5 to 19 tonnes). A Member State will, however, be able to authorize heavier weights for vehicles registered and used in its territory for national transport only.

It is proposed that the maximum authorized drive axle weight for two-axle rigid vehicles should be 11.5 tonnes as from 1 January 1992. This is in line with the provisions already adopted for drive axle weights of combined vehicles.

Existing proposals cover the maximum authorized weights and dimensions of all other current types of vehicle. The present proposal is designed to enable the Council to adopt a complete package of measures on the still outstanding issues of weights and dimensions. The proposal amends Directive 85/3/EEC — as amended by Directive 86/360/EEC and Directive 88/218/EEC — which sets out the maximum authorized dimensions and weights of all vehicles intended for the transport of goods above 3.5 tonnes laden weight and the maximum authorized axle weights of five- and six-axle combined vehicles and trailers forming part of combined vehicles.

### **Gist of the Committee Opinion <sup>1</sup>**

The Committee recognizes that, whilst different solutions might have been more in line with the specific situations applying in particular Member States, it would not have been possible to have applied such solutions throughout the Community. The Committee thus endorses the Draft Directive, given that it is fully consistent

<sup>1</sup> CES 602/88.

with the earlier Directives and is in accordance with the major economic, social and technical requirements which gave rise to these Directives.

The Opinion was adopted by a large majority, with 2 votes against and 2 abstentions.

*The rapporteur-general was Mr Perrin-Pelletier (France — Employers).*

## 18. FOURTH EEC/ACP CONVENTION (Own-initiative Opinion)

### **Background to, and purpose of, this Own-initiative Opinion**

December 1984 saw the signing of the Lomé III Convention. Following the required number of ratifications, the Convention came into force in May 1986.

During the course of June and July this year the Council will be considering the draft of the mandate it will give to the Commission to negotiate, on behalf of the Community, the next (fourth) EEC/ACP Convention. Negotiations will commence around the end of September/early October 1988.

The purpose of the Committee's drawing up an Own-initiative Opinion at this juncture is obvious: to put forward to the Commission and the Council some guidelines the social partners would like to see included in the mandate given to the Commission.

Parallel with this, preparatory work is, of course, going on for the next — the XIIth — meeting between the representatives of ACP/EEC economic and social interest groups to be held in Brussels, possibly in November 1988.

The XIth meeting called for closer contacts to be maintained in between these annual meetings so as to ensure a better follow-up to the Conference just past and more effective preparation for the next one. These contacts should assist the Section's Study Group to keep abreast of issues that need to be taken up in the Opinion. A first meeting of the mixed ACP/EEC Contact Group (involving from the Committee's side Mr Poeton, Mr Neto da Silva, Mr Jenkins, Mr Delhomenie, Mr Clavel and Mr Briganti) took place in Lomé from 23 to 25 March 1988.

These six Members are part of the larger, 12-member, *ad hoc* group, appointed by the Committee Bureau on 23 February last, to

help prepare the Committee's contribution to the November 1988 Conference papers. All 12 belong to the larger 30-strong delegation which will take part in the Conference and have also been nominated by the Groups to sit on the External Relations Section's Study Group on 'the fourth ACP/EEC Convention'.

### **Gist of the Committee Opinion <sup>1</sup>**

The Committee adopted the Opinion by a large majority, with 2 votes against and 4 abstentions.

It points to the steadily deteriorating situation of most ACP countries. Indebtedness, falling raw material prices, international monetary instability, low ACP per capita growth rates and a sluggish world economy have triggered a state of economic and social crisis in many of these countries. The Committee reiterates its earlier support for an extension of the term of the Lomé Convention.

The next Convention should be seized as an opportunity for stressing the importance of local businessmen and helping them to enlarge their skills and field of action. The concept of private agent should be extended to encompass cooperatives.

Sustained foreign capital investment and support for savings and banks are prerequisites for development. Training to provide the industrial labour force with the skills needed to operate installations should be one of the main concerns of the new Convention.

Despite encouraging trends, the Committee feels that participation in the various spheres covered by the present Lomé Convention is still insufficient. It advocates closer involvement of occupational organizations, local groups and communities and cooperatives, in tandem with the work of non-governmental organizations. Due consideration must be given to the resolutions adopted by the annual assembly to confer the force ascribed to them in the declared aims of the Convention.

The Community must do more to help ACP countries which undertake structural reforms. One of the major innovations of Lomé III was to place emphasis on the training and development of human resources. This priority must be consolidated. The Committee feels that the funds assigned to the next Convention must be commensurate with the problems to be tackled. Closer coordination is

<sup>1</sup> CES 600/88.



needed between the various schemes launched by private and public bilateral and multilateral bodies (and particularly between the Community and the individual Member States) to avoid waste of human and financial resources and duplication.

*This Opinion was drawn up in the light of the paper produced by the Section for External Relations, chaired by Mr Kenna (Ireland — Employers). The rapporteur was Mr Delhomenie (France — Workers).*



## External relations

The Committee's Secretary-General, Mr Moreau, took part in the meeting of the Secretaries-General of the national Economic and Social Councils, which was held in Paris on 29 April 1988.

The Committee Chairman, Mr Margot, attended the opening of the 8th International Forestry Fair, Eurobois 88, in Epinal (France) on 30 April.

The Secretary-General gave the opening address at the inauguration on 3 May of the six-month session of the Madrid Diplomacy School course.

The Chairman and Secretary-General received a delegation of the Picardy Economic and Social Council (France) visiting the Economic and Social Committee building in Brussels on 3 May.

Mr Moreau gave an address while taking part in a seminar organized by Euroforum at San Lorenzo del Escorial (Spain) on the subject 'Social dialogue or Europe without frontiers' on 4 May.

Mr Moreau also took part in the Congress of the European Movement, which was held in the Hague on 6 May.

The Chairman and Secretary-General took part in the Congress of the European Trade Union Confederation in Stockholm on 9 and 10 May.

Mr Margot attended the opening session of the General Assembly of the Committee of Family Organizations in the European Community (Coface), which was held in Brussels on 16 May.

On 19 and 20 May he took part in the Conference in Madrid of the European Union of Craft Industries and Small and Medium-sized Enterprises (UEAPME).

On 24 May a Member of the Committee, Mr Romoli, and Mr Moreau held talks in Geneva with the Director-General of the GATT, Mr Dunkel.

The Chairman, Mr Margot, with Mr Schwaiger and Mr Leiner from the Secretariat, took part in the colloquium on 'the challenge of

competition: the audiovisual sector, both private and public' (fourth European communications colloquium) organized by the European Institute for Advanced International Studies in Nice on 26 May.

A press conference was held in Düsseldorf on 3 May, at which an Economic and Social Committee Member, Mr Flum, presented the Opinion on the Safety and Health of Workers, for which he was the rapporteur.

From 25 to 27 May an ESC delegation visited Spain as an Agriculture Section Study Group on Wine-growing Areas, chaired by Mr Cavazzuti (Italy — Workers' Group). The visit was arranged so that the Study Group could study on the spot the wine-growing situation in Spain, in order to draw up an Own-initiative Opinion for which the rapporteur was Mr Margalef (Spain — Various Interests).

## **New consultations**

The Council has been, or will shortly be, consulting the Economic and Social Committee on the following questions:

**'Proposal for a Council Directive on a solvency ratio for credit institutions'**

[COM(88) 194 final]

**'Proposal for a Council Regulation amending Regulation (EEC) No 3820/85 on the harmonization of certain social legislation relating to road transport and Regulation (EEC) No 3821/85 on recording equipment in road transport, and the proposal for a Council Directive on the uniform application of Regulations (EEC) Nos 3820/85 and 3821/85'**

**'Proposal for a Council Decision on preventing environmental damage by the implementation of education and training measures'**

[COM(88) 202 final]

**'Proposals for Directives amending Directive 85/3/EEC on the weights, dimensions and certain other technical characteristics of certain road vehicles'**

[COM(88) 286 final and 287 final]

**'Proposal for a Council Decision on the Conclusion of the Agreement between the European Economic Community, Finland, Norway, Switzerland, Sweden and Yugoslavia on the international combined road/rail carriage of goods (ATC)'**

[COM(88) 247 final]

**'Proposal for a Council Recommendation to the Member States to promote cooperation between public electricity supply companies and auto-producers of electricity'**

[COM(88) 225 final]



## Provisional programme of future work

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[COM(87) 322 final/2]

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[COM(87) 327 final]

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[COM(87) 328 final]

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[COM(87) 719 final]

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[COM(87) 720 final]

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[COM(88) 78 final]

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[COM(88) 117 final]

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[COM(88) 160 final]

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[COM(88) 171 final]

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[COM(88) 98 final]

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[COM(88) 201 final]



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[COM(88) 101 final]

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Training and supply of researchers

GATT/Uruguay Round

Solvency ratio for credit institutions

[COM(88) 194 final]

Regional aids (Additional Opinion)

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