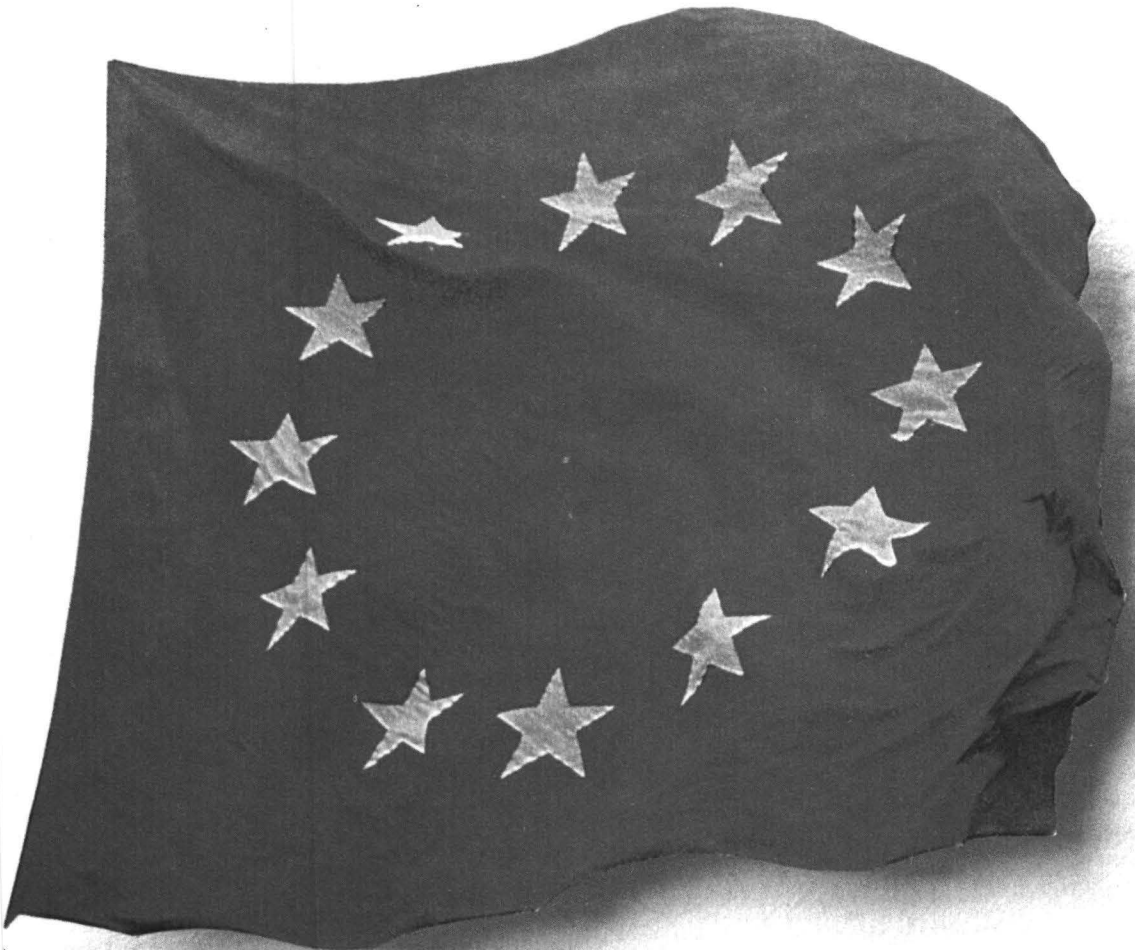


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# Bulletin of the European Communities

Commission



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No 9 1989 Volume 22

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Standardized abbreviations for the designation of certain monetary units in the different languages of the Community:

ECU	=	European currency unit
BFR	=	Belgische frank / Franc belge
DKR	=	Dansk krone
DM	=	Deutsche Mark
DR	=	Greek drachma
ESC	=	Escudo
FF	=	Franc français
HFL	=	Nederlandse gulden (Hollandse florijn)
IRL	=	Irish pound / punt
LFR	=	Franc luxembourgeois
LIT	=	Lira italiana
PTA	=	Peseta
UKL	=	Pound sterling
USD	=	United States dollar

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**PART ONE**

**SPECIAL FEATURES**

# 1. A Community strategy for waste management

1.1.1. On 13 September the Commission adopted, for transmission to the Council and the European Parliament, a communication on a Community strategy for waste management.

## The need for a Community strategy

1.1.2. The development of waste management in recent decades has shown that the problems raised by waste are reaching such proportions that waste management is now no longer purely a regional or national matter. In the past, it was usually possible to find local solutions to waste disposal problems, but now that waste is so diverse solutions must be found in a wider framework in which economic considerations are vital. The waste treatment sector employed over 2 million people in the Community in 1982 and had an annual turnover of between ECU 100 billion and ECU 200 billion.

Waste is not only a potential source of pollution but can also constitute 'secondary' natural resources. In this context questions arise concerning preferred disposal routes and the rules governing the movements of waste as the internal market opens up. It follows, given the close interdependence between waste management and many industrial and commercial activities, that unless there is a Community strategy for waste management the environment may suffer and the completion of the internal market may even be jeopardized as a result of distortions of competition, unwarranted switching of investment or market compartmentalization.

Action by the European Community in the waste management sphere must be based on clear principles and guided by comprehensive medium-term and long-term strategic thinking and the setting of general priorities to be implemented in the period up to the year 2000. This is the aim of the communication adopted by the Com-

mission, which responds to a wish expressed by the European Parliament in the resolution it adopted on 11 April 1984<sup>1</sup> following the disappearance of the waste from the Seveso disaster. The general priorities identified in the waste management strategy are prevention, recycling and reuse, waste disposal, transport, and restoration of contaminated sites. Waste management in a Community without internal frontiers is also considered.

## The priorities

### *Prevention*

1.1.3. Prevention of waste is the first plank of the Community strategy for waste management. Recent figures show that technological changes can reduce the amount of waste arising provided that genuinely clean technologies are developed, rather than purification technologies, which merely shift the pollution. Waste prevention is also a question of products. The aim is to encourage the use of products which generate less waste (e.g. by introducing an 'environment-friendly' label). This concerns both the manufacturers and designers of consumer products and the consumers who generate the waste.

### *Recycling and reuse*

1.1.4. The Commission considers that priority should be given to the recycling and reuse of waste. Recycling and reuse should be promoted by:

- (i) research and development on recycling and reuse techniques;
- (ii) optimizing collection and sorting systems (separate collection, electromechanical sorting, etc.);

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<sup>1</sup> OJ C 127, 14.5.1984; Bull. EC 4-1984, point 2.4.9.

- (iii) reducing the external costs of recycling and reuse;
- (iv) creating outlets for the products of recycling and reuse.

The resources and instruments for improving the recycling and reuse of waste, together with their respective merits and drawbacks, should be the subject of comparative studies at Community level.

### *Optimizing final disposal*

1.1.5. To protect the environment, strict standards must be complied with regarding site development and operation, the types of waste accepted, pre-treatment, and operation and post-closure supervision. Incineration is a widely used form of waste disposal which is acceptable within strict limits. It must be subject to strict emission standards and monitoring. The Commission has already put forward proposals on new and existing incineration plants for household refuse, which have been adopted by the Council.<sup>1</sup>

### *Regulation of transport*

1.1.6. In view of the risks involved in the carriage of hazardous substances, Community policy must be geared towards ensuring safe and economic transport and reducing the risks for man and the environment as much as possible. This objective can best be attained through greater harmonization and rigorous enforcement of the rules governing national and international transport, and by removing barriers to the movement of hazardous goods, while keeping certain agreed controls. The Commission is continuing its work in this area, as announced in its 1987 report on the transport of hazardous goods and waste.<sup>2</sup>

### *Remedial action*

1.1.7. As a result of past events, whether due to unforeseeable accidents or bad management or certain industrial activities in a particular place, there are contaminated

sites which are a major source of soil and water pollution; in such cases the European Community has a responsibility to assist the Member States in their efforts to identify and restore such sites, and to ensure that the 'polluter pays' principle enshrined in Article 130r of the Treaty is applied. In this connection, on 2 August the Commission adopted a proposal for a Directive on civil liability for damage caused by waste.<sup>3</sup>

### *Proposed action*

1.1.8. To apply the principles set out, the Commission lists a series of measures to be implemented at Community level, namely:

- (i) extension of the ACE programme (Action by the Community relating to the environment);<sup>4</sup>
- (ii) establishment of a Community system of 'environment-friendly' labels for consumer products;
- (iii) recycling and reuse of plastic waste, metal waste and beverage containers;
- (iv) study of instruments to ensure greater recycling and reuse of waste, e.g. waste exchange;
- (v) approximation of landfill standards;
- (vi) establishment of a list of waste not allowed to be disposed of in landfill sites or allowed only on certain conditions;
- (vii) operating conditions of incinerators for industrial waste;
- (viii) study of current and planned financial instruments for repairing damage caused by waste in abandoned landfills.

### **Waste management in the single European market**

1.1.9. The communication not only outlines the basic principles as regards waste

<sup>1</sup> OJ L 163, 14.6.1989; Bull. EC 6-1989, point 2.1.118; OJ L 203, 15.7.1989; Bull. EC 6-1989, point 2.1.118.

<sup>2</sup> Bull. EC 5-1987, point 2.1.148.

<sup>3</sup> OJ C 251, 4.10.1989; Bull. EC 7/8-1989, point 2.1.133.

<sup>4</sup> OJ L 176, 3.7.1984; Bull. EC 6-1984, point 2.1.79; OJ L 207, 2.7.1987; Bull. EC 7/8-1987, point 2.1.164.

management, it also examines them in the context of the process of creating an area with no internal frontiers. Movements of waste as a result of differences in disposal costs are likely not only to damage the environment during the transport operation and when they are disposed of, but also encourage operators to concentrate their investment in final disposal facilities in certain regions, leaving others under-equipped. In order to ensure that a balanced network of facilities for the final disposal of waste develops in the Community, the Commission considers that waste should, as far as possible, be disposed of in the nearest suitable centres, making use of the most appropriate technologies guaranteeing a high level of protection for the environment and public health. However, to encourage

recycling and reuse, the Commission feels that recyclable waste should be exempt from the proximity principle provided that transfers are strictly controlled and based on a recycling contract between recognized and authorized holders and recyclers of waste.

*1.1.10.* As regards the movement of waste for disposal outside the Community, in accordance with the recent Basle Convention<sup>1</sup> the Commission is of the opinion that waste originating in the Community which cannot be recycled or reused should, where possible, be dealt with within the Community and should only be exported in exceptional cases.

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<sup>1</sup> Bull. EC 3-1989, point 2.1.113.

## 2. News in brief

### **Economic and monetary union**

The Commission adopts two proposals for Decisions concerning stage one of economic and monetary union (→ point 2.1.2).

### **Internal market**

The Commission adopts a communication to the Council and the Member States on the implementation of the measures required to complete the internal market (→ point 2.1.6).

### **Social policy**

The Commission approves the draft Community Charter of Fundamental Rights (→ point 2.1.55).

### **Regional policies**

The Commission adopts the draft Community support frameworks for the regions whose development is lagging behind (Objective 1) (→ point 2.1.72).

### **External relations**

#### *Agreement with Poland*

The Agreement on trade and commercial and economic cooperation between the Community and Poland is signed (→ point 2.2.11).

#### *Coordinated aid for Poland and Hungary*

The Commission presents a plan of action and the Group of 24 adopts a declaration on economic assistance to Poland and Hungary (→ points 2.2.7 and 2.2.8).



**PART TWO**

**ACTIVITIES**

**IN SEPTEMBER 1989**

# 1. Building the Community

## Economic and monetary policy

### Economic and monetary union

2.1.1. At their informal meeting in Antibes on 9 and 10 September, the Finance and Economics Ministers of the Member States held a searching discussion on the objective of economic and monetary union (EMU) and clarified the agreement reached at the Madrid European Council on 26 and 27 June concerning stage one of EMU, which will begin on 1 July 1990.<sup>1</sup> To that end, they agreed on the need to reform Decision 64/300/EEC of 8 May 1964 on cooperation between the Central Banks of the Member States,<sup>2</sup> in order to strengthen the role of the Committee of Governors, and Decision 74/120/EEC of 18 February 1974 on economic convergence,<sup>3</sup> so as to make it more realistic and hence easier to implement.

2.1.2. On 26 September the Commission adopted, for transmission to the Council, Parliament and the Economic and Social Committee, a proposal and a recommendation for Decisions aimed respectively at the realization of economic policy convergence and cooperation between the Member States' Central Banks.<sup>4</sup> These are important elements of stage one of economic and monetary union.<sup>5</sup>

The proposals are based on the ideas set out in the *Report on economic and monetary union* by the Committee chaired by Mr Delors,<sup>6</sup> on the conclusions of the Madrid European Council<sup>7</sup> and on the discussions that took place at the Antibes meeting (see above). The principles underlying the proposals are:

- (i) parallelism between the economic and monetary aspects of EMU;
- (ii) subsidiarity;
- (iii) the diversity of specific situations.

The recommendation for a Council Decision<sup>8</sup> amending Decision 64/300/EEC of 8 May 1964 on cooperation between the

Central Banks of the Member States<sup>2</sup> is designed to strengthen the responsibilities of the Committee of Central Bank Governors, which will be:

- (i) to hold consultations on the general principles and broad lines of policy of the Central Banks, in particular as regards credit, money markets and foreign-exchange markets;
- (ii) to exchange information regularly on the measures that fall within the competence of the Central Banks and to examine those measures; the Committee will normally have to be consulted in advance of national decisions on the course of monetary policy;
- (iii) to coordinate monetary policies with a view to the proper functioning of the European Monetary System and the realization of monetary stability;
- (iv) to formulate opinions on the overall direction of monetary and exchange-rate policies and to express to individual Governments and the Council opinions on policies which might affect the monetary situation inside and outside the Community and, in particular, the functioning of the European Monetary System.

The proposal for a Council Decision on the attainment of progressive convergence of economic performance during stage one of EMU<sup>9</sup> places the convergence of Member States' economic policies in the context of moves to complete the internal market and to strengthen economic and social cohesion. In order to achieve sustained, non-inflationary growth in the Community, together with a high level of employment and the degree of economic convergence necessary for the success of stage one, the Council is

<sup>1</sup> Bull. EC 6-1989, point 1.1.11.

<sup>2</sup> OJ 77, 21.5.1964.

<sup>3</sup> OJ L 63, 5.3.1974.

<sup>4</sup> COM(89) 466 and 467 final.

<sup>5</sup> Bull. EC 4-1989, point 1.1.4.

<sup>6</sup> Bull. EC 4-1989, point 1.1.1 *et seq.*

<sup>7</sup> Bull. EC 6-1989, point 1.1.2 *et seq.*

<sup>8</sup> COM(89) 467 final.

<sup>9</sup> COM(89) 466 final.



called upon to undertake multilateral surveillance in restricted sessions at which it would examine on a regular basis:

- (i) the economic conditions, prospects and policies in the Community and in the Member States;
- (ii) the compatibility of policies within Member States and in the Community at large;
- (iii) the external economic environment and its interaction with the Community economy.

The Council will undertake multilateral surveillance on the basis of reports and analyses submitted by the Commission. These will include:

- (i) indicators of economic performance including monetary and budgetary policies, supply and demand trends, price and cost developments, employment, financial markets, and external and internal imbalances;
- (ii) regular country reports on national economic conditions, prospects and policies;
- (iii) an annual report on the economic outlook for the Community that reviews the economic outlook and the general direction of economic policy.

Multilateral surveillance will focus on macroeconomic, microeconomic and structural policies. It will also include a review of budget policies, where possible ahead of national budgetary planning, focusing in particular on the size and financing of budget deficits.

When potential or actual economic developments in one or more Member States threaten the Community economy, or when events outside the Community threaten to have serious consequences for the Community economy, the Council, acting on a proposal from the Commission and after consultation of the Monetary Committee, shall meet to consider the situation and decide on possible measures. Where monetary or exchange-rate policy is concerned, the Committee of Governors of the Central Banks of the Member States of the European

Community shall be consulted. In all cases the Chairman of the Committee of Governors will be invited to the Council meetings.

## European Monetary System

### *Operation of the EMS*

#### Revision of the composition of the ecu

2.1.3. In accordance with Council Regulation (EEC) No 1971/89 of 19 June 1989 adjusting the value of the unit of account used by the European Monetary Cooperation Fund following the inclusion of the peseta and the escudo in the ecu, the revised composition entered into force on 21 September.<sup>1</sup> The currency amounts making up the ecu are now as follows:

BFR	3.301
DKR	0.1976
DM	0.6242
DR	1.440
ESC	1.393
FF	1.332
HFL	0.2198
IRL	0.008552
LFR	0.130
LIT	151.8
PTA	6.885
UKL	0.08784

## Community borrowings

### *Six-monthly report*

2.1.4. In accordance with Council Decision 83/200/EEC of 19 April 1983 empowering it to contract loans under the New Community Instrument (NCI),<sup>2</sup> the Commission adopted on 12 September for transmission to the Council and to Parliament its 11th six-monthly report on the rate of utilization of NCI tranches (1 July to

<sup>1</sup> OJ L 189, 4.7.1989; Bull. EC 6-1989, point 2.1.5.

<sup>2</sup> OJ L 112, 28.4.1983; Bull. EC 4-1983, point 2.1.8.

31 December 1988).<sup>1</sup> Effective authorizations for borrowing under NCI III currently total ECU 2.9 billion, with a margin of ECU 100 million held in reserve. The geographical breakdown of loans signed shows that the largest number of financings were in Italy (even if reconstruction operations are excluded), with France in second position. Taking total NCI loans signed for ordinary operations, there was an increasingly marked shift in lending towards the productive sectors, while the proportion of loans signed under NCI III for the energy and infrastructure sectors showed a fall.

### **Development of new financial instruments — Financial engineering**

#### *The new NCI*

2.1.5. Following the opinions delivered on 22 February and 26 May by the Economic and Social Committee<sup>2</sup> and by Parliament,<sup>3</sup> the Commission adopted<sup>4</sup> on 11 September for transmission to the Council an amendment to its proposal for a Decision extending the activities of the New Community Instrument.<sup>5</sup>

### **Internal market**

#### **Implementing the White Paper**

2.1.6. On 6 September the Commission adopted, for transmission to the Council and the Member States, a communication on the implementation of the measures required to complete the internal market.<sup>6</sup> Following on from the fourth progress report on the implementation of the White Paper on completing the internal market,<sup>7</sup> which was adopted by the Commission on 20 June, this communication contains a general assessment of progress with implementing the White Paper and takes stock of the incorporation into national law and application by the Member States of Directives

relating to the internal market. The implementation of the White Paper programme is proceeding satisfactorily, but the communication does mention some worrying delays with the incorporation of Community Directives into national law. Of 68 Directives which have entered into force, only seven have been incorporated into national law in all Member States. Likewise, the communication notes that a large number of judgments of the Court of Justice have not been acted on in the Member States. It analyses in detail the reasons behind these holdups in the implementation of the internal market and draws some practical conclusions. For example, the Commission requests the Member States to designate, within their national coordinating authorities, one person solely responsible for following up the implementation and application of Community measures adopted by virtue of the internal market, to increase the national authorities' awareness of the Community dimension, and to develop the exchange of information and experience between the various national and regional authorities.

The Commission intends:

- (i) to hold regular, bilateral meetings with the Member States to review progress with implementation of the White Paper programme;
- (ii) to provide a clearer picture of current progress with incorporating and applying Community measures in each Member State;
- (iii) to simplify the implementation of procedures regarding failure by Member States to inform the Commission of national incorporation measures;
- (iv) to make proposals to set up an exchange programme for officials dealing with the key areas of the internal market.

<sup>1</sup> Previous report: Bull. EC 4-1989, point 2.1.8.

<sup>2</sup> OJ C 102, 24.4.1989; Bull. EC 2-1989, point 2.1.2.

<sup>3</sup> OJ C 158, 26.6.1989; Bull. EC 5-1989, point 2.1.1.

<sup>4</sup> COM(89) 440 final.

<sup>5</sup> OJ C 335, 30.12.1988; Bull. EC 11-1988, point 2.1.4.

<sup>6</sup> COM(89) 422 final.

<sup>7</sup> Bull. EC 6-1989, point 2.1.7.

## People's Europe

### *Free movement of persons*

#### Mutual recognition of diplomas — Access to economic activities

2.1.7. On 13 September the European Parliament endorsed (second reading)<sup>1</sup> the following two proposals for Directives on which the Council had adopted two common positions<sup>2</sup> on 14 June:

- (i) the proposal for a Directive,<sup>3</sup> amended on 29 November 1988 in the light of Parliament's opinion (first reading),<sup>4</sup> amending Council Directives 75/362/EEC<sup>5</sup> of 16 June 1975, 77/452/EEC<sup>6</sup> of 27 June 1977, 78/686/EEC<sup>7</sup> of 25 July 1978, 78/1026/EEC<sup>8</sup> of 18 December 1978 and 80/154/EEC<sup>9</sup> of 21 January 1980 concerning the mutual recognition of diplomas for doctors, nurses responsible for general care, dental practitioners, veterinary surgeons and midwives, as well as Council Directives 75/363/EEC<sup>5</sup> of 16 June 1975, 78/1027/EEC<sup>10</sup> of 18 December 1978 and 80/155/EEC<sup>9</sup> of 21 January 1980 concerning the activities of doctors, veterinary surgeons and midwives;
- (ii) the proposal for a Directive,<sup>10</sup> amended on 29 November 1988 in the light of Parliament's opinion (first reading),<sup>11</sup> amending Directives 77/452/EEC and 77/453/EEC<sup>6</sup> of 27 June 1977 concerning nurses responsible for general care.

### Freedom to provide services

#### *Financial services*

#### Insurance

2.1.8. On 26 September, acting on a Commission proposal,<sup>12</sup> the Council authorized its President to sign, subject to approval, the Agreement between the Swiss Confederation and the Community on direct insurance other than life insurance.

2.1.9. In the light of the opinions of the Economic and Social Committee of 23 September 1987,<sup>13</sup> and of the European Parliament (first reading) of 15 March 1989,<sup>14</sup> on 12 September the Commission amended<sup>15</sup> its proposal for a Directive on the compulsory winding-up of direct insurance undertakings.<sup>16</sup> The amendment is designed to improve certain provisions and clarify their scope.

2.1.10. On 27 September the Economic and Social Committee endorsed, without debate, the proposal for a Directive on freedom to provide services relating to direct life insurance.<sup>17</sup> The Committee put forward some technical amendments to the proposal.

#### Stock exchanges and securities

2.1.11. On 27 September the Economic and Social Committee endorsed the proposal for a Directive on takeover and other general bids.<sup>18</sup>

2.1.12. On 27 September the Committee also endorsed, without debate, the proposal for a Directive on investment services in the securities field.<sup>19</sup> The Committee put forward some technical amendments to the proposal.

<sup>1</sup> OJ C 256, 9.10.1989.

<sup>2</sup> Bull. EC 6-1989, point 2.1.9.

<sup>3</sup> OJ C 353, 30.12.1987; Bull. EC 11-1987, point 2.1.15.

<sup>4</sup> OJ C 322, 15.12.1988; Bull. EC 11-1988, point 2.1.10.

<sup>5</sup> OJ L 167, 30.6.1975.

<sup>6</sup> OJ L 176, 15.7.1977.

<sup>7</sup> OJ L 233, 24.8.1978.

<sup>8</sup> OJ L 362, 23.12.1978.

<sup>9</sup> OJ L 33, 11.2.1980.

<sup>10</sup> OJ C 20, 26.1.1988; Bull. EC 12-1987, point 2.1.13.

<sup>11</sup> OJ C 322, 15.12.1988; Bull. EC 11-1988, point 2.1.11.

<sup>12</sup> COM(89) 436 final.

<sup>13</sup> OJ C 319, 30.11.1987.

<sup>14</sup> OJ C 96, 17.4.1989; Bull. EC 3-1989, point 2.1.7.

<sup>15</sup> COM(89) 394 final; OJ C 253, 6.10.1989.

<sup>16</sup> OJ C 71, 19.3.1987; Bull. EC 12-1986, point 2.1.126.

<sup>17</sup> OJ C 38, 15.2.1989; Bull. EC 12-1988, point 2.1.145.

<sup>18</sup> OJ C 64, 14.3.1989; Bull. EC 12-1988, point 2.1.149; Supplement 3/89 — Bull. EC.

<sup>19</sup> OJ C 43, 22.2.1989; Bull. EC 12-1988, point 2.1.147.

## Free movement of goods

### *Removal of trade barriers*

#### Industrial products

##### *Firearms*

2.1.13. On 20 September the Commission adopted for transmission to the Council, the European Parliament and the Economic and Social Committee, an amendment<sup>1</sup> to its proposal for a Directive on the control of the acquisition and possession of firearms.<sup>2</sup>

The original proposal consisted of a set of procedural rules for the transfer of firearms from one Member State to another. The amendment adds the following elements:

- (i) the Commission is proposing a partial harmonization of legislation: it advocates four categories of firearms: prohibited firearms, firearms subject to authorization, firearms subject to declaration, and other types of firearms which can be bought and held freely. This would mean that various types of weapon which can at present be sold freely in certain Member States would have to be declared to the public authorities;
- (ii) the Commission also adds provisions concerning travellers carrying weapons: it proposes introducing a uniform document, to be known as the European Firearms Certificate, which would identify both the weapon and the person who lawfully possesses it. This certificate is intended especially for sportsmen and marksmen wishing to bring lawfully acquired weapons into other Community countries.

##### *Motor vehicles*

2.1.14. On 22 September the Commission adopted a communication requesting the Council to authorize it to take part, on behalf of the Community, in the negotiations within the UN Economic Commission for Europe to revise the Agreement concerning the Adoption of Uniform Conditions of Approval and Reciprocal Recog-

inition of Approval for Motor Vehicle Equipment and Parts.

##### *Wheeled agricultural and forestry tractors*

2.1.15. On 13 September the European Parliament gave its opinion (second reading)<sup>3</sup> on the three proposals to amend<sup>4</sup> the Council Directives relating to roll-over protection structures: Directive 77/536/EEC of 28 June 1977 (standard tractors),<sup>5</sup> Directive 86/298/EEC of 27 May 1986 (narrow-track tractors — front-mounted structures)<sup>6</sup> and Directive 87/402/EEC of 25 June 1987 (narrow-track tractors — rear-mounted structures).<sup>7</sup> Parliament endorsed the Council's common position,<sup>8</sup> except as regards the procedure for amending the annexes to the three Directives.

##### *Gas appliances*

2.1.16. On 22 September, in the light of the opinion delivered by the European Parliament, on 25 May,<sup>9</sup> the Commission decided to make some technical amendments<sup>10</sup> to its proposal for a Directive relating to gas appliances.<sup>11</sup>

##### *Dangerous substances and preparations*

2.1.17. On 13 September the Commission adopted Recommendation 89/542/EEC setting out detailed procedures for the labelling of detergents and cleaning products for sale to the general public and to the industrial sector.<sup>12</sup>

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<sup>1</sup> COM(89) 446 final.  
<sup>2</sup> OJ C 235, 1.9.1987; Bull. EC 7/8-1987.  
<sup>3</sup> OJ C 256, 9.10.1989.  
<sup>4</sup> OJ C 305, 30.11.1988; OJ C 311, 6.12.1988; OJ C 384, 17.12.1988; Bull. EC 11-1988, point 2.1.21.  
<sup>5</sup> OJ L 220, 29.8.1977.  
<sup>6</sup> OJ L 186, 8.7.1986, Bull. EC 5-1986, point 2.1.13.  
<sup>7</sup> OJ L 220, 8.8.1987; Bull. EC 6-1987, point 2.1.12.  
<sup>8</sup> Bull. EC 5-1989, point 2.1.15.  
<sup>9</sup> OJ C 158, 26.6.1989; Bull. EC 5-1989, point 2.1.18.  
<sup>10</sup> COM(89) 459 final; OJ C 260, 13.10.1989.  
<sup>11</sup> OJ C 42, 21.2.1989; Bull. EC 12-1988, point 2.1.21.  
<sup>12</sup> OJ L 291, 10.10.1989.

This recommendation is directed at the industries which manufacture and sell detergents and cleaning products on the Community market. It follows on from the Council Directive of 7 June 1988 relating to the classification, packaging and labelling of dangerous preparations,<sup>1</sup> which is designed to ensure uniformity of user information and protection conditions. In order to provide even greater protection, taking into account the potential hazards of detergents and cleaning products to the consumer and to the environment, the Commission is using the form of a recommendation to call on industry to apply a number of criteria immediately.

The recommendation defines the detergents and cleaning products in question as those which present a danger to the aquatic environment into which they are liable to be discharged after use. The packaging of the products must indicate the presence of dangerous substances if they are added in a concentration above 0.2%, and must give particulars of the percentage content. The presence of enzymes and/or preservatives or disinfectants also has to be shown on the label. Similarly, detailed instructions for use must be displayed on the packaging of detergents sold to the general public.

The advantage of a voluntary solution of this kind, which is founded on a relationship of trust between Community bodies, national administrations and industry, is that it allows the standards proposed by the Commission to be put into effect immediately.

2.1.18. On 13 September the European Parliament delivered its opinion (second reading)<sup>2</sup> on the amended<sup>3</sup> proposal<sup>4</sup> for a Directive amending for the eighth time Council Directive 76/769/EEC of 27 July 1976 relating to restrictions on the marketing and use of certain dangerous substances and preparations.<sup>5</sup> Parliament proposed some technical amendments to the Council's common position,<sup>6</sup> particularly as regards the use of lead sulphates in paint.

## Foodstuffs

2.1.19. On 26 September the Commission adopted a communication on the free movement of foodstuffs within the Community,<sup>7</sup> the aim being:

- (i) to inform economic operators of the rights they enjoy as a result of the direct application of the Treaty's provisions concerning the free movement of goods;
- (ii) to guide the authorities in the Member States with regard to the adoption or amendment of national provisions likely to affect the free movement of foodstuffs;
- (iii) to make it easier for the Commission to assess the compatibility with Community law of draft technical rules concerning foodstuffs, which since 1 January 1989 have to be communicated to it under Council Directive 83/189/EEC of 28 March 1983 laying down a procedure for the provision of information in the field of technical standards and regulations.<sup>8</sup>

## Fertilizers

2.1.20. On 18 September the Council formally adopted Directive 89/530/EEC<sup>9</sup> supplementing and amending Directive 76/116/EEC in respect of the trace elements boron, cobalt, copper, iron, manganese, molybdenum and zinc contained in fertilizers<sup>10</sup> after the European Parliament had approved<sup>11</sup> on 13 September its common position<sup>12</sup> on the Commission's proposal.<sup>13</sup>

<sup>1</sup> OJ L 187, 16.7.1988; Bull. EC 6-1988, point 2.1.34.

<sup>2</sup> OJ C 256, 9.10.1989.

<sup>3</sup> OJ C 191, 28.7.1989; Bull. EC 6-1989, point 2.1.17.

<sup>4</sup> OJ C 43, 16.2.1989; Bull. EC 1-1988, point 2.1.11.

<sup>5</sup> OJ L 262, 27.9.1976.

<sup>6</sup> Bull. EC 7/8-1989, point 2.1.17.

<sup>7</sup> OJ C 271, 24.10.1989.

<sup>8</sup> OJ L 109, 26.4.1983; Bull. EC 3-1983, point 2.1.8.

<sup>9</sup> OJ L 281, 30.9.1989.

<sup>10</sup> OJ L 24, 30.1.1976.

<sup>11</sup> OJ C 256, 9.10.1989; first reading: OJ C 47, 20.2.1989;

Bull. EC 1-1989, point 2.1.6.

<sup>12</sup> Bull. EC 5-1989, point 2.1.32.

<sup>13</sup> OJ C 304, 29.11.1988; Bull. EC 10-1988, point 2.1.16.

## *Standardization, certification and testing*

### Technical standards and regulations

2.1.21. On 27 September the Economic and Social Committee unanimously endorsed, without debate, the report<sup>1</sup> on the first four years of operation (1984-87) of Directive 83/189/EEC of 28 March 1983 laying down a procedure for the provision of information in the field of technical standards and regulations.<sup>2</sup>

## Customs union

### General legislation

#### *Customs debt*

2.1.22. On 27 September the Economic and Social Committee endorsed the proposal<sup>3</sup> for an amendment to Council Regulation (EEC) No 1031/88<sup>4</sup> of 18 April 1988 determining the persons liable for payment of a customs debt.

### Common Customs Tariff and Combined Nomenclature

#### *Common Customs Tariff*

2.1.23. As a follow-up to the communication setting out its intentions with regard to autonomous tariff suspensions,<sup>5</sup> the Commission adopted in September for transmission to the Council four proposals for Regulations concerning the autonomous suspension of CCT duties for a number of products in the agriculture,<sup>6</sup> chemicals,<sup>7</sup> and microelectronics<sup>8</sup> sectors, and also products for the construction, maintenance or repair of aircraft.<sup>9</sup>

## International cooperation

2.1.24. On 18 September the Council (Internal Market) adopted, on a proposal from the Commission,<sup>10</sup> Decision 89/526/EEC<sup>11</sup> accepting on behalf of the Community the resolution of the Inland Transport Committee of the UN Economic Commission for Europe concerning technical assistance measures for the implementation of the International Convention on the Harmonization of Frontier Controls of Goods, which was approved by Council Regulation (EEC) No 1262/84 of 10 April 1984.<sup>12</sup>

## Enterprise

### Business environment

#### *Company law*

#### Accounting standards

2.1.25. On 13 September Parliament adopted a decision on the Council's common position<sup>13</sup> on the proposed 11th Directive concerning disclosure requirements in respect of branches opened in a Member State by certain types of company governed by the law of another Member State.<sup>14</sup> It proposed some drafting amendments in order to clarify certain aspects.

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<sup>1</sup> Bull. EC 12-1988, point 2.1.13.

<sup>2</sup> OJ L 109, 26.4.1983; Bull. EC 3-1983, point 2.1.8.

<sup>3</sup> OJ C 142, 8.6.1989; Bull. EC 5-1989, point 2.1.36.

<sup>4</sup> OJ L 102, 21.4.1988; Bull. EC 4-1988, point 2.1.65.

<sup>5</sup> OJ C 235, 13.9.1989; Bull. EC 7/8-1989, point 2.1.28.

<sup>6</sup> COM(89) 438 final.

<sup>7</sup> COM(89) 439 final.

<sup>8</sup> COM(89) 442 final.

<sup>9</sup> COM(89) 416 final.

<sup>10</sup> Bull. EC 3-1989, point 2.1.26.

<sup>11</sup> OJ L 273, 22.9.1989.

<sup>12</sup> OJ L 126, 12.5.1984; Bull. EC 4-1984, point 2.1.28.

<sup>13</sup> Bull. EC 5-1989, point 2.1.48.

<sup>14</sup> OJ C 203, 12.8.1986; Bull. EC 7/8-1986, points 2.1.16 and 3.5.1; OJ C 105, 21.4.1988; Bull. EC 4-1988, point 2.1.80; Supplement 5/88 — Bull. EC.

## *Intellectual property*

### **Community patent**

2.1.26. On 18 September the Council (Internal Market) adopted conclusions concerning the Community patent. It decided to convene an Intergovernmental Conference in Luxembourg from 11 to 15 December with the aim of drawing up the definitive text of the agreement relating to Community patents to which it had agreed in June 1988.<sup>1</sup> The Conference will have to settle the two technical problems still unresolved, namely the scale for the distribution between Member States of revenue from charges on Community patents and the arrangements concerning their translation. It will also have to resolve the problems posed for Spain and Portugal by conclusion of the Agreement. At the end of the Conference the Agreement will be open for signing by the 12 Member States.

### *Administrative simplification*

2.1.27. On 28 September the Economic and Social Committee endorsed the proposal for a Council recommendation relating to the implementation of policy of administrative simplification in the Member States.<sup>2</sup> The Committee recommends training officials to make them aware of the realities facing SMEs, and supports the setting-up of advisory committees on administrative simplification, provided, however, that the opinions of the latter are acted upon. It calls upon the Commission to do all in its power to encourage positive action in the Member States whilst preserving the principle of subsidiarity.

### **Small business**

#### *Developing cooperation*

2.1.28. On 26 September the Council adopted on the basis of the Commission's communication on the subject,<sup>3</sup> a resolution on the development of subcontracting

in the Community.<sup>4</sup> It calls on the Commission to continue and step up its work to promote subcontracting, and encourages it to initiate measures to improve the legal framework for subcontracting, and the flow of information and communication between main contractors and subcontractors. It also takes notes of the work to set up a European Information Centre on Subcontracting and requests the Commission to continue its work in this area in close cooperation with the professional bodies concerned and the Member States.

## **Industrial strategy and services**

### **Sectoral policies**

#### *Steel*

#### **Forward programme**

2.1.29. On 19 September the Commission approved the forward programme for steel for the fourth quarter of 1989,<sup>5</sup> and on 21 September the ECSC Consultative Committee endorsed it. According to this report, the healthy economic situation in the Community had a positive effect on the steel market in the first three quarters which will continue in the fourth quarter, with production running at a high level, prices more or less stable and lead times reduced. As demand from the main consumer sectors such as the motor industry and the construction industry is expected to remain buoyant, a production level of 35 million tonnes is forecast for the fourth quarter. With regard to employment, the effects of the sustained recovery of the market for steel products are making themselves felt: the rate of job

<sup>1</sup> Bull. EC 6-1988, point 2.1.46.

<sup>2</sup> OJ C 189, 26.7.1989; Bull. EC 5-1989, point 2.1.53.

<sup>3</sup> Bull. EC 7/8-1989, point 2.1.41.

<sup>4</sup> OJ C 254, 7.10.1989.

<sup>5</sup> OJ C 273, 26.10.1989; third quarter: Bull. EC 6-1989, point 2.1.47.

losses has been slowing down since the beginning of the year, and the level is likely to be just over 3% in the fourth quarter with, however, considerable variations from one Member State to another.

### Transitional measures

2.1.30. On 26 September the Council gave its assent<sup>1</sup> to the draft Commission Decision establishing the delivery levels of ECSC steel products of Portuguese origin on to the rest of the Community market, excluding Spain, for 1989.<sup>2</sup>

## Research and technology

### Community R&TD

#### *Framework programme*

2.1.31. At its meeting in Brussels on 18 September the Council (Research) held a detailed discussion on the Commission's proposal for a Decision on the new framework programme in the field of research and technological development (1990-94).<sup>3</sup> This debate highlighted a number of points requiring more detailed examination, namely the precise content of the six main topics, continuity between specific programmes currently in progress and those under the new framework programme, scope of the review in 1992, improvements in programme management and the economic and social cohesion aspects.

The Council noted that the Commission would be submitting two working papers on these matters, setting out its reactions to the evaluation report on the 1987-91 framework programme drawn up by a panel of five independent experts<sup>4</sup> and additional information on the technical content of the programmes and the breakdown of the total funding considered necessary. It also asked Coreper to analyse the budgetary and institutional aspects and asked Crest to study the scientific and technical implications.

### *Coordination of national policies*

2.1.32. At its meeting in Strasbourg on 7 and 8 September the Scientific and Technical Research Committee (Crest) held a wide-ranging discussion on the Commission's proposal for a new framework programme (1990-94).<sup>3</sup>

The Committee endorsed the underlying principles of this proposal (concentration on six topics, rolling programmes, decentralized management, etc.), but asked for more details of the breakdown of the amount of funding estimated as necessary, the procedures for decentralized management and the role of the management committees in the running of the programmes.

### *International cooperation*

#### **Framework Agreements with the EFTA countries**

2.1.33. On 29 September, acting on a proposal from the Commission,<sup>5</sup> in cooperation with Parliament<sup>6</sup> and in the light of the opinion of the Economic and Social Committee,<sup>7</sup> the Council adopted a Decision concerning the conclusion on behalf of the EEC of the Framework Agreement for scientific and technical cooperation between the European Communities and the Republic of Iceland, on which it had adopted a common position in June.<sup>8</sup>

2.1.34. On 27 September the Economic and Social Committee adopted an opinion on five proposals<sup>9</sup> for Council Decisions concerning the conclusion of Cooperation Agreements between the EEC and Austria,

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<sup>1</sup> OJ C 254, 7.10.1989.

<sup>2</sup> Bull. EC 5-1989, point 2.1.56.

<sup>3</sup> OJ C 243, 23.9.1989; Bull. EC 7/8-1989, point 1.3.1 *et seq.*

<sup>4</sup> Bull. EC 6-1989, point 2.1.49.

<sup>5</sup> OJ C 273, 22.10.1988; Bull. EC 10-1988, point 2.1.28.

<sup>6</sup> First reading: OJ C 120, 16.5.1989; Bull. EC 4-1989, point 2.1.53; second reading: OJ C 256, 9.10.1989.

<sup>7</sup> OJ C 102, 24.4.1989; Bull. EC 2-1989, point 2.1.22.

<sup>8</sup> Bull. EC 6-1989, point 2.1.50.

<sup>9</sup> OJ C 154, 22.6.1989; Bull. EC 5-1989, point 2.1.64; OJ C 197, 2.8.1989; Bull. EC 6-1989, point 2.1.51.



Finland, Norway, Sweden and Switzerland on a programme plan to stimulate the international cooperation and interchange needed by European research scientists (Science). The Committee calls for technical amendments to some of the Articles of these Agreements.

## COST

2.1.35. From 5 to 8 September in Brussels the Commission and the COST 73 Management Committee held an international seminar on weather radar networking. Over 200 scientists from 25 countries attended the seminar, which reviewed the current state of knowledge and future prospects.

2.1.36. On 7 September Portugal signed the Memoranda of Understanding for COST projects 231 (Evolution of land-mobile radiocommunications) and 507 (Data bank for light alloy design).

On 13 September Greece signed the Memorandum of Understanding for COST project 310 (Freight transport logistics).

## Telecommunications, information technology and innovation

### Information technology and telecommunications

#### *Information technology (Esprit)*

2.1.37. On 7 September, in accordance with Article 8 of Council Decision 84/130/EEC<sup>1</sup> of 28 February 1984, the Commission adopted for transmission to the Council and Parliament a communication evaluating the implementation and results of the Esprit programme. This was accompanied by the report of the Esprit programme review<sup>2</sup> carried out by a group of eminent independent experts. The Commission regards the review as essential and intends to rely extensively on its findings in future in connection with the running of other programmes. It is

the first complete assessment of a Community R&D programme in the industrial sector at the end of a five-year period.

2.1.38. The Commission also published a call for proposals<sup>3</sup> under Esprit for collaborative precompetitive industrial research and development work in the following technological sectors: information processing systems, office and business systems and computer-integrated manufacturing.

The total cost of the projects that will be launched as a result of this call for proposals is expected to be around ECU 450 million. Contracts offered to successful applicants will normally cover the first two or three years of the work and may be extended.

## Telecommunications

2.1.39. On 27 September,<sup>4</sup> the Commission adopted, for transmission to the Council, a proposal for a Decision on the introduction of a single emergency telephone number for Europe. This proposal was prompted by the Council resolution of 13 February<sup>5</sup> on the new developments in Community cooperation on civil protection, in which the Council had stressed that it would be a good idea to introduce a single Community-wide emergency telephone number which would enable members of the public to call the relevant national emergency services. The proposal is also based on the report of a group of experts set up by CEPT (European Conference of Postal and Telecommunications Administrations) at the Commission's request.

2.1.40. On 27 September the Economic and Social Committee adopted an opinion approving the objectives set out by the Commission in the proposal for a Council recommendation on the coordinated introduction of pan-European land-based public

<sup>1</sup> OJ L 67, 9.3.1984; Bull. EC 2-1984, point 1.3.1 *et seq.*

<sup>2</sup> Bull. EC 7/8-1989, point 2.1.57.

<sup>3</sup> OJ C 240, 20.9.1989.

<sup>4</sup> OJ C 269, 21.10.1989; COM(89) 452 final.

<sup>5</sup> OJ C 44, 23.2.1989; Bull. EC 2-1989, point 2.1.3.

radiopaging in the Community and the proposal for a Council Directive on the frequency bands to be reserved for the coordinated introduction of pan-European land-based public radiopaging in the Community.<sup>1</sup>

## **Combined use of IT and telecommunications in general applications**

### *Tedis programme*

2.1.41. The Commission published an invitation to tender<sup>2</sup> with a view to providing Community support for projects relating to the development of electronic data interchange (EDI) in the Community. The invitation covers:

- (i) awareness activities: the production of a video explaining EDI standards and the preparation of user manuals;
- (ii) legal aspects, including contract formation, the responsibility of network operators, trusted third parties and similar services and a model interchange agreement;
- (iii) EDI message security, especially the inclusion of security elements, including electronic signatures, into Edifact-based messages, presentation of a basic guide on EDI security and an EDI security review;
- (iv) the definition of a software product for the translation of EDI messages based on Edifact to and from internal formats.

## **Competition**

### **General rules applying to businesses**

#### *Air transport*

2.1.42. On 8 September the Commission formally adopted,<sup>3</sup> for transmission to the Council, the European Parliament and the Economic and Social Committee, a pro-

posal for a Regulation, on which it had reached agreement on 19 July,<sup>4</sup> amending Regulation (EEC) No 3976/87<sup>5</sup> on the application of Article 85(3) of the Treaty to certain categories of agreements and concerted practices in the air transport sector.

2.1.43. On the same day the Commission also adopted, for transmission to the Council and the European Parliament, a memorandum<sup>6</sup> on the application of the competition rules to air transport, plus three proposals for Regulations on which it had also reached agreement on 19 July.<sup>4</sup>

The first proposal for a Council Regulation<sup>7</sup> amends Regulation (EEC) No 3975/87 of 14 December 1987 laying down the procedure for the application of the rules on competition to undertakings in the air transport sector.<sup>5</sup> It seeks to extend the scope of the latter to include domestic routes and routes between the Community and non-Community countries.

The second proposal for a Regulation<sup>7</sup> amends Regulation (EEC) No 3976/87 on the application of Article 85(3) of the Treaty to certain categories of agreements and concerted practices in the air transport sector.<sup>5</sup> It seeks to extend the scope of the latter to include air transport within a Member State.

The third proposal for a Council Regulation<sup>7</sup> concerns the application of Article 85(3) of the Treaty to certain categories of agreements and concerted practices in the air transport sector. It seeks to authorize the Commission to grant exemptions to certain categories of agreement applicable to international air transport between the Community and non-Community countries.

<sup>1</sup> OJ C 193, 31.7.1989; Bull. EC 4-1989, point 2.1.64.

<sup>2</sup> OJ C 230, 7.9.1989.

<sup>3</sup> OJ C 258, 11.10.1989; COM(89) 373 final.

<sup>4</sup> Bull. EC 7/8-1989, point 2.1.202.

<sup>5</sup> OJ L 374, 31.12.1987; Bull. 12-1987, point 2.1.280.

<sup>6</sup> COM(89) 417 final.

<sup>7</sup> OJ C 248, 29.9.1989; COM(89) 417 final.

## *The Commission's powers of investigation*

### **Hoechst**

2.1.44. On 21 September the Court of Justice delivered a judgment in Joined Cases 46/87<sup>1</sup> and 227/88<sup>2</sup> rejecting the proceedings for annulment brought by the German company Hoechst AG against three Commission competition Decisions. The Decisions in question, which were taken pursuant to the Commission's powers to investigate restrictive practices under Council Regulation (EEC) No 17/62 of 6 February 1962,<sup>3</sup> were as follows: to conduct an investigation on the premises of Hoechst, to impose a penalty payment of ECU 1 000 per day, following the company's refusal to allow the investigation,<sup>4</sup> and to set the final amount of the penalty. The judgment confirms the Commission's responsibility as regards applying the rules of competition laid down in the Treaty, and clearly defines the responsibilities of the Commission and the national authorities in the conduct of investigations.

### *Permissible forms of cooperation*

#### **Allied Products Corp./Verson International Group Ltd**

2.1.45. On 12 September the Commission adopted a Decision rejecting a complaint by Allied Products Corp. (Allied) that certain contractual obligations not to compete fell within Article 85(1) of the EEC Treaty. Verson International Ltd (VIL), by way of a management buyout, purchased the overseas selling and manufacturing interests of Verson Allsteel Press Co. (VASP). Allied took over VASP and with it VASP's obligations not to compete with VIL in Europe as regards metal-forming equipment. This obligation resulted mainly from an exclusive know-how licence which required VIL to be regularly updated with know-how and made it impossible to licence anyone other than VIL.

Allied argued that VIL had not needed protection against VASP re-entering the market, that five years' protection was too long, and that VIL was technologically advanced and did not require updating in know-how. Allied also maintained that the scope of the business sold was less extensive both geographically and as to products than VIL alleged.

Having considered the relevant assertions of law and fact, the Commission decided to reject Allied's complaint. In particular, the Commission found that the five-year period of non-competition was necessary to enable VIL to take over VASP customers and to establish itself as a credible manufacturer.

### *Industrial and commercial property — Copyright*

#### **Acquisition of television broadcasting rights by ARD**

2.1.46. On 15 September the Commission adopted Decision 89/536/EEC granting an exemption under Article 85(3) of the EEC Treaty to agreements concluded in 1984 between the Association of Public Broadcasting Organizations in Germany (ARD) and Metro-Goldwyn-Mayer/United Artists (MGM/UA) concerning the television rights in German-speaking areas for 1 364 existing feature films, and all new feature films produced by MGM/UA from 1984 until 1998.<sup>5</sup>

The Commission objected to the original agreements, considering that the number and duration of the exclusive rights acquired by ARD rendered access for third parties unreasonably difficult. ARD has now agreed to allow the licensing of the films to other television stations during so-called 'windows'. The windows, which vary between two and eight years, are staggered and begin in some cases before, and in some

<sup>1</sup> OJ C 114, 29.4.1987; Bull. EC 3-1987, point 2.4.15.

<sup>2</sup> OJ C 232, 8.9.1988; Bull. EC 7/8-1988, point 2.4.49.

<sup>3</sup> OJ 13, 21.2.1962.

<sup>4</sup> Bull. EC 2-1987, point 2.1.52.

<sup>5</sup> OJ L 284, 3.10.1989.

cases during, use by the ARD organizations. These organizations will make suitable copies of the films available to licensees, if possible in German.

In addition, ARD will grant licences to other television stations so that they can broadcast the films in the contract area in languages other than German. This was not allowed hitherto.

The Decision — the first of its kind — makes it clear that agreements relating to exclusive television rights can only be exempted if suitable access facilities are made available to third parties.

### *Mergers*

#### **GEC — Siemens/Plessey**

2.1.47. On 1 September the Commission adopted a formal decision under Article 85 of the EEC Treaty rejecting the complaint from Plessey plc, the British electronics manufacturer, that the proposed joint takeover by GEC-Siemens infringes the EEC competition rules. The complaint concerned the agreement between GEC and Siemens to purchase Plessey, combined with plans for the future joint and/or separate management of certain assets.

The Commission considers that certain elements of the agreement may constitute appreciable restrictions of competition within the meaning of Article 85(1) of the EEC Treaty, particularly concerning telecommunications and integrated circuits. However, in the light of the particular circumstances of this case, an individual Article 85(3) exemption could be envisaged regarding these aspects of the agreement. In relation to the other areas covered by the complaint, traffic control systems and defence equipment, the Commission finds no appreciable restriction of competition in the context of Article 85(1).

#### **Dillinger Hütte/Saarstahl**

2.1.48. Under Article 66(2) of the ECSC Treaty, on 11 September the Commission

authorized Usinor-Sacilor SA to acquire a majority 70% interest in a new holding company, Dillinger Hütte/Saarstahl AG, which will control Saarstahl (formerly Saarstahl Völklingen GmbH) and Dillinger Hütte (formerly Dillinger Hüttenwerke AG). Usinor-Sacilor already holds 58% of the capital of Dillinger Hüttenwerke AG.

Usinor-Sacilor, Dillinger Hütte and Saarstahl are major steel producers in the Community. The Saarland Government will have a blocking minority interest of 27.5% in the new holding company, whilst Arbed will have 2.5%.

The new holding company will control two subsidiaries, one for flat products (Dillinger Hütte), the other for long products (Saarstahl).

### **State aid**

#### *General schemes*

#### **R&D**

##### *France*

2.1.49. On 13 September the Commission decided to approve the aid scheme financed by the Research and Technology Fund (FRT). In 1989 this Fund has a budget of FF 1 200 million (ECU 171.5 million) for financing fundamental and applied research falling within France's science policy. The scheme and the procedures previously established, and approved by the Commission in February 1988,<sup>1</sup> remain unchanged. The maximum intensity of aid granted by the FRT in 1989 remains at 25% in terms of net grant equivalent.

2.1.50. On 20 September the Commission decided to approve aid granted by the French Government to firms taking part in six Eureka projects:

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<sup>1</sup> Bull. EC 2-1988, point 2.1.59.

*Eureka 95:* HDTV (high-definition television). Research into a system for producing and transmitting high-definition pictures. The cost of French involvement amounts to ECU 82.4 million spread over three and a half years, and the subsidy to RTIC, Oceanic, CCET, Radiotechnique and Angénieux totals ECU 37 million.

*Eureka 55:* Carminat (project to develop a complete road-vehicle information system covering the state of the vehicle, traffic conditions and the position of the vehicle). The cost of French involvement amounts to FF 44 million, and the subsidy to GIE Régionov Renault totals ECU 5.25 million.

*Eureka 43:* ESF (Eureka software factory). Project to develop a flexible model European software factory which meets common standards and enables software components to be reused. The cost of French involvement is FF 127 million spread over 10 years, and the subsidy to Cap Sogeti, Sema Metra, Matra and Inria totals ECU 14.3 million.

*Eureka 20:* EAST (Eureka advanced software technology). Project to design a complete integrated software engineering unit. The cost of French involvement is ECU 49 million spread over seven years, and the advance granted to Génie Logiciel, which is repayable if the project is a success, amounts to ECU 22 million.

*Eureka 18:* AMR (advanced mobile robots). Project to define, design and develop a prototype robot for civil protection and safety tasks incorporating new range, locomotion, navigation, piloting and artificial intelligence features. The project is to run for six years, the cost of French involvement amounts to ECU 39 million, and the firms receiving the subsidies are Matra, Framatome and Technitome.

*Eureka 13:* Carmat 2000 (use of new composite and metallic materials in motor-vehicle construction). GIE PSA Études et Projets has received a subsidy of ECU 4.6 million, representing a gross subsidy equivalent of 35% of the costs.

### *Italy*

2.1.51. On 13 September the Commission decided to approve aid granted by the Ital-

ian Government to Italian companies taking part in three Eureka projects, and to grant an exemption pursuant to Article 92(3)(c) of the EEC Treaty:

*Eureka 212:* ARIA (automated rapid integrated assembly). The cost of Italian involvement amounts to LIT 2.6 billion (ECU 1.7 million) and only covers basic research. Under Law 22/87 Mesarteam will receive a grant of LIT 1.3 billion (ECU 872 000).

*Eureka 160:* (membranes and processes for the separation of products obtained by biological fermentation). The cost of Italian involvement amounts to LIT 11 billion (ECU 7.4 million), the project covers basic and applied research, and Farmitalia Carlo Erba will receive a grant of LIT 4.7 billion (ECU 3.2 million).

*Eureka 85:* Fiabex (development of expert systems for predictive studies and operational follow-up for safety, availability, reliability and maintainability analyses of industrial systems, products and processes). The cost of Italian involvement amounts to LIT 2.7 billion (ECU 1.8 million), the project only covers basic research, and Datamat Ingegneria dei Sistemi will receive a grant of LIT 1.03 billion (ECU 691 000).

### *Industry schemes*

#### **Motor industry**

##### *Italy*

2.1.52. On 13 September, in the first case to be decided under the new Community framework for State aid to the motor-vehicle industry,<sup>1</sup> which has been in operation since 1 January 1989, the Commission decided to approve a proposal from the Italian authorities to support Ferrari's programme of technological innovation. This programme accounts for 50% of Ferrari's R&D expenditure over the period 1986-91. The aid, to be paid under Law 46/82 (Technological Innovation Fund), will be in

<sup>1</sup> OJ C 213, 18.5.1989; Bull. EC 12-1988, point 2.1.137.

the form of a subsidized loan of LIT 41.6 billion (ECU 28 million). After a detailed examination, and taking account of the specific characteristics of the sports car market (low-volume production, high prices and profit margins), the Commission concluded that the innovation programme fulfils the criteria for R&D and innovation aid, and will lead to the introduction in this sector of innovative products and processes at Community level.

### *Portugal*

2.1.53. On 20 September the Commission decided to approve aid which the Portuguese Government proposes to award to the Audio Electronics Division of the Ford Motor Company for the installation of a new car audio equipment plant situated in Penhal Novo (Setúbal). Ford's project involves a total investment of some ESC 17 billion (ECU 98.3 million) and will create 1 700 new jobs in the economically depressed Setúbal district. The project will be aided by a subsidy from the regional aid system amounting to ESC 8 920 million (ECU 51.8 million), which represents 58.3% of the eligible investment cost. The investment will have a strong positive impact on the underdeveloped region concerned, will have an appreciable overall effect on the economic and technological development of the country and will have no apparent negative effect on the motor-vehicle industry in the Community.

### **Chemical industry**

#### *United Kingdom*

2.1.54. On 13 September the Commission decided to approve aid which the UK Government proposes to grant in favour of investments by Cabot Carbon and Dow Corning at Barry (South Wales) in specialized chemicals. The aid will take the form of a grant of UKL 5 million (ECU 7.4 million), and is destined to facilitate the creation of a fumed silica facility and a reactor system providing feedstocks to it. Fumed silica is used extensively in the auto-

motive, construction, pharmaceutical and food industries. The development of the market for fumed silica is characterized by high growth rates and the high risk of the investments to be assisted. The Commission takes the view that the proposed aid will not adversely affect trading conditions to an extent contrary to the common interest.

## **Employment and social policy**

### **The social dimension of the internal market**

2.1.55. On 27 September the Commission adopted, for transmission to the Council, and for transmission to the European Parliament and the Economic and Social Committee for consultation, a draft Community Charter of Fundamental Social Rights.<sup>1</sup> This Charter, which will be submitted to the Strasbourg European Council scheduled for 8 and 9 December for solemn adoption by the Heads of State or Government, is intended to set out the principles on which the European pattern of labour law and, more generally, the European concept of society and the place of labour in that society are based. The draft Charter follows the broad lines and retains the substance of the preliminary draft<sup>2</sup> adopted by the Commission on 30 May, which was examined by the Council meeting (Labour and Social Affairs) of 12 June<sup>3</sup> and by the Madrid European Council of 26 and 27 June<sup>4</sup> and has been the subject of wide consultation with both sides of industry.

In keeping with the Community's competence in the social field, the draft covers a series of social rights; the responsibility for their application would lie, according to circumstances, with the Member States and their constituent bodies or with the Community, in accordance with the principle of

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<sup>1</sup> COM(89) 471 final.

<sup>2</sup> Bull. EC 5-1989, points 1.2.1 to 1.2.15 and 3.3.1.

<sup>3</sup> Bull. EC 6-1989, point 2.1.97.

<sup>4</sup> Bull. EC 6-1989, point 1.1.8 and 1.1.14.

subsidiarity. The Commission accordingly requested the European Council to empower it to prepare, by 31 December 1989 at the latest, an action programme plus a number of related Community instruments. It also stressed that implementation of the Charter's provisions must not result in any retrograde steps in relation to the situation currently obtaining in the social field in the individual Member States.

2.1.56. On 13 September Parliament held a major debate on the implementation of social and economic cohesion, culminating in the adoption of eight resolutions (→ points 2.7.2 to 2.7.6).

## Employment

### *Sectoral aspects of employment policy*

2.1.57. At its plenary meeting on 20 September, the Joint Committee on Social Problems in Inland Waterways noted that Council Regulation (EEC) No 1101/89<sup>1</sup> of 27 April 1989 on structural improvements in inland waterway transport made no provision for social support measures. In view of the numerous redundancies that would result from application of this Regulation, the Joint Committee called for consideration to be given without delay to all opportunities for assistance from the European Social Fund.

## Financial instruments

### *Aid for disaster victims*

2.1.58. On 13 September the Commission decided to grant ECU 350 000 in emergency aid for the victims of the torrential rain and flooding in South-East Spain between 6 and 8 September.

2.1.59. On 18 September the Commission also decided to grant ECU 1 300 000 in assistance to the people affected by cyclone Hugo in Guadaloupe.

2.1.60. On 14 September Parliament adopted nine resolutions<sup>2</sup> concerning the drought in France and Italy and in the southern regions of the Community, the forest fires in Greece, Italy and the South of France, the storms in Portugal, the floods in Valencia, Murcia and the Balearic Islands, the disastrous situation caused by the horse sickness epidemic in the South of the Iberian Peninsula, and the plague of caterpillars in France. Parliament called on the Commission to grant emergency aid to the people concerned.

## Living and working conditions and social protection

### *Poverty*

2.1.61. At the Council meeting on 29 September, the Ministers for Social Affairs, meeting within the Council, discussed the problem of combating social exclusion and approved a resolution stressing that the fight against social exclusion could be regarded as a significant part of the social dimension of the internal market.<sup>3</sup> The Council and the Ministers underlined the need to accompany economic development policies by specific, systematic and coherent policies on integration, and with that in mind requested the Member States to implement various measures to that end. They also requested the Commission to carry out, in conjunction with the Member States, an analysis of the measures that the latter apply to combat social exclusion.

### *Social integration of the disabled*

2.1.62. On 27 September the Commission adopted, for transmission to the Council, a report on the establishment of a computerized information system on disability questions (Handynet).<sup>4</sup> The report was

<sup>1</sup> OJ L 116, 28.4.1989; Bull. EC 4-1989, point 2.1.175.

<sup>2</sup> OJ C 256, 9.10.1989.

<sup>3</sup> OJ C 277, 31.10.1989.

<sup>4</sup> COM(89) 450 final.

accompanied by a proposal for a Decision amending Council Decision 88/231/EEC<sup>1</sup> of 18 April 1988 establishing a second Community action programme for disabled people (Helios). The report reviews all the activities undertaken by the Commission in 1988 and 1989 and sets out the schedule of work for the remainder of 1989 plus the prospects for 1990-91.

The proposal for a Decision concerns the further development of the Handynet system referred to in the Annex to Decision 88/231/EEC and sets forth the activities to which priority will be given up to the end of 1991.

### *Social security for migrant workers*

2.1.63. At its 29 September meeting, the Social Affairs Council adopted conclusions requesting the Commission to arrange for a study with a view to the introduction of a European card for provision of immediate care.<sup>2</sup> This Emergency Care Card would replace the E111 form introduced by the Decision of the Administrative Commission on Social Security for Migrant Workers<sup>3</sup> of 17 October 1985 with the aim of facilitating access to immediate care services needed by insured persons staying temporarily in a Member State other than the Member State where they are covered by a sickness insurance scheme, in accordance with Council Regulation No 2001/83 of 2 June 1983.<sup>4</sup>

### *Family policy*

2.1.64. At its 29 September meeting, the Social Affairs Council and the Ministers responsible for family matters, meeting within the Council, examined the Commission communication on family policies.<sup>5</sup> They subsequently adopted conclusions instructing the Commission to develop activities concerning the exchange of information and experience in this field with the help of a group of senior officials

and the non-governmental organizations that represent families.<sup>2</sup>

## **Health and safety**

### *Public health*

#### **Cancer**

2.1.65. On 15 September the European Parliament adopted an opinion<sup>6</sup> on the draft Council recommendation on banning smoking in public places,<sup>7</sup> which had been submitted by the Commission.<sup>8</sup> The Council had meanwhile adopted it in the form of a resolution on 18 July.<sup>7</sup> Parliament would have preferred the ban to be formulated as a Directive.

### *Health and safety at work*

2.1.66. On 13 September Parliament adopted a decision<sup>6</sup> on the common positions of the Council<sup>9</sup> concerning three proposals for Directives on minimum safety and health requirements for the workplace,<sup>10</sup> for the use by workers of machines, equipment and installations<sup>11</sup> and for the use of personal protective equipment at the workplace,<sup>12</sup> as amended by the Commission on 17 March 1989.<sup>13</sup> Parliament calls for a number of technical amendments to the Council's common positions.

<sup>1</sup> OJ L 192, 22.7.1988; Bull. EC 4-1988, point 2.1.92.

<sup>2</sup> OJ C 277, 31.10.1989.

<sup>3</sup> OJ L 192, 15.7.1986; Bull. EC 10-1985, point 2.1.68.

<sup>4</sup> OJ L 230, 22.8.1983; Bull. EC 7/8-1983, point 2.1.67.

<sup>5</sup> Bull. EC 7/8-1989, point 2.1.108.

<sup>6</sup> OJ C 256, 9.10.1989.

<sup>7</sup> OJ C 32, 8.2.1989; Bull. EC 1-1989, point 2.1.38.

<sup>8</sup> OJ C 186, 26.7.1989; Bull. EC 7/8-1989, point 2.1.109.

<sup>9</sup> Bull. EC 4-1989, point 2.1.90.

<sup>10</sup> OJ C 141, 30.5.1988; Bull. EC 2-1988, point 1.2.5.

<sup>11</sup> OJ C 114, 30.4.1988; Bull. EC 2-1988, point 1.2.6.

<sup>12</sup> OJ C 161, 20.6.1988; Bull. EC 2-1988, point 1.2.7.

<sup>13</sup> OJ C 106, 26.4.1989; OJ C 115, 8.5.1989; Bull. EC 3-1989, point 2.1.86.



## Human resources, education, training and youth

### Cooperation in the field of education

2.1.67. A conference/exhibition on the subject of human resources and vocational training was held in Paris from 12 to 15 September. The event attracted over 3 000 experts, who discussed the most topical training issues, and acted as a springboard for the Community's Comett II<sup>1</sup> and Lingua<sup>2</sup> programmes. New proposals such as Eurotecnet II<sup>3</sup> and continuous training schemes were also presented.

## Information, communication and culture

### Audiovisual policy and production

#### *Audiovisual Conference*

2.1.68. On 27 September the Commission confirmed that it would participate in the Audiovisual Conference ('Conclave')<sup>4</sup> which opened in Paris on 30 September and take part in the Diplomatic Conference convened at the same time. It agreed to contribute to the financing of some of the audiovisual Eureka projects envisaged by the Hanover European Council in June 1988.<sup>5</sup>

## Culture

#### *Translation of literary works*

2.1.69. On 1 September, pursuant to the resolution of the Council and of the Ministers responsible for Cultural Affairs, meeting within the Council of 9 November 1987 on the promotion of translations of important works of European culture,<sup>6</sup> the Commission launched a pilot scheme to promote the wider circulation of contemporary liter-

ary works representative of European culture by providing financial support for translation.<sup>7</sup> Applications for grants from publishers, which will cover the full amount of the translator's fees, must be sent in by 1 December 1989.

#### *Reconstruction of the University of the Azores*

2.1.70. On 14 September<sup>8</sup> the European Parliament adopted a resolution on the destruction of the main building of the University of the Azores on 12 June by a fire which caused incalculable architectural, historical and cultural loss. It called upon the Commission to provide emergency aid for the reconstruction of the main building and suggested that the Commission should send a group of experts to the Azores to investigate ways in which the lost heritage can be restored and how the Community can avoid a repetition of such disasters.

## Regional policy

### Preparatory and back-up measures

#### *Assessing the regional impact of other Community policies*

2.1.71. On 28 September the Economic and Social Committee adopted an own-initiative opinion on the contribution of the cooperative sector to regional development. It analysed the role of cooperatives as a driving force in the move towards a single internal market and made a number of recommendations to the Commission and the

<sup>1</sup> OJ L 13, 17.1.1989; Bull. EC 12-1988, point 2.1.159.

<sup>2</sup> OJ L 239, 16.8.1989; Bull. EC 7/8-1989, point 2.1.113.

<sup>3</sup> OJ C 242, 22.9.1989; Bull. EC 7/8-1989, point 2.1.116.

<sup>4</sup> Bull. EC 12-1988, points 1.1.9 and 1.1.13; Bull. EC 5-1989, point 2.1.123.

<sup>5</sup> Bull. EC 6-1988, point 3.4.1.

<sup>6</sup> OJ C 309, 19.11.1987; Bull. EC 11-1987, point 2.1.140.

<sup>7</sup> OJ C 225, 1.9.1989.

<sup>8</sup> OJ C 256, 9.10.1989.

cooperatives themselves concerning cross-border cooperation, adjustments to financial and tax arrangements, and training for administrative staff and those involved in cooperative projects.

## **Implementation of regional policy**

### *General plans and Community support frameworks*

#### **Regions lagging behind**

2.1.72. On 20 September the Commission approved the draft Community support frameworks (CSFs) for the regions whose development is lagging behind (Objective 1 of the reform of the structural Funds).<sup>1</sup> The CSFs negotiated between the Commission and the seven Member States concerned lay down the broad lines of Community spending up to the end of 1993 to promote economic growth in those regions. To enable the contributions from the structural Funds for these regions to be doubled between 1987 and 1992, as planned, a total of ECU 38.3 billion will be allocated to them for this period. A total of ECU 36.2 billion has been allocated as follows: Greece (ECU 6 667 million), Spain (ECU 9 779 million), France (ECU 888 million), Ireland (ECU 3 672 million), Italy (ECU 7 443 million), Portugal (ECU 6 958 million), and the United Kingdom (ECU 793 million). An amount of ECU 2.1 billion was not allocated, being intended for programmes drawn up on the basis of Community initiatives.

The introduction of CSFs is in itself an important innovation. In negotiating them on the basis of plans submitted by Member States, the Commission and the Member States concerned have agreed on development priorities. Each CSF gives an indication of the Community's financial commitments over an extended period and provides a sound basis for medium-term planning at regional and local levels as well as at Community and national levels. The

CSFs will be published following their formal adoption in October and will provide an essential point of reference for all those involved in their implementation.

## **Commission initiatives**

### *Renaval*

2.1.73. On 21 and 27 September the Commission adopted Decisions 89/539/EEC<sup>2</sup> and 89/541/EEC<sup>3</sup> on the inclusion of the areas of Lübeck (Germany) and Plymouth (United Kingdom) among the areas eligible for assistance under the Community programme to assist the conversion of ship-building areas (Renaval programme).<sup>4</sup>

## **Environment**

### **European Environment Agency**

2.1.74. The Council debated this subject for the first time on 19 September and welcomed the Commission's proposal for the creation of a European Environment Agency.<sup>5</sup>

### **Prevention and reduction of pollution and nuisance**

#### *Protection of the aquatic environment*

#### **International cooperation**

2.1.75. The first meeting of the Contracting Parties, including the Community, to the Bonn Agreement on the Prevention of Pollution of the North Sea by Oil and Other Harmful Substances, which came into force

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<sup>1</sup> OJ L 185, 15.7.1988; Bull. EC 6-1988, point 2.1.159.

<sup>2</sup> OJ L 286, 4.10.1989.

<sup>3</sup> OJ L 288, 6.10.1989.

<sup>4</sup> OJ L 225, 15.8.1988; Bull. EC 7/8-1988, point 2.1.98.

<sup>5</sup> OJ C 217, 23.8.1989; Bull. EC 6-1989, point 2.1.114.

on 1 September, was held in Bonn from 19 to 22 September.<sup>1</sup> The scope of the Agreement has been extended to include air surveillance of the North Sea with the aim of detecting operational spillages by boats and oil-rigs and providing evidence for any resulting legal action.

2.1.76. On 18 September the Council adopted, on a proposal from the Commission,<sup>2</sup> a Decision authorizing the latter to take part on behalf of the Community in the negotiations for the adoption, by the International Commission for the Protection of the Rhine against Pollution, draft recommendations to the Contracting Parties intended to supplement, in respect of certain organochlorine compounds, Annex IV to the Convention for the Protection of the Rhine against Chemical Pollution.<sup>3</sup>

2.1.77. On 15 September Parliament,<sup>4</sup> followed on 27 September by the Economic and Social Committee, endorsed the Commission's proposal to conclude the Convention on Cooperation on the Management of Water Resources in the Danube Basin.<sup>5</sup>

### *Control of chemicals, industrial hazards and biotechnology*

#### **Industrial hazards**

2.1.78. On 19 September the Council agreed to a resolution setting out guidelines for the prevention of industrial and natural risks, to complement the existing arrangements provided for in Council Directive 82/501/EEC of 24 June 1982 on the major-accident hazards of certain industrial activities, known as the Seveso Directive.<sup>6</sup> The resolution calls upon the Commission to present new initiatives on plant safety, the transport of hazardous substances and wastes, pollution of the seas, natural disasters and the Community research programmes.

#### **Biotechnology**

2.1.79. The Council reached a political agreement on 19 September concerning the

proposal for a Directive on the deliberate release to the environment of genetically modified organisms (GMOs),<sup>7</sup> the aim of which is to ensure that the deliberate release of GMOs to the environment takes place in conditions guaranteeing safety for the environment and public health.

#### *Waste disposal*

2.1.80. On 13 September the Commission adopted a communication on a Community strategy for waste management (→ point 1.1.1 *et seq.*).

2.1.81. On 22 September the Commission adopted for transmission to the Council a proposal for a Decision on the Community's acceptance of an OECD decision-recommendation on the control of transfrontier movements of hazardous waste which seeks to encourage OECD member countries to sign and ratify the Basle Convention as soon as possible<sup>8</sup> and to strengthen control of transfrontier shipments of hazardous waste.

### **Protection and use of resources**

#### *Mediterranean (eutrophication of the Adriatic)*

2.1.82. On 14 September Parliament adopted a resolution on the protection of the waters, marine fauna and forests in the Mediterranean area,<sup>4</sup> which refers to the ecological disaster in the Adriatic this summer. The resolution calls for action to combat eutrophication of the seas, and in particular the Adriatic, to be given priority in the Community's environment policy. In this connection, it calls upon the Council

<sup>1</sup> Bull. EC 9-1983, point 2.1.65.

<sup>2</sup> Bull. EC 3-1989, point 2.1.107.

<sup>3</sup> OJ L 240, 19.9.1977.

<sup>4</sup> OJ C 256, 9.10.1989.

<sup>5</sup> OJ C 98, 19.4.1989; Bull. EC 3-1989, point 2.1.106.

<sup>6</sup> OJ L 230, 5.8.1982; Bull. EC 6-1982, point 2.1.92.

<sup>7</sup> OJ C 198, 28.7.1988; Bull. EC 3-1988, point 2.1.125.

<sup>8</sup> Bull. EC 3-1989, point 2.1.113.

to ensure that the existing bacteriological water contamination standards are scrupulously respected. It also urges the Commission to encourage projects based on fishing methods not using the pelagic driftnet and initiatives designed to arrive at agreements to safeguard protected species with non-Community countries in the Mediterranean area. Lastly, it hopes that an overall Community policy to prevent forest fires will be established.

### *Flora and fauna*

2.1.83. On 19 September the Council adopted, on a proposal from the Commission, conclusions on the procedures for the Community's participation in the Conference of Contracting Parties to the Convention on the International Trade in Endangered Species of Wild Flora and Fauna<sup>1</sup> (Lausanne, 9 to 20 October) and agreed that the Community should back the proposed transfer of the African elephant (*Loxodonta africana*) from Appendix II to Appendix I to the Convention.<sup>2</sup>

### *Natural resources*

#### **Tropical forests**

2.1.84. On 19 September the Council adopted conclusions on the conservation of tropical forests. It noted the willingness of the Member States to promote, through the implementation of policies and the use of Community instruments, the development of extensive cooperation to achieve the necessary conservation and restoration of the tropical forest. It calls upon the Commission to support programmes and projects which will help conserve forests and to take other measures, e.g. under the new ACP-EEC Convention, to assist the countries concerned.

### **Improving the quality of life**

#### *Information and statistics*

2.1.85. On 22 September the Commission adopted for transmission to the Council a

proposal<sup>3</sup> to amend Council Decision 85/338/EEC of 27 June 1985 in order to extend for two years the Corine programme (coordination of data on the environment in Europe).<sup>4</sup>

### **International cooperation**

2.1.86. The Council reached agreement on 19 September on the broad lines of the Community position for the meeting of the Conference on Security and Cooperation in Europe (CSCE) to be held in Sofia from 16 October to 3 November 1989. This meeting will cover transfrontier pollution (effects of industrial accidents, water pollution, etc.), the management of hazardous chemicals and the exchange of information.

### **Consumers**

#### **Physical protection and product safety**

#### *Cosmetics*

2.1.87. On 13 September the European Parliament adopted a decision<sup>5</sup> on the common position of the Council<sup>6</sup> on the proposal<sup>7</sup> to amend Council Directive 76/768/EEC<sup>8</sup> of 27 July 1976 on cosmetic products. It proposed amendments reinstating the Commission's proposals on the setting-up of an Advisory Committee.

#### **Protection of economic and legal interests**

2.1.188. On 14 September Parliament adopted a resolution on transfrontier prop-

<sup>1</sup> OJ L 384, 31.12.1982; Bull. EC 6-1982, point 2.1.96; OJ L 136, 26.5.1987; Bull. EC 5-1987, point 2.1.149.

<sup>2</sup> Bull. EC 12-1988, point 2.1.220.

<sup>3</sup> OJ C 269, 21.10.1989; COM(89) 542 final.

<sup>4</sup> OJ L 176, 6.7.1985; Bull. EC 6-1985, point 2.1.93.

<sup>5</sup> OJ C 256, 9.10.1989.

<sup>6</sup> Bull. EC 5-1989, point 2.1.171.

<sup>7</sup> OJ C 214, 16.8.1988; Bull. EC 6-1988, point 2.1.192.

<sup>8</sup> OJ L 262, 27.9.1976.

erty transactions<sup>1</sup> in which it called on the Commission to submit a proposal for a Directive setting out minimum provisions covering consumer rights within property transactions and to publish a guide for potential purchasers of property abroad.

### *Consumer information, education and representation*

2.1.89. On 28 September the Economic and Social Committee adopted an own-initiative opinion on consumer information and advice in the context of the completion of the internal market. To enable consumers to come to terms with the issues arising from the completion of the internal market, the Committee calls for the revival of Community consumer information policy. It formulates a series of practical suggestions to the Commission and the Council on the content of such a policy.

## Agriculture

### **The future of rural society**

2.1.90. On 27 September the Economic and Social Committee adopted two opinions on the Commission communications concerning the future of rural society<sup>2</sup> and the environment and agriculture.<sup>3</sup> The Committee approves the trend towards making environment policy an integral part of the new guidelines for the CAP, stressing in particular the positive role agriculture can play in the conservation of the rural environment. It also advocates allocating funds to the development of agriculture and rural society to assist the regions covered by Objective 5(b) of the reform of the structural Funds.

### **Market organizations**

#### *Cereals and rice*

2.1.91. On 7 September the Commission adopted Regulation (EEC) No 2712/89<sup>4</sup>

amending Regulation (EEC) No 1432/88 laying down detailed rules for applying the co-responsibility levy in the cereals sector.<sup>5</sup> This Regulation introduces the charging of interest on overdue payments.

2.1.92. On 22 September the Commission adopted a report to the Council concerning the co-responsibility levy arrangements in the cereals sector,<sup>6</sup> accompanied by a proposal for a Regulation amending Regulation (EEC) No 2727/75 on the common organization of the market in cereals.<sup>7</sup> The Commission had undertaken in connection with the adoption of the 1989/90 farm prices to compile the report, which examines the administrative difficulties resulting from the application of the additional co-responsibility levy arrangements.

2.1.93. On 12 September the Commission adopted Regulation (EEC) No 2752/89 laying down detailed rules for the payment of a premium to manufacturers of potato starch including provisions on the minimum price to be paid to potato producers.<sup>8</sup>

### *Pigmeat*

2.1.94. On 14 September the Commission adopted two proposals for Regulations designed to revise the import arrangements for pigmeat products from non-member countries.<sup>9</sup> The first amends Regulations (EEC) Nos 2764/75 laying down the rules for calculating a component of the levy on pig carcasses and 2766/75 establishing the list of products for which sluice-gate prices are to be fixed and laying down the rules for fixing the sluice-gate price for pig carcasses.<sup>10</sup> The second proposal contains an

<sup>1</sup> OJ C 256, 9.10.1989.

<sup>2</sup> Supplement 4/88 — Bull. EC; Bull. EC 7/8-1988, point 1.2.1.

<sup>3</sup> OJ C 203, 4.8.1988; Bull. EC 6-1988, point 2.1.219.

<sup>4</sup> OJ L 262, 8.9.1989.

<sup>5</sup> OJ L 131, 27.5.1988; Bull. EC 5-1988, point 2.1.125.

<sup>6</sup> COM(89) 449 final.

<sup>7</sup> OJ L 281, 1.11.1975.

<sup>8</sup> OJ L 266, 13.9.1989.

<sup>9</sup> COM(89) 437 final.

<sup>10</sup> OJ L 282, 1.11.1975.

amendment to Regulation (EEC) No 2765/75 on the general rules to be applied in the event of a substantial rise in pigmeat prices.<sup>1</sup>

### *Fruit and vegetables*

2.1.95. On 11 September the Commission adopted a proposal for a Council Regulation laying down general rules for implementing the Act of Accession of Spain and Portugal as regards the compensation mechanism on imports of fruit and vegetables originating in Spain.<sup>2</sup> The purpose of this draft is to establish general rules for applying the mechanism of compensation on imports, established by the Act of Accession, for the period 1 January 1990 to 31 December 1995 for imports into the Community of Ten of fruit and vegetables coming from Spain for which a reference price is fixed with regard to non-member countries.

2.1.96. On 21 September the Commission adopted Regulation (EEC) No 2836/89 enabling Member States to authorize preventive withdrawals of apples,<sup>3</sup> involving a maximum of 250 000 tonnes. The latest forecasts point to a very abundant apple crop in 1989/90, and the prices recorded on several representative markets are below the basic price.

### *Wine*

2.1.97. On 11 September the Commission adopted Regulation (EEC) No 2741/89<sup>4</sup> laying down criteria to apply under Article 14 of Council Regulation (EEC) No 822/87<sup>5</sup> on national aid for the planting of wine-growing areas. The purpose of this Regulation is to lay down the conditions on which Member States may grant national aids for the planting of wine-growing areas so as to comply with the objective of not increasing production potential. On this basis aids are to be confined to planting on land most suitable for vines and to varieties which bring about an improvement in quality without leading to increased production.

Furthermore, aid arrangements should not offer an incentive conflicting with the objective of the permanent abandonment of wine-growing areas under Council Regulation (EEC) No 1442/88 of 24 May 1988.<sup>6</sup>

2.1.98. On 12 September the Commission adopted Regulation (EEC) No 2750/89 implementing additional measures applicable to holders of long-term storage contracts for table wine for the 1988/89 wine year.<sup>7</sup> The purpose of this Regulation is to fix the percentage of wines eligible for distillation under the special price support measures during the 1989/90 wine year. In accordance with the undertakings given by the Commission, the percentage is set at 5%, compared with 7% for the previous marketing year, the aim being to phase out this distillation measure.

### *Milk and milk products*

2.1.99. On a proposal from the Commission,<sup>8</sup> the Council, on 25 September, adopted Regulation (EEC) No 2967/89 relating to the continued import of New Zealand butter into the United Kingdom on special terms.<sup>9</sup> The Council decided that 64 500 tonnes could be imported in 1989 with a levy of ECU 45.83/100 kg, this quantity being gradually reduced over the next few years to 55 000 tonnes in 1992.

2.1.100. On a proposal from the Commission,<sup>10</sup> and in the light of the opinion of Parliament,<sup>11</sup> on 25 September the Council adopted Regulation (EEC) No 2901/89<sup>12</sup> amending Regulation (EEC) No 1307/85 authorizing the Member States to grant con-

<sup>1</sup> OJ L 282, 1.11.1975.

<sup>2</sup> COM(89) 425 final.

<sup>3</sup> OJ L 273, 22.9.1989.

<sup>4</sup> OJ L 264, 12.9.1989.

<sup>5</sup> OJ L 84, 27.3.1987.

<sup>6</sup> OJ L 132, 28.5.1988.

<sup>7</sup> OJ L 266, 13.9.1989.

<sup>8</sup> COM(89) 441; Bull. EC 10-1988, point 2.1.140.

<sup>9</sup> OJ L 281, 30.9.1989.

<sup>10</sup> OJ C 124, 19.5.1989; Bull. EC 4-1989, point 2.1.146.

<sup>11</sup> OJ C 256, 9.10.1989.

<sup>12</sup> OJ L 280, 29.9.1989.

sumption aid for butter.<sup>1</sup> In view of the steady downward trend in butter consumption, this Regulation renews the aid arrangement for 1989/90.

2.1.101. On 6 September the Commission adopted Regulation (EEC) No 2690/89<sup>2</sup> amending Regulation (EEC) No 3143/85 on the sale at reduced prices of intervention butter intended for direct consumption in the form of concentrated butter.<sup>3</sup> In view of the current situation on the market for butter and of intervention stocks, the variation in the selling price for butter depending on the fat content of the concentrated butter as provided for by Regulation (EEC) No 3143/85<sup>3</sup> is no longer necessary. The new Regulation therefore fixes a single selling price for butter and also specifies more clearly when the processing security provided for by the said Regulation should be lodged.

2.1.102. The Commission also adopted a report to the Council on 29 September on developments on the market in milk products and competing products. This is the first report drawn up by the Commission on the basis of contributions provided by the Member States in connection with the implementation of Regulation (EEC) No 1898/87.<sup>4</sup> The report notes that the trend in consumption of milk products as a whole is satisfactory but that butter is the exception. Substitutes for butter are taking an increasing share of the market. There is great confusion with regard to the market in yellow fats about the designations of these products, their fat content and the composition of butter and vegetable fats. This situation poses problems for the consumer and is damaging to the image of milk products. Other products competing with milk products, such as soya-based products have so far had less of an impact on milk products but are developing. As regards concrete measures envisaged, the Commission informs the Council that it proposes to finance research into products competing with milk products in order to evaluate the development prospects of these products and their impact on the dairy industry. The

Commission also considers that Community definitions of the main milk products should be laid down.

### *Beef/veal*

2.1.103. The Commission, on 20 September, adopted Regulation (EEC) No 2813/89 on the sale at prices fixed at a standard rate in advance of certain bone-in beef held by the German intervention agency and intended for export to Poland.<sup>5</sup> This Regulation concerns the sale of 5 000 tonnes of hindquarters and 5 000 tonnes of forequarters, subject to the presentation of contracts concluded with the sole body acting on behalf of the Polish Government, in order to take account of the present situation on the Polish market, and in particular of the special supply needs of the population.

### *Sheepmeat and goatmeat*

2.1.104. On a proposal from the Commission,<sup>6</sup> amended<sup>7</sup> in the light of the opinions of Parliament<sup>8</sup> and the Economic and Social Committee,<sup>9</sup> the Council, on 25 September, formally adopted Regulation (EEC) No 3013/89 on the common organization of the market in sheepmeat and goatmeat,<sup>10</sup> on which it had reached a political agreement at the 24 to 26 July meeting.<sup>7</sup>

2.1.105. On 25 September, acting on a Commission proposal,<sup>11</sup> the Council adopted Decision 89/572/EEC concerning the adaptation of the voluntary restraint agreement between the Community and

<sup>1</sup> OJ L 137, 27.5.1985.

<sup>2</sup> OJ L 261, 7.9.1989.

<sup>3</sup> OJ L 298, 12.11.1985; Bull. EC 11-1985, point 2.1.137.

<sup>4</sup> OJ L 182, 3.7.1987.

<sup>5</sup> OJ L 271, 20.9.1989.

<sup>6</sup> OJ C 319, 12.12.1988; Bull. EC 10-1988, point 2.1.145.

<sup>7</sup> Bull. EC 7/8-1989, point 2.1.158.

<sup>8</sup> OJ C 120, 16.5.1989; Bull. EC 4-1989, point 2.1.149.

<sup>9</sup> Bull. EC 12-1988, point 2.1.261.

<sup>10</sup> OJ L 289, 7.10.1989.

<sup>11</sup> Bull. EC 12-1988, point 2.1.260.

New Zealand on trade in mutton, lamb and goatmeat.<sup>1</sup>

### *Oils and fats*

2.1.106. On 25 September, acting on a proposal from the Commission<sup>2</sup> and in the light of the opinion of Parliament,<sup>3</sup> the Council adopted Regulation (EEC) No 2902/89<sup>4</sup> amending Regulation (EEC) No 136/66 on the establishment of a common organization of the market in oils and fats<sup>5</sup> and Regulation (EEC) No 2903/89<sup>4</sup> amending Regulation (EEC) No 591/79 laying down general rules concerning the production refund for olive oils used in the manufacture of certain preserved foods.<sup>6</sup> These Regulations extend the list of preserved foods eligible for the refund for the use of olive oil.

2.1.107. On 1 September the Commission adopted Regulation (EEC) No 2669/89 opening an invitation to tender for the free supply to Poland of 5 000 tonnes of olive oil held by the Spanish and Italian intervention agencies.<sup>7</sup>

### *Sugar*

2.1.108. On 14 September the Commission adopted Regulation (EEC) No 2782/89 revising the maximum amount for the B production levy and amending the minimum price for B beet in the sugar sector for the 1989/90 marketing year.<sup>8</sup> The purpose of this Regulation is to revise the ceiling on the B levy, in accordance with the provisions in force, given that the foreseeable total loss for the current marketing year is liable not to be covered by the revenue expected from these levies.

### *Structures*

2.1.109. On 13 September the Commission adopted three proposals for Council Directives<sup>9</sup> concerning the Community list of less-favoured farming areas within the meaning of Council Directive 75/

268/EEC of 28 April 1975 on mountain and hill farming in certain less-favoured areas.<sup>10</sup>

The first seeks to amend Directive 86/465/EEC,<sup>11</sup> increasing the number of areas in the Federal Republic of Germany classified as less-favoured. The new classification would bring the total area to 319 000 hectares of utilized agricultural area, i.e. 53.5 % of the total UAA. This classification takes account of the constraints resulting from the necessary precautions for the conservation and cultivation of landscapes and the maintenance of the functions of the countryside as an ecological buffer and an element of regeneration of nature. The objective is not so much to promote economic development as to protect the rural environment from the pressures exerted by the interests competing for use of the land and the increasing burden of the various pollutants.

The second proposal is for the extension of the list of less-favoured farming areas in France contained in Directive 75/271/EEC,<sup>10</sup> increasing the classified area to 45.1 % of the total UAA.

The third proposal is for an amendment to Directive 81/645/EEC<sup>12</sup> consisting of the addition of one new less-favoured area in Greece.

## **Agricultural legislation**

### *Animal health and animal husbandry*

2.1.110. On a proposal from the Commission<sup>13</sup> and in the light of the opinions of

<sup>1</sup> OJ L 318, 31.10.1989.

<sup>2</sup> OJ C 142, 8.6.1989; Bull. EC 5-1989, point 2.1.191.

<sup>3</sup> OJ C 256, 9.10.1989.

<sup>4</sup> OJ L 280, 29.9.1989.

<sup>5</sup> OJ 172, 30.9.1966.

<sup>6</sup> OJ L 78, 30.3.1979.

<sup>7</sup> OJ L 257, 2.9.1989.

<sup>8</sup> OJ L 268, 15.9.1989.

<sup>9</sup> COM(89) 434 final.

<sup>10</sup> OJ L 128, 19.5.1975.

<sup>11</sup> OJ L 273, 14.7.1986; Bull. EC 7/8-1986, point 2.1.163.

<sup>12</sup> OJ L 238, 24.8.1981.

<sup>13</sup> OJ C 76, 28.3.1989; Bull. EC 12-1988, point 2.1.280.



Parliament<sup>1</sup> and the Economic and Social Committee,<sup>2</sup> the Council, on 25 September, adopted Directive 89/556/EEC on animal health conditions governing intra-Community trade in and importation from third countries of embryos of domestic animals of the bovine species.<sup>3</sup> The aim of this Directive is to harmonize the national rules currently governing trade in embryos, in particular by establishing criteria for embryo collection and processing by approved and supervised teams.

2.1.111. Acting on a proposal from the Commission,<sup>4</sup> the Council also adopted on 25 September Decision 89/531/EEC designating a reference laboratory for the identification of foot-and-mouth disease virus and determining the functions of that laboratory.<sup>5</sup>

2.1.112. Following the opinion adopted by Parliament in March,<sup>6</sup> the Commission, on 12 September, adopted an amendment<sup>7</sup> to the proposal for a Regulation laying down health conditions for the marketing of fish and fish products concerning nematodes.<sup>8</sup>

2.1.113. On 27 September the Commission adopted a proposal for a Council Decision concerning the administration of Bovine Somatotrophin (BST).<sup>9</sup> The proposal provides for an evaluation period up to 31 December 1990 to consider the possible administration of BST to farm animals.

2.1.114. On 27 September the Economic and Social Committee adopted an opinion on the proposal<sup>10</sup> for a Council Decision amending Decision 86/649/EEC<sup>11</sup> introducing a Community financial measure for the eradication of African swine fever in Portugal. The Committee approves the broad lines of the Commission proposal, but has reservations about the financial resources, which might prove inadequate.

## Competition

2.1.115. Under Articles 92 to 94 of the Treaty, the Commission decided to raise no objection to the introduction of the follow-

ing schemes, which had been duly notified by the following Member States:

### *Germany*

Aid for conversion to less intensive, organic farming methods. The Commission's approval breaks new ground in terms of its policy since the aid in question relates to products which are not in surplus.

### *Spain*

#### *Asturias*

Measures in respect of forest planting.

### *Greece*

1988 programme and aid for research into stockfarming. Existing aid is involved. One type of aid has been changed. The aid is for the supply of equipment for pig carcass classification.

### *Italy*

Aid to promote Marsala wine, blood oranges, livestock products and Parma ham.

### *United Kingdom*

Aid for poultry farming investment in Sunderland (Tyne and Wear).

2.1.116. The Commission decided to initiate the Article 93(2) procedure in respect of the following aid:

<sup>1</sup> OJ C 120, 16.5.1989; Bull. EC 4-1989, point 2.1.154.

<sup>2</sup> OJ C 139, 5.6.1989; Bull. EC 3-1989, point 2.1.143.

<sup>3</sup> OJ L 302, 19.10.1989.

<sup>4</sup> Bull. EC 4-1988, point 2.1.518a.

<sup>5</sup> OJ L 279, 28.9.1989.

<sup>6</sup> OJ C 96, 17.4.1989; Bull. EC 3-1989, point 2.1.141.

<sup>7</sup> COM(89) 428 final.

<sup>8</sup> OJ C 66, 11.3.1988; Bull. EC 2-1988, point 2.1.136.

<sup>9</sup> COM(89) 379 final.

<sup>10</sup> OJ C 200, 5.8.1989; Bull. EC 7/8-1989, point 2.1.173.

<sup>11</sup> OJ L 382, 31.12.1986; Bull. EC 12-1986, point 2.1.247.

## France

Aid for fresh and dried cultivated mushrooms financed from parafiscal charges also levied on products imported from other Member States. The Commission considered that this method of financing constituted protectionism.

2.1.117. The Commission decided to terminate the proceeding relating to French aid concerning the Community sheep and goat premium.

## European Agricultural Guidance and Guarantee Fund

### Guarantee Section

2.1.118. In September the rules governing the EAGGF Guarantee Section underwent the following adjustments:

(i) Commission Regulation (EEC) No 2734/89 of 8 September<sup>1</sup> specifies the factors to be taken into consideration for determining expenditure pursuant to Article 37(2) of Council Regulation (EEC) No 822/87<sup>2</sup> to be financed by the EAGGF Guarantee Section. This Regulation determines the costs arising from the disposal of the products of distillation under the common organization of the market in wine with effect from 1 October 1987.

(ii) Commission Regulation (EEC) No 2735/89 of 8 September<sup>1</sup> amends Regulation (EEC) No 2776/88 on data to be sent in by the Member States with a view to the booking of expenditure financed under the Guarantee Section of the EAGGF.<sup>3</sup> This amendment lays down detailed financing rules for the products of the distillation operations referred to in Article 37 of Regulation (EEC) No 822/87 on the common organization of the market in wine<sup>2</sup> and for food for distribution to the most deprived persons in the Community. It also specifies the time-limits for physical operations to be observed for the purpose of declaration of intervention expenditure.

(iii) Commission Regulation (EEC) No 2736/89 of 8 September<sup>1</sup> amends Regulation (EEC) No 3744/87 on the supply of food from intervention stocks to designated organizations for distribution to the most deprived persons in the Community.<sup>4</sup> This Regulation stipulates that if no intervention price has been fixed for a Member State, the value of the product intended for distribution to be entered in the accounts is the intervention price for the Community of Ten.

(iv) Commission Regulation (EEC) No 2963/89 of 29 September<sup>5</sup> fixes the interest rates to be used for calculating the costs of financing intervention measures comprising buying-in, storage and disposal. This Regulation fixes, in time for the start of the 1990 accounting year, the uniform interest rate for the financing of public stocks; this rate is set at 9.1%, compared with 7.7% for the preceding year. However, having regard to the trend in interest costs in some Member States, special interest rates are fixed for them as follows: 8.1% for the Federal Republic of Germany (6% in 1989); 7.2% for the Netherlands (6.5% in 1989); 6.5% for Luxembourg (the same as in 1989) and 8.7% for France (previously 7.7%).

(v) Commission Regulation (EEC) No 2964/89 of 29 September<sup>5</sup> fixes the depreciation percentages to be applied when agricultural products are bought in. This provides for a systematic depreciation of agricultural products in two stages. It fixes the depreciation coefficients for 1990 product by product so that a first stage of depreciation can be applied as soon as they are bought in.

### Financial report

2.1.119. On 27 September the Commission adopted the 18th financial report on the EAGGF Guarantee Section and food

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<sup>1</sup> OJ L 263, 9.9.1989.

<sup>2</sup> OJ L 84, 27.3.1987.

<sup>3</sup> OJ L 249, 8.9.1988.

<sup>4</sup> OJ L 352, 15.12.1987.

<sup>5</sup> OJ L 281, 30.9.1989.

aid closure (1988 financial year).<sup>1</sup> This report deals with expenditure arising from the common policy on agricultural markets and prices in the period from November 1987 to 15 October 1988.

For the 1988 financial year the appropriations available for the EAGGF Guarantee Section totalled ECU 28 795 million, including the common organization of the market in fishery products (ECU 55 million) and the appropriations to cover the depreciation of agricultural stocks (ECU 1 240 million).

Allowing for the financial contribution of cereals producers (ECU 677.5 million) and milk producers (ECU 535.6 million) and also the balance from the clearance of the accounts for 1985 and preceding years (ECU 29.5 million), total agricultural expenditure chargeable to the EAGGF Guarantee Section for 1988 and to the budget for that financial year amounted to ECU 27 687.3 million.

An examination of the breakdown of agricultural expenditure by economic category shows that, of the total expenditure booked to the 1988 budget, excluding the consequences of the clearance of accounts (ECU 29.5 million) and miscellaneous payments (ECU 103 million), i.e. ECU 27.555 million, export refunds amounted to ECU 9 929 million (36%) and market intervention measures to ECU 17 626 million (64%).

In the case of refunds, 60% of total expenditure was taken up by milk products and cereals alone, followed by sugar (16%).

The main product areas giving rise to intervention expenditure were oilseeds and milk products (17% each), followed by beef (10%). Price compensating aid was the biggest single item of intervention expenditure, amounting to ECU 10 267 million (58%), followed by aid to storage, amounting to ECU 5 820 million (33%).

The trend of public stocks in 1988 was marked overall by a very sharp decline in their book value from ECU 10 575 million on 30 September 1987 to ECU 4 663 million on 30 September 1988, a drop of ECU 5 912 million (56%). This encouraging develop-

ment is the result of a more dynamic disposal policy and of the depreciation exercise undertaken in 1988. Owing to a lack of budgetary resources no such exercise had been possible for agricultural products in 1987 but in 1988 the sum of ECU 2 598 million was used on cereals, butter, beef, tobacco and alcohol.

The proportion of the book value of stocks accounted for by the major products changed between 1987 and 1988. Milk products' share fell from 46% to 13%, while that of cereals rose from 28% to 32%, that of oils and fats from 5% to 16% and that of beef and veal from 20% to 34%.

As regards the quantities in stock, between 1987 and 1988 there was:

- (i) a considerable drop for cereals generally and a plunge for milk products from 1 780 000 tonnes in 1987 to 235 000 tonnes in 1988;
- (ii) an appreciable increase for oils and fats, alcohol and tobacco, and a slight increase for beef.

## Fisheries

### Resources

#### *Internal aspects*

#### TACs and quotas

2.1.120. The Scientific and Technical Committee for Fisheries, which held its annual meeting in Brussels from 25 to 29 September,<sup>2</sup> drew up a report containing scientific notes for each species, with a breakdown by stock and by region, to serve as a basis for the Commission's proposal on the fixing of quantitative limits on fishing for 1990.

<sup>1</sup> Previous report: Bull. EC 10-1988, point 2.1.159.

<sup>2</sup> Previous meeting: Bull. EC 9-1988, point 2.1.116.

## *External aspects*

### **Equatorial Guinea**

2.1.121. On 29 September the Council, acting on a proposal from the Commission, adopted Decision 89/551/EEC<sup>1</sup> on the conclusion of an Agreement in the form of an exchange of letters concerning the provisional application of the Protocol setting out the fishing rights and financial compensation provided for in the Agreement between the European Economic Community and the Government of the Republic of Equatorial Guinea on fishing off Equatorial Guinea for the period from 27 June 1989 to 26 June 1992.<sup>2</sup>

### **Mozambique**

2.1.122. In Maputo on 13 September the Community and Mozambique initialled a new Protocol to the EEC-Mozambique Fisheries Agreement.<sup>3</sup> This Protocol will apply for two years, from 1 January 1990 to 31 December 1991, and under it the monthly tonnage of vessels fishing for deep-water shrimps may not exceed 1 100 grt, whilst that of the vessels fishing for both deep-water and shallow-water shrimps must not exceed 3 700 grt. The number of authorized tuna boats has been increased to 44. In addition, two Community vessels are to prospect for new resources. The new Protocol stipulates that the quantities caught during the first year must not exceed the following limits: 1 200 tonnes of deep-water shrimps, 1 000 tonnes of shallow-water shrimps, and 200 tonnes of crab.

The Community will pay financial compensation amounting to ECU 2 150 000 per year, and will contribute ECU 950 000 towards the costs of a scientific programme and ECU 600 000 over two years for the prospecting operation.

### **Seychelles**

2.1.123. The first round of negotiations to replace the Protocol to the EEC-Seychelles Fisheries Agreement<sup>4</sup> was held in Brussels

on 19 and 20 September. It was agreed to continue the negotiations in Mahé from 3 to 6 November.

### **North-West Atlantic Fisheries Organization (NAFO)**

2.1.124. The Community participated as a member in the 11th annual meeting of the NAFO, which was held in Brussels for the first time, from 11 to 15 September, in response to the invitation issued by the Community at last year's meeting.<sup>5</sup> The main purpose of this year's meeting was to consider appropriate regulatory measures for the 1990 fishing year.

### **International Baltic Sea Fishery Commission (IBSFC)**

2.1.125. The Commission represented the Community at the 15th annual meeting of the IBSFC,<sup>6</sup> which was held in Cracow from 18 to 22 September.

## **Structures**

2.1.126. On 26 September the Commission decided to grant assistance for experimental-fishing projects submitted by Italy and Portugal pursuant to Council Regulation (EEC) No 4028/86 of 18 December 1986 on Community measures to improve and adapt structures in the fisheries and aquaculture sector.<sup>7</sup>

## **Transport**

### **Inland transport**

#### *Road transport*

#### **Access to the market**

2.1.127. On 7 September the Commission, pursuant to Council Regulation (EEC) No

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<sup>1</sup> OJ L 229, 17.10.1989.

<sup>2</sup> Bull. EC 6-1989, point 2.1.170.

<sup>3</sup> OJ L 98, 10.4.1987; Bull. EC 12-1986, point 2.1.280.

<sup>4</sup> OJ L 160, 20.6.1987; Bull. EC 10-1987, point 2.1.186.

<sup>5</sup> Bull. EC 9-1988, point 2.1.125.

<sup>6</sup> Previous meeting: Bull. EC 9-1988, point 2.1.126.

<sup>7</sup> OJ L 376, 31.12.1986; Bull. EC 12-1986, point 2.1.285.

517/72 of 28 February 1972 on the introduction of common rules for regular and special regular services by coach and bus between Member States,<sup>1</sup> adopted Decision 89/524/EEC regarding a dispute between Luxembourg and France about creating a special regular passenger service between the two countries.<sup>2</sup> This authorizes a Luxembourg carrier to operate a special coach service between Thil (France) and the Villeroy and Boch factory (Luxembourg).

2.1.128. On 13 September the Commission adopted a report for transmission to the Council on the use of vehicles hired without drivers for the carriage of goods by road,<sup>3</sup> plus a proposal for an amendment to Council Directive 84/647/EEC of 19 December 1984 on the use of such vehicles;<sup>4</sup> the amendment would abolish two restrictions which Member States are authorized to impose (exclusion of own-account carriage and minimum hire period).

### Technical aspects

2.1.129. On 27 September the Economic and Social Committee endorsed the proposal<sup>5</sup> to amend Council Directive 77/143/EEC of 29 December 1976 on roadworthiness tests for motor vehicles and their trailers.<sup>6</sup>

### Air transport

2.1.130. On 8 September the Commission adopted for transmission to the Council two proposals for Regulations,<sup>7</sup> on which it had reached agreement in July,<sup>8</sup> on fares for scheduled air services and on access for air carriers to scheduled intra-Community air service routes and on the sharing of passenger capacity between air carriers on scheduled air services between Member States.

### International cooperation

2.1.131. The Community was represented at the meeting of the European Conference

of Ministers for Transport (ECMT) and the Ministers for Transport of the countries of the Council for Mutual Economic Assistance (Comecon), which was held in Budapest on 26 September. The main items on the agenda were road transport safety, the effects of liberalization of the transport market in the Community after 1992 and cooperation in the field of transport with the Comecon countries.

## Energy

### Specific matters

#### *Solid fuels*

2.1.132. In accordance with Decision No 2064/86/ECSC of 30 June 1986 establishing Community rules for State aid to the coal industry,<sup>9</sup> the Commission authorized, on 20 September, the granting by France of aid totalling FF 1 229 million to the coal industry for 1989.

2.1.133. On 21 September the ECSC Consultative Committee, having been consulted pursuant to Articles 19 and 46 of the ECSC Treaty, gave its opinion on the revised forecasts for the solid fuel market in the Community in 1989. The Committee noted that the upward trend in world coal prices was continuing. While imports from outside the Community were still increasing, production in the Community was again falling, and solid fuels' share of the total consumption was again declining. The Committee hopes that there will be a thorough debate on the definition of the Commission's new energy objectives, taking into

<sup>1</sup> OJ L 67, 20.3.1972.

<sup>2</sup> OJ L 272, 21.9.1989.

<sup>3</sup> COM(89) 430 final.

<sup>4</sup> OJ L 335, 22.12.1984; Bull. EC 12-1984, point 2.1.205.

<sup>5</sup> OJ C 74, 22.3.1989; Bull. EC 2-1989, point 2.1.134.

<sup>6</sup> OJ L 47, 18.2.1977.

<sup>7</sup> OJ C 258, 11.10.1989.

<sup>8</sup> Bull. EC 7/8-1989, point 2.1.202.

<sup>9</sup> OJ L 177, 1.7.1986; Bull. EC 6-1986, point 2.1.236.

account the need for secure supplies and environmental protection.

## **International dimension**

### *World Energy Conference*

2.1.134. On 19 September, Mr Cardoso e Cunha chaired the plenary session of the 14th World Energy Conference in Montreal. The general theme of the conference was 'Further increases in energy consumption — yes or no?' Discussions focused on growth strategies, the interaction of supply and demand for energy products, environmental impact and the conservation of primary energy sources.

### *IAEA General Conference*

2.1.135. The 33rd annual session of the General Conference of the International

Atomic Energy Agency was held in Vienna from 25 to 29 September.<sup>1</sup> The Commission representative at the Conference spoke about the proposals<sup>2</sup> designed to complete the single energy market by the end of 1992 and referred to the Commission's study on major themes in energy to the year 2010. An outline was also given of activities undertaken at Community level since Chernobyl and of developments in the Community's nuclear research programmes, including relevant cooperation with the IAEA.

In the course of the general debate a statement was made for the first time by the Council Presidency on behalf of the Community and its Member States. This dealt with the development of nuclear power production and the nuclear power industry in the Community, nuclear safety, the environment and non-proliferation.

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<sup>1</sup> 32nd Conference: Bull. EC 9-1988, point 2.1.140.

<sup>2</sup> Bull. EC 7/8-1989, points 2.1.206, 2.1.207, 2.1.213 and 2.1.215.

## 2. External relations

### Commercial policy

#### General matters

#### *Commercial policy instruments*

#### Easing of restrictive measures

2.2.1. The Commission decided in September<sup>1</sup> to open quotas under Council

Regulation (EEC) No 3420/83 of 14 November 1983 on import arrangements for products originating in State-trading countries, not liberalized at Community level.<sup>2</sup>

#### Trade protection

2.2.2. Trade protection measures taken in September are shown in Table 1.

<sup>1</sup> OJ C 232, 9.9.1989; OJ C 243, 23.9.1989.

<sup>2</sup> OJ L 346, 8.12.1983.

Table 1 — *Trade protection measures*

Council	Commission
<b>Anti-dumping measures</b>	<b>Anti-dumping measures</b>
<i>Imposition of a definitive anti-dumping duty</i>	<i>Notice of initiation</i>
On imports of calcium metal originating in the People's Republic of China or the Soviet Union and definitive collection of the provisional anti-dumping duty imposed on such imports OJ L 271, 20.9.1989 (provisional duty: OJ L 78, 21.3.1989)	Of an anti-dumping proceeding concerning imports of certain welded tubes, of iron or non-alloy steel, originating in Turkey or Venezuela OJ C 226, 2.9.1989
	Of a review of anti-dumping measures concerning imports of certain ball-bearings originating in Singapore OJ C 240, 20.9.1989 (definitive duty: OJ L 193, 21.7.1984)
	<i>Notice of intention to carry out a review</i>
	Of anti-dumping measures concerning imports of asbestos-cement corrugated sheet originating in Czechoslovakia or the German Democratic Republic OJ C 246, 27.9.1989 (undertakings: OJ L 259, 28.9.1984)
	<i>Notice of expiry (OJ C 243, 23.9.1989) of anti-dumping measures for:</i>
	Fibre building board originating in the Soviet Union (definitive duty: OJ L 170, 29.6.1984)
	Acrylic fibres originating in the United States of America (definitive duty: OJ L 209, 4.8.1984)
	Angles, shapes and sections of iron or steel originating in the German Democratic Republic (undertakings: OJ L 227, 24.8.1984)
	Oxalic acid originating in the German Democratic Republic (undertakings: OJ L 239, 7.9.1984)

*Treaties and trade agreements:  
extension or automatic renewal*

2.2.3. On 18 September the Council adopted Decision 89/525/EEC<sup>1</sup> authorizing extension or tacit renewal of certain trade agreements which have been concluded between Member States and third countries and which expire between 1 August and 31 October (third batch for 1989).<sup>2</sup>

## Industrialized countries

### United States

2.2.4. On 7 September Mr Clayton Yeutter, the US Secretary of Agriculture, paid an official visit to Brussels. He met Mr Mac Sharry, Mr Andriessen, Mr Bange-mann and Mr Pandolfi.

The main items on the agenda were the agricultural problems in the Uruguay Round. Mr Yeutter and the Commission representatives explained their respective plans for the remainder of the year.

Several Community proposals are under preparation. Topics covered include strengthening the rules of GATT, rebalancing external protection and health and plant health questions. The question of Bovine Somatotrophin (BST) and biotechnology in general were also discussed.

2.2.5. On 16 September Mr Andriessen was visited by Mrs Carla Hills, the US Trade Representative, who also had talks with Mr Bangemann, Mr Pandolfi, Sir Leon Brittan and Mrs Scrivener. Discussions were concentrated on specific Uruguay Round topics such as intellectual property rights, trade-related investment measures and the dispute settlement procedure.

Other issues, such as hormones, steel, television without frontiers and the rules of origin, were also discussed. Mrs Hills and Mr Andriessen stressed the importance of a successful outcome to the GATT negotiations.

## European Free Trade Association

### Joint Committees

2.2.6. On 18 September the Council adopted Regulations (EEC) Nos 2838/89, 2839/89, 2840/89, 2841/89, 2842/89 and 2843/89<sup>3</sup> on the implementation of the Decisions of the EEC-Austria, EEC-Finland, EEC-Iceland, EEC-Norway, EEC-Sweden and EEC-Switzerland Joint Committees amending Protocol 3 concerning the definition of the concept of originating products and methods of administrative cooperation and establishing provisions for the implementation of the Joint Declaration annexed to Decision No 1/88 of those Committees.

### Eastern Europe

#### *Coordinated aid for Poland and Hungary*

2.2.7. The 24 Western countries taking part in the operation to assist Poland and Hungary met for the second time in Brussels on 26 September, with the Commission chairing the meeting.<sup>4</sup> The meeting reviewed the measures already taken and began to prepare a programme of coordinated assistance in the main sectors already identified: agriculture and food, access to markets, investment, vocational training and the environment. For this purpose the Commission proposed a major action plan covering a range of measures to be taken by the Community in these sectors. These measures will be complemented by those taken by the other countries in the Group of 24, lifting the total aid effort from the West to these two countries — according to the action plan — to at least ECU 600 million (annual basis). Poland and Hungary

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<sup>1</sup> OJ L 273, 22.9.1989.

<sup>2</sup> Second batch for 1989: OJ L 164, 15.6.1989; Bull. EC 6-1989, point 2.2.4.

<sup>3</sup> OJ L 278, 27.9.1989.

<sup>4</sup> First meeting: Bull. EC 7/8-1989, point 1.1.6.



had earlier presented their requests for assistance and explained the policies for reform and restructuring which the assistance will further. Working parties will continue coordination in the various sectors with a view to a further meeting of the Group of 24 in November.

2.2.8. At the meeting the Group of 24 adopted the following declaration:

1. The 24 met today at a decisive moment in the process of democratization and economic reform in Poland and Hungary. Much has already been achieved but the reform process remains fragile. For this reason the 24 are convinced that additional measures of support from the industrialized countries, in response to the requests from the two countries concerned, are indispensable.

2. The 24 welcome the Polish and Hungarian authorities contributions to their work. They have closely studied the proposals for cooperation made by the Governments of Poland and Hungary in the light of the cooperative projects already under way or planned by each member of the 24 and by the Community, and have also reviewed the priority areas identified at the 1 August 1989 meeting following the Paris Summit.

3. The 24 urge Poland and Hungary to reach an early agreement with the International Monetary Fund, and to establish effective programmes of adjustment and structural reform to increase their capacity to attract foreign finance. Such agreements would constitute a favourable framework for additional aid from the 24.

4. The 24 appreciated the presence of representatives of the IMF, the World Bank, the OECD and the Paris Club. They expressed the hope that close cooperation might be developed with those institutions, in particular in the areas of macro-economic analysis and structural adjustment.

5. The 24 expressed their appreciation of the coordination work carried out by the Commission and encouraged it to continue its efforts in that direction. They welcomed the approach taken by the Commission in its action plan for the implementation of the aid programme for the two countries as well as the initiatives announced by other participants.

6. The 24 declare that progress has been made in their coordination efforts in different fields. This progress must be continued in conjunction with Poland and Hungary, with the aim of consolidating the reforms in those countries.

In response to an urgent request for assistance from Poland, several countries have supplied it with foodstuffs worth some USD 271 million. These deliveries have been coordinated by the Commission in conjunction with the donor countries. Other participants announced that they would also contribute to the food supply programme. The money raised by the sale of these supplies on the Polish market will go towards the creation of counterpart funds which will finance cooperative measures, especially in the agricultural sector. These supplies are exceptional in nature. The prime objective remains that of encouraging productivity in Polish agriculture.

In the area of improving access to the markets of the 24, certain participants have already granted or are considering granting measures such as "most-favoured nation" status to Poland and Hungary, an extension of the Generalized System of Preferences, tariff concessions compatible with their international obligations and the abolition of quantitative restrictions.

The 24 are taking steps to encourage cooperation in the field of vocational training, especially in the financial services and banking sectors. Initiatives have already been launched by public institutions and private companies. Certain countries have allocated substantial resources to such initiatives. The coordination of these actions by a special working group will need to be intensified.

The 24 have noted the efforts of several participants to support foreign investment in Poland and Hungary, by means of agreements to encourage and protect investments, double taxation agreements, and public export credit guarantees. The 24 believe that these instruments must be more extensively used for the two countries in question. They urge Poland to complete the procedures enabling it to participate in the Multilateral Investment Guarantee Agency. In addition, some countries have set up special financial measures to encourage private investment. A special working group on investment will be meeting imminently.

In the environment field, Poland and Hungary have expressed an interest in action connected with the deterioration of certain industrial or mining regions, or of certain historic or artistic sites. A number of specific projects have already been embarked upon by the 24. Other priorities will be identified by the special working group with the aim of a joint project by the 24.

7. The working groups will be an essential tool in coordinating future actions, including contact with the authorities and private institutions in Poland and Hungary.

The 24 envisage another high-level meeting no later than the second half of November, with the

aim of reviewing actions already under way and of promoting new ones. Several participants consider that, once the necessary conditions have been fulfilled, a meeting should be held at the political level to give the necessary political impetus for cooperation with Poland and Hungary and to set in train further actions with this aim in mind.'

## Hungary

2.2.9. On 18 September Mr Andriessen paid an official visit to Budapest. He had talks with the Prime Minister, Mr Karolyi Nemeth, the Deputy Prime Minister, Mr Peter Medgyessy and the Ministers for Foreign Affairs and Trade.

The discussions covered the work of the EEC-Hungary Joint Committee set up under the EEC-Hungary Agreement on trade and commercial and economic cooperation<sup>1</sup> and the possible measures resulting from the Commission's coordination activities relating to the Group of 24. Mr Andriessen commented on the scale of the changes under way in Hungary and the country's determination to carry through reforms with the assistance of the Community and other Western countries.

## Poland

2.2.10. On 19 September Mr Andriessen paid an official visit to Warsaw, accompanied by Mr Roland Dumas as President-in-Office of the Council. They had talks with the main Polish leaders, including President Jaruzelski and the Prime Minister, Mr Mazowiecki, other members of the Government and representatives of the Parliament and Senate.

The main item on the agenda was the role of the Commission in coordinating assistance for the restructuring of the Polish economy. The visit was also a chance for Mr Dumas and Mr Andriessen to see for themselves the changes taking place in Poland and the country's desire for cooperation with the Community and the other Western countries.

2.2.11. On 19 September an Agreement on trade and commercial and economic coop-

eration was signed in Warsaw between the EEC, represented by Mr Roland Dumas, President-in-Office of the Council, and Mr Andriessen, and the Polish People's Republic, represented by Mr Skubiszewski, Minister for Foreign Affairs, and Mr Swiecicki, Minister for Foreign Trade.<sup>2</sup> In the joint communiqué issued, the signatories said that the Agreement came at a crucial stage of the political and economic reform process in Poland, soon after the formation of a new government bringing together the main political tendencies in Poland. The aim of the Agreement is to improve access to the Community market for Polish products and allow wide-ranging economic cooperation.

It is a non-preferential trade Agreement for an initial period of five years, covering trade in industrial and agricultural products other than ECSC products. It does not affect products covered by sectoral agreements (in the textiles and agricultural sectors). Both parties bilaterally reaffirm the commitment which they have already made within GATT to grant each other 'most-favoured nation' status.

Regarding trade, the Agreement provides that each of the parties shall grant the other the greatest degree of liberalization normally granted to other countries. The aim is the total elimination of specific quantitative restrictions (those referred to in the Protocol for Poland's accession to GATT) by the end of 1994 according to a three-stage liberalization schedule.

The Agreement contains a general safeguard clause, incorporating the principle of consultations and the option of ultimate recourse to arbitration by GATT should there be continuing disagreement. A provision to the effect that trade in goods be conducted at market prices was also included.

In the area of agricultural trade, an initial list of reciprocal concessions covering 10 or so products of particular interest to Poland

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<sup>1</sup> Bull. EC 6-1988, point 2.2.43; Bull. EC 9-1988, point 2.2.32; OJ C 319, 12.12.1988.

<sup>2</sup> COM(89) 435 final.

already forms part of the Agreement, and the possibility of further concessions remains open.

On trade cooperation, the Agreement lays down the objectives of promoting, developing, and diversifying trade on the basis of non-discrimination and reciprocity. In return for the Community's efforts concerning imports, Poland makes precise commitments to improve access to its market for Community firms. The Agreement provides that Poland will take measures to ensure non-discriminatory treatment in applying its licensing system and allocating the foreign currency necessary for imports, making conditions easier for firms on the spot and promoting trade, and also to ensure compliance with international commitments on intellectual property and discourage countertrade.

The Agreement sets up a Joint Committee which is to meet each year and is responsible for ensuring the smooth running of the Agreement and recommending measures to achieve its aims.

2.2.12. On 15 September Parliament adopted several resolutions on the situation in Poland.<sup>1</sup> Considering that it was the duty of the Twelve to support the measures pursued by the new Polish Government, it asked the Commission to speed up the implementation of the food aid programme and to promote all forms of cooperation with Poland, including joint ventures, transfers of technology and know-how, and youth and cultural exchanges. Parliament urged the Commission and the Council, together with the Polish authorities, to examine the serious environmental problems in Poland and to propose appropriate measures. Parliament asked that measures should be launched through international cooperation to alleviate the burden of servicing the Polish external debt by creating a counterpart fund and joint ventures. It also asked the Commission to establish, for a preliminary period of three years, a Community mission in Warsaw which would function as a channel of direct contact with the Polish authorities.

## Mediterranean, Gulf and Arabian Peninsula countries

### Mediterranean countries

#### Turkey

2.2.13. At the invitation of Mr Ali Bozer, Turkish Deputy Prime Minister responsible for relations with the European Community, Mr Bangemann paid an official visit to Turkey from 28 to 30 September. During a very full programme Mr Bangemann met the Prime Minister, Mr Turgut Özal, Mr Bozer and other members of the government, as well as leaders of the parliamentary opposition parties.

During these talks and at his press conference in Ankara, Mr Bangemann explained that one of the main objectives of his visit was to exchange views as part of the process of preparing of the Commission report on Turkey's application for membership.<sup>2</sup>

#### Cyprus

2.2.14. On 12 September the Commission adopted for transmission to the Council a proposal for a Council Decision on the conclusion of a third Protocol on financial and technical cooperation between the European Economic Community and the Republic of Cyprus.<sup>3</sup> The text of the new Financial Protocol<sup>4</sup> was initialled in Brussels on 14 July.<sup>5</sup>

#### Algeria

2.2.15. Mr Abel Matutes paid an official visit to Algeria from 10 to 12 September. He had meetings with the President of the Republic, Mr Chadli Benjedid, and the Ministers for Finance, Energy and Maghreb Affairs.

<sup>1</sup> OJ C 256, 9.10.1989.

<sup>2</sup> Bull. EC 4-1987, points 1.3.1 and 1.3.2.

<sup>3</sup> COM(89) 431.

<sup>4</sup> Second Protocol: Bull. EC 3-1984, point 2.2.29.

<sup>5</sup> Bull. EC 7/8-1989, point 2.2.20.

Discussions covered bilateral EEC-Algerian cooperation, current economic and political reforms, the setting-up of the Arab Maghreb Union bodies and international political issues, particularly Lebanon.

Mr Matutes expressed the Community's support for the reform process under way in Algeria and signed four financing agreements under the third EEC-Algeria Financial Protocol<sup>1</sup> worth a total of ECU 26 million:

- (i) integrated programme for the improvement of seed production for major crops (cereals and pulses) (ECU 7 million);
- (ii) third scientific cooperation programme with the Ministry of Higher Education (ECU 12.2 million);
- (iii) programme of cooperation with the Agency for the Promotion and Rationalization of the Use of Energy (ECU 4.2 million);
- (iv) management training programme (ECU 3.2 million).

## Latin America

### Bilateral relations

#### Chile

2.2.16. On 20 September Mr Abel Matutes met Mr Patricio Aylwin, the sole opposition

candidate in the Chilean presidential elections due to be held in December. The meeting was followed by talks between members of Mr Aylwin's delegation and Commission officials.

The talks centred on Chile's future economic development in the light of the country's return to democracy. They also covered Chile's foreign debt, access to European markets for Chilean exports and, more particularly, the possibility that a fisheries agreement might be concluded by the Community and Chile in the near future.

## African, Caribbean and Pacific countries and overseas countries and territories

### Financial and technical cooperation

#### European Development Fund

2.2.17. In September the Commission allocated resources from the fourth, fifth and sixth EDFs totalling ECU 28 510 000 to finance projects, programmes and emergency aid operations which it administers (Table 2).

<sup>1</sup> OJ L 22, 27.1.1988; Bull. EC 12-1987, point 2.2.31.

Table 2 — *Financing of fourth, fifth and sixth EDF operations*

		<i>million ecus</i>
	Project/programme	Amount (grants)
<i>Rural production</i>		
Kenya	Research	3.000
Vanuatu	Access roads in rural areas	0.860
Nigeria	Rural electrification	4.200
Kenya	Special debt programme	7.000

		<i>million ecus</i>
	Project/programme	Amount (grants)
<i>Social development</i>		
Indian Ocean	1. Multisectoral programme (information technology)	2.200
(Comoros, Madagascar, Mauritius, Seychelles)	2. Assistance for training, research and technical assistance	1.100
Chad	Urban development	3.000
Liberia	Village water engineering	2.900
Suriname	Education infrastructure	1.400
<i>Other</i>		
All ACP countries	Support programme for the social aspect of structural adjustment	1.500
<i>Emergency aid</i>		
Antigua, Dominica, St Christopher and Nevis (ACP);	Aid for victims of Hurricane Hugo (airlift of basic necessities)	0.500
Montserrat, British Virgin Islands, Anguilla, Netherlands Antilles (OCT)		
Somalia	Aid for victims of the conflict in northern Somalia	0.350
	Total	28.510

## Institutions

### *Joint Assembly*

2.2.18. The ACP-EEC Joint Assembly held its second session<sup>1</sup> of the year in Versailles from 25 to 29 September. The co-chairmen were Mr Tindemans (EPP/Belgium) and Mr Diop (Senegal) and the meeting was attended by Mr Marín. The ACP-EEC Council was represented by its President, Mr Sefali (Lesotho), and the co-President, Mr Pelletier (President-in-Office of the Council).

2.2.19. The main on the agenda were as follows:

*The implications of completion of the internal market in 1992:* the ACP countries expressed their concern regarding the harm-

ful impact that the single market could have on them and the Assembly urged the Community authorities to see that ACP trade, financial and monetary interests were safeguarded.

*The new ACP-EEC Convention:* the Assembly adopted a resolution calling for EDF resources to be increased and for measures to ease the debt burden. The ACP countries asked for financial measures in addition to existing resources and urged that criteria for selecting ACP countries for structural adjustment programmes should not involve any discrimination and that their sovereign right to determine their own adjustment policies should be respected. The Assembly called for an enhanced role for the cultural and social aspect in the

<sup>1</sup> Previous session: Bull. EC 1-1989, point 2.2.28.

Convention, and stressed the importance of education. It adopted the aim of giving top priority to health, and called for an increase in the funds earmarked under the Lomé Convention for this purpose. The coordination of Community operations with those of other international donors, and also the inclusion of health in structural adjustment programmes, were considered to be priority targets. The Assembly also stressed the importance of the environment and adopted a statement calling for the prohibition of all traffic in toxic and nuclear waste.

*Local processing of commodities.* The Assembly adopted the general report drawn up by Mr Anzuluni (Zaire), and expressed the view that industrialization was an instrument of the economic and social development of the ACP States.

*South Africa.* The Assembly adopted a compromise resolution demanding the unconditional release of all political prisoners and the lifting of restrictions on anti-apartheid organizations. It also called for the accession of Namibia to the new Convention.

*Dominican Republic and Haiti.* The representatives of these two countries, who had been invited to attend the meeting as observers, asked the Assembly to lend its support to ensure the success of their application for accession to the new convention. The Assembly called on the ACP-EEC ministers to grant the two countries' representatives observer status in the current negotiations.

Lastly, the Assembly adopted a report on technology and training in the ACP countries and referred to the situation of refugees and displaced persons in southern Africa

## General development cooperation

### Generalized tariff preferences

#### *Proposed scheme for 1990*

2.2.20. On 15 September Parliament approved the Commission's proposals con-

cerning three Council Regulations applying generalized tariff preferences for 1990 in respect of textile products, agricultural products and industrial products originating in developing countries.<sup>1</sup>

2.2.21. On 27 September the Economic and Social Committee endorsed these proposals.<sup>1</sup>

#### *Common Fund*

2.2.22. Following the entry into force on 19 June of the Agreement establishing the Common Fund for Commodities, which was signed on 21 October 1981,<sup>2</sup> on 21 September the Commission adopted for transmission to the Council a proposal for a Decision concerning the conclusion of the Agreement by the Council on behalf of the Community.<sup>3</sup>

#### *Coffee*

2.2.23. Acting on the Commission's recommendation,<sup>4</sup> on 29 September the Council adopted Decision 89/550/EEC<sup>5</sup> concerning notification of the Community's acceptance of the International Coffee Agreement of 1983 as extended until 30 September 1991.<sup>6</sup>

#### *Cocoa*

2.2.24. The 38th regular meeting<sup>7</sup> of the International Cocoa Council and the 64th meeting<sup>8</sup> of the Executive Committee and the Finance Committee took place in London from 11 to 15 September.

<sup>1</sup> OJ C 165, 3.7.1989; Bull. EC 5-1989, point 2.2.46.

<sup>2</sup> Bull. EC 7/8-1989, point 2.2.39.

<sup>3</sup> COM(89) 445.

<sup>4</sup> Bull. EC 7/8-1989, point 2.2.41.

<sup>5</sup> OJ L 299, 17.10.1989.

<sup>6</sup> OJ L 308, 9.11.1983, Bull. EC 6-1983, point 2.2.58; Bull. EC 9-1983, point 2.2.33.

<sup>7</sup> Previous meeting: Bull. EC 1-1989, point 2.2.20; Bull. EC 3-1989, point 2.2.33.

<sup>8</sup> Previous meeting: Bull. EC 6-1989, point 2.2.40.

Despite a week of intensive discussions, producers and consumers were unable to reach a consensus to break the deadlock on the 1986 International Agreement.<sup>1</sup>

Mr Baron (Federal Republic of Germany), the consumer countries' spokesman, was elected Chairman of the Council for one year and Mr Mama Mohammed (Ghana), the producer countries' spokesman, was elected Chairman of the Executive Committee.

## Food aid

### Ordinary food aid

2.2.25. Pursuant to Regulation (EEC) No 2508/88 of 4 August 1988,<sup>2</sup> the Commission approved a decision under Article 951 of the budget to contribute to the financing of purchases of foodstuffs and seeds by non-governmental and international organizations (Table 3).

Table 3 — Contributions to the financing of purchases of foodstuffs

NGO	Recipient	Community contribution (ecus)	Products
Cebemo	Nicaragua	357 043	White corn, beans, colza oil, oat flour, oatmeal
German Agro Action	Angola	128 995	Corn seed, pea seed and groundnut seed
Christian Aid	Angola	190 075	White corn, beans, colza oil, sugar

## Financial and technical cooperation

### Guidelines for 1990

2.2.26. On 22 September the Commission adopted for transmission to the Council and Parliament a proposal for a Decision setting out general guidelines for 1990 for financial and technical assistance to Latin American and Asian developing countries.

The proposal is directly in line with the basic aims of financial and technical cooperation as laid down by Council Regulation (EEC) No 442/81 of 17 February 1981 on financial and technical aid to non-associated developing countries,<sup>3</sup> and with the objectives set in previous years,<sup>4</sup> putting more emphasis on the specific characteristics of Asia and Latin America and providing for types of development aid best suited to the problems and requirements of the countries themselves.<sup>3</sup> The aid granted to

Asian countries will give due consideration to different cultures and reflect the level and circumstances of development. Aid for Latin American countries will be aimed in particular at the least-favoured sectors of the rural population and will concentrate on technology transfer. Particular importance will be attached to the production of basic foodstuffs, land reform and measures designed to promote regional or subregional integration. Central America and Paraguay are eligible for structural adjustment measures.

### Cooperation via non-governmental organizations

2.2.27. In the period from 1 January to 30 September the Commission committed a

<sup>1</sup> Bull. EC 7/8-1986, point 2.2.32.

<sup>2</sup> OJ L 220, 11.8.1988; Bull. EC 7/8-1988, point 2.2.67.

<sup>3</sup> OJ L 48, 21.2.1981; Bull. EC 2-1981, point 2.2.16.

<sup>4</sup> Guidelines for 1989: Bull. EC 7/8-1988, point 2.2.66.

total of ECU 65.6 million for the cofinancing in developing countries of 411 projects presented by 153 NGOs.

The Commission also contributed a total of ECU 6 652 034 towards 82 projects aimed at increasing European public awareness.

## International organizations and conferences

### United Nations

#### *General Assembly*

##### Opening of the 44th session

2.2.28. The 44th session of the United Nations General Assembly opened in New York on 25 September.<sup>1</sup>

In his speech on 26 September on behalf of the Community and its Member States, Mr Roland Dumas, as President-in-Office of the Council, expressed cautious optimism regarding international developments and the continuation of steady world economic growth (→ point 3.2.1). As far as the Community was concerned, he stressed the concept of Europe as a partner whose economic development and support for an open and free trading system would benefit other countries in the international community. Mr Dumas then touched on the strengthening of international economic cooperation, environmental conservation and development aid. He referred to the renewal of the ACP-EEC Convention and a number of important forthcoming events in the UN calendar: the special session of the General Assembly on economic cooperation and development in 1990, the second international conference on the least-developed countries, the launched of the fourth development decade (1991-2000), and the 1992 environment conference.

On the fringes of the session Mr Andriessen and Mr Matutes attended several ministerial-level meetings (with representatives of

the United States, the Soviet Union, Japan, the Group of Eight and the Gulf States). Mr Matutes also met the UN Secretary-General, Mr Perez de Cuellar.

### Council of Europe

#### *Parliamentary Assembly*

2.2.29. The third part of the 41st ordinary session of the Parliamentary Assembly of the Council of Europe took place in Strasbourg from 21 to 29 September in the presence of Mr Delors, President of the Commission, who highlighted the complementary nature of the Council of Europe and the Community in the process of building Europe, each progressing at its own pace towards its own objectives (→ point 3.3.1). The Community, which is working for European integration, the ultimate goal being political union, is ready to cooperate with the Council of Europe wherever possible, especially on certain aspects of the social dimension and on the environment.

In its contacts with the EFTA countries the Commission seeks to safeguard what the Community has built up, and the dialogue between the Council of Europe and the countries of Central and Eastern Europe, which the Commission welcomes, stands side by side with the building of the European Community.

During the session Mr Turgut Ozal, Prime Minister of Turkey, mentioned the most recent reforms in his country and announced that Turkey would recognize the jurisdiction of the European Court of Human Rights.

Mr Hannibalsson, Iceland's Minister for Foreign Affairs and Chairman of the EFTA Council, gave a summary of relations between the Community and the EFTA countries. The discussion which followed centred on the role that the Council of Europe could play in the future in relations between the Community and the EFTA countries.

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<sup>1</sup> 43rd session: Bull. EC 9-1988, point 2.2.52.



### 3. Intergovernmental cooperation

#### European political cooperation (EPC)

##### Panama

2.3.1. On 2 September the Twelve published the following joint statement in Paris and Brussels:

'The Twelve expressed concern and condemnation following the annulment of the elections of 7 May in Panama. They supported the decisions of the Organization of American States and its attempt through mediation to find a solution to the crisis by means of a dialogue between Panamanians.

The Twelve regret that despite the efforts made, this mediation has not so far brought results. They note that the administration now in power in Panama is without institutional legitimacy and therefore reserve their position towards it. They call on all sides, and in the first place on those in power, to reach agreement on the terms of a solution that will respect the wish of the Panamanian people, democratically expressed, to choose their government freely.'

##### Angola

2.3.2. On 6 September the Twelve published the following joint statement in Paris and Brussels:

'The Twelve have continuously followed with the closest attention the efforts being made to promote national reconciliation in Angola. They wish to indicate their concern at the repeated violations of the ceasefire concluded on 22 June last.

They reaffirm their complete support for the negotiators and express the wish that the process of reconciliation being pursued in Gbadolite, will lead rapidly to the re-establishment of a lasting peace, which alone can ensure the development of the country and an improvement in the lot of its people.

Moreover, the European Community and its Member States reaffirm their intention of contributing to the reconstruction and economic development of the country.'

##### Mozambique

2.3.3. On 6 September the Twelve published the following joint statement in Paris and Brussels:

'The Twelve welcome the discussions at present under way with the aim of re-establishing peace in Mozambique.

They express their complete support for the efforts of the churches and the African countries under whose aegis the process of reconciliation has been undertaken.

It is their strong wish that Mozambique will be able within a short time to devote its resources to development and to the prosperity of its population.

The European Community and its Member States reaffirm their intention to contribute to the reconstruction and economic development of the country.'

##### South Africa

2.3.4. On 6 September the Twelve published the following joint statement in Paris and Brussels:

'The Community and its Member States have noted with concern the entry into force on 18 August of the Foreign Funding Act. They are pursuing a policy designed to encourage change in South Africa and to allow the complete abolition of apartheid by peaceful means.

This policy is implemented by the application, both at Community level and bilaterally, of programmes of positive measures to assist the sections of the population who are victims of the apartheid system.

The Community and its Member States insist that the enforcement of the Foreign Funding Act must not endanger access by the disadvantaged sections of the population of South Africa to the support provided to them by the Community through its programmes of humanitarian and social assistance.

The Community and its Member States attach great importance to programmes of positive measures. They would consider as a matter of grave concern any use of this Act by the South African authorities to interfere with the normal development of national or Community programmes of positive measures, particularly in cooperation with the Kagiso Trust. They are determined to continue this aid which in their judgment is an appropriate way to encourage the emergence through peaceful means of a democratic, multiracial society in South Africa.'

## Burma

2.3.5. On 8 September the Twelve issued the following joint statement in Paris and Brussels:

'The Twelve once more express their concern at the worsening of the policy of repression in Burma which in the course of recent weeks has involved in particular an increasing number of acts of violence and a broadening of the measures to control the civilian population. They strongly request the Burmese authorities to bring repression to an end and to respect the deep desire of the Burmese people for the establishment of a democratic society through free elections.'

## Poland

2.3.6. On 12 September the Twelve issued the following joint statement in Paris and Brussels:

'The Twelve welcome with great satisfaction the formation in Poland, for the first time since the Second World War, of a government which, under the leadership of Mr Mazowiecki, draws together the main political forces in Poland.'

The Community and its Member States see in this development the signs of a more complete implementation of the economic and political reforms which the people of Poland expect and a contribution to *rapprochement* between all the countries of Europe.

They underline their resolve to support the efforts of the Polish Government to bring about a more democratic and more prosperous society, for the good of the Polish people and in the service of cooperation in Europe.'

## Lebanon

2.3.7. On 19 September the Twelve published the following joint statement in Paris and Brussels:

'The Twelve, who in their Ministerial Declaration of 23 August urged the Arab Tripartite Committee to resume its peace mission, welcome the positive response given to this appeal through which they associated themselves with the declaration issued by the Security Council on 15 August.'

Having repeatedly called for the implementation of an effective ceasefire and for the initiation of a

process of national reconciliation, they express their earnest wish that all parties and States concerned should comply, for their own part, with the invitation made to them by the Tripartite Committee in its communiqué of 16 September to put an end to the fighting, to lift the blockades, and to stop all entry of armaments into or delivery to Lebanon. It will thus be possible for the dialogue among members of the Lebanese Parliament to start on 30 September at the behest of the Tripartite Committee with the best possible chances of success.

For the Twelve, the objective of this dialogue among Lebanese, which should be pursued free from all pressures — whether of external origin or arising from the current presence on Lebanese territory of non-Lebanese forces — should be the full restoration of the sovereignty of Lebanon on the basis of renewed institutions and the withdrawal of these forces, with the exception of Unifil.

The Twelve, finally, reaffirm their support for the Tripartite Committee in the mission which it is now resuming with the aim of re-establishing a Lebanon that will be sovereign, independent, united, and which will enjoy full respect for its territorial integrity.'

## Panama

2.3.8. On 20 September the Twelve published the following statement in Paris and Brussels:

'In their declaration of 2 September, the Twelve noted that the new regime in Panama lacks institutional legitimacy and that they therefore were reserving their attitude towards it.'

In consequence, and reaffirming their attachment to the re-establishment of institutional legitimacy and democracy in Panama to be achieved through a genuinely free and guaranteed electoral process, the Twelve have agreed on a series of measures in relation to the regime in Panama:

(i) Suspension of high-level contacts with Panama, with the exception of *démarches* conveying the Twelve's position to the authorities of Panama or concerning human rights and the protection of foreign communities.

(ii) Suspension of the Twelve's representation at official ceremonies and of the acceptance of invitations from members of the Government or the defence forces, in Panama.

(iii) Strengthening of relations with the opposition.

(iv) Refusal, in the future, to undertake any commitment to support Panama in international organizations.

(v) Slowing-down of bilateral programmes of technical cooperation, with the exception of aid of a humanitarian or social character.

(vi) Continuation of consultations with the OAS and the countries of the Permanent Mechanism (Group of Eight) on the situation in Panama. In furtherance of this decision, the Twelve have approached the Organization of American States and will develop their contacts with the countries of the region, with the aim of supporting any solution which will permit, through dialogue, the attainment of a democratic outcome, in conformity with the will of the Panamanian people.<sup>7</sup>

## Lebanon

2.3.9. On 26 September the Twelve published the following joint statement in Paris and Brussels:

‘The Foreign Ministers of the Twelve express their continued concern at the plight of hostages taken in Lebanon. Following the events of the last two months, they believe that every effort should be made to secure the speedy and safe release of all those held against their will. They reiterate their call for the immediate and unconditional release of hostages wherever and by whomever they are held. They call on all those who are able to influence those holding the hostages to use that influence to help obtain their immediate return.’

# 4. Human rights and fundamental freedoms

## People’s Europe

### Victims of violent crimes

2.4.1. On 12 September the European Parliament adopted a resolution<sup>1</sup> on compensation for victims of violent crimes in which it calls on the Commission to prepare a draft Directive without delay requiring the Member States to harmonize at the highest level the payment of compensation for victims of violent crimes, regardless of the victim’s origin, and to set up offices for the advance payment of immediate aid. The compensation should cover loss of current and future earnings, legal expenses, medical and hospitalization expenses and funeral expenses, pain and suffering, and, as regards dependants, loss of maintenance. It also calls on the Member States to establish administrative structures to inform the victims of their rights, especially at police and court level.

## Transsexuals

2.4.2. In a resolution<sup>1</sup> adopted on 12 September on discrimination against transsexuals, Parliament calls on the Member States to enact provisions recognizing transsexuals’ rights to change sex by endocrinological, plastic surgery, and cosmetic treatment, and to ensure that the cost of such treatment of reimbursed by the health insurance institutions. It also calls on the Commission to make funds available under its aid programmes for further study of transsexuality and for the dissemination of existing knowledge on transsexuality in the medical field.

## Human rights in the world

### European Parliament resolutions

2.4.3. In September Parliament adopted resolutions on the following:<sup>1</sup>

<sup>1</sup> OJ C 256, 9.10.1989.

*The situation in the Baltic States:* Recognizing the continuing process towards greater constitutional sovereignty pursued by the Supreme Soviets of the Republics and supported by the Popular Fronts of Latvia and Estonia and Sajudis in Lithuania, Parliament salutes the process of democratization which is under way in the USSR, and believes that all the national and religious questions can best be resolved within this new framework of agreement and progress.

*The refugee problem in Hungary:* Parliament calls on the Council and Commission to provide material aid, provided that the Hungarian Government is prepared to accept it, forthwith and leaving aside red tape, to refugees in Hungary and, as far as the financial aspect is concerned, to help Hungary as far as they can in the reception and care of, and in finding accommodation for, the refugees; it also asks the Foreign Ministers of the Community meeting in EPC to call once again on the leadership in the GDR and the Government in Bucharest not just to pay lip-service to human rights but to give them practical expression, namely by guaranteeing their peoples free elections, and proposes that the Commission raise and take account of these goals in its negotiations with the two countries concerned.

*The situation of Bodo Strehlow:* Parliament calls for the immediate release of Bodo Strehlow, a citizen of the GDR sentenced to life imprisonment for attempting to flee the country, who has been kept in solitary confinement for nearly 10 years in very harsh conditions, and calls on the GDR to respect the agreements it signed at the Vienna CSCE follow-up conference.

*The situation in Poland:* In the eight resolutions adopted Parliament recognizes the important political changes in Poland following the round table which led to significant steps towards a true parliamentary democracy with the establishment of a new government, a new legal system and regard for human rights, but draws attention to the fact that this process of democracy and economic reform is under imminent threat due to the lack of food, medicines and other

essential supplies, and the economic and financial crisis (→ point 2.2.11).

*The death of political prisoners on hunger strike in Turkey:* Parliament emphatically condemns the inhumane treatment of political prisoners and the attitude of the Turkish Government towards prisoners on hunger strike, and calls on the Turkish Government to cease torturing and mistreating political prisoners forthwith.

*The situation of Bulgarians of Turkish origin:* Parliament calls for the unsatisfactory treatment of the Turkish minority in Bulgaria to be halted, and points out to the Commission that the present situation in Bulgaria regarding the fundamental rights of the ethnic Turkish minority makes it more difficult to continue negotiations with a view to concluding a trade and economic cooperation agreement with Bulgaria.

*The banishment of five Palestinians from the Occupied Territories:* Parliament calls on the Commission to report to it on the obstacles placed by the occupation authorities in the way of the operation of installations built with Community aid, in particular schools, universities and hospitals, and restates the need for an international Middle East peace conference to be called under UN auspices and attended by all the parties concerned, including the PLO as the legitimate representative of the Palestinian people.

*The release of the Silco hostages:* Parliament repeats its call for the release of Mrs Valente and her child, and calls on the Council and the Foreign Ministers meeting in EPC to state what action they intend to take to resolve this problem.

*The situation in Lebanon:* Parliament reiterates its sympathy for the populations who are victims of the hostilities, continues to advocate the renewal of dialogue between all Lebanese, and urges the Foreign Ministers meeting in EPC to do everything in their power to secure the withdrawal from Lebanon of all non-Lebanese armed forces, apart from those under the command of the United Nations. Parliament calls for a ceasefire to take place as soon as possible

and for the imperative lifting of the blockade, and expresses its full support for the efforts of the Committee of three Heads of State set up by the Arab Summit in Casablanca. Lastly, it calls on the Council and the Commission to provide all possible financial, political and moral support to Lebanon.

*The situation of the Boat People:* Parliament calls on the Governments of the Twelve, in liaison with the United Nations High Commission for Refugees, to find a temporary solution for the reception of the 55 000 Vietnamese refugees who are about to be expelled from Hong Kong, pending a more general solution to the question.

*The situation in China:* Parliament deplors the brutal liquidation of the students and workers who were demanding democratic reforms, stresses that human rights in any country cannot be reduced to a merely internal matter, since they are a universal concern, calls on the Chinese Government to call an immediate halt to the executions and calls on the Community to take steps to ensure the safety of the inhabitants of Hong Kong and Macao.

*The fight against drug trafficking and the grave situation in Colombia:* Parliament expresses its solidarity with the Colombian Government and all governments which have shown their determination to combat the drugs scourge, and calls on the Colum-

bian Government to guarantee democratic rights and to remove all drug-linked or corrupt persons from the State apparatus, the administration and political appointments; it calls on the President-in-Office of the Council to urge the Council and European Political Cooperation to examine, as a matter of urgency, what measures could be taken by the Community and its Member States to assist the Colombian Government in its campaign against the drugs trade; it also calls on the Commission to provide the Republic of Colombia with sufficient aid and financial resources to enable it to make good the damage which might be caused to the nation, and particularly to small farmers, trade and the balance of payments, by measures to combat the drugs trade; lastly, it proposes that a working party be set up in the European Parliament to organize the European Conference on Combating Drugs.

*The violation of human rights in Guatemala and the situation of the Guatemalan people:* Parliament calls on the Guatemalan Government to take immediate and effective steps to end the killings, kidnappings, massacres and disappearances, and calls on the Guatemalan Government to take steps to establish dialogue with the armed guerilla opposition with the aim of securing a consensus based on a political solution capable of ending the internal armed conflict afflicting this country.

# 5. Financing Community activities

## Budgets

### General budget

#### *Budgetary procedure*

2.5.1. On 27 September the Commission adopted draft letter of amendment No 1 to the draft general budget for 1990<sup>1</sup> for transmission to the budgetary authority. This was needed after the Commission approved the aid programme for Poland and Hungary (→ point 2.2.7).

The intention is to grant financial assistance from the Community to Poland and Hungary for their economic restructuring programmes.

This has the following repercussions for the budget:

- (i) A new expenditure heading (Article 996 — Aid for the economic restructuring of Poland and Hungary). The Commission proposes to allocate ECU 200 million to it. The funds will be entered in the reserve in Chapter 100 of the budget until there is a legal base for this item. The amount in question will be covered by a negative reserve to avoid any encroachment on the fourth heading of the financial perspective which would normally cover this sort of expenditure.
- (ii) A new heading (Article 997), carrying a token entry, for an EEC guarantee for EIB loans to Poland and Hungary.

## Financial operations

### ECSC

#### *Financial statements of the European Coal and Steel Community at 31 December 1988 and 31 December 1987*

2.5.2. In accordance with undertakings given by the Commission on behalf of the ECSC with regard to its borrowing activities, the following financial statements, drawn up

in conformity with Article 78 of the Treaty establishing the ECSC, were published:

- (i) balance sheets of the European Coal and Steel Community at 31 December 1988 and 31 December 1987,
- (ii) profit-and-loss accounts for the years ending 31 December 1988 and 31 December 1987,
- (iii) allocation of profit for the years ending 31 December 1988 and 31 December 1987.<sup>2</sup>

These financial statements are accompanied by the report of the Court of Auditors dealing with the financial operations of the ECSC for 1988 with the exception of those relating to revenue and expenditure of an administrative nature.

#### *Loans raised*

2.5.3. The Commission raised a Eurolira loan of LIT 200 billion on behalf of the ECSC. The purpose of this loan, managed by a consortium of European banks, is to finance a pilot investment project in the Dutch steel industry and job-creation schemes in German areas facing the problem of redeploying redundant steelworkers.

#### *Loans paid out*

### Workers' housing

2.5.4. Housing loans totalling ECU 1.9 million were granted for steelworkers and mineworkers in the Federal Republic of Germany, Greece and Spain.

### EEC-NCI

#### *Loans raised*

2.5.5. In September the Commission made a number of private placings in Luxembourg francs for the equivalent of ECU 10.3 million.

<sup>1</sup> Bull. EC 7/8-1989, point 2.5.1.

<sup>2</sup> OJ C 226, 2.9.1989.

# 6. Statistics

## General

### Legislation

2.6.1. On 21 September the ECSC Consultative Committee adopted a resolution<sup>1</sup> on the proposal for a Council Regulation on the statistics relating to the trading of goods between Member States after 1992.<sup>2</sup> It urged the Commission to maintain a reliable and quick statistical system. It called for a number of uncertainties to be dispelled, including the question of who is required to supply information and the verification of the completeness of data, and asked that the particulars to be declared should include the country of origin of the goods.

### Programmes

2.6.2. On 22 September the Commission adopted, for transmission to the Council, a proposal<sup>3</sup> extending by two years Council Decision 81/518/EEC of 6 July 1981 on the restructuring of the system for agricultural surveys in Italy.<sup>4</sup>

### Cooperation

2.6.3. The Commission (Eurostat) attended the 47th meeting of the International Statistical Institute which was held in Paris from 29 August to 6 September. The scientific programme, which covered a large number of areas ranging from mathematical statistics to official statistics, provided an opportunity for useful exchanges of information on matters of importance for the future of government statistics, including formalization and automation of operations, user-friendliness of statistical instruments, administration of surveys and opinion poll techniques.

## Results

### Employment in the Community in 1988<sup>5</sup>

2.6.4. For the first time since the early 1970s all Member States recorded an increase in employment in 1988. There were 2.3 million more jobs than in 1987, 2.1 million of them in the services sector.

According to initial estimates supplied by the Member States, over 130 million people were employed in the Community in 1988, an increase of 1.8% over 1987.

The increase in employment in Europe was thus the highest for 20 years; the upturn began in 1985 following the end of the recession which had affected the labour market in the early 1980s. On the other hand, the growth in employment in the United States, which had remained more or less constant throughout the 1980s, reaching a peak of over 4% in 1984, has since slowed down but is now steady at over 2% per year. The rate of employment growth in the USA was slightly above that of the Community in 1988, with the number of people employed in the United States in 1988 increasing by 2.5 million to top the 117 million mark.

Although employment rose in all Member States in 1988, the rate of growth varied significantly from one Member State to another; while Denmark and France recorded a relatively modest increase of 0.7%, closely followed by Ireland (0.9%), the other Member States recorded increases above the Community average of 1.8%: Portugal (2.5%), the Netherlands (2.9%),

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<sup>1</sup> OJ C 257, 10.10.1989.

<sup>2</sup> OJ C 41, 18.2.1989; Bull. EC 12-1988, point 2.5.1.

<sup>3</sup> OJ C 260, 13.10.1989; COM(89) 451 final.

<sup>4</sup> OJ L 195, 18.7.1981.

<sup>5</sup> *Rapid reports: Population and social conditions*, 3/89, Eurostat, L-2920 Luxembourg.

Luxembourg (3.1%), Spain and the United Kingdom (both 3.3%).

Wage-earners account for over 80% of all jobs in the Community and their numbers grew more rapidly in 1988 (up 2.1%) than non-wage-earners — employers, self-employed persons and family workers (up 0.8%). In industry, however, self-employed activities increased by 2.8% as against 1.1% for wage-earning jobs which account for 89% of jobs in this sector. Employment in agriculture continued to fall overall as a result of the drop in the number of farm workers (down 3.7%) even though wage-earning employment, which accounts for 27% of the total, increased slightly (up 0.4%) reversing the previous steady downward trend over more than 20 years. Nevertheless, the increase in the number of wage-earners in farming has not necessarily meant an increase in the volume of work, because of the increasing trend towards part-time working. In the services sector a common trend was observed in both self-employed

activities and wage-earning employment (84% of the total); here too the increase in female employment was partly due to the growth in part-time working.

## Information

2.6.5. In September the Commission (Eurostat) published a study on international trade in services for the 12 Member States from 1979 to 1986.<sup>1</sup> This study was carried out to meet the needs of the Commission departments involved in current international negotiations (Uruguay Round). The results were compiled by harmonizing and supplementing balance-of-payments information collected from the Member States. The tables therefore contain all the statistics currently available on the subject of trade in services in the Community.

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<sup>1</sup> Available from the Office for Official Publications of the European Communities, L-2985 Luxembourg.

# 7. Institutions and organs of the Community

## European Parliament

### Strasbourg: 11 to 15 September

#### *Highlights*

2.7.1. As the agenda for the September part-session<sup>2</sup> was comparatively short, lengthy discussions were possible on a wide range of subjects, and many of the new Members of Parliament were able to speak. The main highlight of the session was the first application of the new system of major debates on priority political topics on the basis of oral questions to the Commission and the Council. Economic and social

cohesion was the topic this month (→ point 2.7.2).

The debate on the draft general budget for 1990 presented by Mr Charasse, President-in-Office of the Council (→ point 2.5.1), focused mainly on rural areas and aid to Poland and Hungary.

Parliament welcomed the establishment of a democratic government in Poland, and adopted several resolutions calling for the Community to provide aid.

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<sup>2</sup> The texts of the resolutions adopted by Parliament appear in OJ C 256, 9.10.1989, and the report of the proceedings is published in OJ Annex 2-380.



All the agenda items relating to the cooperation procedure were second readings. Parliament was satisfied with the way in which its amendments had been taken into account in the workplace health and safety proposals (→ point 2.1.66).

The other issues examined included East German refugees, drug trafficking, and possible Community assistance for the Colombian Government in its efforts to combat drug traffickers.

### *Debate on economic and social cohesion*

2.7.2. On 13 September Parliament held a major debate on economic and social cohesion. Through their spokespersons, all the groups underlined the fundamental importance of economic and social cohesion as a necessary concomitant of the single European market. Nine motions for resolutions were submitted on this topic, and eight were finally adopted. It emerged from the debate that there was virtually unanimous agreement on the urgent need to apply the principle of economic and social cohesion in practice as progress towards completing the internal market gathered speed. However, there were some differences of opinion between the groups as to how to implement this policy and the attitude to adopt *vis-à-vis* the Commission and the Council. The address by Commission President Delors and the replies by Ms Papandreou and Mr Christophersen to the MEPs' questions shed light on the Commission's position.

2.7.3. All the speakers agreed on the importance of economic and social cohesion. Speaking on behalf of their respective groups, Mrs d'Ancona (S/NL), Mrs Buron (S/F), Mrs Cramon-Daiber (G/D), Mrs Salisch (S/D) and Mr Raggio (UEL/I), as well as Mr Chanterie (EPP/B) and Mr Brok (EPP/D), urged that social rights should be enshrined in Community legislation and implemented via legally binding provisions. Mr Carvalhas (CEL/P) called for an increase in the Social Fund in order

to combat poverty and unemployment and to avoid accentuating geographical and social disparities. In his opinion, the Commission should also concern itself with industrial relations issues.

Speaking on behalf of his group, Mr Calvo Ortega (LDR/E) called for a policy to provide assistance for small businesses and single-member companies with regard to taxation, administrative procedures and research. Lord O'Hagan (ED/UK) took the view that the Commission's scope for action on social matters should be enlarged and that Parliament should get together with the other institutions in order to establish a consistent programme. Mr de la Malène (EDA/F) emphasized that social cohesion was a prerequisite for lasting economic success.

Turning to the Social Charter, Mrs Buron (S/F) and Mr Brok (EPP/D) wanted to see the principles embodied in it translated into binding legal provisions. Mr Capucho (LDR/P) and Mr Papayannakis (UEL/GR) asked for measures to reduce imbalances between regions to be stepped up.

On the strategy to be adopted *vis-à-vis* the Council and the Commission, Mrs d'Ancona and Mrs Buron, speaking on behalf of the Socialist Group, Mr Chanterie, speaking on behalf of the EPP, and Mrs van Dijk (G/NL) criticized the fact that the unanimity rule applied to Council decisions on social matters. Mr Chanterie and Mr Brok suggested that the Commission should rely on Article 118a of the Treaty, interpreted broadly, as the legal basis for its proposals. The Socialists and the Greens threatened to block work on the internal market in the absence of progress in the social sphere, but the EPP disagreed with them on this, taking the view that progress with the internal market would in itself create jobs and should therefore not be made strictly conditional on the social aspects.

Some speakers also brought the Commission's attention to more specific matters. Mrs Fernex (G/F) called for an Environment Charter, as an essential complement to the Social Charter. Mrs Maij-Wegen (EPP/NL)

raised the question of social security, calling for a levelling-up in this respect and for free movement without discrimination of non-workers.

2.7.4. President Delors reaffirmed the importance of economic and social cohesion, which lay at the heart of the Commission's strategy. The internal market, economic cohesion, the social dimension, and economic and monetary union were all facets of a grand design for a genuinely integrated economic and social area. He also emphasized that the Commission's guiding principles of subsidiarity, partnership and gradualism also applied to social matters. It was therefore necessary to make a distinction in this respect between matters which should be negotiated between both sides of industry and matters which should be dealt with by Community legislation. Moreover, political and legislative progress could only be made gradually. He also mentioned what had been achieved. He said that the growth achieved by establishing the single market would enable the less-favoured regions to catch up, with the help of the reform of the structural Funds. The Framework Directive of 12 June 1989 on the health and safety of workers,<sup>1</sup> the draft Community Charter of Social Rights (→ point 2.1.55), and the new proposal concerning the Statute for a European Company<sup>2</sup> were indicative of the importance which the Commission attaches to the social dimension.

President Delors dismissed the idea of making the Charter a binding instrument, and said that when he submitted it to the European Council in Strasbourg it would be accompanied by a legislative implementing programme. As requested by Parliament, he undertook to propose a broad interpretation of Article 118a as the legal basis for the texts in question.

President Delors ended by saying that the proposed European Company Statute would guarantee a form of worker participation in firms. He expressed the wish for agreement on the right to continuing vocational training as part of the European

social dialogue relaunched in Brussels in 1985.

He emphasized that the negotiations conducted in this framework should aim at guaranteeing optimum conditions for the mobility of workers with regard to redundancy rules, retirement systems and family allowances.

2.7.5. Ms Papandreou clarified a number of points, particularly regarding the content of the draft Social Charter, and listed the subject-matter of the Commission's legislative programme: youth employment, free movement of workers, subcontracting, and retired people. She said that action to combat unemployment among young people, together with long-term unemployment, should be the subject of joint consultations between both sides of industry.

2.7.6. Mr Christophersen spoke about geographical cohesion. He said that economic and monetary union should also benefit the less-favoured countries thanks to greater control over State aid in the richer countries and more private capital in the poorer countries. In this context, the structural Funds should not be regarded as a financial *quid pro quo* but as a means of adapting economic structures.

2.7.7. At the end of the debate the groups were unable to agree on the text of a composite resolution, and ended up adopting eight resolutions<sup>3</sup> in which Parliament:

- (i) calls on the Commission to draw up a programme of specific measures, with a timetable,
- (ii) calls for age discrimination in recruitment policies to be outlawed,
- (iii) emphasizes the need to speed up the process of implementing economic and social cohesion,
- (iv) calls on the Commission to submit a draft Charter of Fundamental Social Rights,

<sup>1</sup> OJ L 183, 29.6.1989; Bull. EC 6-1989, point 2.1.105.

<sup>2</sup> Bull. EC 7/8-1989, points 1.2.1 to 1.2.6; Supplement 5/89 — Bull. EC.

<sup>3</sup> OJ C 256, 9.10.1989.

and to undertake to reduce regional disparities and guarantee economic and social cohesion,

(v) calls on the Commission to submit all its legislative proposals on employment, and in particular Directives on the duration, organization and content of work, on the basis of Article 118a of the Treaty,

(vi) urges the next European Council, which is due to meet in Strasbourg in December, to adopt decisions concerning the social dimension of the internal market, and

(vii) calls for action to be taken to make good any adverse social and environment effects of the internal market.

### *Opinions, decisions and resolutions*

2.7.8. Parliament adopted decisions (second reading) on common positions of the Council on proposals concerning:

amendments to the Directives concerning the mutual recognition of diplomas for doctors, nurses responsible for general care, dental practitioners, veterinary surgeons and midwives (→ point 2.1.7);

amendments to the Directives concerning nurses responsible for general care (→ point 2.1.7);

amendments to the Directives relating to roll-over protection structures for wheeled agricultural and forestry tractors (→ point 2.1.15);

amendments to the Directive on the trace elements boron, cobalt, copper, iron, manganese, molybdenum and zinc contained in fertilizers (→ point 2.1.20);

a Directive concerning disclosure requirements in respect of branches opened in a Member State by certain types of company governed by the law of another Member State (→ point 2.1.25);

a Decision concerning the conclusion of the Framework Agreement for scientific and technical cooperation between the Euro-

pean Communities and the Republic of Iceland (→ point 2.1.33);

Directives on minimum safety and health requirements for the workplace, for the use by workers of machines, equipment and installations and for the use of personal protective equipment at the workplace (→ point 2.1.66);

amendments to the Directive on cosmetic products (→ point 2.1.87).

2.7.9. Parliament adopted opinions on Commission proposals concerning:

a recommendation on banning smoking in public places (→ point 2.1.65);

a Decision concerning the conclusion of the Convention on Cooperation on the Management of Water Resources in the Danube Basin (→ point 2.1.77);

amendments to the Regulation authorizing the Member States to grant consumption aid for butter (→ point 2.1.100);

amendments to the Regulation on the establishment of a common organization of the market in oils and fats (→ point 2.1.106(→ point 2.1.106);

Regulations applying generalized tariff preferences for 1990 in respect of textile products, agricultural products and industrial products originating in developing countries (→ point 2.2.20).

2.7.10. Parliament adopted resolutions on:

economic and social cohesion (→ points 2.1.56 and 2.7.2 to 2.7.6);

the drought in France and Italy and in the southern regions of the Community, the forest fires in Greece, Italy and the South of France, the storms in Portugal, the floods in Valencia, Murcia and the Balearic Islands, the disastrous situation caused by the horse sickness epidemic in the South of the Iberian Peninsula and the plague of caterpillars in France (→ point 2.1.58 to 2.1.60);

the protection of the waters, marine fauna and forests in the Mediterranean area (→ point 2.1.82);

transfrontier property transactions  
(→ point 2.1.88);

compensation for victims of violent crimes  
(→ point 2.4.1);

discrimination against transsexuals  
(→ point 2.4.2);

the situation in the Baltic States (→ point  
2.4.3);

the refugee problem in Hungary (→ point  
2.4.3);

the situation of Bodo Strehlow, a citizen of  
the German Democratic Republic (→ point  
2.4.3);

the situation in Poland (→ point 2.4.3);

the death of political prisoners on hunger  
strike in Turkey (→ point 2.4.3);

the situation of Bulgarians of Turkish origin  
(→ point 2.4.3);

the banishment of five Palestinians from the  
occupied territories (→ point 2.4.3);

the release of the Silco hostages (→ point  
2.4.3);

the situation in Lebanon (→ point 2.4.3);

the situation of the Boat People (→ point  
2.4.3);

the situation in China (→ point 2.4.3);

the fight against drug trafficking and the  
grave situation in Colombia (→ point  
2.4.3);

the violation of human rights in Guatemala  
and the situation of the Guatemalan people  
(→ point 2.4.3).

## Council

### 1343rd meeting

2.7.11. Research  
(Brussels, 18 September)<sup>1</sup>

*President:* Mr Curien, French Minister for  
Research and Technology.

*Commission:* Mr Pandolfi.

### *Main item*

Framework programme for research and  
technological development (1990-94):  
debate (→ point 2.1.31).

### 1344th meeting

2.7.12. Internal Market  
(Brussels, 18 September)<sup>2</sup>

*President:* Mrs Cresson, French Minister for  
European Affairs.

*Commission:* Mr Bangemann and Sir Leon  
Brittan.

### *Main item*

Community patent: conclusions adopted  
(→ point 2.1.26).

### *Other business*

Merger control: debate.

Right of residence.

EEC-Switzerland Insurance Agreement.

Equivalence of diplomas of a level lower  
than three years' post-secondary.

Certification and testing.

### 1345th meeting

2.7.13. Environment  
(Brussels, 19 September)<sup>3</sup>

*President:* Mr Lalonde, French State Sec-  
retary for the Environment.

*Commission:* Mr Ripa di Meana.

### *Main items:*

European Environment Agency: debate  
(→ point 2.1.74).

Technological and natural hazards: resolu-  
tion adopted (→ point 2.1.78).

Genetically modified organisms, political  
agreement (→ point 2.1.79).

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<sup>1</sup> Previous meeting: Bull. EC 6-1989, point 2.7.13.

<sup>2</sup> Previous meeting: Bull. EC 7/8-1989, point 2.7.11.

<sup>3</sup> Previous meeting: Bull. EC 6-1989, point 2.7.6.

Convention on International Trade in Endangered Species of Wild Flora and Fauna: conclusions adopted (→ point 2.1.83).

Conservation of tropical forests: conclusions adopted (→ point 2.1.84).

Conference on Security and Cooperation in Europe: agreement reached on the broad lines of the Community position (→ point 2.1.86).

#### *Other business*

Community strategy for waste management: Commission communication.

#### **1346th meeting**

2.7.14. Agriculture  
(Brussels, 25 and 26 September)<sup>1</sup>

*President:* Mr Nallet, French Minister for Agriculture.

*Commission:* Mr Mac Sharry.

#### *Main items*

Imports of New Zealand butter into the United Kingdom: Regulation adopted (→ point 2.1.99).

Common organization of the market in sheepmeat and goatmeat: Regulation adopted (→ point 2.1.104).

Voluntary restraint agreement between the EEC and New Zealand on trade in mutton, lamb and goatmeat: Decision adopted (→ point 2.1.105).

#### *Other business*

Payment on account of the ewe premium for the 1989 marketing year: Decision adopted.

Rates of reimbursement for the set-aside of arable land: guidelines adopted.

Operation of the milk quota system: discussion.

Adjustment of the agricultural structures policy: policy debate.

Emergency measures following the drought in France.

#### **1347th meeting**

2.7.15. Industry  
(Brussels, 26 September)<sup>2</sup>

*President:* Mr Fauroux, French Minister for Industry and Town and Country Planning.

*Commission:* Mr Bangemann, Sir Leon Brittan and Mr Cardoso e Cunha.

#### *Main item*

Development of subcontracting: resolution adopted (→ point 2.1.28).

#### *Other business*

Italian public steel sector: examination of the Commission proposal.

Steel market situation: Commission statement.

Relations with the United States — trade in steel products: Commission briefing.

The role of craft industry and of very small businesses in the Community: Commission statement and exchange of views.

#### **1348th meeting**

2.7.16. Social Affairs  
(Brussels, 29 September)<sup>3</sup>

*President:* Mr Evin, French Minister for Solidarity and for Health and Social Security.

*Commission:* Ms Papandreou.

#### *Main items*

Combating social exclusion: resolution adopted (→ point 2.1.61).

European card for provision of immediate care: conclusions adopted (→ point 2.1.63).

Family policies: conclusions adopted (→ point 2.1.64).

<sup>1</sup> Previous meeting: Bull. EC 7/8-1989, point 2.7.12.

<sup>2</sup> Previous meeting: Bull. EC 6-1989, point 2.7.3.

<sup>3</sup> Previous meeting: Bull. EC 6-1989, point 2.7.8.

### *Other business*

Social protection: debate.

Payment of family allowances: examination.

European policy to assist the handicapped and the disabled: debate.

## Commission

2.7.17. On 28 September the Commission sent a report to the European Parliament on the delegation of executive powers to the Commission since the entry into force of the Single Act.

The report points out that one of the objectives of the Single Act is to increase the executive powers delegated to the Commission by the Council. The Commission emphasizes that the delegation of such powers is inadequate at present and that a solution must be found so as not to call into question the effectiveness of the common policies and completion of the single market. It sent a short communication to the Council in this connection on 10 July.

### Measures taken

2.7.18. In September the Commission adopted the following provisions:<sup>1</sup>

Community Charter of Fundamental Social Rights: adoption of draft (→ point 2.1.55).

Community support frameworks: adoption of draft (→ point 2.1.72).

Agreement on trade and commercial and economic cooperation: signature (→ point 2.2.11).

### Proposals

2.7.19. Stage one of economic and monetary union: two proposals for Decisions (→ point 2.1.2).

NCI V: amended proposal (→ point 2.1.5).

Labelling of detergents and cleaning products: recommendation (→ point 2.1.17).

Single emergency telephone number: proposal for a Decision (→ point 2.1.39).

Community action programme for disabled people: proposal for a Decision (→ point 2.1.62).

Corine programme: proposal for a Decision: (→ point 2.1.85).

Use of vehicles hired without drivers: proposal for a Directive (→ point 2.1.28).

Conclusion of the Agreement establishing the common fund for commodities: proposal for a Decision (→ point 2.2.22).

General guidelines for 1990 for financial and technical assistance to Latin American and Asian developing countries: proposal for a Decision (→ point 2.2.26).

## Communications and reports

2.7.20. In September the Commission adopted the following for transmission to the institutions concerned:

Community strategy for waste management: communication (→ point 1.1.1 *et seq.*).

Implementation of the measures required to complete the internal market: communication (→ point 2.1.6).

Draft Community Charter of Fundamental Social Rights: communication (→ point 2.1.55).

Handynet: report (→ point 2.1.62).

## Court of Justice

### New cases

2.7.21. The following cases came before the Court in September, either as references

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<sup>1</sup> Selected items.

for preliminary rulings or as actions brought direct: <sup>1</sup>

#### *Customs union*

Case 265/89 *Gebr. Vismans Nederland v Inspecteur der Invoerrechten en Accijnzen*<sup>2</sup>

Basis: Article 177 of the EEC Treaty.

1. Do the goods in issue, which contain 12% sucrose, but must be regarded as pelletized 'beet pulp' which has been de-sugared as far as economically feasible, nevertheless fall under the term 'partly de-sugared sugar beet' in Article 1 of Commission Regulation No 1388/85?

2. If Question 1 is answered in the affirmative, is the Regulation referred to in that question valid?

#### *Social policy*

233/89 *Cray Precision Engineers v Clarke*

Basis: Article 177 of the EEC Treaty

Interpretation of Article 119 of the EEC Treaty and of Council Directive 75/117/EEC on the application of the principle of equal pay for men and women, with reference to the entitlements of men and women on retirement.

251/89 *Athanasopoulos and Others v Bundesanstalt für Arbeit Kindergeldkasse*<sup>3</sup>

Basis: Article 177 of the EEC Treaty

Three questions concerning the interpretation of Articles 77 and 78 of Council Regulation No 1408/71, and a fourth questioning the adequacy of Decision No 129 of the Administrative Commission.

Cases 268/89 and 268/89R *Funoc v Commission*

Basis: Article 173 of the EEC Treaty

1. Annulment of the decision of Commission Directorate-General V to set off amounts due and amounts payable in respect of certain projects in which the European Social Fund was involved, and in the alternative an order for compensation.

2. Suspension of the application of the contested decision.

Case 291/89 *Interhotel, Sociedade Internacional de Hotéis v Commission*

Basis: Article 173 of the EEC Treaty

Annulment of the Commission decision to disallow a sum of ESC 62 479 600 as ineligible under European Social Fund file No 870840/81.

#### *Agriculture*

Case 281/89 *Italy v Commission*

Basis: Article 173 of the EEC Treaty

Annulment of Commission Decision 88/418/EEC amending Decision 88/630/EEC on the clearance of the accounts presented by the Member States in respect of the EAGGF, Guarantee Section, expenditure for 1986.

#### *Fisheries*

Case 221/89 *R. v Secretary of State for Transport ex parte Factortame and Others*

Basis: Article 177 of the EEC Treaty

Does Community law affect the conditions under which a Member State lays down rules for determining which vessels are entitled to register in that State, to fly its flag and carry its nationality?

Is the answer affected by the existence of national catch quotas allocated to Member States pursuant to the common fisheries policy?

#### *Environment*

Case 300/89 *Commission v Council*

Basis: Article 173 of the EEC Treaty

Annulment of Directive 89/428/EEC on procedures for harmonizing the pro-

<sup>1</sup> For more detailed information, see the material published by the Court of Justice in the *Official Journal* and the *European Court Reports*, and the publications of its Information Office (e.g. the weekly *Proceedings of the Court*).

<sup>2</sup> OJ C 250, 3.10.1989.

<sup>3</sup> OJ C 238, 16.9.1989.

grammes for the reduction and eventual elimination of pollution caused by waste from the titanium dioxide industry.

### *Infringements*

#### *Case 270/89 Commission v Italy*

Basis: Article 169 of the EEC Treaty

Seeking a declaration that by refusing to pay default interest Italy has failed to fulfil its obligations under Article 11 of Council Regulation No 2891/77 implementing the Decision of 21 April 1970 on the replacement of financial contributions from Member States by the Communities' own resources.

#### *Case 271/89 Commission v Luxembourg*<sup>1</sup>

Basis: Article 169 of the EEC Treaty

Failure to comply with Council Directive 84/525/EEC on seamless steel gas cylinders.

#### *Case 272/89 Commission v Belgium*<sup>1</sup>

Basis: Article 169 of the EEC Treaty

Failure to comply with Council Directive 84/525/EEC on seamless steel gas cylinders.

#### *Case 273/89 Commission v Luxembourg*<sup>1</sup>

Basis: Article 169 of the EEC Treaty

Failure to comply with Council Directive 84/526/EEC on seamless unalloyed aluminium and aluminium alloy gas cylinders.

#### *Case 274/89 Commission v Belgium*<sup>1</sup>

Basis: Article 169 of the EEC Treaty

Failure to comply with Council Directive 84/526/EEC on seamless unalloyed aluminium and aluminium alloy gas cylinders.

#### *Case 275/89 Commission v Luxembourg*<sup>1</sup>

Basis: Article 169 of the EEC Treaty

Failure to comply with Council Directive 84/527/EEC on welded unalloyed steel gas cylinders.

#### *Case 276/89 Commission v Belgium*<sup>1</sup>

Basis: Article 169 of the EEC Treaty

Failure to comply with Council Directive 84/527/EEC on welded unalloyed steel gas cylinders.

#### *Case 277/79 Commission v Luxembourg*<sup>1</sup>

Basis: Article 169 of the EEC Treaty

Failure to comply with Council Directive 84/528/EEC on lifting and mechanical handling appliances.

#### *Case 279/89 Commission v UK*

Basis: Article 169 of the EEC Treaty

Seeking a declaration that by imposing certain fishing licence conditions (those at issue in Cases 3/87 *Agegate* and 216/87 *Jaderow*) the United Kingdom has infringed Articles 34, 38, 52 and 59 of the EEC Treaty, Council Regulations No 1612/68 and No 1408/71 and Commission Regulation No 1251/70.

#### *Case 280/89 Commission v Ireland*

Basis: Article 169 of the EEC Treaty

Seeking a declaration that by excluding certain UK fishing boats from its waters ('Anglo-Spanish' boats) Ireland has infringed Article 30 of the EEC Treaty and Council Regulations No 101/76 and No 3796/81.

#### *Case 282/89 Commission v Netherlands*

Basis: Article 169 of the EEC Treaty

Seeking a declaration that by refunding excise duty on exported beer and charging an equalizing duty on imported beer on the basis of a rate of loss between the wort and the finished product which exceeds the average rate in the Dutch brewing industry and in any event that in certain Dutch breweries, the Netherlands has failed to fulfil its obligations.

#### *Case 287/89 Commission v Belgium*

Basis: Article 169 of the EEC Treaty

Seeking a declaration that by refusing to provide tax stamps for the retail sale of manufactured tobaccos showing lower

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<sup>1</sup> OJ C 252, 5.10.1989.



prices than the prescribed minimum prices Belgium has failed to fulfil its obligations.

Case 290/89 *Commission v Belgium*

Basis: Article 169 of the EEC Treaty

Failure to comply with Council Directives 75/440/EEC and 79/869/EEC on surface water.

Case 293/89 *Commission v Greece*

Basis: Article 169 of the EEC Treaty

Seeking a declaration that by prohibiting the import of cheese containing nitrates Greece has failed to fulfil its obligations under Articles 30 to 36 of the EEC Treaty.

Case 294/89 *Commission v France*

Basis: Article 169 of the EEC Treaty

Failure fully to comply with Council Directive 77/249/EEC to facilitate the effective exercise by lawyers of freedom to provide services, and in particular Article 1(2), Article 4 and the first subparagraph and the second indent of Article 5 thereof, in accordance with Articles 59 and 60 of the EEC Treaty.

Case 299/89 *Commission v Greece*

Basis: Article 169 of the EEC Treaty

Failure to comply with Council Directive 71/305/EEC concerning the coordination of procedures for the award of public works contracts and with Council Directive 72/277/EEC concerning the details of publication of notices of public works contracts and concessions in the *Official Journal*.

#### *Disputes between the Community and its staff*

v Commission:

Case 254/89 *Brassel*<sup>1</sup>

Case 278/89 *Hettrich and Others*

Seeking the annulment of the applicants' salary statements for December 1988 and of all previous salary statements where no special weighting for Munich was applied.

Case 286/89 *Pfloeschner*

Case 289/89 *Tarabugi*

v Parliament:

Case 267/89 *Burban*<sup>1</sup>

#### Judgments

2.7.22. Decisions were given in the following cases in September:

#### *ECSC — Steel*

28.9.1989: Case 272/87 *Assider v Commission*

Removed from the Court Register

(Seeking the annulment of the individual Commission Decision addressed to Sacilor and Usinor authorizing the transfer of reference quantities and production from long products to category III and from category III to category Ib, under Commission Decision No 3485/85/ECSC on the extension of the system of monitoring and production quotas for certain products of undertakings in the steel industry.)

#### *Free movement of goods*

21.9.1989: Case 12/88 *Schäfer Shop v Minister von Economische Zaken*

1. The Protocol on German internal trade and connected problems dated 25 March 1957 must be interpreted as prohibiting Member States from taking measures which would have the effect, *de jure* or *de facto*, of creating an absolute bar to the entry into their territory of goods coming from the Federal Republic of Germany but originating in the German Democratic Republic, save in the exceptional case where the re-exportation from the Federal Republic of Germany of goods originating in the German Democratic Republic would constitute a threat to a Member State's economy, taken as a whole.

<sup>1</sup> OJ C 254, 7.10.1989.

2. However, the Protocol does not preclude the introduction by Member States of a prior authorization system, even of a general nature, provided that that system constitutes in practice the only appropriate means of tackling any disturbances arising for the economies of the other Member States as a result of German internal trade.

3. Under such a system, authorization to import must not be discretionary; each application must be assessed in the light of the actual impact which the importation in question may have on the economic sector concerned.

#### *Customs union*

27.9.1989: Case 37/88 *Rheinkrone-Kraftfutterwerk Gebr. Hübers v HZA Hamburg-Jonas*

1. Article 30(3) of Commission Regulation No 1371/81 must be interpreted as meaning that the term 'mixtures' covers all products composed of two or more components, no matter what their tariff classification is.

2. Article 30(3) of the aforementioned Regulation No 1371/81 must be interpreted as meaning that it covers mixtures falling under Chapters 2, 10 or 11 of the CCT even if certain components of those mixtures fall under another chapter of the CCT.

#### *Freedom of establishment and freedom to provide services*

27.9.1989: Case 130/88 *Van de Bijl v Staatssecretaris van Economische Zaken*

1. Article 3 of Council Directive 64/427/EEC, where it refers to 'the fact that the activity in question has been pursued in another Member State for ... (x) consecutive years', must be interpreted as meaning that only a period which was unbroken except for (short) absences for illness and (usual) holiday leave may be regarded as qualifying and as excluding in particular the pursuit of the activity in another Member State, even if the business of the undertaking in the country from which the person concerned comes was not given up.

2. When an application is made to take up an activity on the basis of the production of a certificate drawn up by the competent authority of the Member State from which the person concerned comes, pursuant to Article 4(2) of the Directive, the competent authority of the host Member State is not bound to grant the application automatically if the certificate produced contains a manifest inaccuracy inasmuch as it states that the person referred to by the Directive has completed a period of occupational activity in the Member State from which he comes, when it is clear that during that same period the person in question has pursued his activities on the territory of the host Member State.

3. The requirement set out in Article 3(b) of the Directive of at least three years' previous training, attested by a certificate recognized by the State or regarded by the competent professional body as fully satisfying its requirements, must be construed as meaning that the training may have been received in a Member State other than that in which the activities in question were actually pursued within the meaning of that provision and that, in such a situation, 'previous training' in the sense of the abovementioned provision must be interpreted as meaning training entitling the person in question to take up the occupation in the Member State where that training was received.

#### *Competition*

21.9.1989: Joined Cases 46/87 and 227/88 *Hoechst v Commission*

The applications are dismissed.

(Seeking the annulment of the following Commission Decisions, adopted in Cases IV/31.865 — PVC and IV/31/866 — polyethylene:

(i) Decision K(87) 19/5 of 15 January 1987 concerning an investigation under Article 14(3) of Council Regulation No 17;

(ii) Decision K(87) 248 of 3 February 1987 imposing a periodic penalty payment under Article 16 of Regulation No 17;

(iii) Decision K(88) 928 of 26 May 1988 fixing the definitive amount of a periodic penalty payment under Article 16 of Regulation No 17).

#### *Free movement of workers*

27.9.1989: Case 9/88 *Lopes da Veiga v Staatssecretaris van Justitie*

1. Article 216(1) of the Act concerning the Conditions of Accession of Spain and Portugal must be interpreted as meaning that Article 7 *et seq.* of Council Regulation No 1612/68 on freedom of movement for workers within the Community may be relied upon by a Portuguese national who, since a date prior to the accession of Portugal, has been pursuing an activity as an employed person on a vessel flying the flag of another Member State and who has not been given a residence document entitling him to work as an employed person in the territory of that State, if the employment relationship provides a sufficiently close connecting factor with the territory of the said Member State.

2. A Portuguese national who fulfils those conditions may rely on the provisions of Article 4 of Council Directive 68/360/EEC on the abolition of restrictions on movement and residence within the Community for workers of Member States and their families.

#### *Infringements*

21.9.1989: Case 68/88 *Commission v Greece*

1. By failing to establish as Community own resources agricultural levies due on certain consignments of maize imported from a non-member country in May 1986, in the amount of DR 447 053 406, and to make that sum available to the Commission on 20 July 1986 at the latest, Greece has failed to fulfil its obligations under Council Regulation No 2727/75 on the common organization of the market in cereals and Council Regulation No 2891/77 implementing the Decision of 21 April 1970 on the replacement of financial contributions from

Member States by the Communities' own resources.

2. By failing to pay interest on the abovementioned sum of DR 447 053 406 Greece has failed to fulfil its obligations under Council Regulation No 2891/77.

3. By failing to carry out post-clearance recovery of the abovementioned agricultural levies Greece has failed to fulfil its obligations under Council Regulation No 1697/79 on the post-clearance recovery of import duties or export duties which have not been required of the person liable for payment on goods entered for a customs procedure involving the obligation to pay such duties.

4. By failing to institute criminal or disciplinary proceedings against the persons who took part in the perpetration and concealment of the transactions which made it possible to evade the abovementioned agricultural levies Greece has failed to fulfil its obligations under Article 5 of the EEC Treaty.

5. By failing to carry out the necessary inquiries and examinations and the additional verification measures requested by the Commission Greece has failed to fulfil its obligations under Council Regulation No 2891/77.

22.9.1989: Case 243/89R *Commission v Denmark*

Removed from the Court Register.

(Invitation to tender for the construction of a bridge over the western channel of the Great Belt).

## Economic and Social Committee

### **269th plenary session**

2.7.23. The 269th plenary session of the Economic and Social Committee was held in Brussels on 27 and 28 September. The Committee Chairman, Mr Alberto

Masprone, presided. The session was attended by Mrs Edith Cresson, the French Minister for European Affairs, and Mr Manuel Marín.

Mrs Cresson presented the programme of the French Presidency for the second half of 1989. The ultimate objective was to implement the Single European Act to the full, i.e. proceed towards European Union. Mrs Cresson described the stages involved: completing the internal market by 1 January 1993, achieving a 'social Europe' by levelling up workers' rights, launching stage one of the Delors plan for achieving economic and monetary union, making greater efforts to protect the environment, promoting the audiovisual sector in Europe, establishing a people's Europe, keeping European technology and research at a level comparable with that achieved by the great world powers and giving the single market an external dimension.

Mr Marín made a statement on the negotiations under way for the new ACP-EEC Convention due to be concluded before the end of the year. He emphasized in particular the value of the opinions expressed by the Committee and socio-professional circles at a time when the process of development cooperation is broadening to include a wide range of parties. The negotiations are proceeding satisfactorily in many areas, but there are delays on a number of points. The Community has yet to resolve problems raised by financial cooperation, the accession of Haiti and the Dominican Republic and support for structural adjustment in the ACP countries.

2.7.24. The Committee debated and adopted opinions on the following:

takeover and other general bids (→ point 2.1.11);

administrative simplification in the Member States (→ point 2.1.27);

the future of rural society, the environment and agriculture (→ point 2.1.90);

the generalized tariff preferences for 1990 (→ point 2.2.21).

2.7.25. The Committee also adopted, without debate, two own-initiative opinions on:

the contribution of the cooperative sector to regional development (→ point 2.1.71);  
consumer information centres (→ point 2.1.89).

2.7.26. The Committee also adopted, without debate, opinions on the following, by a very large majority or unanimously:

direct life insurance (→ point 2.1.9);

investment services in the securities field (→ point 2.1.12);

technical standards and regulations (→ point 2.1.21);

persons liable for payment of a customs debt (→ point 2.1.22);

Cooperation Agreements between the Community and Austria, Norway, Switzerland, Sweden and Finland (→ point 2.1.34);

pan-European land-based radiopaging (→ point 2.1.40);

management of water resources in the Danube Basin (→ point 2.1.77);

eradication of African swine fever in Portugal (→ point 2.1.114);

roadworthiness tests for motor vehicles and their trailers (→ point 2.1.129).

## ECSC Consultative Committee

### 280th session (ordinary)

2.7.27. (Luxembourg, 21 September)

*Chairman:* Mr Soulé

#### *Main items*

Commission statement on its activities pursuant to the ECSC Treaty.

Community steel policy: statement by Mr Bangemann.

Forward programme for steel for the fourth quarter: consultation (→ point 2.1.29).

Revised forecasts for the solid fuel market in the Community in 1989: consultation (→ point 2.1.133).

Statistics relating to the trading of goods between Member States after 1992: resolution (→ point 2.6.1).

ECSC loans and conversion of regions seriously affected by industrial decline: examination.

Public procurement in the water, energy, transport and telecommunications sectors: exchange of views.

ECSC operating budget for 1990: exchange of views.

## European Investment Bank <sup>1</sup>

### Operations in September

2.7.28. Loans announced by the European Investment Bank in September for investments within the Community totalled ECU 460.6 million,<sup>2</sup> of which ECU 125.1 million went to projects in the Federal Republic of Germany, ECU 107.5 million to France, ECU 100 million to Spain, ECU 66.1 million to the Netherlands, ECU 38.9 million to Ireland, ECU 10.4 million to Belgium, ECU 6.8 million to Denmark and ECU 5.8 million to Portugal. Outside the Community, the Bank lent ECU 66.5 million, including ECU 3 million from risk capital; all the loans were for projects in ACP States.

### Community

#### Germany

2.7.29. EIB loans in Germany totalled DM 258.8 million, of which ECU 218.8 million was in the form of four global loans for small and medium-scale projects. In North Rhine-Westphalia DM 133.6 million was lent for small and medium-scale infrastructure projects to protect the environment and save energy (DM 83.6 million) and to improve, repair or construct roads (DM 50

million); a further DM 61.3 million was lent to finance small-scale projects in Germany and in exceptional circumstances in other Community countries, by small industrial companies, or in the fields of energy-saving, environmental protection or advanced technologies; finally, DM 23.9 million were lent to small firms for the financing of limited-scale advanced-technology projects in Baden-Württemberg, thus contributing to the competitiveness of Community industry.

In addition, DM 20 million was provided for the extension and modernization of a water purification plant in Cologne; the capacity of the plant, which is currently one of the largest in Germany treating used water from 80% of the city's population as well as from a large number of factories, will increase to between about 260 000 m<sup>3</sup> to 312 000 m<sup>3</sup> a year; the plant will allow non-stop purification of water even when the water level of the Rhine is at its highest and will be fitted with equipment to eliminate gas emissions.

Finally, DM 20 million was lent to the Stuttgarter Strassenbahnwerke AG for the introduction of light urban trains on some of the busiest lines of Stuttgart's public transport network; these investments should halt the decline in the number of people using the network and, by limiting the increase in traffic, help bring about savings in energy and protect the environment.

#### France

2.7.30. The Bank lent FF 755 million in France for three stretches of motorway of regional or Community interest. The sum was lent to the Caisse Nationale des Autoroutes (CNA) for on-lending to two concession-holders as follows:

<sup>1</sup> Further details can be obtained from the European Investment Bank, Information Division, 100 boulevard Konrad Adenauer, L-2950 Luxembourg, tel. (352) 4379-1.

<sup>2</sup> The conversion rates at 30 June 1989 used by the EIB in statistics for the second quarter were: ECU 1 = BFR 43.30; DKR 8.04; DM 2.07; DR 187.13; ESC 173.15; FF 7.02; HFL 2.33; IRL 0.78; LFR 43.30; LIT 1 496; PTA 131.58; UKL 0.68; USD 1.06.

(i) FF 380 million for two stretches of the A26 to link the Channel Tunnel to the French and European motorway network, substantially improving trade links between the British Isles, France and the rest of the Community. The loan is for the Calais-Nordausques (the Tunnel terminal) and Laon-Reims sections; and

(ii) FF 375 million for two stretches of the A51 between Manosque and Peyruis (30.2 km) and between Peyruis and Sisteron (22.2 km), and a section of the A57 between Cuers and Le Cannet-des-Maures (34.5 km); the first two sections will improve road communications between the Marseille/Fos, Toulon and Arles/Nimes areas, which are facing serious industrial redevelopment problems, and open up the tablelands and mountainous areas in Provence-Alpes-Côte d'Azur; the stretch of the A57 will improve motorway communications with Toulon and the neighbouring industrial area on the coast, which is also suffering from serious problems of industrial decline.

## Spain

2.7.31. The Bank lent PTA 53 150 million in Spain to modernize and extend the telecommunications system. The projects financed are part of a five-year plan to increase the number of telephone lines in the country by 50%; they involve both international and domestic links (a sizeable part of the latter being devoted to local communications in less-favoured regions) and taken as a whole should promote Spain's economic development.

## Netherlands

2.7.32. Loans totalling HFL 404.1 million were granted for the air-transport sector in the Netherlands. KLM received HFL 250 million for the purchase of two Boeing 747-400 aircraft, which will be used initially to serve routes between the Netherlands and North American and Far Eastern destinations; the investment will help improve links between the European Community and other parts of the world.

The other HFL 154.1 million was lent to Martinair Holland NV for the purchase of a convertible Boeing 747-200 to transport passengers from Northern Europe to the Mediterranean in the summer and goods between Europe, the Far East and the United States in winter, and two Boeing 767-300s to carry passengers to the Mediterranean and North America throughout the year; the purchase of these aircraft will help to improve air communications within the Community and between Europe and the rest of the world.

## Ireland

2.7.33. A loan of USD 41.25 million was made to Aer Lingus for the purchase of two Boeing 737-400 aircraft and the acquisition of a Boeing 737 flight simulator. The aircraft, to be used mainly on the Dublin-London route and for weekend charter flights to Greece, Spain and Portugal, have increased seating capacity and improved landing capability in bad weather.

## Belgium

2.7.34. The Bank lent BFR 450 million in Belgium for the construction of an integrated plant for the treatment of chemical waste in Antwerp; in a region which has the densest concentration of chemical and petrochemical industries in the world, some 20 firms joined forces to construct this plant, principally to treat their own waste using advanced techniques; the plant, which will have an annual treatment capacity of 45 000 tonnes, will use a rotary-furnace incinerator with high-temperature secondary combustion for solid waste and sludge, a special incinerator for highly chlorinated products, a physico-chemical treatment plant for inorganic liquids, facilities for the solidification and stabilization of soluble solid waste, a purification facility for organic effluents from the plant itself and a sanitary landfill with a capacity of over 1 million tonnes.

## Denmark

2.7.35. A DKR 55.1 million loan was made in Denmark for the extension and

modernization of the district heating network in Frederiksborg, a district of Copenhagen, connecting it to the capital's heating system: heat will be supplied via a vast interconnected urban network, largely fed by surplus heat from coal-fired power stations; this investment will help reduce oil consumption and air pollution.

## Portugal

2.7.36. The Bank granted a global loan of ESC 1 billion for the financing by leasing of small and medium-scale projects in industry and related sectors anywhere in the country; leasing is widely used in Portugal and particularly suits the requirements of small firms.

## *Outside the Community*

### ACP countries

2.7.37. The Bank lent ECU 43 million for the development of palm oil production in Nigeria; the project will be carried out by three producers in south-east Nigeria and will represent a total production capacity of 100 tonnes a day.

2.7.38. In Fiji ECU 19 million was lent for telecommunications, transport and small and medium-sized industrial and tourism projects.

A loan of ECU 6 million was made for the extension of the port of Lautoka, which handles most of Fiji's sugar and timber

exports and serves international cruise ships and local tourist vessels. The project will increase berthing capacity by 22%, transfer the fishing fleet from the commercial wharf to a fully-equipped fisheries harbour, and relocate storage capacity within the port area in order to reduce traffic congestion and improve operational efficiency. A loan of ECU 7 million went to improve and extend the domestic telephone network, in particular through conversion of 17 000 lines to digital switching, conversion of inter-exchange radio links to digital systems, improvement of inter-island links, and installation of multi-access digital radio systems in rural areas to serve widely scattered communities. Finally, a global loan of ECU 6 million was made for on-lending to small and medium-sized businesses in agro-industry, manufacturing, fisheries and tourism.

2.7.39. In the Seychelles ECU 3 million was provided in the form of two global loans, including a conditional loan of ECU 1.5 million, for financing small and medium-sized industrial, agro-industrial, fisheries, tourism and transport projects.

2.7.40. In Antigua and Barbuda ECU 1.5 million was lent in the form of a conditional loan from risk capital to help finance a radar system for Antigua's international airport. The project, which includes installation of secondary surveillance radar equipment, technical assistance and the training of controllers and maintenance staff, will bring greater flight safety and savings in airport operating costs, and will develop tourism potential in the country.





# **PART THREE**

## **DOCUMENTATION**

# 1. The ecu

## Values in national currencies of ECU 1

September 1989 <sup>1</sup>		
BFR/ LFR	Belgian franc and Luxembourg franc (convertible)	43.4259
	Belgian franc and Luxembourg franc (financial)	43.5178
DKR	Danish krone	8.06119
DM	German mark	2.07415
DR	Greek drachma	179.666
ESC	Portuguese escudo	173.911
FF	French franc	7.00422
HFL	Dutch guilder	2.33870
IRL	Irish pound	0.777669
LIT	Italian lira	1 492.73
PTA	Spanish peseta	129.865
UKL	Pound sterling	0.676672
AUD	Australian dollar	1.37549
CAD	Canadian dollar	1.25672
FMK	Finnish markka	4.68734
NKR	Norwegian krone	7.56815
NZD	New Zealand dollar	1.79627
OS	Austrian schilling	14.6012
SFR	Swiss franc	1.79327
SKR	Swedish krona	7.01988
USD	United States dollar	1.06312
YEN	Japanese yen	154.214

<sup>1</sup> Average for the month; OJ C 249, 30.9.1989.

NB: Explanatory notes on the ecu and 'green' rates can be found in Bull. EC 7/8-1982, points 3.1.1 to 3.1.3, and Bull. EC 9-1989, point 2.1.3.

## Representative rates ('green' rates)

*Conversion rates into national currencies for the ecu used in connection with the common agricultural policy*

September 1989		
National currency/sector		Value in national currency of ECU 1
BFR/ LFR	Belgian franc and Luxembourg franc All products	48.2869
DKR	Danish krone Sheepmeat and goatmeat Other products	8.66492 8.93007
DM	German mark Milk and milk products and beef and veal Cereals Other products	2.35053 2.37360 2.36110
DR	Greek drachma Sheepmeat and goatmeat Pigmeat	180.508 197.070 on 25.9.1989 196.954 on 1.9.1989
	Eggs and poultrymeat Wine and olive oil Other crop products Structures Tobacco, cereals and sugar Other products	171.165 164.729 179.387 197.622 190.998 164.996
ESC	Portuguese escudo Olive oil Other products	188.007 192.002
FF	French franc Milk and milk products and wine Sheepmeat and goatmeat Beef/veal Olive oil Other products	7.69787 7.65577 7.85183 7.58418 7.69787
HFL	Dutch guilder Cereals Other products	2.66089 2.63785

September 1989		
National currency/sector		Value in national currency of ECU 1
IRL	Irish pound Sheepmeat and goatmeat Beef/veal Olive oil Other products	0.829788 0.873900 0.843818 0.856765
LIT	Italian lira Pigmeat	1 700.83 on 18.9.1989 1 701.51 on 11.9.1989 1 702.65 on 1.9.1989
	Cereals and oilseeds Wine Fruit and vegetables and tobacco Olive oil Other products	1 673.00 1 641.00 1 690.00 1 652.00 1 682.00
PTA	Spanish peseta Sheepmeat and goatmeat Pigmeat Other livestock products Cereals, sugar and olive oil Other crop products	153.315 147.136 155.786 154.213 152.896
UKL	Pound sterling Sheepmeat and goatmeat Beef/veal Pigmeat Other livestock products Olive oil Other crop products	0.671291 0.729831 0.747127 0.706728 0.675071 0.701383

## 2. The Community at the UN

3.2.1. Address by Mr Roland Dumas, President-in-Office of the Council of the European Communities, on behalf of the Community and its Member States, to the UN General Assembly in New York on 26 September:

'Mr President, allow me in my turn to extend to you on behalf of the European Community and its Member States warmest congratulations on your unanimous election to the office of President of the General Assembly. Your experience in international affairs, your perfect familiarity with the United Nations system and your personal qualities particularly qualify you to occupy that important office. We have no doubt that those attributes will enable you to work wonders.

Let me also include in this tribute your predecessor at the head of the Assembly, Mr Dante Caputo. The energy and efficiency with which he discharged that office merit the gratitude of the entire Organization.

I should like also, on behalf of the Twelve, to assure the Secretary-General of our unswerving and unqualified support in his weighty task, and to express our admiration for his untiring activity throughout the world in favour of peace.

The European Community and its Member States have always considered that they have a special contribution to make to the efforts being made to build a more just and peaceful world bound by ever-closer ties of solidarity.

I should now like to put forward a few thoughts about the main thrust of our external action, by pointing to our common struggle for peace, the outlook for economic development and the fight against the scourges inflicted on our societies by human rights violations, terrorism and drug abuse.

### Encouraging developments for the peace cause

I should like first to say a few words about the hopes that have been kindled by developments in the year gone by. While the progress made is still too fragile for the international community to be certain that it will soon see the dawn of peace break upon the world, and while tensions still exist or are worsening here and there and indeed new conflicts are emerging, the fact is that, all in all, the cause of peace has advanced more than it probably ever has done in recent times.

### Improvements in East-West relations

In relations between the Eastern and Western parts of Europe, recent developments suggest that the

deep wounds of history, once considered as incurable, are now beginning to heal. On both sides, a common language is enabling us to talk to one another, negotiate and reach agreements that only a short time ago seemed beyond our grasp.

The European Council has sought to give fresh impetus to East-West relations, as warranted by the changes towards greater political and economic freedom that have taken place in the Soviet Union and several central and eastern European countries, notably Poland and Hungary. While we must regret that there remain serious violations of human rights in some of those countries, how could we fail to welcome the reforms on which they have embarked and support and encourage them when they are quite plainly contributing to overcoming the divisions of the last war at a pace and on a scale hitherto unprecedented in Europe?

The proceedings of the Conference on Security and Cooperation in Europe are closely bound up with that prospect. Since the adoption of a closing document last January in Vienna, two key meetings — the Information Forum in London and the first session of the Conference on the Human Dimension in Paris — have made it possible to take greater advantage of the scope of the Helsinki process to advance the cause of fundamental freedoms, the rule of law and the values of democracy.

As for the negotiations on measures aimed at building confidence and security and on conventional forces in Europe, whose purpose is to remove the imbalances liable to undermine the stability and security of the continent, they have taken a decisive turn, and there are hopes that in the coming months significant progress can be made which would have major importance for the future of East-West relations.

In the broader setting of the Conference on Disarmament in Geneva, there have been encouraging results following the impetus created by the Conference on Chemical Disarmament held in Paris in January 1989. The Twelve would like to see the conclusion at the earliest possible opportunity of a comprehensive, verifiable treaty banning chemical weapons. The results achieved in that field at the recent United States/Soviet meetings are a most encouraging sign in this respect.

By the same token, I welcome the progress announced yesterday by the President of the United States and moments ago by the Soviet Foreign Minister with regard to their bilateral negotiations on reducing by half their stockpiles of strategic weapons. We hope there will be an early outcome to these negotiations and that the significant gains of the past, such as the ABM Treaty, will be preserved.

But Europe is not the only theatre in the struggle for peace, to which our Organization attaches universal significance.

### Towards a reduction in regional conflicts

Encouraging signs have emerged in many parts of the world, holding out promise of the settlement of some conflicts. The utmost must be done to give added impetus to those favourable developments, and the Twelve are setting about that task.

#### Southern Africa

In Namibia, the process towards independence and peace is under way. The Twelve unreservedly support the action of the Secretary-General and earnestly call on all the parties not to impede the movement towards peace. The European Community stands ready to welcome an independent Namibia among its partners under the Lomé Convention.

The rewarding dialogue started with the front-line States, notably in Luxembourg last June, shows that everyone aspires to an early settlement of these longstanding conflicts which have delayed or thwarted the region's development plans. Here again, the Community is more than ready to foster reconstruction and, whether it be in Angola, Mozambique or elsewhere, to help the population build a new era of peace.

In that connection, the Community and its Member States have always insisted on the need to put an end to the apartheid system and bring about the establishment of a just, democratic society in South Africa.

I shall come back to that basic demand.

#### Western Sahara

The Twelve are particularly attentive to the implementation of the Secretary-General's peace plan for Western Sahara, which is expected to lead to a referendum on self-determination and holds out hopes for a settlement of this issue. They are convinced that the creation of the Arab Maghreb Union will contribute to that end.

#### Latin America

Through the recent Tela agreements, the countries of Central America have demonstrated their determination to take their destiny in their own hands. This is a source of satisfaction to us. The success of the exercise will depend on the different parties

abiding by the undertakings they have given. It is also envisaged that the United Nations and the Organization of American States (OAS) will lend their support to the implementation of the peace agreements.

The Community and its Member States wish to pay a tribute to the sense of moderation and dialogue displayed by the Central American Heads of State, moved as they have been by the spirit of democracy. The San Pedro Sula Conference, held in February 1989, showed the determination of the European Community and the Contadora group of countries to give their support to the process of negotiation and economic integration which the Central-American governments have set as their goals.

The Twelve also note with satisfaction the progress made by democracy in South America, and especially the prospect of positive developments in Chile, heralded by free elections

#### Iran and Iraq

Since the announcement of the ceasefire between Iran and Iraq, which was welcomed by the entire international community, the Secretary-General has, with the Twelve's support, pursued his endeavours to ensure that the negotiations move progressively towards a final settlement. But we should not be content with the current "no war — no peace" situation. The Twelve accordingly wish to launch an appeal to the governments of the two countries to contribute to the efforts of the Secretary-General and his colleagues to transform the present armistice into a lasting peace and to lose no more time in fully implementing Security Council Resolution 598.

The Twelve express the hope that the Iranian leaders will demonstrate their readiness to contribute to international life in a constructive and peaceful manner consonant with the norms governing relations among States, so that that country can again take its rightful place in its region and in the international community at large.

#### Afghanistan

The withdrawal of Soviet troops from Afghanistan was a necessary, but not sufficient, condition for a political solution. As long as the conflict continues, there will still be a need for all the Afghan parties to seek ways and means of bringing about a genuine process of self-determination, leading to the formation of a fully representative government and the existence of a truly independent and non-aligned Afghanistan. The Twelve confirm their support for the United Nations Secretary-General in the

efforts he is making to facilitate a settlement. In the hope that the refugees will be able to return to their homes in freedom and dignity, the Community and its Member States stand ready, once a settlement has been reached, to contribute to the reconstruction of Afghanistan, in the same way as they are already contributing to the humanitarian assistance being provided for the long-suffering people of that country.

### **Cambodia**

In Cambodia, signs have emerged in recent months, albeit tentatively, of a possible return to peace. The Twelve have welcomed the decision of Vietnam to withdraw its troops and consider that their withdrawal has made it possible to seek an overall political solution to the Cambodian conflict. The Twelve's support could not but encourage France to take the initiative of convening an international conference in Paris, with the co-presidency of Indonesia, bringing together all the Khmer parties and the countries most directly involved, in the presence of the United Nations Secretary-General.

Although that meeting did not make it possible to reach an agreement, it can be said to have marked a very important stage in the search for a peaceful solution. The process which has now been started should be pursued, with the requisite determination, with the aim of arriving at last at an overall settlement guaranteeing the independence, sovereignty, territorial integrity and neutrality of Cambodia and enabling the Cambodian people to control their own destiny through free and internationally supervised elections. The temptation of the different parties involved to continue to seek a solution in the field by force of arms could lead only to a stalemate. The Twelve are convinced that the only way out of this long-drawn-out conflict lies in dialogue and national reconciliation.

### **Vietnamese refugees**

The continuing instability in that region is also adding to the tragedy of the Vietnamese Boat People. The Twelve share the determination of the Secretary-General and the international community to find a solution to this problem.

### **Korea**

In the case of the Korean peninsula, we should like again to voice the hope that, in accordance with the principle of universality enshrined in our

Organization, the Korean people may enjoy full representation in the United Nations.

### **The conflicts that are still going on, and the difficulty of achieving negotiated settlements**

The progress that has been accomplished and the stronger conviction we now have that peace is possible everywhere can only strengthen our resolve to work towards settling the conflicts that are still going on, and first of all that in the Middle East.

### **Middle East**

In the Middle East, at a time when, on the Palestinian side, a number of important decisions have opened up fresh prospects for a realistic search for a settlement of the Arab-Israeli conflict and the Palestinian question, no real progress has yet been made in responding to those moves. Yet the passage of time is not working to anybody's advantage. Let us beware of the disappointment that is bound to be aroused by such missed opportunities.

The Community is making the same message plain to one and all: if a peace settlement is to be reached, then it is necessary to recognize, both in the Middle East and elsewhere in the world, the right of all States, and of Israel in particular, to security and the right of all peoples to justice — in other words, the right of the Palestinian people to self-determination, with everything which that implies. In the Community's view, the appropriate way to attain those goals remains the organization of an international peace conference under the auspices of the United Nations.

### **Occupied territories**

The situation in the occupied territories provides a dramatic illustration of the effects of the lack of progress in seeking a settlement. The measures taken against the population in those territories — the continued closure of the universities, the expulsions, the extension and increase in the number of detentions on administrative grounds — have prompted the Twelve to appeal yet again to the Israeli authorities to abide by their obligations as the occupying power, in accordance with the Security Council resolutions.

The Twelve, in the Madrid declaration, have made their position known on the Israeli plan for organizing elections and granting provisional self-governing status to the territories. For the impact of such elections to be really meaningful, they

should form part of a comprehensive settlement process based on Security Council Resolutions 242 and 338 and the application of the principle of land for peace, and they should be held with adequate guarantees of freedom throughout the occupied territories, including East Jerusalem.

In the same spirit and on the basis of the same principles, the Twelve welcome Egypt's contribution to the promotion of the peace process, as set out in the 10 points which President Mubarak has put forward. The Twelve hope that this will make it possible, in particular, to set in motion the necessary dialogue between Israelis and Palestinians.

Without waiting for the settlement which they so earnestly desire, the Community and its Member States plan to step up their cooperation with the occupied territories and to develop their programmes of assistance to the population, which has suffered so severely from the continuing occupation and its attendant restrictions.

### Lebanon

In Lebanon, the tragedy of a nation that has been torn apart has lasted for 14 years now. Never has the suffering been so great as over the past few months, nor the battles so bloody, nor the ordeals borne by everybody so horrendous.

It is this that has prompted the Community and its Member States to call for an effective ceasefire and the lifting of the blockades and for a start to be made towards a process of national reconciliation ensuring the full restoration of Lebanese sovereignty on the basis of fresh institutions. They have constantly given their support to the moves made by the Arab League, which were initially led by the Committee of Six and subsequently by that of the three Heads of State. They welcome that top-level Committee's resumption of its mission, which they fully support, and hope that once the parties have all agreed to its proposals, dialogue and the quest for peace will prevail.

It is now essential that, at a moment when dialogue is being renewed, all Lebanese parties be freed from external pressures so that they may be able to agree on a new system for living side by side, one that takes into account the existing demographic and social situation. Through the introduction of such a system and the withdrawal of all foreign forces — with the exception of the United Nations Interim Force in Lebanon (Unifil) — Lebanon must regain its full sovereignty, independence, unity and territorial integrity.

This is what France has been endeavouring to do, and will continue to do with the support of its

partners in the Community, while making it its constant concern to support the Arab moves led by the Tripartite Committee until hope is rekindled in Lebanon.

At the same time the Community and its Member States have signified their solidarity with the entire Lebanese people by undertaking an assistance programme aimed at alleviating their suffering and at contributing to the restoration of normal living conditions and the resumption of economic and social activities.

We cannot speak of Lebanon without referring to the fate of the hostages, several of whom are nationals of the Community's Member States. How can we forget Colonel Higgins, who was serving the United Nations? The Twelve condemn the taking of hostages, which must be fought with all the means at our disposal in the spirit of the relevant resolutions adopted by the Security Council. The Twelve wish to appeal to those countries which might be able to exert some influence in securing the liberation of the hostages.

### Cyprus

I should like to state the Community's unchanging position with regard to Cyprus, a member of the European family. The Twelve call on all the parties to cooperate with the Secretary-General and his representative on the spot with a view to overcoming the existing obstacles and finding the paths to dialogue. The Twelve ask them not to let slip the opportunity now available for a just and lasting settlement that will safeguard the independence, sovereignty, territorial integrity and unity of Cyprus in accordance with the relevant resolutions of the United Nations.

World peace is a sacred cause. It warrants all the energy and resolve we can devote to it. It calls for determination and obstinacy. We may, no doubt, feel rather discouraged when no sooner has one hotbed of tension died down than others flare up, for we are then dogged by feelings of hopelessness, like those which Sisyphus may have felt at the top of his mountain before the stone started to roll down again.

And yet, hope remains alive when the chain of men and women epitomized by our Assembly are still linked together in the service of peace. We know that that unremitting task is a collective one and that progress cannot be made unless we are all mobilized.

Hence it is with the same determination, the same degree of hope and the same trust in good fortune that we have to tackle other conflicts and other

areas of tension, evidence of further rifts here and there.

### Senegal and Mauritania

I should here like to turn to the case of two countries, Senegal and Mauritania, which were living in harmony and united by a common design, but which have suddenly been rocked by violence to the point where they have now become adversaries. Can Senegal and Mauritania soon return to the path of understanding and dialogue? The Twelve earnestly hope so. This is why they are supporting the mediation efforts of President Mubarak and hope that conciliation and reason will prevail.

### The Horn of Africa

Other tragedies are being played out. In Ethiopia, where the civil war continues to rage bringing in its wake a host of displaced populations, suffering and poverty, prospects for dialogue seem nevertheless to be emerging. The Twelve hope to do all they can to pave the way for negotiation and reconciliation. The same holds true for the Sudan and Somalia.

In this connection I should like to pay a tribute to the action of the United Nations High Commissioner for Refugees (UNHCR), whose work everyone considers irreplaceable.

### Sri Lanka

Lastly, I should like to mention the hopes aroused by the discussions between the governments at Colombo and New Delhi in a bid to restore peace and national unity in Sri Lanka.

### East Timor

In the case of East Timor, the Twelve reaffirm their support for the contacts between Portugal and Indonesia under the auspices of the Secretary-General. They hope that early progress will lead to a just and comprehensive settlement, accepted internationally, which is fully in line with the interests of the population of East Timor.

The cause of peace is making progress in spite of everything, as we can see, and our Assembly bears special witness to the fact. It is making progress through multilateral and bilateral dialogue, through the readiness of States to renounce war in settling their differences, and through the action of the United Nations in every instance where its mediation is imperative. The Twelve intend to

associate themselves fully with this ever renewed task and they will play a major role in quelling conflicts, by reason, I would say, of their very nature and calling, and through the example they are setting through the agreement among them and their prospective union.

Yet peacemaking, the reduction of tensions and the banishment of violence cannot be dissociated from the struggle against the inequalities marking international economic development. We must take care — I say again — not to provoke new trouble spots that might be stirred up by the revolt of the poor. We must make sure that growth worldwide is shared more fairly and is more balanced and more geared to coping with the abject poverty of those countries which have few natural endowments or which have been ill-treated by history or crushed by the burden of debt. Action in favour of growth and development is, more than ever, an integral part of the struggle for peace. The Community has made that fact a key feature of its relations with the rest of the world. I should now like to give you an idea of what the Community is doing in this connection.

Since the beginning of the 1980s, economic growth has recovered and has brought about a sharp increase in trade. Our aim is to consolidate that trend while at the same time continuing the struggle against inflation and unemployment. We have to ensure that everybody benefits from the movement. The fact that whole regions, in particular in Africa and Latin America, are continuing to lag behind would reduce all efforts to nothing if priority were not given to North-South solidarity.

As the world's foremost trading power and its leading provider of aid, the European Community considers that tangible steps have to be taken in the three key areas of international economic cooperation, development and the environment, about which I shall now say a few words.

### International economic cooperation

In recent years Europe, together with Japan and a number of other Asian partners, has progressively taken over the momentum formerly generated by growth in the United States. Such growth is healthy and is the outcome of efforts of investment and modernization and the determined and convergent action of Member States to hold down inflation and, above all, to finalize the establishment of the internal market by 1993.

### Internal market

This internal market will not be self-contained. The Europe of 1993 will be a partner. The pro-



gramme for finalizing the creation of the internal market will not entail any weakening of the Community's international obligations. All its multilateral or bilateral commitments are and will be respected. It is in our very interest to preserve and encourage a free and open trading system.

All Europe's partners will benefit from the single market of 1993 as a result of the dismantling of frontiers, the improvement of access procedures and the greater degree of transparency. The economic growth generated by the merger of 12 markets into a single market of 320 million consumers will work to the advantage of everybody when it is borne in mind that imports, which already account for one quarter of its gross domestic product, are expected to progress even further.

In more specific areas, the efforts deployed by the Community at the internal level will also have positive effects for third countries. For instance, the progressive accomplishment of economic and monetary union — which will be one of our major priorities in the coming months — will be instrumental in contributing to the stability of the international monetary system.

The reform of the common agricultural policy, on which work started five years ago, is continuing. It is contributing to the improvement of the world market situation. The Community reaffirms the undertakings it gave at the mid-term meeting of the Uruguay Round negotiations in April 1989. The efforts it is making are considerable, and I would recall that it remains the world's largest importer of agricultural products.

### External relations

In 1989 the Community has continued to strengthen its relations with all the regions of the world.

First, it is making preparations with the European Free Trade Association for a renewed framework for dialogue and cooperation.

Then, a series of agreements have been concluded with the countries of eastern Europe: with Hungary, Czechoslovakia and, even more recently, with Poland, to which Commissioner Andriessen and myself paid a visit. Developments in this last-named country make it increasingly urgent to dispatch the aid that was decided on at the Summit of the Arch and accepted by 24 countries. We must force the pace to respond to the extent of the need.

Negotiations are being conducted with the Soviet Union and Bulgaria, and are being envisaged with the German Democratic Republic. This is the basis on which the Community plans to engage in a

variety of forms of cooperation to supplement that in which its Member States are already engaging.

The creation of the Arab Maghreb Union will enable the European Economic Community to step up and diversify the already very rewarding relations it maintains with those Mediterranean countries.

Discussions are proceeding with the countries of the Gulf Cooperation Council for the purpose of supplementing the Cooperation Agreement signed in 1988 by means of a fresh trade agreement.

In Asia, 1989 has been a year marked by new joint steps taken by the EEC and the Association of South-East Asian Nations in their bid to further industrial cooperation by stepping up investments.

With its Latin American partners, the Community is pursuing its efforts to diversify cooperation and trade. In Central America, it is developing its cooperation under the San José Agreements, thereby enhancing the efforts being made by the countries of the isthmus.

Lastly, I should like to express my deep satisfaction at the improvement in the Community's trade relations with its main partners in the developed world, where willingness to negotiate is now the overriding consideration.

This improvement in the climate is fragile, and our best chance of consolidating it is to complete the Uruguay Round negotiations by the date scheduled and to secure substantive results in all areas.

The Community wishes to renew its commitment in this respect. It also wishes to reaffirm its resolve to take into account the special circumstances of the least-favoured countries in these negotiations.

### Development and indebtedness

In the coming months, North-South solidarity will be in the international headlines: the renewal of the Lomé Convention; the special session of the United Nations General Assembly on economic cooperation and development; the second international conference on the least-developed countries in Paris; and the launching of the fourth development decade.

Let us grasp the opportunity offered by these various occasions, for they will make it possible to take stock of what has been achieved and also to realize that we need to go further.

Development depends to a large degree on the domestic strategies adopted by the countries concerned themselves. A large number of developing countries have embarked on a courageous adjustment process that is an essential requirement, even

though it may sometimes give rise to problems from the social and political standpoints. I wish to pay tribute to their efforts which often demand heavy sacrifices.

However, these efforts will be useful only if they are made in a favourable international environment:

In the first place, it is absolutely essential to lighten the burden of excessive indebtedness which has now become intolerable.

Arrangements for preferential treatment of debts have been organized within the Paris Club, with the agreement of all the creditor countries, for the poorest and most indebted countries; 13 African countries have already benefited from this.

In this crucial area, the concerted and constructive approach that has prevailed has already made it possible to overcome the inhibiting factors and to record some measure of progress.

Several of the Community's Member States have taken additional steps in favour of the poorest countries by cancelling official development assistance loans. France, for its part, has announced through the President of the Republic an across-the-board cancellation of the debts accruing from development assistance in the case of 35 of the poorest African countries. This measure will come into force on 1 January 1990 and is free of any conditions.

At the same time, other countries which are certainly not as poor but which are grappling with a heavy burden of indebtedness to the banks are having to face difficult political and economic choices. This is particularly the case in Latin America where solving the debt problem should make it possible to consolidate and strengthen democracy in the region.

There too, new avenues have been opened. The indebted countries and the banks concerned will now be able to negotiate more ambitious debt-reduction agreements and benefit from new and existing multi-lateral resources as part of solid structural programmes.

Two countries, Mexico and the Philippines, have already successfully embarked on that path.

But progress in coping with indebtedness cannot be sufficient in itself to ensure development, and fresh resources are necessary. Such resources must, in the first instance, be generated by trade. The Community has already, to a large extent, opened up its market to products from the developing countries. Without awaiting the conclusion of the Uruguay Round, it has recently made significant

improvements in the access of tropical products to its market.

In the renegotiation of the Lomé Convention, it will endeavour to improve further an arrangement that is already proving advantageous.

Even so, for the vast majority of the developing countries, dependent as they are on a handful of export commodities, access to the markets of the industrialized countries is not enough. The Common Fund for Commodities, should now come into force. For its part, the Community plans to strengthen the Stabex and Sysmin mechanisms for the stabilization of export earnings under the Lomé Convention.

Alongside these measures, official development assistance still represents a lifeline, and the Community is already making a considerable effort in that regard. The assistance provided by its Member States taken together has been quite clearly moving in the direction of the 0.7% target since the early 1980s.

In the final analysis, however, economic development hinges on an unfailing international mobilization of forces to protect our environment.

### Environment

The heating-up of the atmosphere, the depletion of the ozone layer, the pollution of the oceans and freshwater resources and desertification all pose a threat to our entire planet.

Contending with this threat at an early date is a responsibility that is incumbent upon all of us.

Many developing countries do not always have sufficient funds for that purpose. An effort by the industrialized countries to introduce new forms of cooperation and financing will make it easier for the individual countries in the world to take care of the environment and to manage their natural resources in a common endeavour. This must surely be one of the most necessary forms that international solidarity can take.

Such solidarity is exemplary when it takes the form of protecting the tropical forests, helping Bangladesh to combat the incalculable consequences of flooding, or setting up an observatory in the Sahara.

The planetary scale of the threat is such that international negotiations are needed to spell out the objectives of common interest, and the joint discipline and cooperation needed to face this global challenge.

With that prospect in mind, the Conference on the Environment and Development, which the United

Nations Secretary-General is convening in 1992, will represent a major turning-point.

Before then, the World Climate Conference which will take place in 1990 should afford an opportunity for making significant progress on the question of the greenhouse effect. The Community earnestly calls for the conclusion of an international agreement on climatic changes, and it would also like a dialogue to be started on ocean-bed mining.

The Community has already taken, or is about to take, a number of decisions having immediate effect:

- (i) the early implementation, and at a faster pace, of the Helsinki decisions on the eradication of chlorofluorocarbons;
- (ii) the launching of a programme of action on the greenhouse effect;
- (iii) accession to the Basle Convention on movements of dangerous waste, and rigorous control for exports to developing countries;
- (iv) the creation of a European Environment Agency; and
- (v) the drawing-up of a tropical forest assistance programme.

These actions, coupled with support for the current international negotiations and with the integration of environmental issues into cooperation with the developing countries, are indicative of the Community's growing commitment to the preservation of our planetary environment.

There are other threats that also call for our vigilance and decisive action. We likewise welcome further progress towards democracy, and cannot keep silent at the violations of mankind's most fundamental freedoms and rights. There are many such violations and they unfortunately continue to exist in too many countries on all the continents.

### Human rights

The Twelve are constantly waging war on behalf of human rights, which are the foundation of the United Nations, for they cannot remain indifferent to the intolerable violations to which those rights are being subjected. It is not that they are trying to behave as a censor; rather their fight is inspired by the values which underpin the Community and have brought its Member States together.

### China

The events of Tiananmen Square are still present in our memories. We may ask whether the European

Community's relations with Peking have been compromised for a long time to come. We sincerely hope that this will not be the case.

We shall show vigilance, however, in the hope that the leaders of the People's Republic of China will eventually heed the appeals addressed to them by the entire international community.

We also attach considerable importance to ensuring that China fully abides by the undertakings it has given in respect of the constitutional instruments for Hong Kong.

### Burma

The Twelve wish to launch a further appeal for the Burmese people to be allowed freely to exercise their right of expression.

### Panama

Free elections have been held in Panama also. The Twelve are giving their support to the efforts of the Organization of American States to put forward a solution to the crisis; they reaffirm their reservations about the new regime currently in power, which does not enjoy any form of institutional legitimacy.

### South Africa

It has to be asked whether the winds of change blowing over southern Africa as a whole will also have a positive impact in South Africa.

The Twelve, which have constantly denounced the particularly odious apartheid regime, have taken note of the statements made by the South African leaders asserting their determination to embark on reforms. However, the Twelve likewise note — and deplore — the extension of the state of emergency, the continuing ban on anti-apartheid organizations, the pursuit of repression and the continued detention of a large number of political prisoners, starting with Nelson Mandela. They will not let up the pressure until the aims being sought have been attained.

### The Commission on Human rights

Violations of human rights are the blight of international relations, the leprosy of modern times. The Assembly has been witness to the emergence of the most admirable legal instruments and high-minded resolutions, which every State has accepted. How can one not speak here of the emotion of people who are suffering and whose

hopes have been suddenly dashed in the face of brute force and the abuse of authority or merely a lack of understanding at man's relentless and courageous march towards freedom? I should like to pay tribute to the Commission on Human Rights, which is striving with all its might to win respect for the values enshrined in the United Nations. This year the Commission has submitted two particularly important drafts to the Assembly, after some years spent on the difficult task of putting them together. These are the draft of the second optional Protocol covering the abolition of the death penalty and the draft of a Convention on the rights of the child. I hope that final consultations will permit the General Assembly to adopt these two drafts by consensus at this session.

### International terrorism

Respect for freedom cannot be dissociated from the rejection of terrorism. Resorting to the barbaric practices of terrorism is unwarranted, whatever the circumstances. All terrorists have to be brought to justice. That means that every country must adopt a very firm attitude and that there has to be a concerted response.

With the prospect of the creation of a Community area without internal frontiers, there is increased collaboration between the agencies responsible for law and order in the Twelve, which consider that, as the threat stands at present, there are no grounds for relaxing their vigilance.

### The fight against drugs

But there is another challenge to democratic values which cannot go unmentioned: the scourge of drug abuse. The tragic events in Colombia last month, when the drug traffickers demonstrated their deadly power, and defied the democratic institutions, underscored the need to strengthen international cooperation in the fight against drugs. The Community, which gave its full backing to the Colombian Government, which acted courageously, and to the measures taken by the President of the United States, has long been fighting this menace.

Over and above the action being taken at the regional level, the Twelve consider that an effective solution to drug problems has to be sought in an international context involving producer countries, consumer countries and the countries of transit.

It is with that in mind that the Twelve consider that the right forum for this purpose is the United Nations; with its Commission on Narcotic Drugs and the United Nations Fund for Drug Abuse Control, and that they have contributed to the

adoption of the new United Nations Convention against illicit drug trafficking, opened for signature on 20 December 1988.

The Community attaches the utmost importance to the work of the United Nations. That is why our first concern is to see the efficiency of the United Nations enhanced and to learn about the initial results of the reforms undertaken for that purpose, notably as regards personnel management.

The best illustration of our support for the UN is our participation in peacekeeping operations, which have expanded in recent years. We are represented in virtually all the forces assembled, and one-fifth of their numbers come from the Twelve.

This alone demonstrates that our actions match our words in the political arena, in concrete efforts to work for peace and in the development sphere. We face up to our responsibilities. We realize the need for the UN to play its role in building a more united world.

This is the first time that it has fallen to France, which is the current President of the Council of the European Communities, to speak in this capacity before the Assembly on behalf of the Europe of the Twelve. I am conscious of the honour that has been done to me. In France's eyes, the European Community is a very great undertaking whose scope it readily adopts as its own. I hope that the Community's identity will grow stronger as it increasingly opens to the world. Through its voice in international organizations and the presence and action of the "troika" when urgent issues arise, the Community sends out a message of peace from its own peoples to the other peoples of the world. I am happy to have been able to speak on behalf of Europe.

Allow me, in conclusion, to say a few words on behalf of my own country. The ardent desire for peace, the aspiration for progress and the sacred defence of the law all represent, for every man and woman on our planet, the sum total of hope that no force on earth can ever stifle. That is the significance of the steps which France has taken in 1989, with the Conference on the Prohibition of Chemical Weapons, action on human rights, action on behalf of Lebanon, and the Paris Conference on Cambodia. That is also why France has resolutely chosen, in the family of nations, to support the most impoverished and least-favoured peoples.

On the threshold of the year 2000, we are faced with and involved in fresh struggles. Let us wage them without beating about the bush and without asking futile questions. Future generations will judge us by the manner in which we have responded to the major challenges of the present,

such as the threat to the environment, the crushing poverty of millions of human beings, and the violation of human rights and freedoms. The key word in response to all these problems is solidarity. It is

France's fervent hope that voices will speak out in unison from this prestigious forum to enjoin the international community to give fresh impetus everywhere to dialogue, development and peace.'

### 3. Address by Mr Jacques Delors to the Council of Europe

3.3.1. Commission President Jacques Delors gave the following address at the third part of the 41st ordinary session of the Parliamentary Assembly of the Council of Europe held in Strasbourg from 21 of 29 September:

'Forty years ago the Council of Europe was born.

Its aim was 'to achieve greater unity between its Members for the purpose of safeguarding and realizing the ideals and principles which are their common heritage and facilitating their economic and social progress'.

This was a slightly different ambition from that of The Hague Congress which, in 1947, had invited States to pool their sovereign rights.

Even at that early stage the issue, urged by Winston Churchill, was that we should solemnly promise never again to wage war among ourselves.

Europe was already assenting its determination to cooperate and promote the ideals of peace, democracy and freedom under the leadership of men of conviction such as Maurice Schuman or your first President, Paul Henri Spaak.

This was the beginning of the ongoing debate between the advocates of straightforward inter-governmental cooperation and those who deemed it necessary to move beyond the solutions offered by traditional international law and championed a form of federation or confederation.

Whatever may have been the difficulties over the years, we cannot forget that it was with the Council of Europe that it all began, here in this forum described by Robert Schuman as 'a laboratory where European cooperation is tested'.

We should not underestimate the revolutionary significance of the founding of your institution, when 10 governments gave substance and voice to what until then had been an amorphous but noble hope for European union.

True, the Council was not subsequently transformed into 'a European political authority with limited functions but real powers', as André Philip had proposed. People were mentally unprepared and governments were still too concerned about their powers. And so you opted for a pragmatic approach, knitting the nations of Europe closer together with your conventions and agreements on common action and rules.

And I have not forgotten the ardent support which your Assembly gave to the creation of the European Coal and Steel Community at a time when some people saw it as fracturing Europe. And then you had the sound idea of clarifying the form which relations between our two institutions should take.

Today your Assembly represents a body of 23 nations. We are well aware of the values which unite us and which we would like to see progress first of all in our own countries and then in Europe as a whole. Your special guests from the USSR, Poland, Hungary and Yugoslavia cannot be unaware of this. As the first President of the Commission to address your Assembly, I would like solemnly to affirm that the only cause which is important to us is that of a pluralist democracy and social progress.

Although the Community and Council share the same aim — European unity — our fields of activity and our methods differ, as no doubt too do our ambitions. But the two institutions must complement each other, with the intergovernmental Council of Europe as the guardian and advocate of democratic values throughout Europe

and the integrationist Community working for European Union with all who unreservedly accept the full contract. This contract is set forth in the Treaty of Rome as amended by the Single Act. It is given life by the policy decisions made by the European Council at the instigation of the European Commission.

### **The Community: a political ambition stimulated by necessity**

The Community, as you know, represents a political ambition stimulated by economic necessity. Jean Monnet, one of the founding fathers was quite clear that from the beginning Europe was a political concept. Our ambition is unchanged. The Twelve said as much in the Preamble to the Single Act when they confirmed that their objective was to work together to make real progress towards European Union.

It is true that in 1985 it was economic necessity which breathed new life into the Community which for many years had been wallowing in self-doubt. Europe, weakened by the oil price shocks and racked by the cancer of apparently insoluble unemployment discreetly abandoned the world stage. A certain nostalgia made it keener then to look back to its past than to prepare its future.

This decline, had it taken root, would have been that of a Europe incapable of coping effectively with world-scale markets, of a Europe incapable of maintaining its industrial and commercial competitiveness. For as regards international competition, the warning lights were flashing: market shares were falling and creativity was declining, if we are to judge from the number of prize-winning scientists, inventions and new patents. But we must be objective: an advanced welfare system, the result of many struggles and of the economic miracle of the 1950s and 1960s, was preserved.

And so in order to combat loss of competitiveness, unemployment and weak growth, in order to give everyone fresh room for economic and political manoeuvre, the objective of a single market without internal frontiers of 320 million consumers — the 1992 objective — was a necessity. But, at the European Commission's suggestion, this objective was reinforced by common policies for harmonious development for all: structural aid to underdeveloped or recession-hit regions, a social dimension, cooperation in research and development as well as on environment questions and intensification of monetary cooperation, all these are evidence that our plan is not just political but forms a consistent whole.

The same is true of the development of political cooperation between our Member States. I am

well aware that this is much more difficult than economic integration, because the traditions, diplomatic practices and history of the Twelve are different. I still remember the stinging refusal I got when I tried to get the Twelve to meet to establish a common position after the initial disarmament talks between Mr Reagan and Mr Gorbachev. But there has for some months now been progress in cooperation between the Twelve on many foreign policy questions and I hope soon to see them make similar progress in matters of defence and security as the European pillar of the Atlantic Alliance.

The results of our revival are there for all to see. You are aware of them but I feel I must spell out the most important ones:

- (i) we have a current annual growth rate of 3.5% compared with 1.5% six years ago;
- (ii) we anticipate that 5 million jobs will be created between 1988 and 1990;
- (iii) our investment is at its highest level for 22 years.

The Community is working, and if the favourable international situation were the sole explanation, some of our near European neighbours would not envy us our renewed dynamism. The European Community is now accepted, even when it is attacked as a major economic and political force, as a power which must henceforth be reckoned with.

Were our ambition not political, no doubt we would have rested on the laurels of what I believe is lasting success.

The forced pace with which the directives needed to achieve the single market are being adopted, reforming the Treaty of Rome, introducing common policies and securing the financial resources we need for our policy — all in less than three years — could have been enough for us. But not so. As you know, post-1992 is already in preparation. And economic and monetary union which will be — which is already — the Community's latest ambition is at the crossroads of economic integration and political union. The essential parallelism between the economic, social and monetary sectors, the irrevocable link in the final phase between currencies, the common management of some policies and the resultant relinquishment of sovereignty all make economic and monetary union a most profoundly political economic goal and, at the same time, the first initial sign of a genuine shared destiny.

### **Europe with none debarred: a return to its roots**

I admit that this is one of the plans of the Europe of Twelve. We know that the Community does

not have a monopoly over Europe, or over its heritage, culture and tradition. Moreover, no one here can lay claim to such a monopoly today. But the Twelve know what efforts they have made to unite. Six then nine, then ten, then twelve countries wanted to ally their destinies, even at the expense of some sacrifices or of partially relinquishing sovereignty.

It is above all the fruit of willpower, whereas previously, in Yalta, certain people decided to divide Europe. That is why, and it might as well be said clearly today, the Community does not intend to allow itself to be deflected from its basic aim. It knows that political will alone has enabled it to overcome the inherent difficulties in any ambitious project. This will is its article of faith, and what holds it together and protects it.

I am often asked what form this union will take when it is achieved. We have not set any date for its completion and I think that this attitude is wise, as we today cannot expect to establish the deadlines for what will be the political union of Europe. Nevertheless, the seeds of it are already there in our day-to-day progress. Nothing will be able to check this impetus.

I am equally convinced that a European model of society extends beyond the Twelve. In the absence of a political contract as binding and as demanding as the Treaty of Rome, it rests, as you know, on common values, on a widely shared view of economic and social relationships and on the old philosophical tenet of a balance between man and society.

The historian Fernand Braudel revealed this Europe committed to a shared destiny by its Christian religion, rationalist thought, the development on its continent of science and technology and its taste for revolution and social justice.

Poised between alienating, sterile collectivism on the one hand and exuberant and socially intolerable individualism on the other, democratic Europe has been able to keep its balance, in a living humanism which does not belong to it alone. We find this search for the best possible solution to the human problems of 20th century society in Stockholm, Madrid, Bonn, Oslo, Vienna or Paris.

That is why I am particularly keen to promote the social dimension of the enlarged market: this respect for the dialogue between the heads of companies and the trade unions representing the workers, recognition of the role workers play in the company, the improvement of working conditions with regard to hygiene, health and safety, all this is part of a pure European heritage. It will also be reflected in a solemn declaration of social rights.

That is why I am also mindful of the environment. Just as democratic Europe has managed to keep a balance between man and society, it will have to find the right balance between man and nature, between pillage and aggression. As you know, I have proposed, among other things, the establishment of a European Environment Agency, a technical body which would be responsible for gathering knowledge and helping politicians to take the courageous decisions which must be made. But, you will say, an international solution is needed for a world problem. This Agency, which will first be confined to the Community, must grow. Europe first, then the rest of the world.

In passing, I therefore note two fields in which we could cooperate if, as I hope, we share the same values and the same view of the organization of society.

#### **A common future, yes, but on certain conditions**

For today, as in the past, we are going to have to go forward without giving up our identity. To do this, I acknowledge, I think that the integration of the Twelve and the cooperation which is open to all the countries of Europe must go hand in hand.

You realize that only political integration answers our purpose and gives us the necessary imagination and force to work out a model which, I think, is unique. As you know, our decisions are directly applicable. What happens if one country refuses to comply? We have a Court of Justice which judges our weaknesses or our insufficiencies and which punishes any violations of our common rules. There is also a European Parliament which has been elected by universal suffrage for 10 years, which is one of the driving forces in the building of Europe and which is now almost a co-framer of legislation.

And there is a Council of Ministers which takes decisions. Since the Treaty was amended, majority decisions are the rule and unanimity the exception. Lastly, there is the European Commission—a far-reaching institutional innovation which has four tasks: it alone can initiate legislation, together with the Court of Justice it supervises the implementation of Treaties, it applies the decisions of the Council of Ministers and it represents the Community.

As you see, we are a Community based on the rule of law, a law which guarantees that each partner can stay a discrete entity, but which, at the same time fixes its duties.

This is the concept which makes us different from intergovernmental organizations. It must be stressed that it is also this novel feature which

enables us to advance. Let no one ask us to give it up in exchange for goodness knows what romantic vision of a greater Europe.

But there is nevertheless plenty of room for cooperation between our two institutions. Moreover, this has taken a new turn since 1987. I exchanged letters with Mr Oreja, your former Secretary-General, which defined the complementary nature of our institutions more clearly. The deliberations of the Committees of Ministers on 5 May 1989, which were chaired by Mr Van den Broek, also clearly showed the will to give a new thrust and fresh political impetus to this cooperation. Since then, we have held regular consultations with the Chairman of the Committee of Ministers and the Secretary-General.

For its part, the Commission endeavours whenever possible to consider the Council of Europe as a framework for implementing our common aims. What better proof could I offer than the opening for signature, on 16 November next, of the Protocol which will enable the Community to become a party to the Convention on the Elaboration of a European Pharmacopoeia. Another example—our wish to translate into similar principles the rules of the game which must govern the audiovisual sector and the vital cooperation between European countries to promote our cultures and productions. This demonstrates a deliberate intention to refer to the conventions of the Council of Europe whenever cooperation must extend beyond the Twelve.

We must also step up our cooperation with the countries of the European Free Trade Association, for these countries are not only our main trading partners but, above all, they share our values and our overall view of society.

Our cooperation with them is therefore insufficient but, at the same time, it would seem to be difficult for them simply to accede to the Community because some of these countries do not have the same aims as we have in matters of foreign policy and security. It was necessary to innovate to break the vicious circle resulting from the rather simplistic alternative of being members or non-members of the Community.

I therefore proposed to the member countries of EFTA, in the investiture speech of the new European Commission to the Parliament on 17 January last, another course which involves strengthening their own structure. I know that they are considering this offer and that your Assembly last week urged them to move beyond the concept of a "mere free trade area". I would say that the future of our relations will depend in large part on themselves.

Either they succeed, in which case one could imagine—though this is simplification almost to the

point of caricature—a Europe of several circles: the circle of the Twelve, if they remain 12, on the path to European Union, and a wider circle with countries which will enjoy with us the advantages of one great common economic space with equality of rights and duties.

Or they fail to organize themselves better and we shall continue to draw the plans of the house which they will enter bilaterally if they so desire.

The choice between these two modes of cooperation is entirely up to them.

And far be it from me to forget the countries which I have often called, because they belong to no organization, the orphans of Europe. Foremost amongst these is Yugoslavia. I welcome the presence here of a Yugoslav delegation who are well aware of the effort I have personally made on behalf of their country. I wholeheartedly wish them success in the indispensable reform, not only economic but also institutional, that is required.

Lastly, as you know, the Community is at the heart of a system of aid to Poland and Hungary entrusted to it by the Summit of the seven major industrialized countries in July. That was recognition of our know-how in matters of cooperation and food aid and some have wished to see in it a political breakthrough by the European Commission.

For my part, jealous as I am of the competence of the body over which I preside, that was not the main point. The main point was to institute positive exchange between the two Europes at a time when some countries in that other Europe are seeking to escape without drama from totalitarianism, to evolve towards a freer regime, paying greater respect to human rights and pluralism.

What has to be done is, at their request, to help those countries restructure their economies, restore broad financial and monetary equilibrium. But this plan of action has to satisfy quite precise criteria: the requirement of a firm commitment by those countries to carry out substantial reforms and to establish a lasting relationship of partnership between them and us.

Whilst even now in Brussels experts from 23 Western countries are meeting under the aegis of the Commission to determine the principles of such action, I should like none the less to issue a warning. Let us beware of empty promises, of raising too many hopes, lest we later cause too great disillusion.

I should like here in the presence of the delegations of those two countries to express my hope that they will, in complete autonomy, achieve the changes which they consider desirable. They know that they can count on the Community to establish the



basis for cooperation of great promise between equal partners.

Ladies and gentlemen, you can see the changes in progress in central and eastern Europe and in the Soviet Union, the concomitance of these changes with the speeding-up of European integration since the Single Act. All that gives us reason to set ourselves the target of overcoming the division of the Old World. History will not wait: the prospects for gradual elimination of military imbalance and the threats bound up with that, the observance of rules of conduct and commitments entered into in the framework of the CSCE, the development of all kinds of cooperation—economic, technical, financial, cultural—the democratization of political systems: all that serves to further change once considered impossible and which the most optimistic of the great Europeans would probably not have dared to imagine so quickly.

The presence of a delegation from the USSR in this respect highly significant. I welcome them also, at a time when we are at the beginning of a dialogue which I hope will bear fruit for peace, freedom and human rights.

The presence of these various delegations at the Council of European Assembly is an important milestone. It is right that the debate should open, without preconditions, between all these countries of Europe. The European Commission is already making its substantial contribution.

But let there be no mistake and no misunderstanding! It must not be thought that the construction

of a 12-member European Community could be affected in any way whatsoever by this broadening dialogue.

In the face of these developments, the best response of the Community must be to step up its own drive towards integration: single market, social and human dimension, economic and monetary union, progress towards a common foreign policy along the path to political union. That is the surest way for each of the Member States to find additional political capacity and additional determination to show greater openness towards others. That is the prerequisite for all those who wish to manage their interests democratically in the richness of cultural, social and political pluralism.

In this way the dynamism of Community integration can amplify the dynamism of economic and political reforms in the countries of the other Europe and be a driving force in the changes between East and West.

Our resolve to share our destinies and to exercise together a part of our sovereignties constitutes the cement of our Community. But even more, our fierce determination that our values of pluralism, freedom and solidarity shall live. Our spirit of openness and our concern for dialogue cannot dispense with reference to the contract which is the foundation of the Community adventure. Remember that we set as much store by that as by our resolve to make of Europe, of the whole of Europe, an area of peace, prosperity and freedom. And in this immense task, the Council of Europe has a leading role to play. It can count on the commitment of the European Commission.'

## 4. Infringement procedures

### Initiation of proceedings for failure to implement Directives

#### Lettres of formal notice

3.4.1. In September the Commission sent letters of formal notice for failure to inform it of national measures to implement the following Directives:

#### Internal market

Council Directive 88/77/EEC of 3 December 1987 on the approximation of the laws of the Member States relating to the measures to be taken against the emission of gaseous pollutants from diesel engines for use in motor vehicles (Italy).<sup>1</sup>

Commission Directive 88/194/EEC of 24 March 1988 adapting to technical progress Council Directive 71/320/EEC on the approximation of the laws of the Member States relating to the braking devices of certain categories of motor vehicles and their trailers (Italy).<sup>2</sup>

Commission Directive 88/366/EEC of 17 May 1988 on the adaptation to technical progress of Council Directive 77/649/EEC on the approximation of the laws of the Member States relating to the field of vision of motor-vehicle drivers (Italy).<sup>3</sup>

Commission Directive 88/410/EEC of 21 June 1988 adapting to technical progress Council Directive 74/151/EEC on the approximation of the laws of the Member States relating to certain components or characteristics of wheeled agricultural or forestry tractors (Italy).<sup>4</sup>

Commission Directive 88/411/EEC of 21 June 1988 adapting to technical progress Council Directive 75/321/EEC on the approximation of the laws of the Member States relating to the steering equipment of wheeled agricultural or forestry tractors (Italy).<sup>4</sup>

Commission Directive 88/412/EEC of 22 June 1988 adapting to technical progress Council Directive 74/152/EEC on the approximation of the laws of the Member States relating to the maximum design speed and load platforms of wheeled agricultural and forestry tractors (Italy).<sup>4</sup>

Commission Directive 88/413/EEC of 22 June 1988 adapting to technical progress Council Directive 79/622/EEC on the approximation of the laws of the Member States relating to the roll-over protection structures of wheeled agricultural or forestry tractors (static testing) (Italy).<sup>4</sup>

Commission Directive 88/414/EEC of 22 June 1988 adapting to technical progress Council Directive

80/720/EEC on the approximation of the laws of the Member States relating to the operating space, access to the driving position and the doors and windows of wheeled agricultural and forestry tractors (Italy).<sup>4</sup>

Council Directive 88/436/EEC of 16 June 1988 amending Directive 70/220/EEC on the approximation of the laws of the Member States relating to measures to be taken against air pollution by gases from engines of motor vehicles (restriction of particulate pollutant emissions from diesel engines) (Italy).<sup>5</sup>

Commission Directive 88/465/EEC of 30 June 1988 adapting to technical progress Council Directive 78/764/EEC on the laws of the Member States relating to the driver's seat on wheeled agricultural or forestry tractors (Italy).<sup>6</sup>

Commission Directive 87/94/EEC of 8 December 1986 on the approximation of the laws of the Member States relating to procedures for the control of characteristics of, limits for and resistance to detonation of straight ammonium nitrate fertilizers of high nitrogen content (Greece and Italy).<sup>7</sup>

Commission Directive 87/566/EEC of 24 November 1987 amending Directive 77/535/EEC on the approximation of the laws of the Member States relating to methods of sampling and analysis for fertilizers (Greece and Italy).<sup>8</sup>

Council Directive 88/295/EEC of 22 March 1988 amending Directive 77/62/EEC relating to the coordination of procedures on the award of public supply contracts and repealing certain provisions of Directive 80/767/EEC (Italy).<sup>9</sup>

#### Agriculture

Council Directive 85/397/EEC of 5 August 1985 on health and animal-health problems affecting intra-Community trade in heat-treated milk (Federal Republic of Germany and Greece).<sup>10</sup>

Council Directive 87/328/EEC of 18 June 1987 on the acceptance for breeding purposes of pure-bred breeding animals of the bovine species (Federal Republic of Germany and Greece).<sup>11</sup>

<sup>1</sup> OJ L 36, 9.2.1988.

<sup>2</sup> OJ L 92, 9.4.1988.

<sup>3</sup> OJ L 181, 12.7.1988.

<sup>4</sup> OJ L 200, 26.7.1988.

<sup>5</sup> OJ L 214, 6.8.1988.

<sup>6</sup> OJ L 228, 17.8.1988.

<sup>7</sup> OJ L 38, 7.2.1987.

<sup>8</sup> OJ L 342, 4.12.1987.

<sup>9</sup> OJ L 127, 20.5.1988.

<sup>10</sup> OJ L 226, 24.8.1985.

<sup>11</sup> OJ L 167, 26.6.1987.

Council Directive 87/489/EEC of 22 September 1987 amending Directives 64/432/EEC and 72/461/EEC as regards certain measures relating to swine fever (Italy).<sup>1</sup>

Council Directive 88/146/EEC of 7 March 1988 prohibiting the use in livestock farming of certain substances having a hormonal action (Greece).<sup>2</sup>

Council Directive 88/288/EEC of 3 May 1988 amending Directive 64/433/EEC on health problems affecting intra-Community trade in fresh meat (Federal Republic of Germany, Greece and Italy).<sup>3</sup>

Council Directive 88/289/EEC of 3 May 1988 amending Directive 72/462/EEC on health and veterinary inspection problems upon importation of bovine animals and swine and fresh meat from third countries (Denmark, Federal Republic of Germany, Greece and Italy).<sup>3</sup>

### Transport

Council Directive 87/540/EEC of 9 November 1987 on access to the occupation of carrier of goods by waterway in national and international transport and on the mutual recognition of diplomas, certificates and other evidence of formal qualifications for this occupation (Federal Republic of Germany).<sup>4</sup>

### Energy

Council Directive 85/536/EEC of 5 December 1985 on crude-oil savings through the use of substitute fuel components in petrol (Netherlands and United Kingdom).<sup>5</sup>

### Consumer protection

Commission Directive 87/140/EEC of 6 February 1987 amending Annex II to Council Directive 71/

307/EEC on the approximation of the laws of the Member States relating to textile names (Denmark and Italy).<sup>6</sup>

Commission Directive 87/184/EEC of 6 February 1987 amending Annex II to Council Directive 72/276/EEC on the approximation of the laws of the Member States relating to certain methods for the quantitative analysis of binary textile fibre mixtures (Italy).<sup>7</sup>

Tenth Commission Directive (88/233/EEC) of 2 March 1988 adapting to technical progress Annexes II, III, IV and VI to Council Directive 76/768/EEC on the approximation of the laws of the Member States relating to cosmetic products (Italy).<sup>8</sup>

### Reasoned opinions

3.4.2. In September the Commission delivered reasoned opinions for failure to inform it of national measures to implement the following Directives:

### Internal market

Council Directive 86/297/EEC of 26 May 1986 on the approximation of the laws of the Member States relating to the power take-offs of wheeled agricultural and forestry tractors and their protection (Italy).<sup>9</sup>

Council Directive 86/298/EEC of 26 May 1986 on rear-mounted roll-over protection structures of narrow-track wheeled agricultural and forestry tractors (Italy).<sup>9</sup>

<sup>1</sup> OJ L 280, 3.10.1987.

<sup>2</sup> OJ L 70, 16.3.1988.

<sup>3</sup> OJ L 124, 18.5.1988.

<sup>4</sup> OJ L 322, 12.11.1987.

<sup>5</sup> OJ L 334, 12.12.1985.

<sup>6</sup> OJ L 56, 26.2.1987.

<sup>7</sup> OJ L 75, 17.3.1987.

<sup>8</sup> OJ L 105, 26.4.1988.

<sup>9</sup> OJ L 186, 8.7.1986.

# 5. Additional references in the Official Journal

3.5.1. This section lists the titles of legal instruments and notices of Community institutions or organs which, have appeared in the Official Journal since the last Bulletin was published but relating to items appearing in earlier issues of the Bulletin; the references were not available when the Bulletin went to press.

The number of the Bulletin and the point to which this additional information refers is followed by the title shown on the cover of the Official Journal, the number of the issue and the date of publication.

## **Bull. EC 4-1989**

### *Point 2.1.42*

Council Decision 89/533/EEC of 11 April 1989 authorizing the United Kingdom to apply a measure derogating from Article 21 (1) (a) of the Sixth Directive 77/388/EEC on the harmonization of the laws of the Member States relating to turnover taxes

OJ L 280, 29.9.1989

### *Point 2.1.107*

Commission Decision 89/522/EEC of 21 April 1989 approving a programme of assistance for the region of Asturias designed to implement the Community programme to assist the conversion of steel areas (Resider programme)

OJ L 272, 21.9.1989

## **Bull. EC 5-1989**

### *Point 2.1.47*

Council Decision 89/534/EEC of 24 May 1989 authorizing the United Kingdom to apply, in respect of certain supplies to unregistered resellers, a measure derogating from Article 11 A (1) (a) of the Sixth Directive 77/388/EEC on the harmonization of the laws of the Member States relating to turnover taxes

OJ L 280, 29.9.1989

### *Point 2.1.51*

Convention on the accession of the Kingdom of Spain and the Portuguese Republic to the Convention on Jurisdiction and the Enforcement of Judgments in Civil and Commercial Matters and to the Protocol on its interpretation by the Court of Justice with the adjustments made to them by the Convention on the accession of the Kingdom of Denmark, of Ireland and of the United Kingdom of Great Britain and Northern Ireland and the adjustments made to them by the Convention on the accession of the Hellenic Republic

OJ L 285, 3.10.1989

### *Point 2.1.104*

Commission Decision 89/523/EEC of 31 May 1989 on the granting of a contribution from the European Regional Development Fund for measures under a national programme of Community interest (region: Azores)

OJ L 272, 21.9.1989

### *Point 2.1.174*

Proposal for a Council Regulation (EEC) amending Regulations (EEC) Nos 797/85, 1096/88, 1360/78, 389/82 and 1696/71 with a view to speeding up the adjustment of agricultural production structures

Proposal for a Council Regulation (EEC) on improving the processing and marketing of agricultural and forestry products

OJ C 240, 20.9.1989

## **Bull. EC 6-1989**

### *Point 2.1.27*

Council Decision 89/544/EEC of 21 June 1989 on the conclusion of a Supplementary Protocol to the Agreement between the European Economic Community and the Republic of Finland concerning the elimination of existing and prevention of new quantitative restrictions affecting exports or measures having equivalent effect

Council Decision 89/545/EEC of 21 June 1989 on the conclusion of a Supplementary Protocol to the Agreement between the European Economic Community and the Republic of Iceland concerning the elimination of existing and prevention of

new quantitative restrictions affecting exports or measures having equivalent effect

Council Decision 89/546/EEC of 21 June 1989 on the conclusion of a Supplementary Protocol to the Agreement between the European Economic Community and the Kingdom of Norway concerning the elimination of existing and prevention of new quantitative restrictions affecting exports or measures having equivalent effect

Council Decision 89/547/EEC of 21 June 1989 on the conclusion of a Supplementary Protocol to the Agreement between the European Economic Community and the Kingdom of Sweden concerning the elimination of existing and prevention of new quantitative restrictions affecting exports or measures having equivalent effect

Council Decision 89/548/EEC of 21 June 1989 on the conclusion of a Supplementary Protocol to the Agreement between the European Economic Community and the Swiss Confederation concerning the elimination of existing and prevention of new quantitative restrictions affecting exports or measures having equivalent effect

OJ L 295, 13.10.1989

*Point 2.1.45*

Amendment to the proposal for a Council Decision relating to the improvement of the business environment and the promotion of the development of enterprises, in particular of small and medium-sized enterprises, in the Community

OJ C 232, 9.9.1989

*Point 2.1.64*

Revised proposal for a Council Directive on the establishment of the internal market for telecommunications services through the implementation of open network provision (ONP)

OJ C 236, 14.9.1989

**Bull. EC 7/8-1989**

*Point 1.2.1 et seq.*

Proposal for a Council Regulation on the Statute for a European company

Proposal for a Council Directive complementing the Statute for a European company with regard

Bull. EC 9-1989

to the involvement of employees in the European company

OJ C 263, 16.10.1989

*Point 2.1.3*

Proposal for a Council Directive on a second general system for the recognition of professional education and training which complements Directive 89/48/EEC

OJ C 263, 16.10.1989

*Point 2.1.12*

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