



COMMISSION OF THE EUROPEAN COMMUNITIES

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95/0166 (SYN)

Re-examined proposal for a
COUNCIL REGULATION (EC)
on aid for population policies and programmes
in the developing countries

(presented by the Commission pursuant to Article 189 c (d)
of the EC Treaty)

EXPLANATORY MEMORANDUM

The proposed regulation lays down the objectives and practical arrangement for projects financed under budget heading B7-631 (Aid for Population Policies and Programmes in Developing Countries).

The initial proposal for this regulation was presented by the Commission on 8 September 1995.

Following Parliament's first reading on 24 May 1996 the Commission presented an amended proposal incorporating 26 amendments on 4 September 1996.

The Council adopted a common position on 2 December 1996.

On the basis of a report by Mr Nordman, Parliament unanimously adopted three amendments at second reading on 13 March.

Under Article 189C(d) of the EC Treaty the Commission is required to draw up a re-examined proposal and give its opinion on the amendments.

The Commission accepts the second amendment replacing the regulatory committee by an advisory committee thus re-establishing the Commission's initial proposal. The Commission does not, however, accept the other two amendments (1 and 5).

Amendment No 1 refers to an increase of ECU 300 000 000 by the year 2000 in the Community's financial contribution for population programmes. Attention is drawn here to the content of recital No 11 to the common position. In it the Community undertakes to follow up the Cairo international conference by increasing its financial support. However, since this is a political objective and no decision has been taken by the Community budgetary authorities, no such formal undertaking can be entered into a legal act such as this regulation. Furthermore, this objective will not be attained by using the budget heading in question (B7-631 Aid for Population Policies and Programmes in the Developing Countries) to which only ECU 8 000 000 has been allocated and which the budgetary authorities do not plan to increase up to the year 2000. The sum proposed by Parliament cannot therefore be included in the context of such a regulation. To obtain the desired increase population programmes will have to be incorporated gradually into those financed by budget headings for the ALA/MED regions or by the EDF.

The Commission considers that the content of the fifth amendment is sufficiently covered by recital No 9 (condemning any violation of human rights in the form of compulsory abortion, compulsory sterilization or infanticide), recital No 10 (no support to be given to incentives to encourage sterilization or abortion) and amendment No 12 (underlining that the decision taken by the Cairo conference that abortion would not be encouraged as a method of family planning would be strictly adhered to).

The list of amendments which have not been accepted by the Commission as at annex.

Independently of its position on the amendments referred to above, the Commission would point out that it has not included in its re-examined proposal those provisions of the common position which it cannot accept. In consequence of its statement entered in the minutes of the Council meeting at which the common decision was adopted the Commission does not intend to incorporate provisions setting out a reference sum (recital No 18 and Article 9 of the common position) or those requiring additional information (Articles 10(3) and 12(3) of the common position). The Commission considers that its procedures (Committee for projects exceeding ECU 2 000 000, discussion of general guidelines and submitting of an annual report) will provide sufficient transparency.

AMENDMENTS NOT ACCEPTED BY THE COMMISSION

Council common position	Parliament's amendments
	<p>Amendment No 1 Recital 8a (new)</p> <p>(8 a) whereas the Community has undertaken to follow up the Cairo conference, notably by increasing its financial support for population programmes in developing countries to ECU 300 000 000 by the year 2000.</p>
	<p>Amendment No 5 Article 4 (2a) (new)</p> <p>(2a) Countries or organisations authorising or encouraging compulsory abortion and sterilisation or infanticide as measures of controlling population growth shall not be eligible for Community aid.</p>

Re-examined proposal for a

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THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community, and in particular Article 130w thereof,

Having regard to the proposal from the Commission ,

Acting in accordance with the procedure laid down in Article 189c of the Treaty ,

- (1) Whereas the capacity of most developing countries to achieve sustainable human development is hampered by many obstacles, one of them being the high rate of population growth; whereas these countries have adopted national population programmes;
- (2) Whereas the International Conference on Population and Development held in Cairo in 1994 adopted a programme of action;
- (3) Whereas the Council, in its resolution of 11 November 1986 concerning population and development and that of 18 November 1992 concerning family planning and cooperation with the developing countries, recognised the urgent need to satisfy unmet demand for family-planning services, at the same time stressing the need to help the developing countries implement broad-based population programmes encompassing all the different factors determining control over fertility;
- (4) Whereas the European Parliament hearing of 25 November 1993 highlighted the complex relationship between population and development; whereas, up to a point, population growth may promote economic development; whereas, however, the very high rates of growth observed in a number of developing countries make it impossible to satisfy the needs thus generated and to open up prospects for sustainable development, notably as far as the environment is concerned;
- (5) Whereas a more moderate demographic development would be promoted through the following:
 - a fairer distribution of income among different groups in a society,
 - an economic policy which makes it possible for poor women and men to develop a diversified livelihood,
 - investments in infrastructure with importance to people's health, such as clean water, improved sewerage systems and acceptable housing,
 - a health policy which improves the access to health services for the poor,
 - improved access and quality for general education and training for women and girls;

- (6) Whereas a number of developing countries have entered a phase of demographic transition characterised by a significant reduction in the fertility rate, which points at a change in attitude conducive to a reduction in family size; whereas other developing countries have not entered this phase and should therefore receive special assistance;
- (7) Whereas individual freedom of choice for women, men and, in particular, adolescents through adequate access to information and services in matters concerning their reproductive rights is a significant element of progress and development;
- (8) Whereas the Community has been helping to finance specific measures and pilot schemes in pursuit of these objectives since 1990; whereas it is time for the Community to step up its cooperation in this particular area, in accordance with the programme of action of the said Cairo International Conference;
- (9) Whereas the Community upholds the right of individuals to decide on the number and spacing of their children; whereas it denounces any violation of human rights in the form of compulsory abortion, compulsory sterilisation, infanticide, rejection, abandonment and abuse inflicted on unwanted children as a means of curbing population growth;
- (10) Whereas no support is to be given under this Regulation to incentives to encourage sterilisation or abortion nor to the improper testing of contraception methods in developing countries;
- (11) Whereas the Community has undertaken to follow up the aforementioned Cairo International Conference, notably by increasing its financial support for population programmes in the developing countries;
- (12) Whereas, when cooperation measures are implemented, the decision adopted at the Cairo International Conference, according to which abortion can never be promoted as a family-planning method, has to be rigorously observed;

- (13) Whereas the recipient countries must be helped to introduce population programmes that are compatible with sustainable development and to develop strategies aimed at giving women the power to decide and achieving equality between women and men, which are determining factors in enabling women to exercise choice over child-bearing, uptake of family planning and control over their own reproductive health, through measures in a variety of social, economic and cultural sectors, and in particular the key sectors of education and health;
- (14) Whereas, to be truly effective, such population programmes must be part of an overall policy to combat poverty and counter the threats to the environment;
- (15) Whereas new operations of this kind will be effective only if they are accompanied by sustainable development enabling the harmonious and progressive integration of the developing countries into the world economy;
- (16) Whereas non-governmental organisations and private operators can play an essential role in ensuring the success of health, education and family-planning policies, in particular among women, who are central to any sustainable human development policy, and adolescents;
- (17) Whereas the measures taken under this Regulation are to be funded by grants from the general budget of the European Communities;
- (18) Whereas administrative rules and procedures must be laid down for cooperation in this field.

HAS ADOPTED THIS REGULATION:

Article 1

The Community shall conduct cooperation in support of population policies and programmes in the developing countries.

Article 2

Measures taken under this Regulation shall be directed primarily at those countries which are furthest away from the criteria defined by the Cairo International Conference on Population and Development, at the poorest and least developed countries and at the most disadvantaged sections of the population of developing countries.

Article 3

The assistance provided under this Regulation shall complement and reinforce assistance provided under other instruments of development cooperation in the education and health sectors with a view to taking population issues fully into account and to integrating them in Community programmes.

Article 4

1. In operations funded in the course of the cooperation referred to in Article 1, account shall be taken of the following priority objectives:
 - enabling women, men and adolescents to make a free and informed choice about the number and spacing of their children,
 - contributing to the creation of a socio-cultural, economic and educational environment conducive to the full exercise of that choice, especially for women and adolescents, and in particular through the condemnation and eradication of all forms of sexual violence, mutilation and abuse which affect their dignity and health,

- helping develop or reform health systems in order to improve the accessibility and quality of reproductive health care for women and men including adolescents, thereby appreciably reducing the risks to the health of women and children.

2. Community aid may be granted to projects involving activities in the following areas:

- support for the establishment, development and increased availability of reproductive health care services as part of policies and programmes implemented by governments, international bodies, NGOs and private operators, particularly targeting groups for whom the issue is especially important, such as adolescents, pregnant women and other groups as locally determined,
- help with the drafting, application or financing of policies which contribute to the better reproductive health of women and girls,
- the improvement of reproductive health care services, encompassing safe pregnancies, perinatal care, family planning, prevention and treatment of sexually transmitted diseases, including AIDS, in terms of infrastructure, equipment, supplies, training or research,
- support for information, education and awareness campaigns aimed at promoting better reproductive health and an understanding of population issues, including the wider social benefits of speeding up the demographic transition,
- family-planning policy and services including information on safe and effective family-planning methods,
- the development of grassroots' structures, the voluntary sector, local NGOs and south-south cooperation for the implementation of programmes, the exchange of experience and support for cooperation networks between partners.

Article 5

The cooperation partners eligible for financial support under this Regulation shall be regional and international organisations, local and Member State-based NGOs, national, provincial and local government departments and agencies, community-based organisations including women's organisations, institutes and public and private operators.

Article 6

Cooperation initiatives shall be implemented on the basis of dialogue with the national, regional and local authorities concerned so as to avoid programmes which are coercive, discriminatory or prejudicial to fundamental human rights. Account shall be taken of the economic, social and cultural background of the sections of population concerned, respecting universal human rights.

Women in particular shall be invited to take part in the design, planning, implementation and evaluation of all population projects and programmes.

Article 7

1. The instruments to be employed in the course of operations effected pursuant to Article 2 shall include studies, technical assistance, training or other services, supplies and works, along with audits and evaluation and monitoring missions.
2. According to the needs of the operations concerned, Community financing may cover both capital investment, other than the purchase of real estate, and operating costs in foreign or local currency. However, with the exception of training programmes, operating costs may normally be covered only during the start-up phase and on a degressive basis.
3. A financial contribution from the partners defined in Article 5 shall be sought for each cooperation operation. Their contribution shall be requested within the limits of the possibilities available to the parties concerned and depending on the nature of the operation concerned.

4. A financial contribution from the local partners, particularly in respect of operating costs, shall be sought as a matter of priority in the case of projects intended to launch long-term activities, so as to ensure the viability of such projects once Community funding comes to an end.
5. Opportunities may be sought for co-financing with other fund providers, and especially with Member States.
6. The Commission shall ensure that the Community character of the aid provided under this Regulation is highlighted.
7. In order to achieve the objectives of consistency and complementarity referred to in the Treaty and with the aim of guaranteeing optimum effectiveness of all the operations concerned, the Commission may take all necessary coordination measures, including in particular:
 - (a) the establishment of a system for the systematic exchange and analysis of information on operations financed and those which the Community and the Member States propose to finance;
 - (b) on-the-spot coordination of the implementation of operations through regular meetings and exchange of information between representatives of the Commission and of the Member States in the recipient country.
8. In order to obtain the greatest possible impact globally and nationally, the Commission, in liaison with the Member States, shall take any initiative necessary for ensuring proper coordination and close collaboration with the recipient countries and the providers of funds and other international agencies involved, in particular those forming part of the United Nations system, and more specifically the United Nations Population Fund.

Article 8

Financial support under this Regulation shall take the form of grants.

Article 9

1. The Commission shall be responsible for appraising, approving and managing operations covered by this Regulation in accordance with the budgetary and other procedures in force, and in particular those laid down in the Financial Regulation of 21 December 1977 applicable to the general budget of the European Communities¹.
2. Projects and programme appraisal shall take into account the following factors:
 - effectiveness and viability of operations,
 - cultural, social, gender and environmental aspects,
 - institutional development necessary to achieve project goals,
 - experience gained from operations of the same kind.
3. Decisions relating to grants of more than ECU 2 million for individual operations financed under this Regulation and any changes resulting in an increase of more than 20 % in the sum initially approved for such an operation shall be adopted under the procedure laid down in Article 10.
4. The Commission shall be authorised to approve, without recourse to the opinion of the committee provided for in Article 10, any supplementary commitments needed for covering expected or real cost overruns in connection with the operations, where the overrun or additional requirement is equal to 20 % or less of the initial commitment fixed by the financing decision.
5. All financing agreements or contracts concluded under this Regulation shall provide for the Commission and the Court of Auditors to conduct on-the-spot checks according to the usual procedures laid down by the Commission under the rules in force, and in particular those of the Regulation referred to in paragraph 1.

¹ OJ No L 356, 31.12.1977, p. 1. Regulation as last amended by Regulation (EC) No 2335/95 (OJ No L 240, 7.10.1995, p. 12).

6. Where operations are the subject of financing agreements between the Community and the recipient country, such agreement shall stipulate that the payment of taxes, duties or any other charges is not to be covered by the Community.
7. Participation in invitations to tender and the award of contracts shall be open on equal terms to natural and legal persons of the Member States and of the recipient country. It may be extended to other developing countries.
8. Supplies shall originate in the Member States, the recipient country or other developing countries. In exceptional cases, where circumstances so warrant, supplies may originate elsewhere.
9. Particular attention shall be given to:
 - the pursuit of cost-effectiveness and sustainable impact in project design,
 - the clear definition and monitoring of objectives and indications of achievement for all projects.

Article 10

1. The Commission shall be assisted by an advisory committee composed of the representatives of the Member States and chaired by the representative of the Commission, which shall be, depending on the country or region at which the measures are targeted:
 - (a) for the African, Caribbean and Pacific countries, the EDF Committee set up by Article 21 of Internal Agreement No 91/401/EEC on the financing and administration of Community aid under the Fourth ACP-EEC Convention, adopted on 16 July 1990 by the representatives of the Member States meeting with the Council;
 - (b) for the Mediterranean countries, the MED Committee set up by Article 6 of Council Regulation (EEC) No 1762/92 on the implementation of the Protocols on financial and technical cooperation concluded by the Community with Mediterranean non-member countries;

(c) for the countries of Latin America and Asia, the ALA Committee set up by Article 15 of Council Regulation (EEC) No 443/92 on financial assistance to, and economic cooperation with, the developing countries in Asia and Latin America.

2. The representative of the Commission shall submit to the committee a draft of the measures to be taken. The committee shall deliver its opinion on the draft within a time limit which the chairman may lay down according to the urgency of the matter, if necessary by taking a vote.

The opinion shall be recorded in the minutes; in addition, each Member State shall have the right to ask to have its position recorded in the minutes.

The Commission shall take the utmost account of the opinion delivered by the committee. It shall inform the committee of the manner in which its opinion has been taken into account.

3. An exchange of views shall take place once a year on the basis of a presentation by the representative of the Commission of the general guidelines for the operations to be carried out in the year ahead, in the framework of a joint meeting of the three committees mentioned in paragraph 1.

Article 11

1. At the end of each budget year, the Commission shall present a report to the European Parliament and the Council comprising a summary of the operations financed in the course of that year and evaluating the implementation of this Regulation over that period.

The summary shall in particular contain information on those with whom contracts have been concluded.

2. The Commission shall regularly assess operations financed by the Community with a view to establishing whether the objectives aimed at by such operations have been achieved and to provide guidelines for improving the effectiveness of future operations. The Commission shall submit to the committee referred to in Article 11 a summary of the assessments made which, if appropriate, may be examined by the

committee. The assessment reports shall be made available to any Member States requesting them.

Article 12

1. This Regulation shall enter into force on the third day following its publication in the Official Journal of the European Communities.

It shall be applicable until 31 December 2002.

2. Three years after this Regulation enters into force, the Commission shall submit to the European Parliament and the Council an overall assessment of operations financed by the Community under this Regulation, which may include suggestions regarding the future of this Regulation and, where necessary, proposals for amending or prolonging it.

This Regulation shall be binding in its entirety and directly applicable in all Member States.

Done at . . .

For the Council

The President

FINANCIAL STATEMENT

Article B7-631 : Aid for population policies and programmes in the developing countries

1. TITLE OF THE OPERATION

Aid for population policies and programmes in the developing countries

2. BUDGET HEADING INVOLVED

Article B7-631

3. LEGAL BASIS:

Amended proposal for a Council regulation on aid for policies and programmes in the developing countries presented by the Commission on 4 September 1996 (OJ No C 323, 29/10/1996, p. 7).

4. DESCRIPTION OF OPERATION

4.1 General objective

Most developing countries are currently experiencing high rates of population growth and a lack of good quality accessible reproductive health services. This action aims to help developing countries design, implement and evaluate population and reproductive health programmes and projects based on the principles that individuals and families must be free to choose and that reproductive health activities must be designed as an integral component of health services. Complementarity will be sought with actions supported under B7-6000 (actions executed by NGOs).

The International Conference on Population and Development (ICPD - Sept. 1994, Cairo) made the status of women, their levels of education and health, and their social, cultural and economic empowerment, a cornerstone of its action plan. The European Union (EU) has undertaken to follow-up the ICPD conference in the same spirit.

The instruments employed and projects undertaken will focus on:

- enabling women, men and adolescents to make a free and informed choice about the number and spacing of their children;
- contributing to the creation of a socio-cultural, economic and educational environment conducive to the full exercise of that choice, especially for

women and adolescents, and in particular through the condemnation and eradication of all forms of sexual violence, mutilation and abuse which affect their dignity and health;

- helping develop or reform health systems in order to improve the accessibility and quality of reproductive health care for women and men including adolescents, thereby appreciably reducing the risks to the health of women and children.

See 9.1 (b), 9.1 (c) and 9.2 for further details.

4.2 Period covered and arrangements for renewal or extension

The policy concerned is of an indefinite nature. Individual operations will be renewable annually until this Regulation is adopted.

5. CLASSIFICATION OF EXPENDITURE

- Non-compulsory expenditure
- Differentiated appropriations

6. TYPES OF EXPENDITURE

- Subsidy in the form of a 100% grant towards project costs. Developing Country NGOs would normally be eligible for such funding..
- Subsidy in the form of co-financing projects with other public and/or private-sector sources; notably Member State agencies and NGOs, non-member countries in the region, multilateral agencies, and developing countries themselves. The participation of the beneficiary in the costs of a proposed action will constitute a positive element in the evaluation of proposals.
- Supporting measures, notably in the form of technical assistance, evaluation, training, studies, and supplies.

7. FINANCIAL IMPACT

7.1 Calculation of total operational cost (establishment of unit costs)

The budget requested for 1998 reflects the range of activities which will be undertaken to achieve the specific objectives of the operation. In particular, cost estimates reflect previous experience in financing (or part-financing) actions in support of population policies in developing countries and in estimates of additional actions in the field of information and awareness which will be a significant feature of future actions. Services and supplies paid for under the budget will be subject to normal EC tendering and contract procedures.

7.2 Indicative breakdown of expenditure

INDICATIVE BREAKDOWN	
Subject Area	million ECU
Support for policy and strategy development	1.0
Improving access to reproductive health services	2.0
Improving quality of reproductive health services	2.0
Support for information, education and awareness raising	1.0
Support for Capacity building and South-South collaboration	1.2
Support for International migration issues	0.8
TOTAL	8.0

Expenditure will be widely spread/ Approximately 25% in the Eastern Mediterranean, 10% in Asia, 25% in Latin America, 15% on South-South Collaboration, and 25% in ACP countries. These figures are indicative and should be seen in the context of considerable additional related expenditure financed from other regionally specific budgets (e.g. the EDF in the ACP countries).

8. FRAUD PREVENTION MEASURES

- Normal checks by Commission officials;
- External audits;
- All contracts shall entitle the Commission to conduct financial controls and to check performance at the contractor's premises;
- Commission delegations in the countries concerned shall monitor projects on the ground.

9. ELEMENTS OF COST-EFFECTIVENESS ANALYSIS

9.1 Types of actions financed which contribute to the general objectives of the budget heading

- Support for the establishment, development and increased availability of reproductive health care services as part of policies and programmes implemented by governments, international bodies, NGOs and private operators.
- help with drafting, application or financing of policies which contribute to the better reproductive health of women and girls.
- The improvement of reproductive health care services, encompassing safe pregnancies, perinatal care, family planning, prevention and treatment of sexually transmitted diseases, including HIV/AIDS.

- Support for information, education and awareness campaigns aimed at promoting better reproductive health and an understanding of population and reproductive health issues.
- Development of grass-roots structures, the voluntary sector, local NGOs and south-south cooperation for the implementation of programmes, the exchange of experiences and support for cooperation networks between partners.

9.2 Justification for the operation

9.2.1 Need for Community financial aid

Budget heading B7-631 (ex B7-5050) was created at the instigation of Parliament. The operation will give concrete expression to the wish of the EU to make a practical contribution to the follow-up of the International Conference on Population and Development.

The proposed EU operation will help developing countries confront the serious economic and social problems associated with high rates of population growth and poor reproductive health of people, which threaten to erode progress made in other areas and impose serious strain on the existing social infrastructure. It is hoped to significantly contribute to the socio-economic well-being of the target populations, notably through meeting demand for reproductive health (including mother and child health) services and reducing maternal and infant mortality and morbidity.

The proposed operation will also complement bilateral measures already supported by Member States. Close collaboration with those responsible for Member State bilaterally funded programmes, will contribute to significant improvements in the coordination of policy and activity between the EU and the Member States.

Donor meetings are planned to improve coordination between donor agencies. Such exchanges of information will avoid duplication, and enhance the coherence and cost-effectiveness of the European programme.

9.2.2. Procedures

Decisions on actions of more than 2 MECU, and any modification of such actions leading to an increase of more than 20 % of the original budget, will only be made following consultation with an Advisory Committee composed of representatives of the Member States and chaired by a representative of the Commission. Actions of less than 2 MECU will be selected through consultation within the Commission. Because EU Delegations are better informed on the level of other donor activity in their countries, all proposals will either be screened in advance by the Delegations or sent to the Delegations for comment prior to decision; this procedure should maximise complementarity and minimise duplication.

The **Guidelines for the Financing of Population Related Initiatives in Developing Countries** will be extensively revised to give all necessary information on the financing of actions under this budget line (financing conditions; admissible costs; eligibility of applicants, initiatives and countries; procedures for the submission of applications etc.).

The guidelines will stress the priority to be given to initiatives which complement other national and/or regional activities funded by the EU or the EDF in ACP and ALA MED countries

9.3. Monitoring and evaluation of the operation

The logical framework exercise has been introduced into the preparation, monitoring and evaluation of projects.

Progress against stated objectives can be measured using selected objectively verifiable indicators (OVIs) such as:

- increased utilisation of reproductive health services
- contraceptive prevalence rate
- number of new acceptors
- reduction in case fatality rate for direct obstetric complications
- reduction in perinatal mortality
- % of births attended by trained health personnel
- reduction in maternal mortality rate
- reduction in infant mortality rate

Technical assistance will be used to assess specific outputs through a process of ongoing project monitoring.

A number of specific impact studies will be carried out. The project design of all major operations financed under B7-631 will include an evaluation requirement.

The Commission will also use the results of evaluations undertaken by other bodies (e.g. USAID, ODA, the World Bank, UNFPA, and the IPPF).

An overall evaluation of the budget line, covering the period 1990-1995, was undertaken in 1995. The recommendations and results shall be integrated into the revised guidelines for submitting proposals. They will form the basis against which all actions will be screened for renewal, termination, or realignment. Towards the end of the programme cycle a similar overall evaluation will be carried out.

10. Administrative expenditure

The actual mobilisation of the administrative resources required will depend on the annual Commission decision on the allocation of resources, taking into account any additional amounts or staff allowed by the budgetary authority.

10.1. Impact on the number of posts

The officials required can be assigned from existing resources in the units concerned within Directorates-General IB and VIII.

Type of post		Staff to be assigned to the project		of which		Duration/ year
		Permanent posts	Temporary posts	By using existing staff in the DG or service concerned	By recourse to additional staff	
Officials or temporary officials	A	0.2	1.0	1.2	-	indefinite
	B	0	0.1	0.1	-	
	C	0	0	0	-	
Other staff						
Total		0.2	1.1	1.3	-	

10.2. Overall financial impact of the additional staff

Expenditure on the staff required for this operation will be covered by mobilising existing resources (within the unit concerned): 0.2 officials + 1.1 temporary officials (A1, A2, A4, A5): ECU 130 000 per year.

10.3. Increase in other operational expenditure resulting from the operation

The resources required for this operation will be obtained by recourse to existing resources within the unit or directorate concerned.

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