

English edition

Information and Notices

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II

(Preparatory Acts)

ECONOMIC AND SOCIAL COMMITTEE

Opinion on the proposal for a Council Directive on fuel rationing of commercial transport between Member States

(84/C 140/01)

The text referred to the Committee has been published in *Official Journal of the European Communities* No C 195 of 22 July 1983, page 4.

A. LEGAL BASIS FOR THE OPINION

On 19 July 1983 the Council decided, in accordance with Articles 75, 103 and 198 of the Treaty establishing the European Economic Community, to consult the Economic and Social Committee on the abovementioned proposal.

Procedure:

The Section for Transport and Communications was instructed to prepare the Committee's work on the matter and adopted its opinion on 15 February 1984 on the basis of the oral report made by the rapporteur, Mr Francis Law.

B. OPINION OF THE ECONOMIC AND SOCIAL COMMITTEE

At its 216th plenary session, meeting of 28 March 1984, the Economic and Social Committee adopted its opinion *unanimously*.

The full text of the opinion is as follows:

1. The Economic and Social Committee approves the Commission's proposal subject to the following comments.

2. In the past the Committee has dealt directly or indirectly with the same problems in its opinions on the

— communication from the Commission to the Council on the Development of the Common Transport Policy (Chapter: Transport and Energy Policy), dated 10 September 1975 ⁽¹⁾,

— new lines of action by the European Community in the field of energy saving, dated 31 January 1980 ⁽²⁾.

3. General comments

3.1. The transport of goods by road is almost completely dependent on crude oil and petroleum products. Any difficulty in the supply of fuel for this sector would restrict its operations and hence seriously disrupt economic activity. The Community must therefore be able to compensate for or at least reduce the damaging effects of such an eventuality.

3.2. To maintain economic activity in the Community the Commission proposes adopting a Directive enabling the Member States to consult each other in the event of a serious oil crisis and to apply the principle of equal treatment for foreign and national carriers when fuel rationing is in force. In the Commission's view this is the best way of main-

⁽¹⁾ OJ No C 286, 15. 12. 1975, p. 2.

⁽²⁾ OJ No C 113, 7. 5. 1980, p. 1.

taining the intra-Community goods traffic which is essential to economic activity.

3.3. If fuel rationing becomes necessary in one or more Member States each Member State must take steps, in accordance with a Community consultation and decision-making procedure, to provide enough fuel for intra-Community transport based on control of fuel distribution.

3.4. In a serious crisis caused by a severe fuel shortage in which one or more Member States, who must first make severe restrictions to their own traffic, no longer find it possible to guarantee a fuel supply to maintain intra-Community transport, it will be necessary to resort to an EEC consultation and decision-making procedure in order to coordinate a reduction in road traffic between Member States by laying down priorities or possibly by drawing up quotas.

The Commission's main aim here is to ensure equal treatment between resident and non-resident carriers.

3.5. The Committee realizes that it would go beyond the scope of this opinion to enter into a detailed discussion of general aspects of the common transport policy, such as the priority to be given in a crisis to forms of transport which use less energy. It assumes, however, that these aspects will not be overlooked when priorities and quotas are fixed.

Supply priorities

3.6. Some provision needs to be made for giving priority to supplies for the movement of passengers and goods. The priority should be related either to the importance or the urgency of the goods, in accordance with previous EEC consultation and agreement between Member States. The sending State should issue an authorization for the journey based on the criteria decided by the Community after consultation between the Government of the Member State and the National Road Transport Trade Associations.

3.7. An authorization by the sending Member State should also be provided for unaccompanied trailers carried for example on ferry boats or road/rail so that they may be towed to destinations.

3.8. It is self-evident that especially in a serious crisis it is necessary to make sure that fuel is not wasted by using it in vehicles which are only partly loaded. Member States in consultation with their Road Transport Trade Associations must strive for the maximum use of vehicle capacity by some form of consolidation of loads. The coordination offices (bureaux des frêts, Laderaumverteilungsstellen) which already operate in some Member States for avoiding empty runs could be used for this purpose.

Fuel consumption guide

3.9. There should be a guideline to Member States on the approximate average fuel consumption to be expected from each category of vehicle so that fuel allotment in each Member State may be adequate to complete the journey but not excessive.

3.10. Each Member State should use a standard application form for fuel to enable the authorities to evaluate the need and to record what is issued to keep control of the available fuel supplies and to ensure that fuel is not wasted. Whatever measures are taken must be kept simple and not cause undue delay in road movement.

Fuel coupons

3.11. In the third and most serious phase of a fuel crisis a coupon system would generally apply in accordance with plans drawn up by the individual Member States. The EEC consultation and decision-making procedure should aim to limit restriction so far as it is possible to do so and enable transport firms to carry out their operations in Member States other than their own so far as is possible.

3.12. Coupons for fuel will normally be issued at national frontiers but arrangements should also be made for coupons to be issued at other offices in the

interior, especially for traffic whose customs formalities are handled by inland customs offices or for traffic using a railway for part of the journey. If fuel coupons are issued at inland offices it would help to reduce any congestion at the frontier.

3.13. Although the standard form used for fuel application and control should normally be issued at the start of the journey and authorized by the sending State there should also be a supply of forms at each centre where the authorities in charge of fuel supplies may need them to estimate the fuel requirement and monitor its use.

3.14. Finally, the Member States should agree on the advance allocation of fuel, the period of validity of the coupons and the period for submitting applications.

4. Specific comments on particular Articles of the Directive

4.1. Article 1

The Directive should include combined road/rail transport and roll on/roll off.

4.2. Article 3

This provision permitting border transport operations up to 50 km from the border to be barred from re-fuelling arrangements could be difficult to con-

trol as a journey to a destination 51 km from the frontier would be sufficient to be included in the scheme. However, a 25 km limit applies each side of the frontier for exemption from permits under the First Directive (23 July 1982) provided that the total distance does not exceed 100 km as the crow flies.

4.3. Article 4

ECMT (European Conference of Ministers of Transport) permits should be included and road/rail certificates.

5. Fuel application form

5.1. The restriction to two additional applications because of unforeseen changes in destination may be too restrictive.

5.2. Authorized representatives of the transport companies should also be able to fill in the form and sign it.

5.3. The space for the registration number of the vehicle should also include the nationality sign as is the case for the Diesel Fuel Certificate used at present at the German frontier.

5.4. The form does not provide enough space for the information it requires, e.g. address of company and home address of driver.

Done at Brussels, 28 March 1984.

The Chairman
of the Economic and Social Committee
François CEYRAC

Opinion on the

- **proposal for a Council Regulation amending Regulation (EEC) No 804/68 on the common organization of the market in milk and milk products**
- **proposal for a Council Regulation laying down general rules applying to the milk sector levy specified in Article 5c of Regulation (EEC) No 804/68**
- **proposal for a Council Regulation laying down general rules applying to the milk sector levy specified in Article 5d of Regulation (EEC) No 804/68**

(84/C 140/02)

The text referred to the Committee has been published in *Official Journal of the European Communities* No C 314 of 19 November 1983 page 5, 7, 9.

A. LEGAL BASIS FOR THE OPINION

On 11 October 1983 the Council decided (under Articles 43 and 198 of the Treaty establishing the European Economic Community) to consult the Economic and Social Committee on all the proposals for reforms in the agricultural sphere and in particular on the proposals for Regulations relating to the milk sector, which form the subject of the present opinion.

1. Procedure

The Section for Agriculture, which was entrusted with the preparation of the Committee's work on the subject, adopted its opinion on 10 February 1984, in the light of Mr Paggi's report.

At its 215th plenary session (meeting of 1 March 1984) the Committee made an initial examination of this subject but was unable to draw up an opinion. It accordingly deferred this matter until its 216th plenary session on 28 and 29 March 1984 and appointed Mr Zinkin Rapporteur-General with the task of submitting a draft committee opinion.

B. OPINION OF THE ECONOMIC AND SOCIAL COMMITTEE

On the basis of this draft text, the Economic and Social Committee adopted the opinion set out below by *79 votes to 24 with three abstentions* on 28 March 1984, during its 216th plenary session.

In drawing up its opinion, the Committee took account of developments on the milk front within the Council of Ministers.

2. The Committee's comments

2.1. In 1983, 103 million tonnes of milk were produced in the Community. The needs for human consumption were 85,3 million tonnes. Allowing for requirements for other purposes and exports, there is still a huge surplus. One-third of the expenditure of the EAGGF is devoted to disposing of this surplus.

Moreover, the situation is getting worse. In 1983 production increased by 3,9% and the number of cows went up after years of stability, while exports fell and consumption in the Community stagnated.

2.2. The Committee therefore accepts the Commission's view that action must be taken to restore

some measure of balance between supply and demand, and it further accepts the Commission's objective of a reduction in production to 97,2 million tonnes. The Committee emphasizes, however, that the measures adopted to this end must respect the principle laid down in Article 39 of the Treaty of Rome regarding farmers' standard of living and that the vital interests of individual Member States and regions must be recognized.

2.3. The Committee considers that some easing of the situation is possible through a variety of minor measures. Thus:

- more co-responsibility levy money could be spent on the promotion and development of products like yoghurt, cheese, flavoured milk and long-life milk whose markets are expanding, and on encouraging the sale of such products on the world market as well as on the Community's domestic market,
- a satisfactory policy could be found for New Zealand butter,
- the cost of intervention for skimmed-milk powder could be reduced by imposing tighter quality standards and by more widespread application of a practice already adopted by several Member States, namely of including a tracer element in order to prevent fraud,
- consumer subsidies on butter could be retained, as the Committee has recommended in its Opinion on Agricultural Prices (1).

2.4. The Committee does not believe, however, that the suspension of intervention for skimmed-milk powder from October to March would save

enough money to make up for the disruption it would cause in the market.

2.5. The abovementioned measures can have only a limited effect, however. The Committee recognizes that, for any large reduction of the imbalance between supply and demand, something more drastic is required. In the long run, this can only be a tightly administered system of quotas, or a reduction in price sufficient to bring the market back into balance.

2.6. The Committee recognizes that either solution presents problems. A quota system is difficult to administer and might fossilize the existing pattern of production. A reduction in price big enough to restore market balance would be too severe for many farmers to bear.

2.7. Views in the Committee have therefore been divided on the best solution, but there is unanimity that some action is urgent.

2.8. The Committee notes that, the Council of Ministers of Agriculture, particularly at their meeting on 12 March, were prepared to contemplate a quota system which, at the same time, through an increase in the co-responsibility levy, involves a small reduction of price. The Committee is prepared to endorse this approach, and the proposed methods, for the period envisaged.

2.9. It believes, however, that, in order to give the dairy farmer the security he needs, long-term objectives need to be agreed for milk production and the method of achieving them needs to be laid down. The Committee believes that in the longer term, more importance should be given to the normal mechanisms of the market in achieving the balance between supply and demand.

Done at Brussels, 28 March 1984.

The Chairman
of the Economic and Social Committee
François CEYRAC

(1) OJ No C 103, 16. 4. 1984.

APPENDIX

to the opinion of the Economic and Social Committee

Rejected amendments

The following amendments to the draft Committee opinion, tabled in accordance with the Rules of Procedure, were rejected in the course of the discussions:

Paragraph 2.8.

Delete paragraph 2.8.

Voting:

Votes in favour: 37, votes against: 61, abstentions: 6.

Paragraph 2.8.

Reword as follows:

'The Committee is prepared to endorse, for a limited period of five years, a formula based on a quota system which, at the same time, through an increase in the co-responsibility levy, involves a small reduction in price.'

Voting:

Votes in favour: 13, votes against: 46, abstentions: 37.

Opinion on the proposal for a Council Directive on animal health problems affecting intra-Community trade and imports from third countries of semen of domestic animals of the bovine and porcine species

(84/C 140/03)

The text referred to the Committee has been published in *Official Journal of the European Communities* No C 267 of 6 October 1983, page 5.

A. LEGAL BASIS FOR THE OPINION

On 28 November 1983, the Council of the European Communities asked the Economic and Social Committee for an opinion on the abovementioned proposal.

Procedure:

The Section for Agriculture was entrusted with the preparatory work on this matter, and Mr Storie-Pugh was appointed rapporteur.

However, as the Section for Agriculture had no meeting scheduled during March or April 1984, Mr Storie-Pugh was instructed to submit this matter to the plenary session of the Economic and Social Committee, as rapporteur-general.

B. OPINION OF THE ECONOMIC AND SOCIAL COMMITTEE

The Committee opinion was adopted by a *unanimous* vote at the meeting on 28 March 1984 (216th plenary session of 28 and 29 March 1984).

1. The Economic and Social Committee welcomes the proposal and is in general agreement, especially since many of the conditions are already common practice in Member States and the proposals closely follow the general lines of earlier animal health and third-country directives.

2. General comments

2.1. It should be stated that bovine semen should only be used for intra-Community trade in the frozen state and imported from third countries in the frozen state (self evident since it would not otherwise be possible to comply, using fresh semen, with a 30-day storage period prior to despatch. See Annex C 2 (i)). The same condition should be applied to porcine semen when techniques become sufficiently developed.

In the meantime, and without in any way detracting from the principle of responsibility emanating from the point of production, consideration should be given by Member States recommending supervisory/control measures for female porcines inseminated with 'fresh' imported semen.

2.2. Member States should, in general, only appoint as designated veterinarian those who are fully conversant with the terms of the Directive, and have expertise in the discipline. This should cause no difficulty as in the majority of cases the designated veterinarian will be employed full-time at a semen collection centre or have a number of smaller units under his supervision. However, in cases where this is not so the designated veterinarian's signature on the Animal Health Certificate (Annex D) should be countersigned by the official veterinarian.

In addition, attention must be drawn to the principle that a veterinarian should be asked to certify only those matters which are within his knowledge or can be ascertained by him personally. This point applies to the information regarding incidents of notifiable disease in Annex C 1 (e) which has to be certified in IV I of the Animal Health Certificate. Hence an addendum is needed to cover this requirement and should be signed by the official veterinarian.

Equally when the Animal Health Certificate for imports of semen from third countries is drawn up, the signature of both the designated veterinarian and that of the official veterinarian should be mandatory.

2.3. Though it is not the practice for protocols on methods to be published in a Council paper, a source reference to these (additional to those listed in Annex B, Chapter I), as well as to a list of approved laboratories would be helpful in a manner similar to that used in Directive 83/494/EEC.

Such a paper should also list:

2.3.1. Recommended procedures for disinfection and sterilization.

2.3.2. Details of approved treatment of diluents (ref. Annex A II (f) (iv)) and of approved diluents.

2.4. There is a need for a continuing consideration of certification of freedom from, or testing for, diseases other than those presently included in this draft Directive.

2.5. Reference should be made to the procedure for the importation of semen for special, scientific or experimental purposes under circumstances not complying with the provisions of this Directive. The Standing Veterinary Committee should be empowered to authorize such importations on a case-by-case basis.

2.6. Whereas the importation of animals, pregnant by artificial insemination or by embryo transfer, is permitted, no check is laid down in regard to the semen used or the embryo implanted. This loophole should be closed. In the meantime, the Standing Veterinary Committee should act on a case-by-case basis.

2.7. For the same reason and for purposes of infrastructure planning, the Commission should draw up a panel of veterinary experts to formulate a proposal on animal health problems affecting intra-

Community trade and imports from third countries of embryos for transplantation.

the species on the semen collection centre, or *vice-versa*, is prevented.'

3. Specific Comments

Chapter I (c)

3.1. General Provisions

After 'disinfected' add 'or sterilized'.

Article 2

Chapter I (d)

Insert (m) before (f).

After 'health' add 'and welfare'.

Add after (i) the definition of a 'brucellosis-free herd' (Directive 64/432/EEC).

Article 3 2 (c)

Chapter II (a)

Delete and replace by:

Delete and replace by:

'When donor animals have been vaccinated within the 12 months prior to collection, an aliquot of semen from each ejaculate intended for export shall be subjected to a virus isolation test for foot-and-mouth disease with negative results. In the case of bovine semen, frozen diluted semen may be used for the purpose.'

'(a) be so supervised that only animals of the species from which semen is collected are held. Notwithstanding, other domestic animals, essential for the normal running of the centre, can be brought in so long as there is no risk of disease transmission to the species from which semen shall be collected. Animals of other species than bovines or porcines from which semen may be collected may be admitted under conditions determined by the designated veterinarian.'

Article 3 3

After 'African' add 'or Classical'.

Chapter II (b)

Articles 19 and 20

A longer transition period would be appropriate to enable buildings to be altered or built to comply with the Directive. Nevertheless, the objectives of the Directive should not be frustrated by excessive delay. It is suggested that the transition period should not be longer than for a total period of two years.

Replace 'register' by 'record'.

Add 'together with a record of all disease tests and vaccinations performed and details of the health/disease history of each animal'.

3.2. Annex A

Chapter II (e)

Chapter I (a) (iv)

Add 'and facilities for the separate storage of semen intended for export'.

Delete and replace by:

'Employ technically competent staff suitably trained in disinfection procedures, sterilization procedures and hygiene techniques relevant to the control of the spread of disease. It is desirable that such staff should not have had contact, during the 96 hours prior to being on duty, either at their residence or elsewhere or in the course of other duties, with any cloven-hoofed animals other than those on the approved semen collection centre. If staff have had such contact during the 96 hours prior to being on duty, they should carry out approved disinfectant procedures, change clothing and put on suitable protective clothing before resuming duty at the approved semen collection centre.'

Chapter I (b)

Delete and replace by:

'be so constructed or isolated that contact with outside livestock from which disease could be spread to

Chapter II (f) (iii)

After 'disinfected' add 'or sterilized'.

Chapter II (f) (iv)

Line 3 to read '... risk to any species of animal or are so treated ...'

Chapter II (f) (vii)

Add before 'the date of collection' the words 'the official identity of the approved centre'.

3.3. *Annex B**Chapter I 1 (b) (iii)*

Delete and replace by:

'from herds in which no facts have been brought to the notice of the designated veterinarian which would lead him to conclude that a clinical case of enzootic bovine leukosis had occurred within the three preceding years.

In addition; bulls intended for admission, under 18 months of age, should originate from dams which had a negative serological test for leukosis after the birth of the nominated bull. In the event of the dam not being available, all eligible animals in the herd of origin must undergo a serological test for leukosis with negative result.'

Chapter I 1 (c)

Delete first four lines and replace by:

'during the 30 days in isolation described at (a) above, and prior to entering the semen collection centre, have been subjected to the tests set out below with negative results (for cattle i-vi and swine i-iii). The animals should then go into on-centre segregation for 30 days, during which time semen may be collected which shall not be used for artificial insemination until and unless the animals have been subjected to a repeat test. In the case of bovines as set out in paragraphs (c) (ii), (c) (v) and (c) (vi); and as in (c) (i), (c) (ii) and (c) (iii) in the case of swine.

In addition, bulls should be subjected to, either, preputial lavage with approved antibiotics daily for three successive days; or, a cultural test for campylobacter fetus infection on a sample of preputial material. In the case of female animals one vaginal mucus agglutination test shall be carried out.

All repeat tests should take place after an interval of 30 days.'

Chapter I 1 (c) (iv)

Delete the necessity for repeat testing as this has been incorporated in Chapter I 1 (c). See above.

Add after 'fluorescent antibody test' the words 'or a cultural test'.

Chapter I 1 (c) (v)

Delete the necessity for repeat testing as this has been incorporated in Chapter I 1 (c). See above.

Chapter I 1 (c)

Add new paragraph I 1 (c) (VI).

'For cattle destined to enter an approved semen collection centre (a) *without* a vaccination programme, a serum neutralization test for infectious bovine rhinotracheitis/infectious pustular vulvo-vaginitis (IBR/IPV) with negative result of (b) *with* a vaccination programme, a virus isolation test on a sample of preputial material for infectious bovine rhinotracheitis and infectious pustular vulvo-vaginitis (IBR/IPV) with negative results.'

Chapter I 1 (d)

Delete (d) as a bovine test and change numeration to become (iii), so as to be included under the heading 'in the case of swine'.

Chapter I 3 (i) (a)

Add after leukosis 'or Aujeszky's Disease'.

Chapter I 3 (i) (b)

Delete 'or Aujeszky's Disease'.

Chapter I 3 (ii) (a) line 3

Add after 'Semen Collection Centre' the following:
'In the case in which one member of the group fails the test, the brucellosis negative bulls may move

into isolation on an approved centre subject to re-test, at 30 days, during which time semen may be collected but not issued. If such animals pass the re-test, they may enter the centre proper and semen collected previously may be issued for use in artificial insemination. If they fail the re-test, they shall be removed and any semen collected shall be destroyed.'

Chapter II 1 (iv)

Delete and replace by:

- '(a) In the case of approved semen collection centres *without* a vaccination programme, a serum neutralization test for infectious bovine rhinotracheitis/infectious pustular vulvo-vaginitis (IBR/IPV) with negative results.
- (b) In the case of approved semen collection centres *with* a vaccination programme, an annual virus isolation test on a sample of preputial material for infectious bovine rhinotracheitis and infectious pustular vulvo-vaginitis, (IBR/IPV) with negative results.'

Chapter II 1 (V)

Add after 'fluorescent antibody test' the words 'or a cultural test'.

3.4. Annex C

1 (e)

Add before 'Swine Fever' the words 'Classical or African'.

1 (f) (i) and (ii)

After 'Swine fever' add the words '... (Classical or African), Aujeszky's disease ...'.

1 (f) (iii)

Delete first line up to '... where' and replace by:

- '(a) Are located in approved semen collection centres *without* a vaccination programme where, if all ...'

and add:

- '(b) Are located in approved semen collection centres *with* a vaccination programme where an aliquot of frozen diluted semen from the ejaculate intended for export has been subjected to a virus isolation test with negative results.'

2 (ii)

Replace 'flasks' by 'containers'.

3.5. Annex D

I

Add after the column headed 'No of doses' another column headed 'Identification of dose'.

IV 1

Add after 'Directive .../.../EEC' the words '(excluding the provisions of Annex C 1 (e))'.

IV 2

Below 'name in block letters' add a line for 'position held and address'.

After IV 2 add a form of certificate, to be signed by the official veterinarian covering the information required in Annex C 1 (e).

Done at Brussels, 28 March 1984.

The Chairman
of the Economic and Social Committee
François CEYRAC

Opinion on the relations between the European Community and the EFTA countries

(84/C 140/04)

A. LEGAL BASIS FOR THE OPINION

On 1 March 1984, the Economic and Social Committee decided, in accordance with Article 20 (4) of its Rules of Procedure, to deliver an opinion on relations between the European Community and the EFTA countries.

Procedure:

This matter was referred to the Section for External Relations, which adopted its opinion on 13 March 1984.

B. OPINION OF THE ECONOMIC AND SOCIAL COMMITTEE

After listening to the oral report by the rapporteur, Mr Zinkin, on 28 March 1984, during the 216th plenary session held on 28 and 29 March 1984, the Economic and Social Committee adopted, by *69 votes to 4, with 11 abstentions*.

THE FOLLOWING OPINION

The Ministers of the European Communities and of the European Free Trade Association are meeting for the first time for discussions at Luxembourg on 9 April 1984. The Committee takes advantage of this occasion to express its firm hope that this will lead to still greater cooperation.

The EEC and EFTA are each other's best customers. Between them they constitute the biggest single industrial market in the world, accounting for around 40 % of world trade.

The unity of this market is, however, still impaired by non-tariff barriers, such as frontier formalities and the lack of common technical standards.

The Committee considers that the easing of these formalities and the adoption of common standards are priorities in trade relations between the two groups.

Until this is done, the single market cannot exercise its full potential in providing employment and in improving the competitiveness of both the EEC and EFTA in relation to the world's other great economic units.

The Committee therefore calls for increased cooperation between the Community and the EFTA countries, on a pragmatic basis and taking into account the institutional differences between the two groups of countries. In this connection the Committee

wishes to encourage regular exchanges of views on ways and means:

- to remove all non-tariff barriers in trade between the partners in the European free trade system,
- to simplify rules of origin and border controls, and
- to harmonize or apply common standards and technical regulations.

In the same spirit the Committee believes that the Community and the EFTA countries should work together and concert their approach in GATT and OECD in order to promote further liberalization of world trade, especially on the following issues:

- tariff and non-tariff barriers to trade in industrial goods,
- subsidies distorting the conditions of international competition, and
- obstacles to trade in services.

The interdependence of the West European economies has been increasing. The Committee therefore recommends more concertation between the Community and the EFTA countries and a continuing dialogue, which should include the social partners, aimed at achieving an economic revival in Europe, and in particular at reducing unemployment.

A concertation of policies on innovation, the development of new technologies and structural adjustment to take advantage of the whole West European market would be particularly valuable.

Done at Brussels, 28 March 1984.

The Chairman
of the Economic and Social Committee
François CEYRAC

Opinion on the

- communication from the Commission to the Council concerning the Community's role as regards the safety of nuclear installations and the
- protection of public health; and the radiological problems
- draft Council resolution on trans-frontier

(84/C 140/05)

The text referred to the Committee has been published in *Official Journal of the European Communities* No C 338 of 15 December 1983, page 7.

A. LEGAL BASIS FOR THE OPINION

On 29 September 1983, the Council asked the Economic and Social Committee for an opinion under Article 170 of the Euratom Treaty on the abovementioned matter.

Procedure:

The Section for Energy and Nuclear Questions was entrusted with the preparatory work. It adopted an opinion on 10 February 1984. Mr Bordes-Pages was rapporteur.

B. OPINION OF THE ECONOMIC AND SOCIAL COMMITTEE

On 28 March 1984, during its 216th plenary session, the Economic and Social Committee adopted *unanimously* the following opinion:

1. General comments

1.1. The Committee is pleased that the Commission has reaffirmed in a communication to the Council the Community's role as regards the safety of nuclear installations and the protection of public health. The Committee approves the draft resolution on trans-frontier radiological problems.

1.2. While it should be pointed out that the choice of sites, the issuing of building permits and the laying down of operating rules for nuclear installations are matters which are entirely the responsibility of Member States' Governments, the Committee feels that the latter should concern themselves with the radiological impact that a nuclear accident on their territory could have on the citizens of neighbouring countries.

1.3. The Committee considers that the Commission must concern itself with this important cross-frontier problem, for which no provision could be made in the Euratom Treaty when it was signed in 1958. Although the Euratom Treaty deals comprehensively with radiological problems (in Chapter III), it does not deal with the safety of nuclear

installations in the event of a cross-frontier accident. This aspect must therefore be taken into account as a matter of urgency.

1.4. The Committee thinks that the Member States and the Commission should get together and work out what each of them should do to take account of this situation and, in particular, decide what are the most effective ways of alleviating the radiological consequences of cross-frontier accidents.

1.5. The Committee would point out that the ultimate aim of this sort of work is to protect the health of the public. It would draw attention here to the tradition of taking care to ensure an exemplary level of safety in the Community's nuclear industry; the high level of safety in nuclear installations should be taken as a model for industry.

2. Comments on the communication**2.1. Research and development**

The Committee would refer here to its previous opinions on the Community's radiation protection pro-

gramme, a nuclear safety programme, the basic standards for the protection of workers against ionizing radiation and the multiannual programme for the Joint Research Centre. In each of its opinions, the Committee approved the Commission's initiatives.

2.2. *Technical/regulatory aspects*

The Committee agrees with the Commission in reaffirming that the Member States alone are responsible for licensing and monitoring the operation of nuclear installations. The Commission is currently studying at expert level how it can help work out a common European methodology for assessing and establishing overall safety objectives. It would therefore be reasonable to first await the results of this work.

Moreover, the Commission's intention to carry out a comprehensive evaluation of the safety of the most representative models of reactors in the Member States seems to be an enterprise requiring a high degree of cooperation, bearing in mind the peculiar political, economic and technical nature of this matter. An approach of this kind has already been begun on a bilateral basis between certain Member States, and it has become clear that the main thing is to ensure that safety is satisfactory, not that procedures are standardized.

2.3. *Health protection*

In this chapter, the Commission refers to a number of directives and other provisions on which the ESC has already issued an opinion. The Committee thinks it would be a good idea here to reaffirm the leading role which must be played by the Commission in laying down 'basic standards'.

3. **Comments on the draft resolution**

3.1. The Committee supports the Commission's proposal to gather information on bilateral contacts. It also thinks that, as part of the specific responsibilities of the Member States and the Commission, the latter should be encouraged to see that the Member States take all the necessary steps — in a bilateral or, possibly, trilateral framework — to conclude agreements between themselves on plans for cross-border intervention in the event of an emergency. The Committee furthermore emphasizes the need for such agreements to ensure that full details of any radiation accident likely to lead to the contamination of waters, the ground or of airspace are communicated to the Member States, so that the necessary medical monitoring can be set up.

In addition, the Committee recommends that, if these agreements are to lead to tangible results, the Commission should, where appropriate, provide Member States who so asked with information on the nature and extent of assistance which might be necessary in the event of a radiological emergency.

3.2. As regards point 2 (a) in the draft resolution, concerning the radiological impact of radioactive effluents, the Committee feels it is not a good idea to appoint an additional group of experts when, according to the new recommendation of 3 February 1982, the committee of experts referred to in Article 37 could examine this matter as part of its current activities.

3.3. The Committee approves the draft resolution's provisions concerning the pollution of marine waters of Community interest, and points out that the new recommendation of 3 February 1982 on the application of Article 37 should enable a solution to be found to these problems. The Committee asks that a general report be drawn up.

Done at Brussels, 28 March 1984.

The Chairman
of the Economic and Social Committee
François CEYRAC

Opinion on the proposal for a Council Decision on the adoption of a work programme for the first phase of the implementation of an information system on the state of the environment and the natural resources in the Community (1984 to 1987)

(84/C 140/06)

The text referred to the Committee has been published in *Official Journal of the European Communities* No C 291 of 27 October 1983, page 8.

A. LEGAL BASIS FOR THE OPINION

On 27 October 1983 the Council, acting in accordance with Article 198 of the Treaty setting up the European Economic Community, asked the Economic and Social Committee for an opinion on the

- proposal for a Council Decision on the adoption of a work programme for the first phase of the implementation of an information system on the state of the environment and the natural resources in the Community (1984 to 1987) ⁽¹⁾, and the
- communication from the Commission to the Council on the methodological approach to an information system on the state of the environment and the natural resources in the European Community.

Procedure:

The Section for Protection of the Environment, Public Health and Consumer Affairs was instructed to prepare the Committee's work on the matter. The Section adopted its Opinion on 6 March 1984 after hearing a report by Mr Schnieders.

B. OPINION OF THE ECONOMIC AND SOCIAL COMMITTEE

At its 216th Plenary Session (meeting of 28 March 1984) the Economic and Social Committee *unanimously* adopted the following Opinion:

1. The Committee welcomes the Commission proposal for gradually setting up an information system on the state of the environment and the natural resources in the Community. Such an information system is an essential precondition for an effective environmental policy. The Committee expressly supports the Commission in its intention to create "a basis for directing the Community's environmental policy and giving that policy a more explicitly protective capability".

2. The Committee stresses that for an effective environmental policy, it is essential to gather information on the state of the environment and of natural resources.

The Committee recognizes that the Commission's work programme constitutes a first step, in line with the Council's request of November 1974 which gave rise to the 1977/81 action programme. The Committee takes the view that, in addition to setting up the information system, the Commission must press

forward with its existing and planned environmental protection measures.

3. The Committee appreciates that the setting-up of an information system on the state of the environment and of natural resources in the Community is an ambitious aim. Of course, there are countries throughout the world which have information systems covering a larger area than that of the European Community. In the Member States — albeit to a varying extent — there is a wealth of information on certain fields of environment policy. However, no attempt has yet been made in any part of the world to pool all information relevant to environment policy on a cross-frontier basis and render it comparable. Thus the Commission was unable to base its work programme on experience elsewhere. However, the Committee acknowledges that the Commission has adopted a realistic approach, since it is initially limiting the scope of the programme.

4. The Committee has the following suggestions to make with regard to this project:

4.1. The Council should commit itself to ensuring that data on the state of the environment, which are

⁽¹⁾ OJ No C 291, 25. 10. 1983, p. 8.

at present collected by different methods in the various Member States, are gathered in accordance with uniform rules. To this end, the Commission should be given comprehensive coordinating powers. At present the data collected under different circumstances in the various Member States are not comparable. This applies in particular to all data that have to undergo a qualitative evaluation. The data compiled must be processed quantitatively so that they are easy to use.

It is therefore necessary to introduce rules allocating specific responsibility for, and providing a check on, the reliability and comparability of collection methods in all the Member States. The Commission already has considerable powers with regard to data collection (Article 213 of the EEC Treaty), but increased and continuous cooperation with the Member States is essential in order to achieve a step-by-step improvement in the situation described above.

4.2. The regions in which pollution is to be determined should not be too small. Pollution must be recorded over a large area, and freak results must be avoided.

4.3. The work programme is designed to cover only four years. A comprehensive information system on the state of the environment and of the natural resources in the Community can be set up only gradually over a long period. Such a programme is worthwhile, and its long-term cost justifiable, only if data collection over a long period is guaranteed. The Committee would ask the Council to check whether the Community appropriations envisaged for the information system (300 000 ECU in 1984, 2 500 000 ECU in 1985 and again in 1986, and 500 000 ECU in 1987) are adequate. These funds will be sufficient only if the Member States share the cost of data collection. There must therefore be clear arrangements between the Commission and the Member States for the financing of data collection, processing and transmission.

Duplication of work must be avoided. There could be a risk of this if there is insufficient coordination with existing programmes. For example, the Commission has issued a separate proposal on a monitoring network for damage to forests (acid rain).

4.4. The Committee would also like to draw attention to the following:

4.4.1. *Re. section 2.3.3.: Land quality for agriculture and forestry:*

The importance of land for farming depends not only on the natural factors described but also increasingly on operational efficiency factors such as internal and external transport, infrastructure and marketing facilities, etc. Greater account should be taken of these aspects in appraising conflicts between agricultural and non-agricultural uses of land. An appropriate operational efficiency criterion ought to be found here — a common agricultural policy task, which could be carried out by supplementing the information system's data on the state of the environment with specific agricultural data. Such information will also be useful from the point of view of conserving and protecting agricultural and forestry land as a matter of priority.

4.4.2. *Re. section 2.5.1.: Pollutant concentrations in the air (air quality):*

Important factors in the possible damage to vegetation by atmospheric pollutants are not only the emissions referred to (discharges from pollution sources) but also — and above all — the concentration levels (pollutant content of the air) and the deposition rates (amount of pollutant deposited per unit of area). Recent investigations in connection with the damage to forests caused by atmospheric pollutants suggest that forests as it were 'attract' pollutants. This means that despite the same concentration level, the deposition rate in forests, particularly conifer forests, is considerably higher than in open country. This means that forests become, as it were, 'polluted areas' as a result of their filter effect. It is therefore necessary:

- (a) to improve the methodology for determining the dry deposition of acids and acid-forming substances; particularly important are measurements of the dry deposition of gases and aerosols on highly indented natural surfaces, such as forests;
- (b) to set up a sufficiently dense network of monitoring stations in forests and in agricultural areas; so far, measurements of pollutants in the atmosphere have been largely confined to concentrations in the polluted area. For this, specific measures — planned from the outset to provide useful data for the information system — would be needed.
- (c) to include pollution damage to buildings in the data to be collected for the information system.

4.4.3. The Committee calls upon the Commission to extend the information system at a later stage to cover the seas surrounding the Community. To this end, an immediate start should be made on cooperation with international organizations which already have experience in this field, because of:

- the importance of the sea as a source of raw materials and as a source of economic activity (fishing, sea-bed resources etc.),
- rising pollution including hydrocarbon pollution, particularly of sea basins which are isolated by barriers,
- the fact that the sea is being used more and more for the dumping of rubbish.

A common policy to combat marine pollution — a policy which the Economic and Social Committee has advocated in the past — would make it easier to monitor and control the serious forms of pollution which have already led to ecological changes.

4.4.4. It should also be ensured that the system is compatible with other information systems, concerning the quality of the urban and rural environment. Such systems ought, in particular, to evaluate the links between housing, on the one hand, and, on the other, people's mental and physical health and certain social phenomena such as delinquency.

Done at Brussels, 28 March 1984.

The Chairman
of the Economic and Social Committee
François CEYRAC

Opinion on the proposal for a Council Decision implementing Decision 83/200/EEC empowering the Commission to contract loans under the New Community Instrument for the promoting investment within the Community

(84/C 140/07)

The text referred to the Committee has been published in *Official Journal of the European Communities* No C 48 of 21 February 1984, page 3.

A. LEGAL BASIS FOR THE OPINION

On 1 February 1984 the Council of the European Communities asked the Economic and Social Committee for an opinion on the abovementioned proposal.

Procedure:

The Section for Economic and Financial Questions, which was entrusted with the preparation of this opinion and appointed Mr Drago as rapporteur, adopted its opinion on 20 March 1984.

B. OPINION OF THE ECONOMIC AND SOCIAL COMMITTEE

The Committee adopted its opinion at its 216th plenary session, held on 28/29 March 1984 (meeting of 29 March) *by a majority, with six votes against and three abstentions.*

1. The Committee endorses the proposal for a Decision authorizing a further tranche of borrowings of 1 400 million ECU within the framework of NCI III.
2. In keeping with its opinions on the first tranche of borrowings (CES 551/83) and on the promotion of innovation in small and medium-sized enterprises (CES 975/83), the Committee welcomes the guidelines and priorities laid down by the Commission, particularly the priority for investment projects — mainly of small and medium-sized enterprises — in industry and directly allied services. Investments in small and medium-sized enterprises in the craft, commercial and tourism sectors should also be included in the list of eligible investments.
3. In its earlier opinions the Committee called for support to be given primarily to investment projects

that would increase employment. In this connection the Committee approves the Commission proposal to promote investment projects that contribute directly to the creation of jobs. The Commission says 'contribute directly or indirectly', but the latter term is open to the objection that it is too vague to enable an assessment to be made of whether an investment project is entitled to support. It is therefore urged that 'indirectly' be deleted.

4.4. In addition, investments that further the reindustrialization of regions with structural problems should receive special consideration, as should projects designed to employ or re-employ labour which is temporarily without work and which even in some cases been without work for a long time in sectors or firms with structural difficulties.

Done at Brussels, 29 March 1984.

The Chairmann
of the Economic and Social Committee
François CEYRAC

Opinion on the proposal for a Council Regulation amending Regulation (EEC) No 724/75 establishing a European Regional Development Fund

(84/C 140/08)

The text referred to the Committee has been published in *Official Journal of the European Communities* No C 360 of 31 December 1983, page 1.

A. LEGAL BASIS FOR THE OPINION

On 30 November 1983, acting under Article 198 of the Treaty establishing the European Communities, the Council asked the Economic and Social Committee for an opinion on the abovementioned proposal.

Procedure:

The Section for Regional Development was instructed to draw up an opinion on the subject, with Mr Giacomo Regaldo as rapporteur. The Section opinion was adopted on 17 February 1984.

B. OPINION OF THE ECONOMIC AND SOCIAL COMMITTEE

The Economic and Social Committee adopted the opinion by *60 votes to 8, with 4 abstentions* on 29 March during its 216th plenary session.

The Committee broadly approves the proposed changes to the ERDF.

feels that a few more changes are necessary to ensure that the new measures and procedures run as smoothly as is desired.

1.1. Introduction: the proposed ERDF reform

1.2.2. The Committee's recommendations take account of (a) the previous Committee opinion⁽¹⁾, (b) the guidelines issued by the European Council of Stuttgart which led to the Commission report on 'Ways of increasing the effectiveness of the Community's structural funds' and (c) the favourable opinion issued by the European Parliament on the first proposed changes.

1.1.1. The major improvements proposed give good reason to hope that the Fund will in future play a more dynamic role in reducing the regional imbalances between the rich and poor areas. These imbalances remain acute and the serious internal strains which they generate are one of the main obstacles to Community cohesion.

2. GENERAL COMMENTS

1.1.2. The Committee particularly welcomes:

2.1. The new proposal is a modified version of the 1981 proposal which has not yet been adopted because of differences on such basic points as: the greater geographical concentration of resources, the increase in the Fund participation rate, and the quota system.

- the gradual shift from the current system of financing by project to programme financing, for programmes initiated by both the Community and the Member States,
- the increased emphasis on productive measures; this involves stepping up aid for small firms in the context of action to increase internally generated development,
- replacement of the rigid quota system by a more flexible system using indicative ranges, increasing the flexibility of fund administration; the long-term objective would be the total abolition of quotas,
- the increased aid for particularly depressed areas; this involves broadening measures and more especially stepping up the integrated development operations;
- the greater operating efficiency which will be achieved by the higher participation rate, the introduction of advances, and the launching of new measures;
- introduction of the prerequisites for the achievement of the highly desired and vital 'additionality' of Community aid.

2.2. Extension of the tasks of the Fund

2.2.1. The need to face up to the structural changes taking place in the European economy and the serious economic recession have led the Commission to propose that the Fund's tasks be extended.

2.2.2. The tasks, in line with the basic aims of Community structural measures, are:

- (a) development and structural adjustments in backward areas;
- (b) reconversion of declining industrial areas.

2.2.3. The major changes which are affecting many fields of activity are disrupting the economy of areas which have until now depended on these activities.

1.2.1. The Commission proposal is undoubtedly a step in the right direction. However, the Committee

(1) OJ No C 178, 15. 7. 1982.

This brings a need for strong regional policy action to stem the decline of entire regions and facilitate production plant modernization.

2.2.4. The Committee supports this approach, but feels that clear priorities have to be maintained. Thus, while recent socio-economic problems must not be ignored, the Committee feels that the Fund should continue to give priority to the less-favoured areas.

2.2.5. The extension of the Fund's tasks will require additional funds on top of those going to the traditional areas whose socio-economic conditions still lag unacceptably behind those of the better-off regions.

2.3. **Additionality/complementarity**

2.3.1. The Committee opinion of 29 April 1981 endorsed the principle that ERDF aid should supplement national aids (Article 13 (e)). Much has been written on this subject, but it is felt that the comments made in the opinion of 29 April 1982 remain fully valid.

2.3.2. The Commission does not, moreover, do anything to clarify this issue, since Article 20 (4) of the proposal confirms the earlier practice for ERDF aid whereby the Fund's contribution may either supplement aid granted to the relevant investment by public authorities, or remain credited to those authorities, or remain credited to those authorities and be considered as a partial refund of such aid.

2.3.3. In effect, the Committee is concerned that Member States are to have the right to choose the arrangements which they think best serve their interests. This situation is not entirely mitigated (a) by Article 42, which provides that the amounts allocated from the Fund should be clearly identified in national budgets, or (b) by Article 13 (1) (e), which refers to national programmes of Community interest and states categorically that 'Fund assistance' takes the form of a supplementary financial contribution in favour of the regions or areas concerned.'

2.3.4. The trend towards Community programmes will presumably remove certain ambiguities as regards complementarity.

2.3.5. The Committee feels that overall complementarity could be facilitated by allowing programmes to cater for certain types of investment projects which do not qualify for national aid but do attract other sources of finance (private, local or regional), in so far as such investment contributes to indigenous development, and, in particular, to the development of SMEs. The Community should be at liberty to support such projects even if the Member State concerned did not give them priority.

2.4. **Information**

2.4.1. The Committee stresses the need to ensure that the potential beneficiaries and coordinating bodies are provided with adequate information about the new measures.

2.5. **The local and regional authorities**

2.5.1. As stated in the previous opinion, the Committee confirms its unqualified support for the increasingly important role which the Commission wishes to assign local and regional authorities at all stages of the Fund's activity. Precisely because they are responsible for day-to-day administration and policies in the fields covered by the Fund and are therefore in a position to contribute ideas, experience and proposals, they must work closely with the Community authorities, more especially in the drafting of programmes. During the transitional period before projects are phased out, the central authorities should take account of the views of local and regional authorities and the representative socio-economic organizations.

2.5.2. In this connection, it is suggested that the Commission always refer to the 'local and regional authorities'.

2.6. **Representative socio-economic interest groups**

2.6.1. The Committee reiterates the need for representatives of socio-economic interest groups to be actively involved in the formulation and implementation of Community regional policy. Consultation of these groups by the Regional Policy Committee must be stepped up.

3. SPECIFIC COMMENTS AND PROPOSED AMENDMENTS

3.1. Article 2 (3) (a)

3.1.1. In the light of the above comments (see Point 2.5) the penultimate subparagraph of Article 2 (3) (a) should be amended *inter alia* by deleting the words 'as much as possible'. In view of the proposed broadening of Commission aid through the Community programmes, provision should be made for Community-level consultations with the representatives of local and regional authorities.

3.2. Indicative ranges (Article 4)

3.2.1. Subject to the reservations listed below, the Committee welcomes one of the major innovations of the Commission proposal.

3.2.2. The 'quota and non-quota' sections are to be axed and replaced by a system of indicative ranges for the minimum and maximum contributions for which each Member State is eligible.

3.2.3. The deviation from the mid-point is around 17 %, and is thus wide enough to allow room for manoeuvre and administrative flexibility.

3.2.4. Some comments should however be made:

1. Steps must be taken to ensure that Fund action will continue to be concentrated in the less-favoured regions and that action to assist declining industrial areas must under no circumstances jeopardize the objective of achieving geographical balance. Moreover, the principle of geographical and financing concentration espoused repeatedly by the ESC must be properly implemented along with an increase in intervention rates, if the new arrangements are to have a real impact on structural programmes.
2. Under the proposed system, Member States will have to rationalize their measures, introducing a healthy principle of competition for the best possible use of the limited resources available. However, the Commission must still provide the less-favoured areas with maximum assistance on project submission techniques.

3. The Community programmes are likely to become major planning instruments. The Fund is also to broaden its activity in regions which it has not traditionally helped. Clear priorities must therefore be set for fund allocations which will not penalize the less-favoured areas, and resources must be adjusted to the new tasks of the Fund in areas of industrial decline.

3.3. Programme financing

3.3.1. The proposal reiterates the concept of *programme financing* contained in the previous Regulation, as a way of clarifying procedural agreements between the Commission and the Member State(s). The Committee approves this (as defined in Article 14). The Committee's stance is moreover consistent with Point 3 of opinion CES 389/82 which stated *inter alia*:

'The contractual nature of the programmes is an important new element. It will enable the Community to have a more effective influence over the use made of Fund assistance and to vary the rate of contribution. It is also important that the Commission should undertake with Member States and other public authorities studies which will allow a portfolio of schemes which would benefit from Fund financing to be built up'.

The Committee reiterates this proposal, and urges that greater use be made of these studies, which are an essential instrument for drawing up the programmes. The need for this is borne out by the fact that, as the latest ERDF report (COM(83) 566 final) showed, there are few calls on the 'Studies' section and little money is paid out under this heading.

3.3.2. The Committee also welcomes the proposed subdivision of programmes into two types:

- (a) Community programmes;
- (b) National programmes of Community interest.

3.3.3. Community programmes

The Community programmes have priority over the others. They should usher in a genuine regional policy with the stated aim of achieving the goals of Community policies. However, in the light of experience, the financing rate and percentage of overall

Fund resources allocated to Community programmes should be specified in order to strike a fair balance between the two types of programme.

3.3.3.1. Article 7

The definition of 'Community programmes' given in Article 7 should be clarified. Community programmes should be designed to:

- promote the geographical development conditions which would pave the way for the implementation of Community policies,
- eliminate the difficulties pinpointed by Community policies in regional socio-economic situations.

3.3.3.2. Article 8

Article 8 (second sentence, first paragraph) should be amended to provide for consultation of the Economic and Social Committee, in addition to the European Parliament, on the drafting of outline Community programmes. The Committee also welcomes the insertion of the qualified Council majority rule in Article 8 and the proposal to give the Commission responsibility under Articles 14 and 39 for the detailed drafting of the individual programmes.

3.3.3.3. Article 10 (2)

The Committee also suggests extending from three to six months the time-scale for drawing up a regional development programme where the target area is not already covered by one.

3.3.4. *The national programmes of Community interest* are a useful innovation which deserves support. Member States can thus propose coordinated measures in line with their own planning goals, translating the guidelines set out in regional development programmes into concrete commitments.

3.3.4.1. Article 12 (1)

The Committee feels it should be clearly stated that representative socio-economic interest groups should be involved in drafting these programmes too. Article 12 (1) of the Commission proposal should be redrafted accordingly.

3.3.5. *Comments on the two types of programme*

3.3.5.1. The Committee also feels that in order to make planning effective and better tailored to the needs of the disadvantaged areas, an 'on-the-spot' administrative base for planning and financing is needed. This is indispensable at both the planning and operational phases of any development programme.

3.3.5.2. All too often, important Community measures have ground to a halt at the doorstep of the regions they were seeking to help because this was precisely where the most serious shortcomings occurred in organization and planning. Lack of internal funds was a further factor.

3.3.5.3. The Committee thus feels that when implementing the Fund reform, the Commission must take steps to introduce all the organizational and financial norms needed to make the measures swift and effective.

3.3.5.4. Article 15 (1)

The Committee therefore approves the Commission proposal, which underlines this need.

3.4. Regional development bodies

3.4.1. In line with its comments in 3.2.4., subparagraph 2, the Committee feels that where necessary, appropriate support must be given to the establishment of development bodies with the task of drawing up the internally-generated development programmes, in close contact with local, regional, national and Community authorities.

3.4.2. Depending on the characteristics and needs of the areas involved, regional development agencies should preferably comprise representative socio-economic bodies, and technical or financial bodies operating in the areas concerned. Their role, which may be institutional and/or consultative, depending on the Member State they are located in, could facilitate the implementation of development programmes, through their direct contact with companies.

3.4.3. A grant should be given for setting up these agencies and they should also be recognized by national and Community authorities.

3.5. Criteria for programme eligibility

3.5.1. In order to ensure that programme financing, particularly as regards Community programmes, is not granted solely at the discretion of the authorities involved, the Commission should issue clearly defined criteria when the proposal enters into force.

3.5.2. Certain priority criteria are suggested below. We do not go into details of procedure or methodology.

General criteria (for the various types of programme)

- areas particularly depressed socio-economically,
- pre-existence of national development legislation,
- better prospects for spin-off development due to the local situation,
- better prospects for job creation.

Specific criteria for structural measures

- advanced technology production sectors,
- the energy sector, in particular for the development of renewable energy sources;
- production sectors with better market prospects,
- restructuring or reconversion programmes linked to new market requirements and technological changes.

Specific criteria for infrastructure measures

- completion of current vital infrastructure work,
- implementation of schemes closely linked to production development,
- schemes designed to decongest metropolitan areas.

Specific criteria for services

- possible setting-up of development agencies,
- provision of financing, credit (leasing, factoring), insurance and accounting services for companies,
- creation of basic services essential to the extension of production and to socio-economic development.

3.6. The potential for internally generated development (Articles 16 and 17)

3.6.1. The Committee supports the Commission proposal to incorporate these aid arrangements in the programme framework — which undoubtedly seeks to make the planned measures more effective — provided that the term 'programmes' refers not only to Community and/or national programmes, but also to the coordination of two or more measures as stated in Article 16 (1).

The Committee would however make the following comments:

- Measures to help small firms, whatever their legal status, must cover the industrial, commercial, craft, tourism and services sectors. This is in line with the findings of the Strasbourg conference closing the 1983 Year of Small and Medium-Sized Enterprises.
- Apart from risk capital, provision should be made in Article 16 (1) (h) for encouraging 'joint ventures' between SMEs.

3.6.2. The Committee suggests that, when the internal potential of a region is being weighed up, the 'human factor', the use of natural resources and the historical or cultural tradition must be basic components in project assessment. Accordingly, programmes must pay appropriate attention to the local aspect, with ERDF support for the occupational training needed.

Closer cooperation is needed between Commission departments and the bodies set up to consider internal development measures.

3.6.3. The Committee endorses the proposal to boost the Fund contribution to up to 65 % of public financing and to increase the maximum contribution for studies to 70 000 ECU. The Committee also hopes that, when deciding which measures to finance, the Commission will implement the goal of allocating 15 % of overall resources to internally generated development. The Committee also trusts that the Member States will make maximum use of the opportunities provided (Article 16).

3.7. Financial aid for investment projects (Article 18)

3.7.1. Assuming that, as urged above, 'small and medium-sized enterprises' is understood in its broadest sense, the Committee cannot but point out the need to regulate the break-down of investment between infrastructure and production schemes more carefully, giving priority to SMEs in the latter area.

3.7.2. The Committee thus cannot accept that the funds allocated to projects covering small firms should be lower than those for programmes. It therefore asks that they be raised to the level of the latter. This is necessary in order to encourage the growth of investment in SMEs.

3.7.3. The Committee suggests encouragement of economically viable SME initiatives with genuine market prospects.

3.7.4. At all events, investment in new sectors and activities must be encouraged, in order to mop up manpower which has been made redundant by industrial and agricultural reorganization and restructuring.

3.7.5. Tourism, the tertiary sector and services in general hold out considerable potential for economic growth and new jobs. They should therefore be encouraged by policies designed to stimulate investment.

3.7.6. The Committee points out that interest rebates (Article 35) deserve greater encouragement, as they have a multiplier effect on investments. At least 10 % of resources should be earmarked for them.

3.8. Studies (Article 25)

The Committee notes that the Fund participation rate in the financing of studies is not specified. It feels that this should be at least 50 %. The Committee also asks to be consulted when studies are being defined, and to be informed of their findings.

3.9. Accelerated payments and advances (Articles 29 to 31)

The Committee endorses the proposals on accelerated payments and advances, but points out that rules should also be laid down for possible readjustment of the amount of previously allocated aid, particularly when it is proposed to implement it 12 months or more after the start of payment by Member States. This is necessary because in some countries, cost increases combined with high inflation may significantly erode the effectiveness of the aid.

3.10. Provisions on checks (Article 32)

The Committee welcomes the innovations here, which are designed to enable the Community to reduce or revoke aid or ask for it to be refunded.

3.11. Integrated operations (Article 34)

While approving the integrated operations and referring to the ESC Study which defines a number of priority targets, the Committee feels that IDOs must be restricted in number if they are to retain their effectiveness. The Commission must commit itself to mitigate the worst aspects of the lack of organizational and planning capacity which is widespread in precisely the most depressed areas.

Done at Brussels, 29 March 1984.

The Chairman
of the Economic and Social Committee
François CEYRAC

Opinion on the proposal for a Council Decision adopting a Community programme for the development of the specialized information market in Europe

(84/C 140/09)

The text referred to the Committee has been published in *Official Journal of the European Communities* No C 328 of 2 December 1983, page 3.

A. LEGAL BASIS FOR THE OPINION

In accordance with Article 198 of the Treaty establishing the European Economic Community, the Council decided on 2 December 1983 to consult the Economic and Social Committee on the abovementioned proposal.

Procedure:

On 13 December 1983, the Committee Bureau decided to instruct the Section for Industry, Commerce, Crafts and Services to draw up an opinion on the matter. At its 216th plenary session the Committee decided to appoint Mr Nierhaus as rapporteur-general.

B. OPINION OF THE ECONOMIC AND SOCIAL COMMITTEE

During the discussions on 29 March at its 216th plenary session, the Committee adopted the following opinion *unanimously*:

1. The Committee welcomes the Commission proposal, and makes the following comments.

2. General comments

2.1. In the proposal for a Council Decision adopting a Community programme for the development of the specialized information market in Europe, the Commission tackles a problem which is of increasing importance for the economic, social and cultural development of the Community. As the volume of information on all areas of economic, social and cultural life grows ever larger, it is becoming increasingly difficult to obtain the required information quickly from the mass of specialized data available worldwide. The fact that information has developed into an additional production factor means that its speedy availability is often crucial for economic success or failure. This is equally true for political and personal decisions. The production, distribution and use of information have thus inevitably developed into an independent market, which derives its special dynamism from the increasing application of new information technologies. The Committee therefore recognizes the importance of the information sector, not least for creating new

jobs. It accordingly advocates that this sector be promoted by Community measures, also with a view to obviating the threat of dependence on the non-Community information market. If specialized information is to be made accessible to all users, a public data network must at all events be set up in all Member States so that all users have equal access to the information market. The Commission should issue a recommendation to induce those countries which do not yet have such a network to develop one in the near future.

The Committee welcomes the fact that information-technology user aspects are given prominence for the first time in the Commission document. In this connection, the Committee stresses that access to the 'information market' must be made as user-friendly as possible.

2.2. The Committee lays particular stress on the need to include national information services and structures in the programme. The Community should concentrate on tasks which can be tackled more efficiently at Community level and which involve the use of a large market. The Committee feels that the STIDC (Scientific and Technical Information and Documentation Committee) has a

major role to play in fixing these tasks. The Committee therefore supports the extension of the duties of the STIDC as set out in Annex II to the proposed Decision.

2.3. The specialized information market is extremely diverse in both its information content and its structure and importance. The Commission proposes dividing information services into the following sectors:

- science and technology,
- economic and econometric,
- business and finance,
- legal,
- credit reference,
- special marketing information, and
- general information.

Of equally diverse importance are the structures already existing at national and international level. Some are well-established private-sector services (e.g. credit reference), while other services are operated by public bodies (e.g. science and technology) and have an importance extending far beyond the economic aspect.

There should be a sensible ratio between public-sector and private-sector activities in the development of networks and the operation of services.

The Committee feels it is difficult to make a definitive assessment of the programme, as the present draft gives little indication of sectoral priorities, decisions on these being dependent on an evaluative market sector analysis (Annex I, Point 2.2.1.7.). This is particularly so since the assessment has to cover a number of aspects, more especially those which are of particular importance to the user, such as

- technical aspects,
- linguistic aspects,
- administrative aspects,
- economic aspects,
- legal aspects,
- policy aspects, and
- educational aspects.

The focus of each research aspect should vary with the information sector involved, as the problems to be solved and the priority goals differ.

2.4. The Committee notes that the programme concentrates almost exclusively on the extension and promotion of the information market, and thereby in some cases totally ignores the effects on the individual and on society of the growing information market, or considers these effects from a purely economic angle. Answers to such questions as:

- How are personal data to be protected?
- To what extent are job losses caused by concentration of decentralized data banks?
- What are the problems caused by the growing dependence on information services (e.g. in the case of technical breakdown)?
- What is the effect of new information technology on the aims of education and vocational training?
- What is the social importance and effect of the various information areas?
- What is the ratio of publicly accessible information to data protected by copyright or otherwise protected data?
- What is the effect on the health of those involved?

are important when setting priorities for the Community's promotional policy. The Committee agrees with the Commission on the need for individual programmes, 'but they cover only limited although important aspects of a wide and complex field of economic, social and cultural importance'. The Committee thus expects the 'much broader and more general policy aspects of information flows and the information market' (Point 2.3 (b) of the document) to be dealt with in the separate communication to the Council which is to be issued at a later stage. This communication should be issued early enough to be taken into account in the implementation of the proposed Community programme for the development of the specialized information market.

2.5. Alongside continued work on the Euronet project (although it is already of limited usefulness to some Member States) and the Diane project, the Committee would give special priority to R & D work on potential uses of the new information medium interactive videotex for specialized information services; this could help provide small firms and such people as consultants, doctors and lawyers

with reasonably priced data. However, the Committee does not underestimate the considerable problems which still stand in the way of Community-wide introduction of this service with interconnected data banks.

2.6. In conclusions, the Committee feels that a final appraisal cannot yet be made of the financing of the programme, as this has to be considered in close conjunction with the future financing of the Community in general.

Done at Brussels, 29 March 1984.

*The Chairman
of the Economic and Social Committee*

François CEYRAC

THIRTY YEARS OF COMMUNITY LAW

More than 30 years have elapsed since Robert Schuman's declaration of 9 May 1950 and the signature on 18 April 1951 of the Treaty of Paris establishing the European Coal and Steel Community. The time has come for the European Community to take stock. Both as a unique economic and human experiment, and as a reality endowed with powerful legal instruments, this singular phenomenon needs to be examined from the standpoint of history.

The establishment of the Community was completed with the conclusion of the Treaties of Rome creating the European Economic Community and the European Atomic Energy Community. Its institutions have undergone several stages of development, including the merger of the executives, the creation of own resources, the extension of Parliament's budgetary powers and the creation of a Court of Auditors. At the same time the Community was putting into effect the fundamental principles of free movement of goods, persons, services and capital, and developing the common policies which are laid down in the Treaties or which proved necessary in order to attain, in the course of the operation of the common market, one of the objectives of the Community. On two occasions it has been enlarged by the accession of further European States, first Denmark, Ireland and the United Kingdom, and subsequently Greece. It has also commenced negotiations with a view to the admission of Spain and Portugal.

The progress made by the Community is reflected in a vast range of legislation binding on Member States, firms and individuals, and in the body of case-law built up by the Court of Justice in Luxembourg.

The Commission wished to provide a work of reference for lawyers which did not assume any familiarity with questions of Community law. It asked eminent specialists in the subject from the various Member States to make individual contributions to *Thirty years of Community law* so as to trace the development of the Community, summarize the progress achieved in the various sectors and examine the difficulties which the Community has had to face. Each author was allowed the fullest freedom of expression. Neither the Commission nor readers will necessarily share all the points of view expressed, but they will at least have the benefit of a full and frank discussion.

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THE PROFESSIONS IN THE EUROPEAN COMMUNITY
Towards freedom of movement and mutual recognition of qualifications

J.-P. de CRAYENCOUR

Aside from establishing a common market, one of the tasks of the European Community is to promote closer relations between the States belonging to it (Article 2 of the Treaty of Rome). One of the means of achieving this end is the free movement of persons.

This freedom of movement concerns *inter alia*, the professions. Members of the professions will be able to play their part in European integration and put their independent and responsible services at the disposal of a wider clientele in the Community only if obstacles standing in the way of freedom of the professions, whether it takes the form of the right of establishment or the freedom to provide services, are removed.

As the professions are generally highly regulated, this freedom of movement can only be satisfactorily achieved if certain of the regulations governing them, such as those relating to training requirements and professional ethics, are harmonized to some degree.

Existing rules and regulations in the various Member States could be reviewed in the light of any such harmonization and of changes in society, while paying due attention to the values of independence and responsibility which are a feature of the professions, with a view to promoting European integration.

The aim of this booklet on 'The professions in the European Community — Towards freedom of movement and mutual recognition of qualifications' is to highlight the benefits to be derived from free movement and the manner in which it can be properly implemented. It describes the legal process involved, suggests how harmonization might be realized and underlines the steps to be taken to achieve the most urgent objective, namely mutual recognition of diplomas. Finally, it outlines what has been achieved thus far and what remains to be done.

J.-P. de CRAYENCOUR — Born in London on 16 July 1915. Belgian — Studied law at Louvain. Pupil lawyer at the Brussels bar, then Director of the Study Centre of the National Federation of Small Firms. Administrator and General Secretary of the International Study Institute of Small Firms (classes moyennes). Worked in the Office of the Minister for Small Firms and Traders in 1958. Joined the Commission of the European Communities on 1 March 1959 and worked in the Directorate for the Right of Establishment. Head of Division on 1 June 1959. Retired on 1 May 1973. Founded the Secrétariat européen des professions libérales, intellectuelles et sociales (SEPLIC — headquarters in Brussels). Married with seven children. Chairman/founder of the Confédération nationale des associations de parents, 1956. Capitaine-commandant de réserve honoraire in the First Regiment of the 'Guides', prisoner of war, war volunteer, resistance movement participant.

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