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In accordance with Council Regulation (EEC, Euratom) No 354/83 of 1 February 1983 concerning the opening to the public of the historical archives of the European Economic Community and the European Atomic Energy Community (OJ L 43, 15.2.1983, p. 1), as amended by Regulation (EC, Euratom) No 1700/2003 of 22 September 2003 (OJ L 243, 27.9.2003, p. 1), this file is open to the public. Where necessary, classified documents in this file have been declassified in conformity with Article 5 of the aforementioned regulation.

In Übereinstimmung mit der Verordnung (EWG, Euratom) Nr. 354/83 des Rates vom 1. Februar 1983 über die Freigabe der historischen Archive der Europäischen Wirtschaftsgemeinschaft und der Europäischen Atomgemeinschaft (ABl. L 43 vom 15.2.1983, S. 1), geändert durch die Verordnung (EG, Euratom) Nr. 1700/2003 vom 22. September 2003 (ABl. L 243 vom 27.9.2003, S. 1), ist diese Datei der Öffentlichkeit zugänglich. Soweit erforderlich, wurden die Verschlussachen in dieser Datei in Übereinstimmung mit Artikel 5 der genannten Verordnung freigegeben.

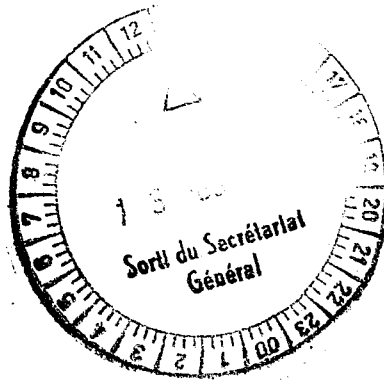
COMMISSION OF THE EUROPEAN COMMUNITIES

COM(85) 91 final

Brussels, 8 March 1985

COMMUNICATION BY THE COMMISSION TO THE COUNCIL

concerning a statement to be made on behalf of the Community at the
30th session of the UNCTAD Trade and Development Board



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COMMUNICATION FROM THE COMMISSION TO
THE COUNCIL

concerning a statement to be made on behalf
of the Community at the 30th session of the
UNCTAD Trade and Development Board

Statement to be made on behalf of the Community at the 30th session of the Trade and Development Board concerning the participation of the Community in the international institutional machinery established by the UNCTAD Restrictive Business Practices Code

Situation to date

On 24 July 1984 the Commission sent the Council a communication on the question of the participation of the Community in the international institutional machinery established by the UNCTAD Restrictive Business Practices Code (Council Doc. 8758/84).

On 4 September 1984 the Permanent Representatives' Committee agreed that a letter jointly signed by the Presidency of the Council and the Commission be sent to the President of the Trade and Development Board.

The purpose of the letter was to draw renewed attention to the problem and to the need to look for a satisfactory solution for the Community with an eye to the 3rd session of the Intergovernmental Group of Experts due to be held in Geneva on 7-16 November 1984. The letter did not ask for the matter to be included on the agenda of the next (29th) session of the Trade and Development Board.

At its 3rd session, the Intergovernmental Group of Experts decided to continue to apply the rules of procedure of the main committees of the Board. Group B supported the Community's position. Group D reiterated its earlier position that the rules of procedure of the main committees did not prevent the Community from playing an effective part in the Group's work. The Group of 77 did not express an opinion.

In September 1984 the RELEX Group had seen two possible way of resolving the problem of Community participation, viz.:

- amendment of the institutional provisions of the Code at the Review Conference scheduled for 1985 so as to guarantee the Community's right to full participation;
- a decision by the Trade and Development Board amending the rules of procedure applicable to the Intergovernmental Group of Experts; Article 64(3) of the Rules of Procedure of the Trade and Development Board allows the Board to adopt such a derogation.

Following the 3rd session of the Group of Experts, it now appears that the first possibility, of obtaining an amendment of the Code at the Review Conference, cannot be pursued at this stage since Group B as a whole stated that it did not see any need for a review on the basis of the experience acquired to date. A proposal from the Group of 77 suggesting points which might be amended was not discussed and was given a cool reception by Group B.

In the circumstances, therefore, it would seem advisable to raise the matter instead at a forthcoming meeting of the Trade and Development Board.

The 30th session of the Board is scheduled to begin on 18 March 1985. Because requests for the inclusion of items on the agenda have to be submitted seven weeks in advance and it will be necessary to prepare the discussion of the item on the spot, especially with the Group of 77, it has not been possible to ask the Board officially to consider the matter at the 30th session.

It was also necessary to avoid that the Board refer the solution of the problem to the Review Conference where the Group B countries are opposed in principle to an amendment of the Code.

It is nevertheless desirable that the Community should make an interim statement at the session when the item on the agenda asking for approval of the report on the 3rd session of the Intergovernmental Group of Experts is called. A draft for such a statement is submitted for the Council's approval. The statement is chiefly intended to safeguard the possibility of having the point included on the agenda of a future session of the Board.

Statement to be made on behalf of the Community at
the 30th session of the UNCTAD Trade and Development
Board concerning the participation of the Community
in the institutional machinery established by the
Restrictive Business Practices Code

Mr President,

On 20 September 1984 the Commission sent to the Trade and Development Board a letter drawing the Board's attention to the fact that the application of the rules of procedure of the main committees of the Board to the work of the Intergovernmental Group of Experts set up under the Restrictive Business Practices Code prevents the Community from playing a full part, like the Member States, in the work of the Group, contrary to section B (ii) (8) of the Code which entitles the Community to be treated as equivalent to a Member State.

At its 3rd session, the Intergovernmental Group of Experts continued to apply the rules of procedure of the main committees.

The Community reserves the right to ask for this matter to be formally included on the agenda of a forthcoming session of the Board and accordingly reiterates the position stated in its letter of 20 September 1984. The Community seeks to be accorded a status in keeping with its responsibilities under the Treaty of Rome and the experience it has gained in this field.