

Opinion on Immigration Policy

(92/C 40/25)

On 31 January 1991 the Economic and Social Committee, acting under the fourth paragraph of Article 20 of its Rules of Procedure, decided to draw up an Opinion on Immigration Policy.

The Section for External Relations, Trade and Development Policy, which was responsible for preparing the Committee's work on the subject, adopted its Opinion on 15 November 1991. The Rapporteur was Mr Roseingrave, the Co-Rapporteur Mr Mourgues.

At its 291st plenary session (meeting of 28 November 1991), the Economic and Social Committee adopted the following Opinion by a majority vote, with 7 abstentions.

1. Preliminary remarks

1.1. The objective of the Committee's Own-initiative Opinion is to suggest policies on immigration into the European Community which attempt on the one hand to tackle the causes of undue emigration from the countries of origin and on the other hand to utilize migration flows to the advantage both of the country of origin and the host country. These policies have to take into account the external relations of the Community and to respect the universal and indivisible nature of human rights and fundamental freedoms. The policies must be expressly seen in the context of the views expressed by the Committee earlier this year in two Opinions on the status of migrant workers from third countries⁽¹⁾.

1.2. These policies must be carried out in the context of:

- a) the elimination of the EC's internal frontiers and the creation of the European Economic Area (EEA) by 1 January 1993 and the consequences of this for the formulation and implementation of an EC common policy on immigration;
- b) existing international conventions, protocols and inter-governmental initiatives on migration and security as for example 'Trevi', 'Schengen' and the 'Ad hoc Group on Immigration';
- c) the need to distinguish immigration caused by unfavourable economic and social conditions in countries of origin and that arising from political or other causes which necessitate the granting of refugee status and the right of asylum in the host countries;
- d) the need to distinguish between long- and short-

term policies, as urgent and acute pressures are being felt and are expected to increase;

e) the present and above all potential economic and social capacity of the EC to absorb the immigration flows from third countries, while maintaining the economic progress of the Community.

1.3. Community immigration policy must achieve the difficult task of finding balances between competing objectives and in its operation to be flexible and adaptable to changing circumstances both inside and outside the Community.

1.4. The existence of common Community-wide entry criteria is an essential corollary to the policy of giving legally admitted immigrants rights consistent with those of Community citizens.

1.5. Policies on access to the national territories should not be permitted to endanger the objective of free circulation of persons inside the Community and the abolition of frontier controls envisaged for 1993. Despite national reticence and in view of the situation in recent years, the Committee contends that there is a need for a Community immigration policy, one which involves an expansion of Community powers in this field. These are detailed in sections 5 and 6. The Committee considers that the representatives of the Heads of State and Government of the Member States should work to this end, within the framework of the Intergovernmental Conference on Political Union.

2. Historical Background and Perspectives

2.1. Migration is not something new to Europe—it has always been a cross-roads of migratory patterns.

⁽¹⁾ OJ No C 159, 17. 6. 1991, p. 12 and doc. ESC 1122/91.

What is new, however, is two essential new factors of change; firstly the establishment and development of the European Community into a Single Market by 1 January 1993 and its consequential increasing attraction as an economic magnet for immigrants from third countries.

2.2. This factor is further complicated and intensified by the second major factor namely the political changes, the collapse of the command economies and the move towards a transition to market economies of the Central and Eastern European countries, leading to potentially greater migration flows from these countries into the EC.

2.3. *Diversity of Experiences and Traditions*

2.3.1. Virtually every country of the European Community has had diverse experiences with, if not a tradition of, migration—either of immigration or of emigration and sometimes of both. In most cases this was not exclusively with other Community countries but had involved Third countries: emigration to the New World (North and South America, Australasia) and southern Africa and, more recently, immigration from countries with ex-colonial ties and/or geographic proximity.

2.3.2. Historically, Europe's own experiences with migration—both immigration and emigration—were bound up with 'safe haven' for refugees, with intolerance, discrimination and persecution of minorities (based on religion, nationality, ethnicity and language), with war, with demographics and with economic development, particularly industrial development, which needed increased supply of manpower.

2.3.3. These European experiences and traditions are diverse compared with other countries of the Organization for Economic Cooperation and Development (OECD); for example, with those of USA, Canada, Australia, New Zealand or Japan, or even with the Gulf States. Such rich diversity must of necessity influence the elaboration of a Community external policy on immigration.

2.4. *Migration from Eastern to Western Europe*

2.4.1. Immigration from Eastern to Western Europe has occurred in three waves. Immediately after the first World War and the Bolshevik revolution in Russia, a first wave of refugees came for political reasons or because they feared they would not fit into the new society which was taking shape. As their numbers were

relatively small, they were absorbed without too much difficulty.

2.4.1.1. After World War II, in the years 1945-1948 with the installation of Communist regimes in Central Europe, refugees managed to move to the West, in 1956 from Hungary, in 1968 from Czechoslovakia and in 1981 from Poland. In addition the shortage of manpower in some Member States (notably Germany) led to a huge influx of Yugoslav immigrants, many of whom settled down permanently in the host countries.

2.4.1.2. Finally, in the last two years, a historic watershed has triggered a new phase of immigration to the more industrialized countries by workers from the former Communist nations. Their numbers may increase considerably in the next few years, but we have no evidence yet that this will happen. A certain number of emigrants from Central and Eastern Europe consider that they are in transit, and hope to settle further afield in the United States, Canada or Australia. Many others intend to settle and work in the Community.

2.4.2. The move from the old regime to the new, from a centrally planned economy to a free market, and from a monolithic system to democracy, will not be easy to realize and may well be uncertain in its outcome. Living standards have already dropped in several Central and Eastern European countries and unemployment is rising increasingly.

2.4.2.1. The new Central and Eastern European governments have limited resources and expertise which restrict their ability to adopt measures to help the unemployed, or to provide retraining and social assistance. This is even more serious if the heavy debt burden of these countries is taken into account which is not favouring social flanking policies. These governments are ill-prepared to tackle the long-term unemployment caused by privatization. The rate of transition from the old failed system to a new one must take this factor into account, particularly regarding employment and the absorbing of young people into the labour market. This feature of the transition to a market economy is of direct relevance to the G 24 countries' immigration policies; therefore, the G 24 must help fashion and cushion the industrial restructuring so as to minimise the migratory pressures.

2.4.2.2. Alongside social assistance measures (which remain insufficient because of the lack of resources), these countries' first task must be to improve the training of workers and managerial staff, equipping them to meet the needs of their economic development.

2.4.2.3. Training in the countries concerned should pay particular attention and support to people wishing to promote or develop small businesses and cooperatives.

2.4.2.4. The fundamental conception of help and cooperation has absolutely to include flanking policies to keep the economic and social equilibrium of these countries in transition.

2.4.3. However, despite these and other possible measures by the relevant governments, it is clear that once workers have the right to emigrate, emigration will offer one way of mitigating the pressures generated by the high economic and social costs implicit in the changes outlined above.

2.4.3.1. Migration to the industrialized countries is difficult to predict with accuracy, as it will depend on a number of imponderables such as the economic deterioration and political tensions in Eastern Europe, unemployment levels, ethnic conflicts, and expulsions.

2.4.3.2. At the conference organized by the Council of Europe in Vienna in January 1991, three types of emigration were pinpointed:

- a) ethnic migration by scattered minorities—a phenomenon which has occurred before (e.g. ethnic Germans in Poland and Romania, Jews and Armenians in other Eastern European countries);
- b) political exoduses by persecuted dissidents or following mass ethnic killings;
- c) economic migration for reasons of survival, to which could be added the objective of improving conditions of living, which has some points in common with South-North population movements.

2.4.4. Economic migrants pose serious international cooperation problems. In the common interest, there is a need for (i) foreign aid to help Central and Eastern European countries facilitate restructuring and development and thus curb migratory pressures, and (ii) a coordinated immigration policy between the European Community and the countries of origin so as to protect the interests of the countries concerned. This coordinated policy should also include possibilities for re-emigration in the future.

2.5. *Migration from developing countries to Western Europe*

2.5.1. Since World War II, by far the largest number of immigrants are of non-European (Maghreb, British

Commonwealth), and Turkish origins—not from 'Eastern Europe'. These migrants were mostly from newly-independent nations seeking work in the former colonial country. Thus, colonial ties more than geographic proximity were the main feature of the home/host country relationship.

2.5.2. The immigration pull factors in the 1950s and 1960s were strong: Western Europe was experiencing sustained rates of economic growth and increasingly labour markets were characterized by full employment. Immigration was seen by some as a relatively quick method of increasing labour supply, especially for low paid, unskilled and unskilled jobs.

2.5.3. As economic growth slowed in the mid-1970s, due to inflationary pressures arising from the Vietnam War and especially from the oil price rise of the Organization of the Petroleum Exporting Countries (OPEC), unemployment rates in the European Community started to rise and unemployment duration became longer. Unemployment in the European Community has now been above 8% for over a decade, although economic growth had picked up in recent years. Migration pull factors reduced sharply; however, migration push factors increased, due especially to the interaction of economic problems and population pressures in developing countries.

2.5.4. Most European Community States responded by enacting legislation restricting new immigration other than for family reunion purposes. Such purposes are understandable from the standpoint of the joy of living as a family and to ensure effective parental responsibilities. Even this flow of family members was subject to administrative controls. Although tighter controls deterred some migrants, it simply turned others into illegal immigrants thereby exacerbating the problem of their integration.

2.5.5. Although immigration laws are more restrictive, nevertheless family reunions are still a source of continuing legal immigration in addition to the unknown amount of clandestine immigration. In any event, immigration push is likely to intensify both from traditional countries of origin and from countries with geographic proximity because of economic and population reasons. Immigration pull, on the other hand, would probably be restricted either to specific skills or to normal characteristics such as low wages and un-

social 'flexible' jobs (seasonal workers, domestic workers, temporary/part-time/shift workers).

2.5.6. To help to lower migratory pressure caused by the huge differences in the standards of living between developing countries and the European Community it is not only necessary to increase considerably the amount of development aid but also to increase this aid especially in the countries and regions where the greatest potential of immigrants exists.

3. Principal problems to be tackled by immigration policy

3.1. *Implications of the freedom of movement principle*

3.1.1. The principle of freedom of movement (that is, the right of residence in any Member State, not only the freedom to travel) raises problems of access into the Community's area of free circulation and the control of illicit migration therein. It requires a common policy by all Member States.

a) The diverse national situations and specific problems on immigration have implications for the basic Community principle of economic and social cohesion. A balance will have to be struck between the rights of Community citizens and those from third countries⁽¹⁾.

b) Member States' national policies will have to be harmonized to prevent them from acting as barriers to cooperative procedures and common EC systems regarding the entry and movement of nationals from third countries wishing to emigrate into the EC.

c) EC legal competence should extend beyond simply providing a guarantee of cooperation among the Member States 'to promote the free movement of persons' regarding the entry, movement and residence of nationals of third countries. The EC institutions should be granted competences on immigration matters for at least the establishment of Community criteria, which should be observed by the Member States.

d) Without such a common policy the criteria for immigration admissions will vary from one Member State to another; this could give rise to reluctance on the part of certain Member States to dismantle their internal frontier controls.

e) Frontier controls are not in themselves appropriate to protect labour markets. Therefore sanctions defined by the EC have to be inflicted on employers engaging workers without work permits.

3.2. *Push and Pull factors affecting immigration into the EC*

a) The demand for labour in excess of that which can be supplied from within the EC should be forecast as far as possible to allow an assessment to be made of the appropriate labour requirements in regard to the specific demand to be met by third country workers.

b) Clandestine migrants (many destined for the 'black' economy) are a factor of instability which makes the position of legal migrants more difficult and uncertain. This is exacerbated by the reprehensible human traffic in illegal migrants conducted by organised crime, exploiting and abusing these migrants' plight. Steps should be taken to pinpoint and eliminate such cases with, if possible, the help of the authorities in the countries of origin. The search for employment is possibly the greatest single cause for emigration from the countries of origin, although other political and cultural factors also exert a push.

c) The mass media, especially television, can give a distorted, idyllic image of life and conditions in the EC. Such is a powerful magnet to migrants if not counterbalanced by the dissemination of comprehensive information to would-be migrants on the realities of immigrants' many adverse conditions, the difficulties of employment and social integration in the host countries.

d) Demographic pressure on poor countries is an important factor in emigration and is likely to increase significantly over the next few decades.

e) New and specific patterns of immigration are emerging for Central and Eastern European countries, including countries where emigration was forcibly prevented, such as Albania.

4. Reducing the causes of immigration push

4.1. Many countries of origin see emigration as a short-term solution to a long-term problem: it reduces population pressures on scarce resources and contrib-

⁽¹⁾ OJ No C 159, 17. 6. 1991, p. 12 and doc. ESC 1122/91.

utes to foreign exchange earnings through workers' remittances. Negative effects, such as brain drain and the loss of young, ambitious and enterprising people from the economy are often wrongly discounted. Individual reasons for emigrating tend to be the realization that there is no longer any hope of economic advantage in staying in one's own country: emigration is the better of two evils.

4.2. Under the principle of national self-determination, changing demographic trends and improving economic performance are, above all, the responsibility of the countries of origin themselves. Results can only be expected in the medium- to long-term.

4.3. The Community can help to ensure that the preconditions for reducing migration push are established. This is not solely an issue of greater financial resources, loans, credits, aid for even investments: without them it would be hard to make a credible impact. It is moreover a question of coherence of approach in different areas of policy and technical assistance. The Community should initiate a constructive dialogue with countries of origin to identify key areas and means and to formulate an enabling framework for policy cooperation based upon specific economic and social objectives.

4.4. First, the political infrastructure: governments of countries of origin must become responsive to their own citizens' expressions through forms of democratic accountability and social institutions. While pluralist democracy, within which socio-professional organisations can play their role, is not a guarantee of economic development or an end to emigration (witness Eastern Europe now), it is a *sine qua non*. The Community and Member States should apply agreed 'liberty conditions' in their external relations with countries of origin. The Community can voice such concerns with greater effect in fora such as the International Monetary Fund (IMF), the World Bank, the International Labour Organization (ILO), the Council of Europe and the United Nations or directly in the Community's bilateral aid programme and Generalized System of Preferences. In the case of Eastern Europe, the G 24 and the European Bank for Reconstruction and Development (EBRD) would clearly be involved. Conversely, where a country of origin does meet such conditions and, as an incentive to do so, as much as possible should be done by way of assistance and access. The EC should ensure that aid from Member States should be conditional upon its use for peaceful and human development and should accordingly be granted the necessary authority to ensure that this is done. If the

ratio of the military budget to Gross National Product (GNP) in the recipient country exceeds the Member States of the EC average, in certain circumstances the reason for this should be investigated before a decision is taken on the level of aid granted. Similarly, donor governments should guard against aid that would release funds for military purchases. These measures could come under the decisions of the Intergovernmental Conference on common security and defence policy and on cooperation.

4.5. Second, the social infrastructure, of which there are three aspects:

- a) the need to raise public consciousness in the area of demographic development requires in particular the commitment of government, educational authorities and opinion-formers;
- b) provision for basic social needs, including social insurance, health, housing and education;
- c) the creation of a climate of hope or *état d'esprit* by means of a bold initiative such as, for example, the Marshall Plan which was as important for its socio-psychological impact as for the direct economic developments that it produced.

4.6.1. Third, the economic infrastructure: priority going to measures which would create jobs now and in the future, lead to balanced economic development of the country of origin. Economic stabilization programmes which create mass unemployment and reduce output are not conducive to keeping would-be migrants in their countries, nor of providing them with any hope of contributing to economic progress—other than the ultimate personal sacrifice of being one of the unemployed! A climate of economic development and the creation of sustainable employment must be fostered. For this reason, transition to a market economy in Central and Eastern Europe has to be carefully carried out.

4.6.2. An alternative to this 'short, sharp economic shock-treatment' has to be found and greater resources are required to support structural changes and the transition process to viable economic development. Forms of tripartitism, collective bargaining and worker participation—a functioning industrial relations system—should also be encouraged as crucial means of involving people in their economic destiny and in

mediating everyday problems and conflicts. This requires trained people who are equipped to operate the institutions of such a system.

4.6.3. Furthermore, countries of origin should be encouraged to develop greater economic links and cooperation amongst themselves, thereby reorientating and diversifying their economies away from such an exclusive dependence upon the European economy (this is currently the case with North Africa, and is rapidly becoming the case with Eastern Europe). The Community has rich experience in all these fields and can do much itself as well as supporting the ILO to realize labour market programmes which are a credible alternative to emigration. At the same time, the Community could negotiate greater market access for exports of particular interest to the countries of origin provided that greater market access went hand-in-hand with alternative job-opportunities in the Community for displaced workers.

4.7. The Community's overall objective must be to assist the countries of origin to successfully 'integrate' their total labour force—with due rights, access, hopes, education and training, etc.—in their own country instead of leaving them to be marginalized either at home or abroad. To the extent that this costs money, it would be money well spent by helping to reduce migration and unemployment and benefiting from their economic growth through increased exports. The Community may be able to galvanize the political will of its Member States more effectively for this task than any single Member State could.

4.8. In the interim and until a coherent and cooperative strategy is adopted, the prevention of illegal immigration as well as the fixing of quotas for the control and management of legal immigration may well be a very difficult and frustrating task of the Community's external relations. It is important, therefore, that for this interim period the EC develops principles or guidelines as an aid to a consistent and coherent approach by the Member States.

4.9. The industrial nations and international bodies are already giving aid to Eastern Europe in the form of inward investment, opening of trade outlets, joint ventures, supply of know-how, financing, and aid for training.

4.9.1. A number of initiatives have led to the setting-up of microprojects, with the corresponding technical back-up. Special attention has been devoted to help for advanced training programmes, the development of small industrial firms, youth exchanges, and help for emigrants wishing to return home.

4.10. The right of asylum for political refugees who are subjected to physical and moral discrimination is a most important democratic and freedom protecting right. International and national laws and conventions guaranteeing this right of asylum are the basis for the protection of political refugees, whose status should be strictly reserved to such persons and not be extended to those whose sole motive for migration is economic.

4.10.1. In the area of administration there has to be made a clear-cut distinction between political refugees and economic migrants. Economic migration must be subject to careful regulation as the task of identifying motives is not easy for the authorities. Legal remedies should be available to third country nationals to appeal against administrative decisions.

4.11. Remittances from migrants working in countries with a strong currency can provide an important source of aid for the economies of their countries of origin, particularly in the case of temporary migrants.

4.12. When they return home, temporary migrants can also supply technical know-how and new areas of expertise, and can help spread a spirit of enterprise.

4.13. Taken together, these different types of assistance should gradually reduce the number of would-be migrants. But to ensure the maximum effect, this assistance must be stepped up and targeted on the population groups and areas where the pressure to emigrate appears greatest.

4.14. At all events, the many bilateral and multilateral initiatives will have to be co-ordinated.

4.15. Furthermore, representatives of all the relevant governments agree that studies should be made of information on emigration, both to provide information for the authorities and to pinpoint ways of disseminating information to the individuals concerned. The studies should also identify outstanding problems and propose appropriate measures. The Committee endorses this approach.

5. Arguments for Community competences on immigration policy

5.1. Immigration policy is closely linked with Community policies, in particular those on the achievement of the single market, which must respect the basic principles of economic and social cohesion. If immigration policy were to remain exclusively or basically the prerogative of the Member States, it could constitute a difficulty or create contradictions in Community policies which have already been laid down. Furthermore it would be in contradiction to the principle of subsidiarity. But given the diversity of European experiences, cultures and traditions, any claim to competence by the Community's external relations over immigration policy must be well founded. The following are some arguments.

5.2. It is recognized that immigration policy is high on the political agenda in both countries of origin and host countries. The Community's reputation in the world (as well as that of the 12 Member States) depends, amongst other things, on how the sensitive issue of immigration from non-Member countries is handled. Insofar as the Community wishes to have economic and diplomatic relations with countries of origin on other aspects, immigration policy can neither be avoided nor treated in isolation as only a 'technical' matter of, for example, migrants' flow control.

5.3. It is recognized that for the Community immigration raises difficult domestic problems which have international implications; for example, being seen by countries of origin to be actively promoting multiculturalism, non-discrimination and freedom of movement of migrants from Third countries on the same basis as for Community nationals.

5.4. It is recognized that the Community shares in common with other OECD countries a moral duty and economic self-interest to promote the balanced development of countries of origin's economies, as 'economic migration' is a symptom of comparative underdevelopment and low *per capita* living standards. Treating the causes of emigration requires concerted efforts by all OECD countries together and the EC should use its position to promote OECD-wide concertation on this issue. While avoiding a *de facto* partition of the world into zones of responsibility and influence, it is recognised that the EC does have a special duty to put in place a policy of close cooperation with Central and Eastern Europe and North Africa, given their geographical proximity, and with other countries of origin given their historic ties. A deepening

EC commitment to realising the economic development aims of countries of origin implies, conversely, a necessary reinforcement of recipient countries' obligation to pluralist democracy so that intensified cooperation can help to make possible improved living standards for the whole population.

5.5. It is recognized that both geographic proximity and historical (ex-colonial) ties bind the Community as well as the 12 Member States into a 'special relationship' of expectations with Third countries, regardless of formal governmental agreements between countries of origin and host countries.

5.6. It is recognized that in certain circumstances some Member States are currently subjected to pressures from specific interest groups to liberalise their immigration policies. If such pressures became widespread this could give rise to a flow of immigrants into the Community which would be incompatible with the available economic and social capacity.

5.7. It is recognized that international institutions to which the Community and/or the Member States belong and to which they are committed have already developed a body of opinion on migration questions which needs to be built upon by the Community.

5.8. It is recognized that in some cases the voice of the Community may be greater than the sum of the Member States individually, and that the Community should promote a dialogue with countries of origin to agree on a framework of aims, rights, responsibilities and actions on migration questions (including how to reduce migratory pressures) within which individual Member States can operate their own immigration policy.

5.9. It is recognized that common policies, including the Internal Market, implicate each Member State in the immigration decisions of others, thereby pushing the Twelve to some degree of collective, harmonized or convergent handling of immigration from Third countries.

5.10. It is recognized that there is merit in simplicity, coherence and consistency and that, wherever possible, rules be applied to would-be immigrants from all Third countries.

5.11. It is recognized that Community competences in trade (plus trade in services) and aid policy could

directly influence immigration from Third countries and that Member States' policies (e.g. economic and labour market) could indirectly influence it.

5.12. It is recognized that the Community should be interested in promoting pluralist democracy, the rule of law, religious tolerance and rapprochement, civil institutions, human and trade union rights, etc. in its external relations (as we expect within the Community) as a contribution to world peace and prosperity and as a specific contribution to reducing migration pressures.

6. Guidelines for immigration policies

6.1. The policy of each Member State will have effects on the policies of other Member States of the EC and on the EC as a whole. If major problems are not to arise—from the inevitable and increasing flow of immigrants—for the Community in terms of unemployment, conditions of hygiene and safety and social security measures, housing, education facilities and so on, then steps must be taken at the EC level to bring about effective cooperation towards harmonizing the approaches in the different Member States' national immigration policies. A way may be found towards establishing the legal EC competency for such cooperation in the revision to the Treaty emanating from the Inter-governmental Conference. The responsibilities of intergovernmental agencies should be transferred to Community competence, involving all EC institutional bodies and thus allow for democratic scrutiny and openness, as coordination, coherence and harmonization are needed, especially on the external relations aspects. Meanwhile the Committee would wish to see the control of immigration at the outer frontiers of the Community to be both efficient and effective.

6.2. The overall EC policy on immigration should be to prevent, control or stem immigration by helping the countries of origin to bring about economic growth and a better quality of life in their own countries.

6.3. Persons, who have immigrated legally or who have been living legally for a long time in the Community, should have the opportunity to acquire the basic rights of EC citizens, with the exception of certain political rights. EC social minimum standards should be applied to legal immigrants from third countries in accordance with ILO- and UN-conventions. The Community must guarantee the principle of equal rights and opportunities for EC and non-EC legal residents, as stated in two earlier Committee Opinions on the

status of migrant workers, which should serve as a reference for all matters relating to the rights and voluntary repatriation of immigrants⁽¹⁾.

6.4. Most people do not emigrate because they are 'looking for paradise'; they would prefer to live in their own countries. But if people are living on 'the threshold of misery' then a major influx in immigration is likely to occur. Where immigration has occurred then every effort, consistent with human rights and fundamental freedoms, should be made by the host country in a policy of re-emigration to enable people to go back to their own countries if they so wish.

6.5. Within the multilateral framework and negotiations of the General Agreement on Tariffs and Trade (GATT) as well as in the frame of bilateral agreements, the EC should carefully review its policies which would create trade barriers that could lead to immigration because the emigrants cannot earn a living in their own countries.

6.6. As an immediate policy the EC should provide training programmes and investment incentives for immigrants aimed at enabling them to return home equipped with basic skills and management expertise.

6.7. Through investment in economic development and the provision of training courses the EC should make a major contribution to prevent the brain-drain from the Central and Eastern European countries. Such a brain-drain is adverse to the chances of these countries recovering economically in the transition stages from a command economic system to a market economy (though not necessarily the Adam Smith model). Such a failure would lead to increased unemployment and this would in turn only make the unemployed become potential emigrants. The aim of EC policy generally ought to be to help to create stable political and socio-economic conditions in the countries of potential emigration.

6.8. The Committee stresses the fact that immigration is not only a single-person problem for the host country—it is also a family problem for which the host country has to provide for not only the immigrant himself but for his wife/husband and children also. This wider dimension of the problem means that extra appropriate provision has to be made in the area of public expenditure for education, housing, health and social security—all of which constitute a heavy budgetary cost on immigration to be borne by the host country.

⁽¹⁾ OJ No C 159, 17. 6. 1991, p. 12 and doc. ESC 1122/91.

6.9. A few principles underpinning a joint immigration policy specifically in relation to temporary migration could usefully be established in line with the discussions at the Prague meeting of European Employment Ministers in April 1991.

6.9.1. Neither Central and Eastern Europe nor the Mediterranean third countries want to become a recruiting ground for the underground economy, and Western Europe does not want to attract more job-

seekers than it has vacancies for. The Committee underlines that negotiations and agreements are therefore needed. For the present these could even be bilateral until the EC or other supranational bodies acquire a remit for immigration matters.

6.10. The aim of EC policies should be to help the countries of origin to enable them in future to help themselves in the development of their own resources for their economic and social progress.

Done at Brussels, 28 November 1991.

*The Chairman
of the Economic and Social Committee*

François STAEDLIN

economic and fiscal incentives⁽¹⁾ for the use of reusable materials, less packaging, and pre-treatment of waste in order to reduce its quantity and toxicity.

1.4. As the Committee has pointed out on several occasions, in addition to a positive commitment by the authorities, prevention also implies the active involvement of consumers, with a thorough-going programme of education for selective waste collection and ecologically-aware consumption. Ecological labelling of products should provide a major step forward in this direction.

1.5. Lastly, the Committee recalls the need, expressed in earlier Opinions, for a network of waste disposal installations, fairly distributed on a geographical basis, in order to reduce transport of waste to a minimum. Collection and landfill disposal areas should be as close as possible, subject to the existence of suitable hydrogeological conditions.

2. Preliminary observations

2.1. Based on the overall preventive approach referred to in the Introduction, comprehensive 'cradle to grave' waste measures need to be adopted incorporating proposals to regulate individual 'end of pipe' technologies for disposal.

2.2. While calling upon the Commission to reconsider this requirement for the future, the Committee also wishes to express its appreciation of the Explanatory Memorandum to the Proposal, particularly in its emphasis on the primary goal of developing strategies for prevention and recycling, with a view to reducing the amount of waste for disposal by landfill.

2.3. On the basis of Dutch and Austrian experiences, the Committee calls on the Commission to consider whether prevention policies might not be strengthened by a clearer statement of reduction deadlines and targets at the source of the problem and by progressive dissemination of recovery and recycling technologies. This approach is clearly applicable to both municipal and industrial waste. The promotion of differentiated collection is essential for municipal waste in order to separate substances such as solvents, medicines, glass, electric batteries, etc.

2.4. The Committee stresses the need for rapid harmonization of waste classification procedures between all Member States, together with more reliable information on the volumes and types of waste produced, and on actual disposal capacity within the Community. To this end, the obligation on Member States to submit an annual report to the Commission, laid down in Article 19, can help considerably.

2.5. Point 5 of the abovementioned Council Resolution is worth mentioning in this respect, as it recognizes the need for Community-wide data on the volume and type of waste produced in the Community, the availability of approved disposal facilities and the methods of treatment and final disposal. The Council was relying upon the European Environment Agency to help collate such data. The regrettable and basically unjustifiable delay in setting up the Agency has certainly made itself felt in this area. It must therefore be clearly stated what information Member States should forward to the Commission.

2.6. The Committee calls upon the Commission to take urgent steps to draw up a complete list of illicit landfill sites within the Community, so as more accurately to assess needs, including the financial resources required to deal with them, with a view to future economic and tax measures and better identification of measures to prevent any spread of this practice. Effective supervisory machinery is essential in order to prevent even the strictest regulations on landfill being evaded, increasing illicit activity. Adequate penalties should be available.

2.7. A further aspect meriting attention is the state of research and technical progress in this field. In the United States of America, for example, the state of knowledge on landfill and the decomposition processes involved is being expanded with contributions from a new discipline, 'landfill archaeology'.

2.8. The Committee regrets that the proposal makes no mention of initial and in-service training of landfill personnel: competent, qualified management is an essential element in the protection of the environment from the risks which may arise from this activity.

2.9. Lastly, the Committee considers it essential to set up public information and consultation machinery,

⁽¹⁾ Interpreted as broadly as possible as described in the Own-initiative Opinion ESC 1052/90 (OJ No C 332, 31. 12. 1990).

respecting the principle of freedom of environmental information, and especially in view of the concerns over harmful effects frequently voiced by local residents directly affected by landfill sites.

3. Specific comments

3.1. Article 3

3.1.1. The Committee recommends clarifying the definition given in (j) by replacing the word 'water' with 'liquid'.

3.2. Articles 6, 7, 8 and 9

3.2.1. The Committee considers the procedures for permission and notification of waste not acceptable for landfill to be adequate; nevertheless, it recommends that appeal procedures against decisions made by the appropriate authorities be provided.

3.3. Article 9

3.3.1. A landfill should be seen as a disposal plant, the centre of which may be portrayed as a biological reactor which must be carefully controlled lest it become not entirely predictable.

3.3.2. This would lead the Committee to agree with the Commission's proposed ban on liquid waste to sites for the joint disposal of various types of waste, except where absolutely necessary depending primarily on meteorological conditions and the continuation of proper on-site decomposition processes. The Committee stresses the need for strict observance of the compatibility criteria referred to in Annex 4.

3.3.3. The Committee also urges that special attention be paid to measures to collect and remove rainwater. The purpose is to reduce percolate to a minimum at source: its collection and subsequent treatment represent one of the heaviest operating costs, but are necessary in order to reduce the risk of pollution to groundwater.

3.3.4. The Committee also welcomes the exclusion of infectious waste, which could give rise in wastefills to the growth of pathogenic micro-organisms, despite the reducing environment.

3.4. Article 10

3.4.1. More generally, the Committee would ask the Commission to examine in the greatest detail authorization to mix different types of waste, given the environmental risks presented by this practice; the appropriate authorities should strictly enforce the compatibility criteria set out in Annex 3.6.

3.4.2. The acceptance procedures described in Article 11 merit endorsement: however, it should be specified in 2.b) that staff carrying out inspection and control functions must be properly qualified, by adding 'by staff qualified for these tasks'. The control procedures in operation and aftercare phases (Art. 12) and the closure procedures (Art. 13) are likewise endorsed.

3.5. Article 13

3.5.1. In 1.b), the term 'site operator' is suggested instead of 'owner of the site'.

3.5.2. Similarly, in point 5, the phrase 'the operator shall be in charge' should be clarified by inserting 'or the person who takes over the closed site from the operator' between 'operator' and 'shall be in charge of'.

3.6. Article 14

3.6.1. The Committee recommends that the civil liability of the operator be kept strictly in line with the draft directive on civil liability for damage caused by waste, currently in course of adoption⁽¹⁾.

3.7. Article 15

3.7.1. The Committee is pleased to note that Article 15(2) and (3) provides existing landfill sites with a transitional period to meet standards, but asks that the wording of Article 15(1) be made more clear and coherent.

3.8. Article 16

3.8.1. The Committee acknowledges the impossibility of achieving Europe-wide harmonization of costs, in view of the widely-differing geological conditions among Member States. It believes, nevertheless, that harmonization of environmental protection standards and their effective implementation will help to reduce divergences in disposal costs. The Commission is called

⁽¹⁾ ESC Opinion in OJ No C 112, 7. 5. 1990.

upon to collect aggregate national data, using the annual reports, on disposal costs and on disposal costs per tonne for each landfill operation, so as to build up a detailed statistical picture.

3.9. Articles 17 and 18

3.9.1. Articles 17 and 18 raise the serious and controversial matter of the financial guarantee or equivalent which the operator is required to provide to cover closure and aftercare operations, any site maintenance and repairs required following closure, or unforeseeable operating problems during a site's active life. Article 18 provides for the establishment of national Landfill Aftercare Funds. The Committee also urges that thought be given to directing adequate funds to operator training and public information.

3.9.2. The Committee believes that a differential scale of operator charges should be indicated, depending on the type of waste disposed of at the landfill site.

3.9.3. However, landfill site management should never pursue economic efficiency objectives at the expense of the primary aim of shielding the environment and health factors from pollution.

3.10. Article 19

3.10.1. In the light of the needs referred to in points 2.4 and 2.5 above, the Committee calls for the information Member States are to forward in their annual

reports to be spelled out. The following items in particular should be included:

- specific data on each landfill operation (location, types and amount of waste, disposal cost per tonne, catchment area, etc.),
- aggregate national data (types and amount of waste disposed of, overall cost),
- plans for new landfill sites,
- closed landfills,
- technical and financial activities of the Landfill Aftercare Fund.

4. Comments on the Annexes

4.1. Annex 1, 6.3

The Committee suggests introducing night-time supervision of landfills for hazardous waste, but also for landfill risks in general.

4.2. Annex 3

The Committee calls for the formulation of specific criteria for underground and cave deposits to be considered.

4.3. Annex 4, 4

The Committee fails to understand why municipal waste has been excluded from the control procedures on eluate criteria.

Done at Brussels, 27 November 1991.

*The Chairman
of the Economic and Social Committee*

François STAEDELIN

