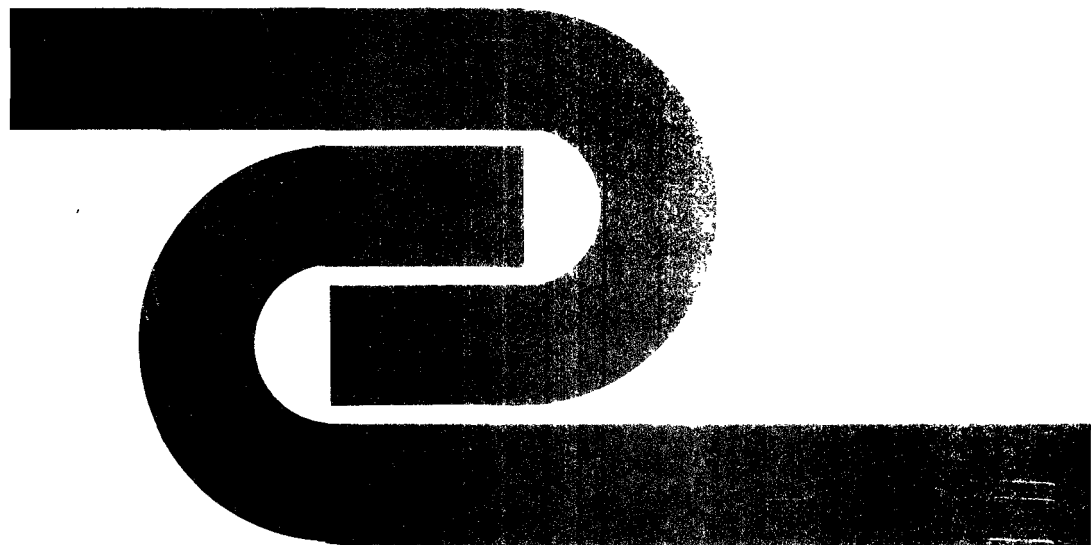


ECONOMIC AND SOCIAL COMMITTEE
OF THE EUROPEAN COMMUNITIES

BULLETIN



Brussels - No. 10/1984

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220th PLENARY SESSION

The 220th Plenary Session of the Economic and Social Committee was held on 24 and 25 October 1984.

Election of new Chairman and Vice-Chairmen

At this Session the Committee proceeded first of all to elect its new Chairman, its new Vice-Chairmen and its new Bureau.

The Vice-President of the DGB (German Trade Union Federation), Gerd Muhr, was elected new Chairman of the Economic and Social Committee by a large majority. In this office he succeeds Mr François Ceyrac, former Chairman of the French Employers' Federation.

Gerd Muhr has been a member of the Economic and Social Committee since 1970. He is also Vice-Chairman of the Governing Body of the International Labour Organization and Chairman of the Executive Board of the Bundesanstalt für Arbeit (Federal Employment Institute).

The ESC elected as its new Vice-Chairmen Mr Philippus H. Noordwal, International Affairs Adviser, at the VNO (Confederation of Netherlands Industry) and Mr Umberto Emo Capodilista, President of CONFAGRICOLTURA (General Confederation of Italian Agriculture) and former Chairman of COPA (Committee of Agricultural Organizations in the European Community).

New Bureau

The ESC also elected a new Bureau composed as follows:

EMPLOYERS' GROUP

Mr Clément de Bièvre (B)
Mr Paul Broicher (A)
Mr Panayotis Dracos (G)
Mr François Ceyrac (F)
Mr Gordon Pearson (IRL)
Mr Alberto Masprone (I)
Mr Ph. H. Noordwal (N)
Mr William Poeton (UK)

WORKERS' GROUP

Mr Bent Nielsen (DA)
Mr Gerd Muhr (A)
Mr Jean Rouzier (F)
Mr Patrick Murphy (IRL)
Mr Gian Battista Cavazutti (I)
Mr Jeannot Schneider (L)
Mr Bartholomeus Pronk (N)
Mr Tom Jenkins (UK)

VARIOUS INTERESTS GROUP

Mr Alfons Margot (B)
Mr Erik Hovgaard Jakobsen (DA)
Mr Johannes Jaschick (A)
Mr Stylianos Bazianas (G)

Mr Roger Burnel (F)
Mr Umberto Emo Capodilista (I)
Mr Mathias Berns (L)
Mr Peter Storie-Pugh (UK)



The Plenary Session. In the centre, the Chairman of the ESC, Mr Muhr, on the right Mr Andriessen, Commissioner, and on the left, Mr Louet, Secretary-General of the ESC.

The first part of the Session was chaired by Mr Ceyrac, the outgoing Chairman, and the second part by Mr Muhr, the new Chairman.

**Summary of the statement by Mr Muhr,
new Chairman of the ESC**

The unemployment trend in the Community was the main theme of the inaugural address delivered by the new Chairman of the ESC, Mr Gerd Muhr. Despite a limited cyclical upswing, unemployment had continued to rise and now stood at more than 10%. This meant that more than 13 million people were without a job. The structure of unemployment had changed too. Structural unemployment was continuing to rise and the trend in youth unemployment was particularly disquieting. In addition, the introduction of new technologies had led to upheavals in the labour market for which no adequate answer had been found as yet.

The new Chairman of the ESC, Mr Gerd Muhr.



The survival of the Community depended on whether it could meet the challenges facing it. This was above all a task for the two sides of industry. In Mr Muhr's view the ESC was an ideal forum for discussions between these parties.

Summary of the statement by Mr Ceyrac, outgoing Chairman

In his final speech, Mr François Ceyrac referred to the priority task he had set himself, namely to consolidate the Committee's position in the Community's decision-making machinery, i.e. to assert its institutional role.

The Chairman underlined the importance of the contacts and cooperation which had been developed over recent years. This represented a not insignificant achievement. The Committee had become the socio-economic centre in Brussels, and this was another way in which it could play its role.

Finally, it was agreed that the crisis affecting the Community was not the beginning of a decline, but rather a harbinger of the renewal which was necessary in order to confront the future, the Committee could and should play an even more fundamental role than before.

It should not be forgotten that the Committee was the only Community forum where representatives of all the economic and social interest groups in Europe regularly met. It could therefore aspire to become the place where major future developments were prepared and took shape, for example in the social, economic or environmental sphere.

Opinions adopted

1. SOCIAL SECURITY (Own-initiative Opinion)

“Current social security problems in the countries of the EEC”

Gist of the Committee Opinion⁽¹⁾

Unemployment and the economic recession are major contributory factors to the financial imbalances of the Member States' social security systems. This is one of the conclusions drawn by the Economic and

⁽¹⁾ Doc. CES 982/84

Social Committee in its Opinion which was adopted by 56 votes to 32 with 11 abstentions. Other factors which it mentions are: rising health costs, the ageing of the population and the extension of benefits to new sectors of the workforce without any provision for adequate contributions.

The Committee points out that the social security systems in Member States where social security receipts are directly linked to wages and salaries and where unemployment is high suffer from a reduction in revenue from contributions and taxes, yet at the same time must bear the cost of higher benefits.

Linking social security revenue to employment also tends to penalize the labour-intensive sectors of the economy.

Thought must therefore be given to devising alternative assessment bases for employers' contributions under which contributions would be based on the added value created by the undertaking as well as on wages, especially as technological change and rationalization generate unemployment and in consequence are likely to increase the cost thereof.

The Committee calls for consideration to be given to possible corrective measures, such as:

- raising contributions (bearing in mind that there are limits to the burden of taxation and social security payments);
- raising contribution ceilings;
- the inclusion of all economically active persons in the contribution system;
- the improvement of State contributions.

This would be a step towards the long-term objective of aligning social security systems in the Community, particularly as regards funding.

This means that the less-developed and more recent systems in some Member States must as far as possible be upgraded and put on an equal footing with the systems in the more advanced Member States at the earliest opportunity.

In addition to these measures, there is a pressing need to cut costs in some areas of social security, the health service in particular. These cuts could be achieved by improved planning of hospital infrastructures, better use of sophisticated equipment and tighter control of technical services, laboratory tests, clinical biology, etc.

However, the Committee points out that attempts to put State budgets and social security systems on an even keel cannot without an

effective employment policy, including a fairer share-out of the scarce jobs available among job-seekers by means of work-sharing, with due account being taken of the different conditions in the different fields covered by collective agreements.

The ESC also stresses that the principle of solidarity with the unemployed must be fostered among the general public and particularly within the social security system, so that when benefits are adjusted to the deterioration in economic circumstances the burden is not borne by the most disadvantaged groups.

The Committee quotes the Commission "Social protection is not to be considered as a burden on the economy". There is in fact a clear link between the level of social security cover and economic performance, since a good level of social security cover contributes to high-quality economic growth. Social security benefits are channelled back into the economy in the form of purchasing power and thus play a key role in supporting economic activity. The social security systems — the health services in particular — are themselves major providers of employment, both directly and indirectly (in the chemical, pharmaceutical and electronics industries). Social protection is a precondition for maintaining a high level of skills, efficiency and motivation in the economic life of Europe.

This Opinion was drawn up in the light of the paper produced by the Section for Social Questions, chaired by Mr Houthuys (Belgium - Workers). The Rapporteur was Mrs Engelen-Kefer (Germany - Workers).

2. MIGRANT WORKERS (Own-initiative Opinion)

Gist of the Committee Opinion⁽¹⁾

In its Opinion, which was adopted by 56 votes to 4 with 23 abstentions, the Committee stresses the inadequate political response to the worsening problems of migrant workers arising from the concentration of immigrants in unhealthy job activities and housing areas, and their marginalization and insecurity in a growing climate of xenophobia and racism.

It calls for an urgent European Community policy stimulus, comprising the following measures:

- The full application by Member States of EC citizens' right of freedom of movement, notably as regards the joint recognition of

⁽¹⁾ Doc. CES 984/84

qualifications, easier immigration procedures and more flexibility in allowing time to search for jobs in other Member States, and the speedy introduction of an EC passport;

- a genuine policy coordination on the rights of third country migrants concerning entry, establishment, residence and social security, and more appropriate aid to the countries and regions from whence immigrants come;
- better integration of immigrants through special reception centres, improved employment and working conditions, the setting-up of a European Housing Fund to combat ghetto conditions, special training and educational aid, help in language learning — especially for young immigrants, strenuous efforts to combat discrimination and to assure women immigrants in particular equal treatment at the workplace, freedom to maintain and exchange cultural traditions, a more uniform procedure as regards social security rights and the acquiring of equal civil and political rights, particularly the right to vote;
- better opportunities for reintegration in the country of origin on the basis of bilateral and multilateral agreements promoting the proper transfer of social security entitlements plus technical, economic and training aid.

This Opinion was drawn up in the light of the paper produced by the Section for Social Questions, chaired by Mr Houthuys (Belgium - Workers). The Rapporteur was Mr Dassis (Greece - Workers).

3. XIIIth COMPETITION REPORT

“Thirteenth Report on Competition Policy”

Gist of the Report

It has become standard practice for the Annual Report on Competition Policy to describe the main developments in competition policy in the previous year, and the Thirteenth Report is no exception.

The Commission reaffirms the principles stated in the Twelfth Report, namely that it is essential to preserve the stimulus of fair and effective competition in order that the economy can reap the benefits of free trade. The decisions the Commission took hence reflect a continuing determination to rigorously enforce the competition rules, but also a

(¹) Doc. CES 984/84

desire to encourage industrial restructuring, to improve the competitiveness of Community industry, to promote research and development and innovation, and to accelerate progress towards a single Community market.

As is clearly stated in the introduction to the Thirteenth Report, the Commission's work of administering competition policy cannot be encapsulated by the sole objective of removing distortions which are liable to interfere with inter-State trade, but also includes improving the allocation of resources and raising the competitiveness of Community industry, enabling the Community at length to overcome the economic problems now facing it.

The rules relating to business practices were expanded in 1983 by two block exemption regulations, covering exclusive distribution and exclusive purchasing agreements. The same desire to increase legal certainty prompted the Commission to continue its work on finalizing similar regulations for patent licensing, motor vehicle distribution and research and development cooperation.

In relation to State aid, the Commission in 1983 stepped up its efforts to clarify the circumstances in which it can regard an aid scheme that has been notified to it as compatible with the common market.

The Commission embarked upon a detailed study of the problems involved in monitoring in cases where the authorities in charge of administering an aid scheme are widely dispersed geographically or at different levels of the administrative machinery, or where the aid itself can assume complex forms.

As foreshadowed in last year's Report, the Commission also made clear to the Member States and interested parties how it would progressively order the recovery of aid paid illegally in contravention of the Community competition rules.

Gist of the Committee Opinion⁽¹⁾

In its Opinion, adopted unanimously less 5 abstentions, the Committee first notes that an exclusively legalistic approach will do nothing to solve the Community's current competition problems. What is needed is a coherent, timely combination of all general policies. A competition "policy" must also be dynamic and forward-looking, and must take account of circumstances, particularly the crucial features of the current recession (unemployment, inflation, the Community's handicap in

⁽¹⁾ Doc. CES 980/84

some advanced technologies and sectors, high cost of money, adverse pressure resulting from the increased competitiveness of some newly industrialized countries).

The Opinion devotes particular attention to the following problems:

With regard to competition and new markets, the Committee feels that one of the main aims of Community policies should be to pinpoint new outlets for Community products. This would undoubtedly have a favourable effect on employment.

The solution to taxation and company law is not just to step up work on harmonization, but also to try to state principles and build instruments, with a Community basis where possible.

The Committee emphasizes the need to adopt the draft regulation creating the European Cooperation Grouping.

With regard to structural overcapacity, the Committee is pleased that the Commission is trying to reconcile respect for the basic principles of competition rules with the absolute need to take account of overcapacity, which may be cyclical or structural must first, however, be analyzed.

The ESC broadly approves the Commission guidelines on fixing the level of fines. There must be an overall legal-economic assessment carried out case by case.

The Opinion also notes the Commission commitment to apply competition rules to the banking and insurance sectors.

The Committee is worried by the continuing rise in all forms of State aid. It thus welcomes the Commission's greater attention and severity, and stresses the absolute need to ban aid which produces a "featherbedding" mentality, wasting resources on lame ducks.

This Opinion was drawn up in the light of the paper produced by the Section for Industry, Commerce, Crafts and Services, chaired by Mr de Wit (Netherlands - Employers). The Rapporteur was Mr Bagliano (Italy - Employers).

Summary of the statement by Mr Frans Andriessen, Member of the Commission

Mr Andriessen took part in the debate. He welcomed the Committee's Opinion as a valuable contribution. Stocktaking was always a matter of listing positive and negative results, and he was pleased that the Committee's Opinion had underlined the positive points of the Thirteenth

Report. Mr Andriessen told of the Commission's plans to cover such fields as research and development, joint undertakings and distribution rules for motor vehicles. Increasing arguments about intervention of public authorities in competition policy made it more necessary than ever to have international cooperation on the subject. That was why there had been regular exchanges of ideas, with good results, between the EEC and the US as well as between the EEC and Japan. Mr Andriessen said that he supported the Committee's call for greater transparency and that progress had been achieved in that field, but that procedures were still too slow.

He noted the Committee's harsh comments on the question of aid, but assured the members that the Commission was overcoming many difficulties in this respect. It was also responsive to the demands of industry and public authorities in the fields of innovation, R & D and in sound restructuring of industry. In order to help speed up implementation of competition policy, complaints concerned with minor cases would be dealt with by an accelerated procedure under a regulation now being prepared.

4. RADIOACTIVE WASTE

“Proposal for a Council Decision adopting a Programme on the Management and Storage of Radioactive Waste (1985-1989)⁽¹⁾”

Gist of the Commission proposal

The Commission proposes a third programme on the management and storage of radioactive waste scheduled to begin on 1 January 1985 for a five-year period. The total cost of this shared-cost research programme including expenditure on 15 staff is estimated at ca. 200 MECU, 92 MECU to be met from the Community budget with the rest coming from national budgets/contractors.

The programme is divided into two parts. Part A entitled “Waste Management Studies and Associated R & D Actions” comprises six major areas. These are:

- I. Systems studies.
- II. Improvement of waste treatment and conditioning technologies.
- III. Evaluation of conditioned waste and qualification of engineered barriers.

⁽¹⁾COM(84) 231 final

IV. Research in support of the development of disposal facilities.

V. Safety of geological disposal.

VI. Joint drawing-up of waste management policies.

Part B of the programme entitled the "Construction and/or operation of underground facilities open to Community joint activities" consists of three pilot projects, although other projects may be added in the course of the programme.

Project number I involved the construction of a pilot underground facility in the Asse salt mine. The project proposed by the West German authorities will begin in 1984 and be operational around 1986. The Community contribution will be 8.4 MECU over five years.

The second project, proposed by CEN/SCK with the support of the Belgian authorities for a pilot underground facility in the argillaceous layer under the Mol nuclear site will begin around 1984 and will be operational around 1995. The Community contribution will be 7.4 MECU over five years (note: The Study Group visited the Mol nuclear site during its preparation of the Opinion).

The third project for an experimental underground facility in France in a geological medium of complementary nature presented by the CEA with the support of the French authorities should begin in 1984 and be operational in 1989. The Community contribution over five years will be 9.2 MECU.

Gist of the Committee Opinion⁽¹⁾

In its unanimous Opinion the Committee approved a proposal for a five-year programme on the management and storage of radioactive waste as part of the Community's twelve-year plan of action in this field.

Amongst the major elements endorsed by the ESC is the construction of R & D laboratories in geological conditions for interim and definitive storage of high-activity and long-life waste, leading possibly to underground industrial plants.

A more flexible approach by Member States toward the definitive storage of radioactive waste should be encouraged. Not all countries have the geological structure available for effective final storage. Salt, clay and granite are suitable for wastes of differing radioactivity — they are complementary. In this respect the programme can be strengthened by parallel projects in related fields, such as that for the transport of

(¹) Doc. CES 979/84

radioactive materials within the EC. In this way, the necessary safety measures can be taken for the removal of radioactive waste to the most appropriate definitive storage depot within the Community.

There are legal constraints in some countries which will inhibit maximum effectiveness. However, the Committee stresses that the management and disposal of radioactive waste concerns all the Member States even if some do not operate nuclear fission plants.

The Committee recognized the complexity of the project on the Migration of Radio Nucleides into the Geosphere (MIRAGE) and called for further research on the capacity of geological structures to confine the radioactivity of stored waste.

Delays in making plans for definitive disposals were criticized by the ESC. "Whilst most Member States are active in the interim storage of waste, it is not wise to have a policy which involves waiting for at least fifty (perhaps up to one hundred) years before the means of storage of high-level and long-life radioactive waste is decided upon".

It is further suggested that the public be made more aware of the subject as improved understanding can allay unnecessary fear. "Radioactive emission can sometimes be confused with waste. These variances can have widely differing consequences. The differences between genetic and somatic effects, for example, are seldom explained. The necessary protection of those working in this industry will need to be adjusted in accordance with emerging knowledge and technology."

This Opinion was drawn up in the light of the paper produced by the Section for Energy and Nuclear Questions, chaired by Mr Romoli (Italy - Employers). The Rapporteur was Mr Pearson (Ireland - Employers).

5. GSP

"Proposal from the Commission to the Council fixing the Community's Generalized Tariff Preferences Scheme for 1985⁽¹⁾"

Gist of the Commission proposal

This is the last annual review of the present system; the five-yearly review is scheduled for 1986. The changes proposed by the Commission in duties or quotas for certain groups of product are therefore relatively minor.

⁽¹⁾ COM(84) 378 final

Gist of the Committee Opinion⁽¹⁾

The Committee adopted this Opinion unanimously. It believes that overall the aims of the Community's GSP are acceptable but questions the GSP's impact in terms of boosting development in the most needy LDCs.

Looking ahead to the next review of the scheme it therefore calls on the Commission to make full use of the GSP's potential as an effective development aid instrument, (a) devised to encourage economic growth in the LDCs, (b) placing greater emphasis on selectivity and (c) accompanied by clearcut implementing arrangements, especially as regards rules of origin.

The Committee would prefer to examine the new key proposed by the Commission for distribution of quotas for quota-tied products among the Member States in connection with the review of the scheme for the next five-year period.

This Opinion was drawn up in the light of the paper produced by the Section for External Relations, chaired by Mr Zinkin (United Kingdom - Employers). The Rapporteur was Mr Cremer (Germany - Workers).

6. SCIENTIFIC AND TECHNICAL INTERCHANGE

“Communication from the Commission to the Council Stimulating European Cooperation and Scientific and Technical Interchange” (Plan 1985-1988)⁽²⁾”

Gist of the Commission's Communication

On 23 February 1983, the Committee approved a proposal for an experimental plan to stimulate the efficacy of the EC's scientific and technical potential. The current Commission proposal stems from the success of this experimental plan.

The new proposal, for the period 1985-1988, consists of a series of measures to improve both the mobility of researchers and the communication between scientists. The plan seeks thus to further cooperation within the EC in the field of R & D. It envisages support for:

- the transfer of researchers between Member States;
- the bringing together of geographically distant expertise in order to undertake joint projects;

⁽¹⁾ Doc. CES 983/84

⁽²⁾ COM(84) 215 final

— the improvement of communication and information exchange.

All fields covered by the exact and natural sciences are covered although there will be particular emphasis on:

- chemistry
- “biocommunication”
- earth sciences
- optics
- mathematics and information technology
- oceanography
- surface chemistry and physics
- scientific instrumentation.

Projects eligible for support will be chosen on the basis of the following criteria: quality, multi-disciplinary content, innovative aspects and value in breaking down barriers between different forms of R & D.

The Stimulation Plan will be implemented by both multisectoral plans and by a range of measures within each Community Research Action Programme. Measures available include:

- research grants to encourage mobility;
- laboratory twinning to achieve optimum scale;
- operation contracts to support original work by teams from different Member States aimed at achieving a predetermined objective within a given time.

A number of accompanying measures designed to create an environment more conducive to mobility are also proposed. Such measures include a researcher's travel voucher, career endorsements and an information and documentation system.

The cost of the four-year programme beginning 1 January 1985 is 40 MECU to be financed 100% from the Community budget.

Gist of the Committee Opinion⁽¹⁾

The Committee deplores the almost total absence of budgetary provision in the Council's current 1985 draft budget for the 1985-1988 Plan Stimulating European Cooperation and Scientific and Technical Interchange even though the actions envisaged are certainly worthwhile. The Committee strongly recommends that the 1985 draft budget be revised.

⁽¹⁾ Doc. CES 981/84

This is the main message of the Economic and Social Committee's Opinion which was adopted unanimously.

The Committee, which approves the Commission's proposal, has a number of comments and suggestions to make.

The Committee is ripe for the creation of a genuine European scientific action space on a scale comparable to that existing in the United States.

In the ESC's view, these aspirations for a European scientific action space, which come over clearly in the Communication proper, are considerably diluted in the draft Council Decision.

The Committee also does not believe that eight fields deserving particular attention should have been pinpointed. It would be more appropriate to include any field complying with certain criteria: scientific merit, Community value of the expected results and intrinsic interest of the Community part of the work.

The Committee calls on the Commission to make proposals for a specific programme in this field for the social sciences.

As far as finances are concerned, the ESC believes that the 40 MECU appropriation proposed for the first phase of the programme (1985-1986) is appropriate. Nevertheless it believes that the bulk of funds should be earmarked for promoting laboratory twinning, research grants and contextual measures conducive to mobility and interchange.

The Committee recommends greater involvement of private research laboratories in EC research projects. It notes that the two-way flow of researchers between academic institutions and industry is one of the sources of US scientific effectiveness. The Committee notes that the true value of research work is in moving as quickly as possible to the applied stage.

Finally, the Committee supports the setting up of a European data bank for scientific and technical interchange.

This Opinion was drawn up in the light of the paper produced by the Section for Energy and Nuclear Questions, chaired by Mr Romoli (Italy - Employers). The Rapporteur was Mr Querleux (France - Employers).

7. PRICES OF FOODSTUFFS AND NON-FOOD PRODUCTS

“A. Proposal for a Council Directive on Consumer Protection in respect of the Indication of Prices for Non-Food Products

B. Proposal for a Council Directive Amending Directive 79/581/EEC on Consumer Protection in the Indication of the Prices of Foodstuffs⁽¹⁾”

Gist of the proposed Directive

A. Prices of non-food products

The proposed directive will make it compulsory to indicate the selling price and for the unit price at the place of sale; it will also be compulsory to indicate unit price in written or printed advertisements and catalogues which quote selling prices.

The proposed directive will apply to all non-food household products made available for sale to final consumers: it will not apply to certain transactions such as those between traders, wholesale transactions involving trade buyers, private sales or sales by auction.

The Member States will be able to provide that the Directive should not apply to products sold by certain small retail businesses where price indication is likely to constitute an excessive burden on such businesses or appears to be most impracticable.

B. Prices of foodstuffs

This proposal amends Directive 79/581/EEC of 26 June 1979 and applies to foodstuffs pre-packaged in pre-established quantities, which are to be subject to a general obligation to indicate the unit price.

Certain standardized ranges of quantities and categories of foodstuffs are however exempted, e.g. those sold in quantities of 50 grams or less or 10 kilograms or more and those sold in hotels, hospitals, canteens, automatic vending machines, etc.

Finally, the Member States, which must comply with the Directive by 31 March 1986 at the latest, will be able to exempt foodstuffs sold by certain small retail businesses.

⁽¹⁾ COM(83) 754 final and COM(84) 23 final

Gist of the Committee Opinion⁽¹⁾

This Opinion was adopted by 60 votes to 2 with 13 abstentions.

The Committee regrets that these two proposals have been tabled so late. The delay has prompted some Member States to introduce legislation of their own.

As regards the basic content of the proposals, the Committee fears that the desired harmonization could be frustrated and economic operators made uncertain as to what the law is, if non-food products are exempted from the obligation to indicate weight or volume.

Moreover, with respect to foodstuffs, the Committee hopes that the "exhaustive" (in theory) list of exemptions proposed by the Commission will be made exhaustive in practice too, and that it will be possible to adjust it readily in the light of market trends and new products.

Regarding the possibility of replacing unit pricing by content standardization, the Committee can agree to the waiving of unit pricing in the case of products which are marketed in standard content sizes, provided that the Commission promises to reassess the existing Community ranges, with a view to assisting the consumer in making quantity-price comparisons.

Finally, the Committee recommends that the deadlines for implementing these new provisions be adjusted in view of the difficulties involved.

This Opinion was drawn up in the light of the paper produced by the Section for Protection of the Environment, Public Health and Consumer Affairs, chaired by Mrs Heuser (Germany - Various Interests). The Rapporteur was Mr Ramaekers (Belgium - Various Interests).

8. SELF-EMPLOYED WOMEN

"Proposal for a Council Directive on the Application of the Principle of Equal Treatment as between Men and Women Engaged in an Activity, Including Agriculture, in a Self-Employed Capacity and on the Protection of Self-Employed Women during Pregnancy and Motherhood⁽²⁾"

⁽¹⁾ Doc. C'ES 985/84

⁽²⁾ COM(84) 57 final 2

Gist of the Commission document

The draft Directive constitutes the latest piece in the mosaic of European sex equality legislation which the Community first began to enact in the mid-1970s⁽¹⁾.

The proposal is particularly important for women who, as the spouses of own-account operators in areas like farming, have no occupational status despite the fact they are often participating actively in the family business. The Directive would oblige Member States to remove any real obstacles (e.g. legal and fiscal) which prevent such women — should they so wish — from attaining a genuine occupational status (e.g. the right to recognition as a partner or an employee).

In addition, the Commission's proposal would require Member States to ensure that both categories of women — wives of self-employed men and self-employed women themselves — will, during interruptions in their occupational activity due to pregnancy or motherhood, be able to call on replacement services or be entitled to appropriate benefit under a social security scheme, whether contributory or otherwise, or under any other State social protection system.

The Directive seeks to resolve these different problems by setting a series of broad objectives to be achieved by Member States, but leaving them to choose the means, so that account can be taken of their different legal systems and provisions governing specific areas of activity.

This latest proposal is set firmly in the context of the Community's developing body of equal treatment law. In particular, in the Community Action Programme on the promotion of equal opportunities for women 1982-1985⁽²⁾ (the general objectives of which were approved by the Council in its Resolution of July 1982) the Commission undertook to propose new legal instruments to achieve equal treatment by reinforcing individual rights.

Action 5 of the Programme highlights the particular inequalities affecting women in self-employed occupations, especially women in agriculture. Whilst some of the problems of self-employed women arise because of their lack of occupational status, others derive from the fact that they may be the spouse of an own-account operator and yet others are specific to working mothers or mothers-to-be. Moreover, the principle of equal treatment for the various categories of self-employed

⁽¹⁾ Council Directive 75/117 of 10 February 1975 on equal pay; Council Directive 76/207 on equal treatment as regards access to employment; and Council Directive 79/7 of 19 February 1978 on equal treatment in matters of social security

⁽²⁾ COM(81) 758

women cannot be implemented without changes in existing legislation and practices in certain Member States, or without additional measures as provided for by Directive 76/207/EEC on equal treatment in access to employment and Directive 79/7 relating to statutory social security schemes. While these Directives do apply to the self-employed, as well as employees, they do not take sufficient account of some of the problems specific to the self-employed. It is to meet these specific problems that the Commission has proposed this latest measure.

Gist of the Committee Opinion⁽¹⁾

The Committee unanimously welcomes the aim of the proposal for a Directive and in particular the proposed arrangements for protection during pregnancy and motherhood.

It points out that there are generally no major difficulties in implementing equal treatment in the case of women working on their own account or as an employee in their husband's business. But women who share in the running of a family business without a partnership agreement or a contract of employment are at a considerable disadvantage, since their legal, financial and social security status is often quite uncertain. This discrimination must be removed by ensuring that the spouse sharing in the running of a family business is treated as a generator of income. The volume and nature of the work performed should form the basis for recognition of an occupational status, payment of remuneration and granting of the right to social security. Particular attention should be paid to ensuring that the spouse sharing in the running of a business has cover for sickness, invalidity, old age, maternity and separation from the other partner due to any cause whatsoever.

The Committee recognizes that the Commission's proposal meets these requirements, but points out that the situation regarding working conditions and pay is at present very difficult in the agricultural sector, so that in many cases the financial preconditions for the practical application of the Directive will not be fulfilled. The Commission should therefore seek further possibilities that will help to promote practical implementation of the Directive. Appropriate publicity will also be important in implementing the Directive.

The Committee's specific comments relate to the following points:

- definition of spouse helping in the running of a family business;
- sanctions in the event of non-observance of the Directive;

⁽¹⁾ Doc. CES 978/84

- possibility of contracts of employment and agreements on cooperation;
- remuneration for the helping spouse;
- social security contributions payable by the helping spouse;
- nature of the entry in the register kept by the association or other trade body.

This Opinion was drawn up in the light of the paper produced by the Section for Social Questions, chaired by Mr Houthuys (Belgium - Workers)). The Rapporteur was Mrs Heuser (Germany - Various Interests).

EXTERNAL RELATIONS

Commission of the European Communities

The Chairman of the Committee, Mr Ceyrac, and the Secretary-General, Mr Louet, invited Commissioner Davignon to lunch on 27 September 1984.

The Chairman and Secretary-General had a working lunch with Mr Delors, President designate of the Commission, on 20 October 1984.

European Parliament

The Chairman of the ESC's Section for Energy and Nuclear Questions, Mr Romoli, had a meeting with Mr Poniatowski, Chairman of the European Parliament's Committee on Energy and Research, on 19 September 1984.

The Chairman of the Section for Industry, Mr de Wit, accompanied by Mr McLaughlin, held talks with Mr Seal, Chairman of the European Parliament's Economic, Monetary and Industrial Committee on 16 October 1984.

ESC President visits Dublin

Mr Ceyrac, Chairman of the Economic and Social Committee, paid an official visit to Dublin from 1 to 3 October. Mr Ceyrac was accompanied by Mr Alfons Margot and Mr Alois Pfeiffer, Vice-Chairmen, and Mr Roger Louet, Secretary-General.

From the Government Mr Ceyrac met Mr Ruairi Quinn, Minister for Labour, Mr Eddie Collins, Minister of State for Industry, Commerce and Tourism, and Mr Paddy Hegarty, Minister of State for Agriculture and Fisheries. He also met representatives of the Irish Congress of Trade Unions, the Confederation of Irish Industry, the Federated Union of Employers, the Chamber of Commerce, and the leading agricultural organizations including the Irish Farmers' Association, the Irish Creamery Milk Suppliers' Association, Macra na Feirme, the Irish Countrywomen's Association and Muintir na Tire.

Meeting of National Economic and Social Councils

On 4 and 5 October 1984 the Committee Chairman, Mr Ceyrac, and the Secretary-General attended a meeting of the Chairmen and Secretaries-General of National and Community Economic and Social Councils. Mr Ceyrac and Mr Louet took the opportunity to hold talks with the Chairman of Luxembourg's Government, Mr Santer.

Economic and Social Committee hears the views of 22 European organizations on the subject of air transport

State aids, capacity and revenue sharing, cartels, cut-throat competition and the implications of the Commission's air transport memorandum for the general employment situation in the EEC were the main topics at an Economic and Social Committee hearing attended by 22 European and International Organizations (airports, trade unions, consumers, airlines).

This two-day hearing showed once again the importance of the ESC as a meeting place for economic and social interest groups and as a channel for their involvement in the decision-making process of Europe of the Ten. The Study Group was presided over by Mr Bonety, France.

ESC Study Group visits Culham in Great Britain

The renewing of the Community's Research and Training Programme for controlled thermonuclear fusion and the construction of a tritium-handling laboratory were on the agenda on 17 October when a Study Group from the European Community's Economic and Social Committee visited the JET (Joint European Torus) centre in Culham.

The Group from the ESC's Section for Energy and Nuclear Questions, favoured retaining the basic structure of the current programme, already endorsed by the ESC, and considered its revision in 1988 on the basis of the results of JET's experiments on the construction of NET (New European Torus) and the continued use of tritium in JET.

EEC and EFTA partners discuss further cooperation

On 18 and 19 October 1984 the eleventh meeting was held in Bern between a delegation of the Economic and Social Committee and EFTA's Consultative Committee. More than 40 representatives of employer organizations, trade unions and other interest groups from the 17 EEC and EFTA countries discussed two major topics in the presence of representatives of the European Commission and EFTA's Secretariat, to wit: the abolition of non-tariff barriers to trade between

EEC and EFTA countries; and the role of GATT in international trade in goods and services.

The meeting was chaired jointly by the Chairman of the EFTA Consultative Committee, Juergen Zeller, and the Chairman of the ESC François Ceyrac.

NEW CONSULTATIONS

Since the last Plenary Session the Council has requested the Economic and Social Committee to deliver Opinions on the following subjects:

“Proposal for a Council Directive Amending Directive 69/335/EEC Concerning Indirect Taxes on the Raising of Capital” (COM(84) 403 final)

“Ninth Report from the Commission to the Council on the Activities of the European Regional Development Fund in 1983” (COM(84) 522 final)

“Proposal for a Council Directive Amending Directive 64/432/EEC as Regards Certain Measures Relating to Classical Swine Fever and African Swine Fever”

“Proposal for a Council Directive Amending Directive 72/461/EEC as Regards Certain Measures Relating to Classical Swine Fever and African Swine Fever”

“Proposal for a Council Directive Amending Directive 80/215/EEC as Regards Certain Measures Relating to African Swine Fever” (COM(84) 500 final)

“Amendment of the Proposal for a Council Regulation Amending Regulation (EEC) No. 337/79 on the Common Organization of the Market in Wine” (COM(84) 539 final)

“Statistical Machinery to Establish the Order of Priority to be Applied when Granting European Social Fund Assistance to Regions” (COM(84) 344 final)

“Proposal for a Council Directive Relating to Restrictions on the Marketing and Use of Certain Dangerous Substances and Preparations (Second PCB/PCT Directive)” (COM(84) 513 final)

“Proposal for a Council Directive on the Approximation of National Measures Relating to the Placing on the Market of High Technology Medicinal Products, Particularly those Derived from Biotechnology

Proposal for a Council Directive Amending Directive 75/318/EEC on the Approximation of the Laws of the Member States Relating to Analytical, Pharmaco-Toxicological and Clinical Standards and Protocols in Respect of the Testing of Proprietary Medicinal Products

Proposal for a Council Directive Amending Directive 81/852/EEC on the Approximation of the Laws of the Member States Relating to Analytical, Pharmaco-Toxicological and Clinical Standards and Protocols in Respect of the Testing of Veterinary Medicinal Products

Proposal for a Council Recommendation Concerning Tests Relating to the Placing on the Market of Proprietary Medicinal Products

Proposal for a Council Directive Amending Directive 65/65/EEC on the Approximation of Provisions Laid Down by Law, Regulation or Administrative Action Relating to Proprietary Medicinal Products” (COM(84) 437 final)

“Proposal for a Council Directive on the Approximation of the Laws of the Member States Relating to Quick-Frozen Foodstuffs for Human Consumption” (COM(84) 489 final)

“Proposal for a Council Directive on Public Health and Animal Health Problems Affecting the Importation of Meat Products from Third Countries” (COM(84) 530 final”)

“Commission Communication to the Council and the Standing Employment Committee on Action to Combat Long-term Unemployment” (COM(84) 484 final).

PROVISIONAL FUTURE WORK PROGRAMME

NOVEMBER 1984 PLENARY SESSION

Opinions upon consultation

- Economic situation
- Action to help women
- 3rd programme for young workers
- Combating poverty
- Long-term unemployment
- Limitation of air pollution
- Migration of constituents
- 17th VAT Directive
- Easing of Social Regulation (road transport)
- Thermonuclear fusion
- Solid fuels
- Hydrocarbons R & D programme
- Fresh meat hygiene protection
- Fresh meat health checks
- Swine fever

SUBSEQUENT PLENARY SESSIONS

Opinions upon consultation

- Markets in fish products
- Dangerous substances
- Tax treatment: company losses
- Lead in petrol
- Telecommunications standards
- INSIS

- Customs debt
- Noise level of motorcycles
- Plant pests
- Hormones
- Animal feed
- Wine market
- Mediterranean policy of the enlarged Community
- Raising of capital
- Food sampling methods
- 16th VAT Directive
- Railway infrastructure
- Biotechnology
- Worker protection
- Protection of Mediterranean environment
- Medical checks on persons handling fresh meat
- Health protection programme
- Acid rain (2nd Additional Opinion)
- Economic/Social situation in the regions
- 9th ERDF Annual Report
- Shipbuilding aids (additional Opinion)
- Frozen food
- Air transport
- Strengthening of EEC-Latin America relations

Information reports

- Demographic situation
- Exploitation of hydrocarbons
- Clwyd integrated operation
- Shared-cost research programmes
- Energy options/environmental constraints
- European Monetary System
- Development of upland areas
- National regional development aids

Own-initiative Opinions

- Community research priorities
- Community fisheries policy.

PERSONAL NOTICES

Resignations

Mr Bornard (France) and Mrs Patterson (United Kingdom) have resigned as members of the Economic and Social Committee.

PUBLICATIONS OBTAINABLE FROM THE ECONOMIC AND SOCIAL COMMITTEE

Periodical

- Bulletin (monthly publication)

General Documentation

- The Economic and Social Committee (leaflet) (January 1980)
- The Economic and Social Committee (December 1982) (A descriptive brochure) 16 p
- Annual Report 1983

Opinions and Studies

- Inaugural Conference — 1983: the European Year of Small and Medium-sized Enterprises (Proceedings) (December 1983) (ESC 83-016)
- The Economic and Social Situation in the Community (2 Opinions) (July 1983) (ESC-83-013)
- Youth Employment (Opinion) (June 1983) (ESC-83-011)
- Transport policy in the 1980s (Opinion) (March 1983) 99 p. (ESC 83-003)
- Inaugural Conference — 1983: The European Year of SME (February 1983) 27 p (ESC 83-002)
- Guidelines for Mediterranean Agriculture (4 Opinions) (September 1982) 64 p (ESC 82-010)
- The Economic and Social Situation of the Community (2 Opinions) (July 1982) 57 p (ESC 82-008)
- The Promotion of Small and Medium-sized Enterprises (Opinion) (June 1982) 70 p (ESC 82-007)
- Agricultural Aspects of Spain's Entry into the E.C. (Opinion) (February 1982) 107 p (LSC 81-017)
- The EEC's External Relations — Stocktaking and Consistency of Action (Study) (January 1982) 139 p
- Genetic Engineering (Colloquy) (October 1981) 120 p (LSC 81-014)
- Economic Pointers for 1982 (Opinion) (August 1981) 32 P (ESC 81-010)
- Problems of the Handicapped (Opinion) (September 1981) ± 46 p (LSC 81-013)
- Present situation in the Community's Building Sector (Opinion) (September 1981) ± 24 p (LSC 81-011)
- Community Competition Policy (Opinion) (LSC-81-008)
- Development Policy and Working Conditions (September 1980) (Opinion) 61 p (LSC 80-012)
- The Organisation and Management of Community R&D (February 1980) (Study) 168 p (ESC 80-001)
- Agricultural Structures Policy (November 1979) (Opinion) 90 p (ESC 79-003)
- Enlargement of the European Community Greece-Spain-Portugal (September 1979) (Study) 75 p. (LSC 79-002)
- The Community's Relations with Spain (June 1979) (Study) 112 p (ESC 79-001)
- Community Shipping Policy Flaws of Convenience (April 1979) (Opinion) 170 p
- Youth Unemployment — Education and Training (November 1978) (5 Opinions) 97 p.
- The Stage reached in aligning labour legislation in the European Community (June 1978) (Documentation) 60 p
- Monetary Disorder (June 1978) (Opinion) 98 p
- Industrial Change and Employment (November 1977) (Opinion) 98 p
- EEC's Transport Problems with East European Countries (December 1977) (Opinion) 164 p
- Systems of education and vocational training (August 1976) (Study) 114 p
- Regional Policy (March 1976) (Opinion) 11 p.
- European Union (July 1975) (Opinion) 33 p



**Obtainable from GOWER Publishing Co. Ltd., 1 Westmead, Farnborough,
Hants GU 147RU:**

- Community Advisory Committee for the Representation of Socio-Economic Interests (£8 50)
- European Interest Groups and their relationship to the Economic and Social Committee (£25)

Obtainable from EDITIONS DELTA, 92-94 Square Plasky, 1040 Brussels:

- Action by the European Community through its financial instruments (Brussels 1979) (425 BF)
- The Economic and Social Interest Groups of Greece (350 BF)
- The Right of Initiative of the I.S.C (400 BF)

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