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OF THE ECONOMIC AND SOCIAL COMMITTEE  
OF THE EUROPEAN COMMUNITIES 2-1992



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ECONOMIC AND SOCIAL COMMITTEE

Division for Information, Publications and Relations  
with Socio-Economic Groups

Rue Ravenstein 2, B-1000 Brussels

Tel.: 519.90.11  
Fax: 513.48.93

Telegrams: ECOSEUR  
Telex: 25 983 CESEUR

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## I — 296th Plenary Session of 29 and 30 April 1992

The 296th Plenary Session of the Economic and Social Committee was held in Brussels, on 29 and 30 April 1992, under the chairmanship of Mr Michael Geuenich, Chairman.

On this occasion, the Committee adopted the following Opinions:

### 1. DELORS II PACKAGE

**From the Single Act to Maastricht and beyond - The means to match our ambitions (Delors II Package)**  
(COM(92) 2000 final)

#### **Gist of the Commission Communication**

The Commission first of all *takes stock of the implementation of the Single Act*. It considers the balance-sheet to be extremely positive: a single market well on the road to completion, with four-fifths of Commission proposals already adopted; large-scale transfers of funds to the least prosperous regions, even if a great deal still remains to be done; stabilizing effects of the European Monetary System; significant progress on the basis of the Fourth Action Programme on the Environment; improvements in the competitiveness of firms as a result of research and technology programmes; resumption of the dialogue between the social partners and account taken of the social dimension. The financial reform of 1988 has proved to be satisfactory since Community activities have become more coherent and transparent, whilst the inter-institutional agreement has improved the budget procedure.

The Commission proposals for the post Maastricht era, which are part and parcel of this dynamic trend, are built up around three major axes:

- external activities;
- economic and social cohesion;
- the creation of an environment favourable to European competitiveness.

### **External activities**

The Community must first of all play its part in strengthening security and stability in a changing Europe. It has a particular responsibility for the Mediterranean region. Development cooperation will have to be strengthened with our partners in Africa, Latin America and Asia, and the Community will also have to be equipped to face emergencies and suffering in the world.

The Community requires its own permanent instruments to cope with these new responsibilities. It is therefore proposed that funds allocated in 1997 will be double those allocated in 1992.

### **Economic and social cohesion**

The effectiveness of structural policies must be improved by streamlining decision-making procedures, enhancing partnership and introducing systematic evaluation and flexibility. The Cohesion Fund, to be set up before the end of 1993, will add a new dimension to the economic and social cohesion effort in favour of the less prosperous Member States (Greece, Ireland, Portugal and Spain). Intervention will be dependent on a number of conditions, including prior adoption by the Council of an economic convergence programme.

### **European competitiveness**

This is founded on competition and on the responsibility and initiative of firms themselves. It will also be strengthened by the convergence of taxation systems within the single market. At Community level the following actions are envisaged: research and technological development programmes better adapted to the needs of firms; support for training programmes to tackle the effects of industrial change on employment; the development of trans-European networks in transport, telecommunications and energy. In 1992, approximately 3,500 million ECU are expected to be set aside for the Community financing of these programmes.

### **Ways and Means**

The Commission is proposing to raise the own resources ceiling from 1.20% to 1.37% of Community GNP between 1992 and 1997. This is equivalent to an additional 20,000 million ECU in payment appropriations.

The rise in the own resources ceiling is mainly justified by the increased outlay on cohesion (almost 11,000 million ECU), the development of the Community's external activities and the need to create an environment which will enhance European competitiveness.

As in the past, the financial perspective will consist of six headings although some changes are proposed. The budget consequences and reform of CAP are evaluated. As far as the structure of own resources is concerned, the Commission proposes two adjustments to the 1988 reform:

- the VAT base could be brought down from 55% to 50% of GNP;
- the relative share of the VAT resource in the structure of Community finance could be reduced, which would mean increasing the relative share of the fourth, GNP-based resource.

The Community and the EIB conduct financial operations and the interaction between certain Community budget commitments and EIB operations should be intensified. Adequate financial provision should be made for the administrative expenditure of the institutions, in line with the expansion of Community activities and the resulting management workload.

The new interinstitutional agreement should be based on similar principles to those underlying the previous agreement, but with the following innovations:

- a qualified majority of the Council for revision of the ceilings;
- the possibility of minimum redeployment;
- drawing-up of the budget on the basis of forecasts for rates of growth and inflation;
- provision of reserves;
- clear justification of intervention from the Community budget and the concentration of resources.

### **Gist of the Committee Opinion (CES 501/92)**

If the ambitious and galvanizing objectives agreed at Maastricht are to be achieved, there has to be a fair sharing of the workload. Because the underlying economic climate will be less favourable than in the last few years, greater budgetary discipline will be needed and savings will have to be made in the present budget. The European Community is not - nor can it be - a mere juxtaposition of States. Under the Treaty on European



Union the task of the Community "shall be to organize, in a manner demonstrating consistency and solidarity, relations between the Member States and between their peoples".

In its Opinion the Committee summarizes the Commission's proposals and then goes on to make a number of general comments.

It points out that over the next five years EC economic growth will doubtless be slower and it is difficult to predict the outcome of the GATT negotiations, the decisions on applications for EC membership and the budgetary consequences of the demilitarization process.

The 1993-1997 financial perspective should be the last in the current institutional framework before Economic and Monetary Union comes into force.

Regional development disparities are an obstacle to the development of the Community. Strengthening economic and social cohesion has become a vital part of the EC integration process; all Community policies are to take account of this objective.

The increase which the Commission is proposing for the Structural Funds, including the Cohesion Fund, over the next five years - less than one thousandth (0.1 %) of Community GNP - is the minimum level required to help the Community's less developed Member States and regions face the impact of the internal market and Economic and Monetary Union.

The Cohesion Fund should be seen as an investment by the Community as a whole.

The Committee supports the priority accorded to aid to Objective 1 regions. It considers that the proposed increase in the Structural Funds allocated to Objective 2 regions represents the very minimum that is necessary.

The Committee considers that the measures to improve farm structures and promote rural development should be reviewed. It does, however, endorse the specific measures in the fisheries sector.

Agricultural spending is set to rise at a level exceeding the growth rate for GNP over the same period. There should in the Committee's view, be a sharp cut in the proportion of expenditure allocated to price support, as compensation for the reform measures. The increase in agricultural spending should be for a limited period only, with a guarantee that it will fall in the longer term.

All internal policies applying horizontally throughout the Community are to be grouped under a single heading of the financial perspective in recognition of the implications of the internal market.

The undertaking to strengthen the overall competitiveness of Community industry implies that EC support must be used in such a way as to avoid distortions in competition and to create conditions conducive to the development of industry as a whole.

Legislative, regulatory or fiscal measures concerning environment policy should focus on preventing and rectifying damage to the environment.

Measures to accompany Community integration should be stepped up, not least with regard to information for businesses.

In the field of external relations the Community clearly has a special responsibility to help the countries of Central and Eastern Europe and to enable them to become part of the world economy. A multiannual framework has already been established for cooperation with Mediterranean States.

Given that it is not possible, under present circumstances, to introduce a system whereby each Member State's contribution to the EC budget would be proportionate to its GNP, the fairest solution would therefore seem to be to increase the relative share of the GNP-based contribution.

*This Opinion, adopted by a majority, with 1 vote against and 12 abstentions, was drawn up in the light of the paper produced by the Sub-Committee on the Delors II Package, chaired by Mr Robert J. Moreland (United Kingdom - Various Interests). The Rapporteur was Mr Vasco Cal (Portugal - Workers). The Co-Rapporteur was Mr Klaus Meyer-Horn (Germany - Employers).*

## 2. RETEX (Own-initiative Opinion)

**Draft Commission Communication to the Member States on the Community initiative on behalf of regions heavily dependent on the textiles and clothing sector (RETEX)**  
(SEC(91) 2542 final)

### Objectives

RETEX is a regional development scheme aimed at accelerating the diversification and modernization of economic activities in regions heavily

dependent on the textiles and clothing sector. The horizontal measures provided for by RETEX are designed to help small and medium-sized businesses in these regions, including viable firms in the textiles and clothing sector, to improve their management and organizational efficiency and the skills of their workforce, with a view to modernization.

The regions qualifying for RETEX aid are those which are heavily dependent on the textiles and clothing industry and which are eligible for assistance from the European Regional Development Fund under Objectives 1, 2 and 5b of the Reform of the Structural Funds. However, 80% of funds will be earmarked for Objective 1 regions. The exact definition of the areas to qualify will be left to the Member States concerned.

### **Financial assistance**

The Commission considers it essential to devote some ECU 500 million to RETEX over five years.

The Community assistance provided to each Member State will depend on employment levels in the textiles and clothing sector in regions eligible for ERDF aid. Dependence on textiles and clothing means:

- at least 2,000 jobs in the textiles and clothing industry;
- textiles and clothing account for more than 10% of overall industrial employment.

### **Gist of the Committee Own-initiative Opinion (CES 498/92)**

These regions are, if anything, facing increasing difficulties, as a result of the completion of the Single Market and because of the GATT negotiations and the association agreements with Eastern and Central European countries.

Roughly 70% of the 3 million workers in this sector are women.

The Committee endorses the Commission's goal of speeding up the economic diversification of these regions, though not to the exclusion of the textile and clothing industry. The emphasis should lie on accompanying measures relating to improvements in know-how, increased business advice facilities, modernization plans and vocational training/retraining schemes. The Committee points out that, because of the concentration on Objective 1, 2 and 5b zones, certain areas facing

difficulties will not be eligible for assistance. It calls for greater flexibility in this connection. As regards the implementation of RETEX, it stresses the need to involve all the parties concerned, including employers' and workers' representatives. The procedures for submitting and examining the programmes should be made as simple as possible.

*This Opinion, adopted unanimously, was drawn up in the light of the paper produced by the Section for Regional Development and Town and Country Planning, chaired by Mr Robert J. Moreland (United Kingdom - Various Interests). The Rapporteur was Mr Alexander R. Smith (United Kingdom - Workers).*

### 3. FARM PRICES 1992-1993

#### **Commission proposals on the prices for agricultural products and on related measures (1992/93)** (COM(92) 94 final - Volumes I, II and III)

#### **Gist of the Commission Proposals**

While repeating that the CAP reform must go ahead, the Commission thinks that so as not to disrupt the debate on this dossier the 1992/93 farm price package must be regarded essentially as an extension of the prices, stabilizers and other mechanisms applicable in 1991/92.

However, the Commission has responded to cereals production rising above the MGQ and is linking the price freeze for dairy products to the first stage of the CAP reform document's quota reduction proposals.

The only proposed changes from the present regime are thus:

- cereals: 3% reduction in intervention prices;
- milk: 1% reduction in quotas from 1 April 1992.

The Commission proposals may be summarized as follows:

#### **Cereals**

- *Prices. Intervention prices to be frozen.* Prices in Spain to be aligned on Community prices now that the transitional period has ended. Intervention price for common wheat in Portugal to be moved towards the Community level for the first time (second stage in accession). Lowering of target prices for common wheat (0.21%), durum wheat

- (0.18%) and other cereals (0.24%) owing to an updating of transport costs. These prices to be reduced by 3% in 1992/93 owing to the maximum guaranteed quantity being exceeded in 1991/92.
- *Monthly increases.* To stay at their present level. Updating of the processing coefficients to be taken into account in the calculation of the increases for common wheat/rye flour and durum wheat groats and meal.
  - *Special premiums* for common wheat and rye of breadmaking quality to be reduced by 3%.
  - *Aid for durum wheat to be frozen*, except in Spain where it is to be aligned on the Community level.
  - *Co-responsibility levies.* Basic levy to remain at 5% of the intervention price for common wheat (i.e. 8.17 ECU/tonne). Additional levy of 3% to be charged owing to the MGQ being exceeded in 1991/92.
  - *Aid for small producers.* Reimbursement of the co-responsibility levies to continue as part of a 293 million ECU overall budget.
  - *Aid for small producers* of certain arable crops. This scheme (which has been applied since 1990/91 by only France and Portugal) to be continued.
  - *Aid for the production* of canary seed, millet and buckwheat. To be continued.
  - *Potato starch.* The minimum price for potatoes will continue to be aligned on the price level applied to maize. Potato starch premium to stay at the present level (18.67 ECU/tonne).
  - *Special scheme for the temporary set-aside of arable land.* Exemption from the levy for producers who take part in this scheme for one year to continue as a precaution if the new set-aside system contained in the proposed CAP reform cannot come into effect on 1 July.

## Rice

- *Intervention price and monthly increases to be frozen.* Target price for husked rice to be reduced by 0.11% owing to an updating of transport costs. Intervention price in Portugal to be moved towards the Community level for a second time.

## Sugar

- *Freeze on the basic price for beet, the intervention price for white sugar and the manufacturing margin.* Reimbursement of storage costs to stay at 0.52 ECU/month. Portuguese prices to be moved towards Community prices.

## Olive oil

- *Target price to be frozen.* Production aid to be increased by 12 ECU/100 kg (+16.9%) for large producers (+6 ECU for small producers) and intervention price to be reduced by the same amount (-5.6%). Consumption aid to be reduced by 14.8% and the representative market price by 2%. 1.6% of production aid to be withheld for measures to improve quality and 1.2% to assist producers' organizations (as opposed to 2% and 1.5% in 1991/92). 0.7% of consumption aid is to be withheld for promotional activities and 2% for aid to professional bodies (as opposed to 1% and 1.4%).

## Oilseeds

- The decisions about the new system of support have already been taken by the Twelve.

## Protein crops

- Peas, field beans and sweet lupins, dried fodder. Present system to continue, including the MGQs applicable to peas, field beans and sweet lupins.....
- Other protein crops. Aid for growing lentils and vetches to remain at 75 ECU/ha.

## Textile fibres

- *Cotton.* Apart from the standard quality being adapted (which will result in a proportional decrease in the quantity eligible for aid), the guide and minimum prices are to increase by 7.23%. The MGQ is to be fixed for four years at 701,000 tonnes (in view of the adaptation of the standard quality). Aid to small producers (farming less than 2.5 ha) to be prolonged for four farm years.
- *Fibre flax.* Present scheme to continue, including the 10% of aid set aside to fund promotional activities.
- *Flax seed.* Guide price to remain at 54.49 ECU/100 kg (or 51.67 ECU = +1.9%, for Spain). Maximum guaranteed area system to be implemented in 1993/94 (0.5% reduction in aid for each 1% overshoot), on the basis of the area planted in 1991/92, unless flax seed is included before the end of 1992 in the support scheme proposed in the CAP reform for arable crops.
- *Hemp, hempseed, silkworm.* Present scheme to continue.

## **Wine**

- *Guide prices to be frozen.* The Commission has announced the presentation this year of a proposal for reforming the market organization; hence certain deadlines are being extended.

## **Fruit and vegetables**

- *Basic and buying-in prices to be frozen.* Prices for Spain and Portugal to be brought further into line.
- *Intervention thresholds.* Prolongation of threshold for apples at 1991/92 level, viz. 3% of the average production for fresh consumption over the past five farm years.
- *Processed tomatoes.* If the guarantee threshold applied this year is exceeded, the aid based thereon is to be reduced this year and not next year, with the Commission planning to propose the reintroduction of the quota system next year.

## **Tobacco**

- *Freeze.* Pending the launch of the proposed reform, the premium is to be reduced as an interim measure whenever a processor purchases more than a given percentage of the lowest quality tobacco.

## **Milk and milk products**

- *Prices.* Target and intervention prices to be frozen assuming that the Twelve decide to continue with the quota system which runs out on 1 April.
- *Co-responsibility levy.* To remain at its present level.
- *Quotas.* Freezing of prices to be linked to the adoption by the Twelve of the CAP reform proposal for a net 3% reduction in quotas, including 1% on 1 April for the 1992/93 farm year.
- *Inward processing.* Present scheme to be continued.

## **Beef and veal**

- *Prices to be frozen.*
- *Intervention.* No changes to current Council Regulations.
- *Premiums.* No change (special premium of 40 ECU/head up to a maximum of 90 animals; suckler cow premium of 40 ECU/head, with the possibility of a national supplement limited to 25 ECU/head and with the EAGGF funding the first 20 ECU per cow in Greece, Ireland and Northern Ireland).

### **Sheepmeat and goatmeat**

- Basic price to be frozen in 1993 following the fixing of the 1992 price during the last round of negotiations (-2%). Peaks and troughs in 1992 seasonally-adjusted price to be reduced by 25%.

### **Pigmeat**

- Basic price to be frozen.

### **Agri-monetary measures**

In order to avoid the continuation of MCAs after 1 January 1993 when frontier checks are to be abolished as part of the Single Market, all existing monetary gaps are to be reduced to 1.5 points - the level at which the MCAs cease to apply. This dismantling will have the following effect on prices expressed in national currencies in the Member States in question: Portugal, 1.399% reduction; United Kingdom, 0.972% increase; Spain, 2.794% reduction for beef/veal and milk, 2.388% reduction for cereals and sugar, no change for olive oil, wine, dried fodder, flax, hemp and silkworms, 1.205% reduction for cotton and grain legumes, 0.660% reduction for sheepmeat/goatmeat and other crops, 1.205% reduction for the rest; Greece, 5.586% increase for sheepmeat/goatmeat, cereals, sugar, wine, olive oil, tobacco and structures, 3.506% increase for tomatoes, cucumbers, courgettes and aubergines, 3.788% increase for poultry, 3.222% increase for grain legumes, 3.506% increase for other crops and 3.222% increase for the rest (plus in Greece's case - because of the automatic dismantling coming into effect at the start of the 1992/93 farm year - 1.732% for poultry, 2.290% increase for grain legumes, 2.010% increase for other crops and 2.290% increase for the rest).

### **Financial consequences**

EAGGF Guarantee Section spending to increase by 5 million ECU in 1992 and 43 million in 1993, own resources to decrease by 1 million in 1992 and 2 million in 1993, with 1,972,000 million savings also scheduled in 1992 on initial EAGGF appropriations of 35,039,000 million as a result of the market situation and market management.

### **Gist of the Committee Opinion (CES 502/92)**

The Committee points out that any discussion of farm prices must consider cost trends and how to solve the costs/returns problem. It notes clear signs that agricultural expenditure has been kept in check over the last few years.



The Committee therefore cannot fully endorse the Commission's analysis of the agricultural situation. In its view, the deterioration of the agricultural markets and the renewed build-up of stocks are partly due to an inadequate quality policy (for example in the cereals sector) and in certain cases (notably cereal substitutes) to the absence of Community preference.

In this context, reform of the CAP is urgently needed along the lines called for in the Committee Opinion of 27 November 1991 on the development and future of the CAP (Official Journal C40 of 17 February 1992).

Pending this reform, the Committee is forced to endorse the Commission's proposal to extend the 1991/92 prices to the 1992/93 farm year.

However, the Committee stresses that the freeze should be genuine and generalized. It should not trigger direct or indirect reductions in guarantees (as would occur in the cereals sector, where an overall price reduction of 11% is proposed), or cuts in support (as in the case of processed tomatoes), or premature alteration of the common market organization (as with tobacco), since such matters should be tackled in the wider context of the CAP reforms.

The cereals sector is a key part of the CAP. In the Committee's view, the severe income loss caused by the stabilizer system and the Commission's proposal to keep the basic levy at 5% could be cushioned by cutting the basic levy to 2% and granting exemption from the co-responsibility levies to growers who apply set-aside.

*This Opinion, adopted by a majority with 16 abstentions, was drawn up in the light of the paper produced by the Rapporteur-General, Mr Guiseppe Pricolo (Italy - Employers).*

#### **4. EUROPEAN AGENCY FOR SAFETY AND HEALTH AT WORK**

**Proposal for a Council Regulation establishing a  
European Agency for Safety and Health at Work  
(COM(90) 564 final)**

##### **Gist of the Commission Proposal**

In its programme of action on the implementation of the Community Charter of Fundamental Rights for Workers, the Commission made

provision in Chapter 10, on the protection of health and safety at work, for the establishment of an Agency for Safety and Health at Work.

In the comments which accompanied this proposal the Commission stressed that "... in its Resolution of 21 December 1987, the Council welcomed the Commission communication on its programme concerning safety, hygiene and health at work. Among other things, it called on the Commission to examine ways of improving the exchange of information and experience in the field concerned, in particular as regards the gathering and dissemination of data and the advisability of setting up Community machinery to study the repercussions at national level of Community measures in the field of safety and health at work.

The Resolution also called for intensified cooperation with and between the bodies active in the field.

The Council also stressed the fundamental importance of workers being aware of the issues involved and having access to information and, if necessary, to training if the measures recommended in the Commission's programme were to prove successful.

Recognizing the dangers not only to health and safety, but also to the business environment and the labour markets, of divergent health and safety conditions, employers' and workers' organizations have impressed upon the Commission the need to ensure that directives are implemented accurately, fully and equitably. They have also called for appropriate advice and assistance to be provided to undertakings and organizations in order to help them comply with the requirements imposed by Community directives.

In order to respond to these requests, the Commission, while remaining responsible for monitoring the application of Community law, is to set up an Agency for Safety and Health at Work to help in the implementation of various programmes relating to the working environment, including providing technical and scientific assistance and coordination, and advising on training.

To this end the Agency will draw on the experience of the European Foundation for the Improvement of Living and Working Conditions (Dublin Foundation).

The Agency's main task would be to give the Commission direct access to information on and expertise in health and safety at work, and to assist the Commission in implementing successive action programmes. It would also have to help the Community and the Member States to fulfil their

obligations under the Treaties. It would be a centre of excellence, becoming the focal point in the Community for the technical and scientific aspects of health and safety at work not only for the Commission, but for all those involved in the field. It would also be required to help the Commission with its international contacts in this field.

### **Gist of the Committee Opinion (CES 503/92)**

The Committee thinks that improvement of the exchange of information and experience and of cooperation with and between specialized national institutes and other bodies in the field of occupational safety and health is indeed desirable including the promotion of support for technical training. A European Agency, working well in these respects, could contribute considerably to a reduction of the risk of duplication. In this context, the Committee accepts, in general terms, the initiative taken by the Commission, subject to the following points.

The Committee considers that the range of activities and the envisaged high quality of work of the Agency is certainly ambitious, especially in the light of the modest budget which is foreseen for it.

In order to function properly, the Agency should be located so as to have optimal access to EC resources and Commission services. This must be a strict condition for the Agency's location. The Agency's operational liaison with the European Foundation for the Improvement of Living and Working Conditions should also be seriously considered in the choice of location.

*This Opinion, adopted unanimously, was drawn up in the light of the paper produced by the Section for Social, Family, Educational and Cultural Affairs, chaired by Mr Vasco Cal (Portugal - Workers). The Rapporteur was Mr Thomas Etty (Netherlands - Workers).*

## 5. SAFETY AND HEALTH ON BOARD FISHING VESSELS

**Proposal for a Council Directive concerning the minimum safety and health requirements for work on board fishing vessels - 10th individual Directive within the meaning of Directive 89/391/EEC  
(COM(91) 466 final - SYN 369)**

### **Gist of the Commission Proposal**

The Commission proposal takes the form of an individual Directive within the meaning of Article 16 of Council Directive 89/391 of 12 June 1989 on the introduction of measures to encourage improvements in the safety and health of workers at the workplace, which established a new legal framework.

All coastal Member States have legislation covering certain aspects of the health and safety of fishermen and most of this is based on international conventions. The international conventions and the related secondary legislation in the Member States deal mainly with the intrinsic safety of vessels or emergency equipment, rather than health and safety at work, and it is therefore this latter area which the Commission particularly wishes to cover.

The Commission points out that fishing is a high-risk sector because of the particularly high incidence of serious accidents.

The aim of the proposal is to lay down minimum health and safety requirements for fishing vessels as special workplaces by extending and harmonizing existing provisions in the field rather than to introduce completely new provisions.

The minimum requirements proposed were taken from or based on the international conventions referred to above.

However, since the international conventions do not cover safety and working conditions in the fishing industry new provisions have been introduced on:

- workstation design
- living conditions on board
- suitable health and safety training for fishermen
- detailed health and safety training for anyone likely to command a vessel.

### **Gist of the Committee Opinion (CES 504/92)**

The ESC welcomes the Commission proposal. It is high time that measures were taken to ensure a safe and ergonomic workplace and equipment design, a sound work organization, decent living and working conditions on board, health and safety training for fishermen and specialized training for anyone likely to command a vessel.

The Committee notes, however, that whilst certain important aspects are covered by other relevant EC directives, the problem of food standards (provision and preservation of food of good quality, conducive to the health of fishermen) has been forgotten.

As regards the important problem of hours of work, the Commission should exhort workers' and employers' organizations to find solutions to resolve issues relating to exorbitantly long working hours through the bargaining process. In doing so, contracting parties should be guided by ILO Recommendation No. 7: Recommendation concerning the limitation of hours of work in the fishing industry (1920). In particular, collective agreements should specify minimum rest periods on board the vessels and between trips.

The Committee notes that the proposed Directive, given its legal basis, cannot cover death, disability and sickness insurance for fishermen.

In its specific remarks, the ESC suggests the following:

In general terms, the Committee recommends that the Commission keeps its definitions in line with those used by the ILO and the IMO.

The ESC can accept the definitions of a fishing vessel as proposed by the Commission. However, it notes that 60-70% of the fishing fleets of Member States are shorter than 12m between perpendiculars. As stated earlier, occupational safety and health risks are higher on board of these smaller vessels. Therefore the Committee considers some detailed coverage of occupational safety and health needs on all fishing vessels, irrespective of their length, necessary.

On the understanding that the Commission wants to include independent workers in its definition of a fisherman, the Committee accepts the proposed definition.

Detailed health and safety reporting should be required on fishing vessels as defined in the Directive, irrespective of present regulations or legislation on the matter in Member States. The Committee strongly

recommends that reporting should be done on the basis of a standardized format to be developed by the Commission.

Article 8 should contain a provision concerning the language(s) in which the relevant information should be provided, so as to ensure that the members of the crew of different nationalities can understand it.

As far as the annexes are concerned, the Committee proposes some changes to the Commission proposal, e.g.

### **(Section 16: noise)**

In this paragraph it should be clearly stated that the problem of noise should be tackled at the source already at the design stage. The Committee notes that the existing noise Directive 86/188/EEC of 12 May 1986 (OJ N° L 137 of 24.5.1986) does not apply to fishing vessels. This Directive is presently being revised. It will include references to noise levels, not only for work, but also for rest time, and it will also cover fishing vessels.

### **(Section 3: life rafts and life boats)**

To the list of equipment the following elements should be added:

- flares;
- walkie talkie;
- radio.

*This Opinion, adopted unanimously, was drawn up in the light of the paper produced by the Section for Social, Family, Educational and Cultural Affairs, chaired by Mr Vasco Cal (Portugal - Workers). The Rapporteur was Mr Thomas Etty (Netherlands - Workers).*

## **6. EXTRACTIVE INDUSTRIES**

**Proposal for a Council Directive concerning minimum requirements for improving the safety and health protection of workers in the extractive industries for the exploration and exploitation of minerals in mines and quarries**

(COM(92) 14 final - SYN 392)

### **Gist of the Commission Proposal**

The proposal is based on Article 118A of the EEC Treaty and takes the form of an individual Directive within the meaning of Article 16(1) of

Council Directive 89/391/EEC on the introduction of measures to encourage improvements in the safety and health of workers at work, which does not cover the extractive industries.

It comes within the scope of the communication by the Commission on its programme concerning safety, hygiene and health at work, which the Council addressed in its Resolution of 21 December 1987. It also features among the new initiatives in this field which the Commission announced in its communication concerning its action programme relating to the implementation of the Community Charter of Fundamental Social Rights for Workers.

The proposal forms part of the social measures intended to accompany completion of the internal market.

The proposal has the following aims:

- to *improve* the safety and health protection of workers in the extractive industries by *supplementing* the proposal for a Council Directive concerning minimum requirements for improving the safety and health protection of workers in the extractive industries (COM(90) 663 final) which covered three main areas:
  - a) exploration and extraction by means of boreholes;
  - b) exploration for and extraction of minerals in surface workings;
  - c) exploration for and extraction of minerals in underground workings.

The Commission announced in 1990 that it intended to submit at a later stage specific annexes in respect of the sectors listed in points (b) and (c) above, and seen in this context the proposal supplements the proposal for a Directive (COM(90) 663 final) by introducing an annex which contains the minimum requirements for improving the safety and health protection of workers in the other two industrial sectors of the extractive industries concerned with the exploration for and exploitation of minerals in surface workings, and the exploration for and exploitation of minerals underground to avoid accidents such as occurred at the Simon Mine, France, in 1989, and at the Stolzenbach Mine, Germany, in 1988.

As provided for in Article 118A of the EEC Treaty, the proposal contains *minimum requirements* for workplaces in the extractive industries including working methods, equipment and provision of sanitary and rest facilities, taking into account the need:

- to pay due regard to safety requirements from the initial design stage onwards

- to provide safe methods of work and responsible supervision
- for consultation, information, training and qualification of workers
- for the specification of the safety and health-related obligations of employers.

The proposal is based on the following timetable: workplaces used for the first time after 31 December 1993 must satisfy the minimum safety and health requirements laid down in the proposal.

For workplaces already in use before 31 December 1993 a provision has been made for an extended transition period (nine years).

### **Gist of the Committee Opinion (CES 499/92)**

The Committee warmly welcomes the draft Directive, representing as it does an important step forward in improving protection against accidents in a sector where workplaces are particularly hazardous.

In view of the fact that accident and health hazards are substantially greater in the extractive industries than in other industrial sectors, the improvement of safety and health protection and protection against industrial illnesses is of particular importance.

The Commission is hereby fulfilling its promise to submit a proposal as soon as possible on the improvement of safety and health protection for workers in opencast and underground mines.

All occupational health and safety instructions should be given in a language which the workers understand (Article 3).

Care must be taken to ensure that the Directive is applied correctly after its transposition into national law. The following new article should therefore be inserted:

''Member States shall establish administrative machinery for ensuring that the Directive transposed by them into national law is correctly applied and its application monitored.''

The Committee warmly welcomes the fact that the suggestion made in its Opinion regarding health supervision (OJ No. C 191 of 22 July 1992) has been taken up by the Commission, which is proposing health checks on workers prior to the commencement of duties and at regular intervals throughout their working lives. The intervals between the regular checks should vary with the workplace hazards (Article 9).



The minimum health and safety requirements are not to come into effect in workplaces which existed before 31 December 1993 until nine years after the Directive's entry into force. The Committee cannot endorse this idea, because it will mean an unduly long delay in applying protective measures which are necessary. It therefore proposes a transitional period of no more than five years for these establishments (Article 11).

The Committee also proposes amendments to the Annexes.

*This Opinion, adopted unanimously, was drawn up in the light of the paper produced by the Rapporteur-General, Mr Paul Flum (Germany - Workers).*

## 7. PENSION FUNDS

**Proposal for a Council Directive on the coordination of laws, regulations and administrative provisions relating to the freedom of management and investment of funds held by institutions for retirement provision**  
(COM(91) 301 final - SYN 363)

### **Gist of the Commission Document**

This Directive will free pension funds from arbitrary national restrictions governing their choice of management and the investment of their assets and marks a significant first step in the Community's efforts to overcome the many practical problems which face companies with pension liabilities in several Community countries.

The Commission proposal contains definitions, notably of the "institutions for retirement provision" to which the Directive applies. The definition is widely drawn, including institutions which provide retirement benefits prescribed by or provided for in social security legislation other than competent institutions within the meaning of Regulation 1408/71. The Directive proposal applies to such institutions with respect to the management and investment of their assets.

The Directive stipulates that Member States shall not restrict the freedom of pension funds to choose an investment manager established in another Member State. It introduces a similar freedom to use asset custodians established in another Member State.

Concerning pension fund investment the proposal lays down basic prudential principles for the investment of pension-fund assets. Assets

shall be invested in a manner appropriate to the nature and the duration of the corresponding liabilities and the level of their funding, taking account of the requirements of security, quality, liquidity and profitability of the institution's portfolio as a whole. They shall be sufficiently diversified in such a way as to avoid major accumulations of risk in the portfolio as a whole. Investments in the sponsoring undertaking or undertakings shall be restricted to a prudent level.

The proposal forbids Member States to require pension funds to invest in particular categories of assets or to localize their assets in a particular Member State. This does mean that Member States can impose maximum limits on investment in particular categories, but they cannot require minimum investment in particular categories. This comes directly from the insurance directives.

The proposal establishes limits on rules which Member States may impose on currency matching of assets to liabilities. The potential limits which Member States may introduce are less restrictive than those proposed for life insurance in the third Directive to reflect the fact that pension fund liabilities are often not fixed in monetary terms.

The proposal also forbids Member States to impose prior approval or systematic notification requirements on investment decisions although allowing Member States to lay down detailed rules consistent with the principles established in the proposed Directive.

### **Gist of the Committee Opinion (CES 491/92)**

The Committee approves the Commission proposal.

''Institutions for retirement provision'' within the meaning of Article 2(a) of the proposed Directive belong in the leading group of institutional investors. Their assets exceed ECU 800 bn, including ECU 483 bn in UK institutions and ECU 184 bn in the Netherlands.

Where pension liabilities are covered by book reserves in an employer's balance sheet, there is no institution for retirement provision within the meaning of the definition and the Directive does not apply. The same argument applies with regard to pay-as-you-go systems, except where reserves are built up and invested in financial assets.

The Committee fully endorses the Commission's aim of implementing freedom of cross-border investment management and cross-border investment through the proposed Directive.

The Commission considered implementation of freedom of cross-border membership of such institutions impracticable; this would have facilitated the free movement of workers in accordance with Articles 48 et seq. of the Treaty. The Committee calls on the Commission to continue its work, bearing in mind the constraints imposed by the diversity of systems.

The definition of "institution for retirement provision" in Article 2(a) should also cover group pension institutions, e.g. for particular professions.

The term "sponsoring undertaking" in Article 2(c) does not seem adequate in all the situations referred to in the Directive.

The Committee approves Article 3(2), but considers that a similar provision should apply to the holding of assets, i.e. it should be possible to hold them on a group basis and choose freely who is to manage them.

The Committee regrets that the wording of the sixth clause of the preamble - to the effect that "no investment should be made for the particular interest of any such directors or trustees or their delegates, nor should any investment be made to pursue solely the interests of the undertaking or undertakings which sponsor the institution" - is not incorporated in the appropriate place in the proposed Directive.

Article 4(2) prohibits the Member States from setting minimum investment requirements. It could be interpreted - wrongly in the Committee's opinion - to mean that they may set maximum requirements.

The currency matching rule in Article 4(3) should be dropped because, under the cloak of a rule of good management, its effect, its objective even, is to favour a national market and in particular the issue of Government loans. This idea is unacceptable in the light of the goal of a single market and the progress made towards it.

*This Opinion, adopted unanimously, was drawn up in the light of the paper produced by the Section for Industry, Commerce, Crafts and Services, chaired by Mrs Ann Robinson (United Kingdom - Employers). The Rapporteur was Mr Jean Pardon (Belgium - Employers) and the Co-Rapporteur Mr Pierre Chevalier (France - Various Interests).*

## 8. EUROPEAN YEAR OF THE ELDERLY

**Proposal for a Council Decision on the organization of the European Year of the Elderly and of Solidarity between Generations 1993**  
(COM(91) 508 final)

### **Gist of the Commission Proposal**

In its Decision of 26 November 1990 (91/49/EEC)<sup>1</sup>, the Council declared that 1993 be designated as "European Year of the Elderly and of Solidarity between Generations".

Article 1 of the present Decision confirms this Council Decision.

Article 2 sets out the objectives of this European Year, namely: to bring to public notice, through reflection, discussion and raising of awareness, the challenges posed by demographic trends and the resultant changes which will be needed to help the elderly to cope more readily with the process of Community integration, as an integral part of the social dimension of the internal market.

The measures envisaged in this connection, which follow the example of other European Years organized in the past, are described in Article 3. They will entail events, publications, information campaigns, establishment of a network of pilot projects and, finally, the use of a common logo and slogan.

Articles 3 and 4 deal with the financing of this European Year. Measures financed wholly or partly by the budget of the European Communities will be selected by the Commission, which will be assisted in its task by the Advisory Committee set up in accordance with Article 6, paragraph 1, of the above-mentioned Council Decision.

Article 5 deals with activities carried out by the Member States in respect of which they wish to receive financial support from the Commission.

Finally, Article 6 provides for a procedure whereby the Commission will inform the European Parliament and the Council of the progress of the work and will submit a final report.

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<sup>1</sup> Official Journal of the EC, No. L 28, 2 February 1991, p. 29

### **Gist of the Committee Opinion (CES 505/92)**

The Committee endorses the proposal. It would suggest that a clear goal of the European Year should be to launch a Community Charter of the Fundamental Rights of Older People, together with an Action Programme for its implementation. Such a Charter and Programme could build out of Articles 24 and 25 of the existing Social Charter and should, among other things, cover:

#### **For older workers**

- access to new training and retraining;
- legal recourse against discrimination on the labour market on the grounds of age;
- retirement planning through pre-retirement education and retirement advice centres.

#### **For pensioners**

- guaranteed sufficient resources and health and social assistance according to need and not dependent on income with the aim of promoting good health and security in old age;
- possible tax rebates for pensioners;
- free movement and residence throughout the Community and entitlement to proper care and assistance;
- payment both of their attained statutory and occupational pensions in the Member State in which they have chosen to stay or reside, without any additional fiscal, bureaucratic or fluctuating monetary impediments.

#### **For the elderly**

- a European senior pass and entitlement to the same price reductions as enjoyed by the senior citizens of the "host" Member State as regards public transport, cultural activities, sports and leisure, etc.;
- proper housing facilities;
- the right of the physically frail or mentally impaired to be treated and cared for with dignity, under sanitary and social conditions rigorously monitored, with rights of legal recourse and with the right to retain a proper degree of financial independence (on these matters, particular attention in terms of standards and management must be given to older people living in residential homes);

- the needs of minorities, especially their economic and socio-cultural requirements;
- the need for the legal system to provide them greater protection from violence in both rural and urban areas (the Action Programme should set out education and public information services to help them in the interests of their personal security and protection);
- the need to foster public opinion towards the recognition of the positive contribution of older people to society and the development of representative organizations and participatory means of expression in decision-making;
- financial and social promotion in favour of professions specialized in assistance activities for elderly people.

*This Opinion, adopted unanimously, was drawn up in the light of the paper produced by the Section for Social, Family, Educational and Cultural Affairs, chaired by Mr Vasco Cal (Portugal - Workers). The Rapporteur was Mr Tomás Roseingrave (Ireland - Various Interests).*

## 9. THIRD PACKAGE OF AIR TRANSPORT MEASURES

**Proposal for a Council Regulation (EEC) on licensing of carriers**

**Proposal for a Council Regulation (EEC) on access air carriers to intra-Community air routes**

**Proposal for a Council Regulation (EEC) on fares and rates for air services**  
(COM(91) 275 final)

### **Gist of the Commission Proposal**

The Commission has tabled three Draft Regulations on Air Transport to enter into force in 1993. The Regulations will constitute the final phase in the organization of the Community civil aviation market in the run-up to the Internal Market.

This draft legislation constitutes the third package of air transport measures and is in line with the wishes expressed by the Council when it adopted the second package in June last year.

The objective is to abolish the differences between the 12 national markets by allowing Community airlines (Common rules for obtaining licenses and commencing operations) to operate and compete freely on an open market (liberalization of the fifth freedom right and of cabotage), subject to common rules on setting fares (extension of the principle of double disapproval).

The entire package is to be adopted by mid-1992.

The regulations encompass the following areas:

*a) Harmonization of access*

Access to the profession is to be harmonized throughout the 12, subject to the following criteria:

- minimum initial capital;
- yearly publication of accounts;
- majority EC shareholding;
- registered office within the EC;
- primarily involved in aviation;
- fulfilment of technical requirements for staff and equipment;
- adequate insurance cover.

*b) Liberalization of access to routes within the Community*

This regulation covers three areas:

- The abolition of *capacity sharing quotas* set by airlines for intra-Community routes.
- The expansion of *fifth freedom rights* i.e. an airline's right to carry passengers freight and mail between two States other than those in which the aircraft is registered. This right had been restricted up to the present.
- *Cabotage rights*, i.e. the right to embark and disembark passengers in a State other than the one in which the aircraft is registered.

The regulation is to contain safeguard clauses in order to ensure that certain routes - in particular new regional routes - of general interest can be maintained without complete liberalization of competition.

*c) Liberalization of fares*

There are two key principles here.

Firstly, a Member State may not reject a company's proposal for a new fare, if this fare is reasonably related to the applicant's long term costs, while taking account of consumers and competition rules.

Secondly, a new fare submitted to the Member States for examination can only be rejected if both Member States agree to do so (double disapproval).

There is, however, a safeguard if one of the Member States concerned opposes the fare and if competition is limited on the route in question, the Commission may decide whether or not the fare is reasonable.

From 1996, free pricing will be introduced on routes where competition is not restricted.

### **Gist of the Committee Opinion (CES 495/92)**

The Committee broadly endorses the Commission's proposals and feels that they constitute a sound basis for future legislation on air transport. However, a number of comments are made.

#### *a) Harmonization of access*

- Safety checks on aircraft must not be eased;
- Financial obligations should be simplified, without prejudicing the need to ensure that airlines have a sound financial basis;
- Social conditions should be included.

#### *b) Liberalization of access to routes within the Community*

The Committee agrees with the Commission that, subject to limited safeguards, all operators should have equal rights to serve on any route.

The ESC urges the Commission to promote full cabotage rights after a short transitional period, and to eliminate differences in regulations on scheduled air services and non-scheduled.

#### *c) Fares and rates*

The Committee recognizes that under current market conditions, regulating procedures are necessary to prevent fares which are either too low or unreasonably high. However, the present procedure has proved to be slow and bureaucratic.



*This Opinion, adopted unanimously, was drawn up in the light of the paper produced by the Section for Transport and Communications, chaired by Mr Eike Eulen (Germany - Workers). The Rapporteur was Mr Robert J. Moreland (United Kingdom - Various Interests).*

## 10. AIR TRANSPORT COMPETITION

**Proposal for a Council Regulation (EEC) amending Regulation (EEC) No. 3975/87 laying down the procedure for the application of the rules on competition to undertakings in the air transport sector, and the Proposal for a Council Regulation (EEC) amending Regulation (EEC) No. 3976/87 on the application of Article 85(3) of the Treaty to certain categories of agreements and concerted practices in the air transport sector (COM(91) 272 final)**

### **Gist of the Commission Document**

Council Regulation No. 3975/87 confines the Commission's competition rules to international transport between Member States.

In its Judgement of 11 April 1989 in the "Ahmed Saeed" case, the Court of Justice confirmed its Judgement in the "Nouvelles Frontières" case in respect of the application of Article 85 and ruled that Article 86 is directly applicable by national courts. The Judgement means that, where a dominant airline succeeds, other than by normal competitive means, in eliminating competition, even on a domestic or on a Community/third-country route, such behaviour is an abuse contrary to Article 86.

In respect of both domestic and of EC/third-country air transport, the Commission currently has no power to grant exemptions under Article 85(3), nor to use normal procedures to rule on abuses of dominant position under Article 86. Air carriers can not therefore ascertain what practices and arrangements they may legitimately engage in on such routes.

Therefore the Commission is now making a new proposal to delete the provisions limiting the Regulation's scope to *international* transport within the Community; in other words, domestic transport entirely within a single Member State is also to be covered by the Regulation.

The amendment to Regulation (EEC) No. 3976/87 empowers the Commission to adopt, for a limited period, a number of group exemptions

to the competition rules so that air carries can gradually adjust to a more competitive environment.

The Commission on that basis adopted three Regulations on ground handling services, computer reservation systems, and joint planning and coordination of capacity.

Experience has shown that these group exemptions satisfy a genuine need for legal certainty among air carriers and other market operators, while providing an incentive to abandon previous more restrictive agreements. It is for this reason that the Commission is proposing that the group exemptions be substantially renewed, subject to somewhat tighter conditions; this is a desirable move in the light of the progress achieved on the competition front.

The Commission thus proposes that the Council adopt a Regulation modifying Regulation (EEC) No. 3976/87 as follows:

- 1) the Regulation would henceforth apply to domestic transport entirely within a single Member State;
- 2) the Regulation is given an indefinite validity;
- 3) the possibility of an exemption for joint operations between airlines will be provided for;
- 4) a standard clause (new Article 3) is included on the duration and review of the Commission's implementing Regulations.

### **Gist of the Committee Opinion (CES 494/92)**

The Committee endorses the proposal to delete the provisions limiting the scope of Regulations 3975/87 and 3976/87 to international transport within the Community.

The Committee nevertheless makes a number of detailed comments, including the point that, in order to give air carriers a reliable basis for their calculations, group exemptions (Article 3 of Regulation 3976/87) must not be limited in time.

*This Opinion, adopted unanimously, was drawn up in the light of the paper produced by the Section for Transport and Communications, chaired by Mr Eike Eulen (Germany - Workers). The Rapporteur was Mr René Bleser (Luxembourg - Workers).*

## 11. LIBERALIZATION/ROAD HAULAGE SERVICES

**Proposal for a Council Regulation laying down the definitive system under which non-resident carriers may operate domestic road haulage services within a Member State**  
(COM(91) 377 final)

### **Gist of the Commission Document**

As a step towards the Single Market and the free movement of goods and services, the Commission intends to establish a permanent system of freedom of road haulage cabotage from 1 January 1993.

The proposal is meant to succeed the present Council Regulation 4059/89 of temporary authorizations (15,000 cabotage authorizations valid for a two-month period were issued between July 1990 and June 1991).

The main provisions of the Regulation on road haulage cabotage are as follows:

- Any Community road haulage carrier who is authorized to operate international road haulage services is entitled to operate, without quantitative restrictions, domestic road haulage services in a Member State other than the State in which he is established.
- Frontier inspections are prohibited.
- The laws, regulations and administrative provisions in force in the host Member State and which will apply to cabotage operations are laid down in the Regulation.
- The system includes a general and a temporary safeguard clause:
  - Under the general safeguard clause, if the Commission observes a serious disturbance of a Community market, special measures may be taken to rectify the situation on that market following a decision by the Commission in consultation with an Advisory Committee.
  - Under the temporary safeguard clause, a Member State may, subject to the Commission's approval:
    - require prior notification of cabotage operations where they amount to 5% of its national transport operations (in tonnes/km); and
    - may limit such operations to 5% of its market in 1993, 6% in 1994 and 7% in 1995. This clause will not apply after 31 December 1995.

### **Gist of the Committee Opinion (CES 500/92)**

The Committee has a positive attitude to the draft Regulation but makes a number of comments.

Firstly, the draft Regulation should spell out what is meant by the temporary nature of cabotage and lay down detailed conditions for use of the safeguard clause.

Secondly, harmonization of Member State legislation in various fields will facilitate the implementation of the draft Regulation.

Although the Committee advocates the earliest possible introduction of free cabotage, it doubts whether 1 January 1993 is a realistic date for implementation. As an alternative, the Committee recommends extending the present rules until free cabotage can be introduced (this to be achieved by 1 January 1996 at the latest) and, in the meantime, increasing the number of cabotage authorizations substantially.

*This Opinion, adopted by a majority with 8 votes against and 12 abstentions, was drawn up in the light of the paper produced by the Section for Transport and Communications, chaired by Mr Eike Eulen (Germany - Workers). The Rapporteur was Mr Ulbo Tukker (Netherlands - Employers).*

## **12. MUTUAL GUARANTEE SYSTEMS**

### **Communication from the Commission on the Role of Mutual Guarantee Systems in the Financing of SMEs in the European Community (SEC(91) 1550 final)**

#### **Gist of the Commission Document**

This Communication focuses attention on the problems continually encountered by SMEs throughout the Community in securing ready access to adequate funding at reasonable cost. It highlights Mutual Guarantee Schemes (MGS) as one form of action which should be encouraged as an effective means to improve the situation.

The Commission proposes to concentrate on providing technical assistance and advice to help MGS a) to cooperate more effectively at

Community level and b) to identify and adopt the most appropriate management practices for maximum effectiveness.

The principal measures proposed are:

- Assistance in setting up a European Mutual Guarantee Association, the main aims of which would be:
  - to promote Mutual Guarantee Schemes throughout the Community;
  - to establish MGS in those Member States where they do not currently exist;
  - to compile information from members of the Association for dissemination throughout the Community;
  - to help identify and develop the best practice and implement this throughout the Community;
- the promotion of seminars and conferences to spread information about the objectives, funding and operation of MGS; and
- the establishment of pilot schemes to identify the most effective means for improving MGS funding and management.

### **Gist of the Committee Opinion (CES 492/92)**

The Committee supports the action proposed in the Communication from the Commission.

The Committee recommends that the Commission produce, as soon as possible, topics for discussion and proposals for action in the field of financing addressed to all the parties concerned.

The Commission document mentions a series of steps taken by the Community in the field of financing. The question remains of whether these projects are sufficiently known to SMEs, whether the choice of multiplying factors has been made with proper care and whether the impact of these measures is encouraging.

There can be no question of MGSs taking the place of banks and credit institutions; their role is a complementary one.

One of the main complaints that firms have about MGSs is that procedure is long and cumbersome and involves dealing with several bodies, which often leads to a pile-up of delays and restrictions.

As far as taxation is concerned, the formation of reserves should not be hampered by tax rules which are badly adapted to the economic and social role of MGSs.

MGSs should not limit their operations to the long and medium term; they should also include the short term in their range of eligible operations.

Cross-border co-operation between MGSs or with compatible institutions could be encouraged in the medium term. It is worth recalling here the steps currently being taken at Community level to give enterprises like MGSs a statute similar to that for a European Company (SE).

The Committee would draw attention to five points which should be borne in mind in measures planned for the future:

- The systems to be adapted or created in the Member States must respect the rules of the market and the principle of optimal resource allocation when they are operating, and not create distortions of competition.
- The Communication should trigger off a process of reflection.
- The role of the MGS as an intermediary institution between, on the one hand, SMEs, the banks and credit institutions and, on the other, the intervening public authorities should be confirmed;
- The role of the Commission and the public authorities in the Member States should be to inform and promote tangible measures supported at the roots by firms, SME organisations and other economic agents.
- To encourage MGSs, it might be useful to consider providing them with an appropriate legal status and minimum conditions for them to meet.

The Communication makes no mention of any possibilities of intervention by the EIB in financing programmes specifically slanted towards SMEs. This question should also be examined in the light of the specific functions of MGSs mentioned by the Commission.

*This Opinion, adopted unanimously, was drawn up in the light of the paper produced by the Section for Industry, Commerce, Crafts and Services, chaired by Mrs Ann Robinson (United Kingdom - Employers). The Rapporteur was Mr Eugène Muller (Luxembourg - Various Interests).*

### 13. ABANDONMENT PREMIUMS - WINE-GROWING

**Proposal for a Council Regulation (EEC) amending Regulation (EEC) No. 1442/88 on the granting, for the 1988/1989 to 1995/1996 wine years, of permanent abandonment premiums in respect of winegrowing areas (COM(92) 49 final)**

#### **Gist of the Commission Proposal**

The draft Regulation amends the accounting procedure with regard to permanent abandonment premiums in the wine-growing sector for the marketing years 1988/89 and 1989/90.

#### **Gist of the Committee Opinion (CES 497/92)**

The Committee endorses the Commission's proposal.

*This Opinion, adopted unanimously, was drawn up in the light of the paper produced by the Rapporteur working alone, Mr Charles Pelletier (France - Various Interests).*

### 14. VETERINARY/AFRICAN HORSE SICKNESS

**Proposal for a Council Regulation (EEC) laying down control rules and measures to combat African horse sickness, and the**

**Proposal for a Council Directive amending Council Directive 90/426/EEC of 26 June 1990 on animal health conditions governing the movement and import from third countries of equidae (COM(91) 435 final)**

#### **Gist of the Commission Proposals**

The purpose of the proposed measures is to eradicate African horse sickness and prevent its spread in the event of an outbreak. The measures involve the systematic slaughter of infected animals, with or without recourse to vaccination, according to the ecological and climatic circumstances of the outbreak.

The measures must be implemented as soon as the presence of the disease is suspected in order that effective and immediate action may be taken.

### **Gist of the Committee Opinion (CES 496/92)**

While approving the Commission proposals, the Committee draws attention to:

- apparent inconsistencies as regards the vaccination campaigns;
- the need to conclude agreements on protection and surveillance measures, not only with the EFTA nations but also with third countries such as Turkey, Bulgaria and Yugoslavia;
- the case for "disinsectization" campaigns in hot humid regions and marshlands.

*This Opinion, adopted unanimously, was drawn up in the light of the paper produced by the Section for Agriculture and Fisheries, chaired by Mr André Laur (France - Various Interests). The Rapporteur was Mr Georges Proumens (Belgium - Employers).*

## **15. FERTILIZERS**

### **Proposal for a Council Directive relating to fertilizers (SEC(91) 1858 final)**

#### **Gist of the Commission Proposal**

In the context of seeking to achieve a People's Europe, great importance is attached to the simplification and clarification of Community law in order to make it clearer and more accessible to the ordinary citizen. This will give European citizens new opportunities and the chance to make use of the specific rights conferred on them by Community legislation.

This goal cannot be achieved as long as there is a plethora of provisions (amended several times and often quite substantially) scattered about both in the original legal instrument and subsequent amending instruments with the result that much research and many comparisons are needed to identify the latest up-to-date text.

The Commission proposal for a *consolidation* of Council Directives on the approximation of the laws of the Member States relating to fertilizers, regroups in a single text the following directives:



- 76/116/EEC of 18 December 1975 on the approximation of the laws of the Member States relating to fertilizers;
- 80/876/EEC of 15 July 1980 on the approximation of the laws of the Member States relating to straight ammonium nitrate fertilizers of high nitrogen content;
- 87/94/EEC of 8 December 1986 on the approximation of the laws of the Member States relating to procedures for the control of characteristics of, limits for and resistance to detonation of straight ammonium nitrate fertilizers of high nitrogen content;
- 77/535/EEC of 22 June 1977 on the approximation of the laws of the Member States relating to methods of sampling and analysis for fertilizers.

The consolidated text has been drafted in accordance with the fundamental principles agreed by the Council, Parliament and Commission in 1974. It aims at *legislative consolidation* i.e. the existing directives are to be replaced by a single new Directive leaving their substance untouched but assembling them in a single text, with only the formal amendments required by the operation itself.

### **Gist of the Committee Opinion (CES 493/92)**

The Committee approves the proposed Directive.

The Directives to be consolidated have all been incorporated into national law with the exception of Directive 89/530, which is still outstanding in two Member States. The Commission should press these Member States to make good this deficiency as quickly as possible.

The Committee takes the opportunity to urge fertilizer manufacturers - in addition to their legal obligations arising from the consolidated Directives - to issue users with whatever recommendations are necessary to ensure a rational use of these fertilizers, in particular as regards the protection of the environment.

The Committee would also like to see the Commission turn its attention to other types of fertilizer such as organic fertilizers (e.g. bonemeal, leather residues, guano) and mixtures of mineral and organic fertilizers, with a view to aligning existing national legislation.

*This Opinion, adopted unanimously, was drawn up in the light of the paper produced by the Section for Industry, Commerce, Crafts and Services, chaired by Mrs Ann Robinson (United Kingdom - Employers). The Rapporteur was Mr Georges Proumens (Belgium - Employers).*

## 16. CONTAMINATION - SPIRIT DRINKS AND AROMATIZED WINES

**Proposal for a Council Regulation (EEC) amending for the first time Regulation (EEC) No. 1601/91 laying down general rules on the definition, description and presentation of aromatized wines, aromatized wine-based drinks and aromatized wine-product cocktails, and on the Proposal for a Council Regulation (EEC) amending for the first time Regulation (EEC) No. 1576/89 laying down general rules on the definition, description and presentation of spirit drinks**  
(COM(92) 55 final - SYN 396-397)

### **Gist of the Commission Proposals**

Two proposals are put forward jointly by the Commission to prohibit, with effect from 1 January 1993, the use of lead based capsules on containers for spirit drinks, and for aromatized wines, wine-based drinks and wine-product cocktails, in order to avoid contamination and pollution and to allow a derogation whereby existing stocks may be used up.

### **Gist of the Committee Opinion (CES 490/92)**

The Committee agrees with the Commission's proposal.

*This Opinion, adopted unanimously, 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 Mr Francisco Ceballo-Herrero (Spain - Various Interests). The Rapporteur was Mr Rudolf Schnieders (Germany - Employers), and the Co-Rapporteurs were Mr Mario Bottazzi (Italy - Workers) and Ms Karen Gredal (Denmark - Various Interests).*

## 17. THE CITIZENS' EUROPE (information report)

### **Gist of the Information Report (CES 955/91 fin)**

European citizenship must represent more than just the sum of twelve national citizenships.

As the European Community moves towards closer Union, its policies and actions must be rooted in a Union-wide form of democratic legitimacy and popular consent.

A "Citizens' Europe" comprises everyday "freedoms", rights and duties, but also goes beyond them; it is about constructing a firm and durable, transnational model of citizenship. It is about filling the "democratic deficit" at European level, developing a civic and social "Union", enabling Europe's citizens better to control their own destinies, and about reinforcing the European Parliament and other democratic institutions whose role is to represent European citizens and defend their rights, duties and interests.

With a view to the second phase of democratic and institutional strengthening of the Union (1996), the main thrust of this report is to present these general themes and to highlight the following specific points:

- (a) The need for EC accession to the European Convention for the Protection of Human Rights and Freedoms, together with the incorporation into the Treaty of the Declaration of Fundamental Rights and Freedoms of the European Parliament.
- (b) The need in particular for a Treaty provision banning discrimination on grounds of sex, colour, race, opinions and beliefs.
- (c) The need, on the basis of the elimination of obstacles and practical application of the "four freedoms" (free movement of goods, persons, services and capital), to assert equality of rights and duties for all citizens of the Union.
- (d) The need for proper democratic accountability at European level guaranteed through legislative powers for the European Parliament, transparent Council decision-making procedures, and full appreciation of the rule of law through the Court of Justice.
- (e) The need for the European Parliament to be elected according to a uniform electoral system providing proper representation of all political currents.
- (f) The need for the Treaty unequivocally to enable the proper application of the Social Charter and Social Protocol Agreement to all citizens concerned throughout the "European Union" as a whole.
- (g) The need for a similar EC commitment to wider social and societal rights<sup>1</sup> in fields including the environment, consumer protection, cultural heritage, vulnerable and disadvantaged groups, privacy, data protection, the role of socio-professional groups and safeguarding the family<sup>2</sup>.

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<sup>1</sup> Individual rights enjoyed by specific groups of categories of citizens, such as the elderly, the disabled, the sick, etc.

<sup>2</sup> Conclusions of the meeting of the Council of Ministers for family affairs of 29 September 1989 (see OJ No. C 277/2, 1989).

- (h) The need for an EC Budget in keeping with "European Union" and capable of making a greater contribution to economic and social cohesion and to training and the alleviation of unemployment.
- (i) The need to devise Community policies for employment and vocational training, involving social dialogue and the increasingly active participation of other interest groups.
- (j) The need for the Economic and Social Committee and the new Committee of the Regions to carry out and develop their functions independently, but to similar purpose, putting participatory democracy and their representative status to work in the interests of the European Union.
- (k) The proposal to organize a quadrennial "Young Europe Convention".

Citizenship is a token of belonging to a community in which each member takes part in implementing the wishes of the whole, submitting himself to them without loss of personal freedom, since he is obeying rules which he himself has had a say in drawing up. A democratic society can only be freely constructed around positive values shared by citizens who are equal in freedom.

European citizenship is therefore not simply the sum of 12 national citizenships, but constitutes an "added value", enriching and adding to them all.

*This information report was drawn up in the light of the paper produced by the Sub-Committee on the Citizens' Europe, chaired by Mr Philip H. Noordwal (Netherlands - Employers). The Rapporteur was Mrs Beatrice Rangoni Machiavelli (Italy - Various Interests), and the Co-Rapporteur was Mr Tom Jenkins (United Kingdom - Workers).*

The Committee decided by a majority, with 2 votes against and 14 abstentions, to forward this Report to the other Institutions.



## **II — Outside Presence and Influence of the ESC**

### **Official visit by the Committee Chairman to Portugal: 31 March - 1 April**

The Committee's Chairman, Michael Geuenich, and the Secretary-General, Jacques Moreau, paid an official visit to Portugal from 31 March to 1 April.

They held talks with the Portuguese Prime Minister, Foreign Minister, Social Affairs Minister, State Secretary for European Integration, Finance Minister and Environment Minister as well as Portuguese members of the ESC, representatives of Portuguese socio-professional organizations and the Permanent Council for Social Dialogue.

### **Activities of the Chairman and Secretary-General**

8 April, Paris: 42nd Conference of the French Democratic Confederation of Labour (CFDT)

10 April, Brussels: EFTA/ESC contact group meeting at the Committee headquarters

14 April, Brussels: meeting with Ambassador Rachid Sfar, Head of the Tunisian delegation to the EC

23 April - Bonn: meeting with Mr Friedrich Bohl, Head of the German Federal Chancellery

### **Other activities**

Representatives of the economic and social interest groups of the Arab Maghreb Union (AMU) and the European Community met for the first time at the ESC building, Brussels, on 6, 7 and 8 April to discuss the implications of 1992 for the economies of the Maghreb countries, the AMU's future prospects and aspects of investment in the Maghreb countries and migration.

The Social Affairs Section chaired by Portuguese Workers Group member, Mr Vasco Cal, met in Lisbon on 22 April. Mr Albino da Silva Peneda, President of the Social Affairs Council, outlined the social policy programme of the Portuguese Presidency.

### **News of members**

On 7 February, Mr Johannes Jaschick (Various Interests), an ESC member since 17 September 1974 and secretary-general and executive committee member of the German consumers' association (AGV), was awarded the Federal Republic's Grand Cross of Merit.

On 13 March 1992, Mr Göke Frerichs (Employers), an ESC member since 21 September 1990 and an executive committee member of the German wholesale and foreign trade association (DGA), was also awarded the Federal Republic's Grand Cross of Merit.

Mr André Laur (Various Interests), an ESC member since 19 August 1978, has been made a Commander of the French Legion of Honour.

### III — Fact-Finding Visits

During the period under review, the following fact-finding visits were made to the Economic and Social Committee:

- 2 April 1992 Spanish farmers
- 2 April 1992 Wigan College of Technology (UK)
- 2 April 1992 Oxford Polytechnic (UK)
- 3 April 1992 Bouw- en Houtbond, Woerden (Netherlands)
- 3 April 1992 Dauphine Espace Europe (Association pour la promotion de l'Europe) - Université de Paris-Dauphine (France)
- 3 April 1992 DEPB - Deutschland- und Europapolitisches Bildungswerk Nordrhein-Westfalen, Tecklenburg (Germany)
- 6 April 1992 Brandbjerg Hojskole (Denmark)
- 6 April 1992 West Cheshire College, Handbridge (UK)
- 8 April 1992 Quaker Council for European Affairs, Brussels
- 8 April 1992 Bildungsdienst des Deutschen Beamtenbundes, Bonn (Germany)
- 8 April 1992 Centre pour L'Europe des citoyens et des Droits de l'Homme - Centre d'Études et d'Initiatives européennes, Strasbourg (France)
- 9 April 1992 Tietgenskolen, Odense (Denmark)
- 9 April 1992 Manche Expansion - Comité de développement économique et social de la Manche, Saint-Lo Cédex (France)
- 13 April 1992 The Manchester Scheme - Manchester College of Arts and Technology (UK)
- 14-15 April 1992 UIL Coordinamento Europeo - The Trade Union of Citizens, Brussels



- 23 April 1992 Malmöhus Läns Landsting (Sweden)
- 24 April 1992 Lycée Victor Duruy, Paris (France)
- 24 April 1992 Centre de Formation et de Promotion des maisons familiales rurales en Vendée (France)
- 24 April 1992 Valencia University (Spain)
- 27 April 1992 Bayerisches Staatsministerium für Bundes- und Europaangelegenheiten Munich (Germany)
- 27 April 1992 FTF - Funktionærernes og Tjenestemændenes Fællesråd (Denmark)
- 29 April 1992 Arbeiterkammer Vorarlberg (Austria)

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## **I — 297th Plenary Session of 26 and 27 May 1992**

The 297th Plenary Session of the Economic and Social Committee was held in Brussels, on 26 and 27 May 1992, under the chairmanship of Mr Michael Geuenich, Chairman.

On this occasion, the Committee adopted the following Opinions:

### **1 . EQUITABLE WAGE**

#### **Commission Opinion on an equitable wage (SEC(91) 2116 final)**

#### **Gist of the Commission Document**

The Commission considers that the right of all workers to receive an equitable wage for the work which they do, as referred to in the Community Charter of the Fundamental Social Rights of Workers should be reaffirmed.

To this end, the Member States should give substance to their commitment given in the Social Charter to assure the right of every worker to an equitable wage:

- by improving transparency of the labour market by a better collection and dissemination of comparable statistical information about wage structures at Community, national and local levels to enable more effective policies to be developed and thus remove some of the causes of unfairness;
- by disseminating widely existing information about equitable reference wages;
- by drawing up the necessary legislation;
- by adopting mechanisms for the establishment of negotiated minima and the strengthening of collective bargaining arrangements;
- by developing codes of good practice with regard to the treatment of weaker groups of workers on the labour market who are susceptible to low wages;

- by improving arrangements for providing information about the labour market, particularly with regard to rates of pay;
- by providing information about discriminatory practices.

For its part the Commission considers that it is pertinent:

- to take appropriate measures to improve the quality of information available at Community level;
- to contribute towards a better matching of vocational training arrangements;
- to encourage the development of exchanges at a European level on the practices within firms with regard to pay.

The Commission will submit a report to the Council, the Economic and Social Committee and the European Parliament, after consultation with the social partners, within three years after the adoption of the Opinion.

### **Gist of the Committee Opinion (CES 643/92)**

Subject to various comments, the Committee endorses the Commission initiative.

To achieve the goal of an equitable wage, agreement must first and foremost be reached on the specific economic, social, cultural and environmental parameters to be taken into consideration and the general reference framework in which they are to apply.

It is inconceivable in the short to medium term for all EC workers to achieve high pay levels. Even in the longer term, large areas of the labour market will be occupied by low-skilled or marginal jobs (in geographical, production or social terms). The Committee points to the need to ensure that these categories of workers always receive an equitable wage.

In the medium to long term, the continued existence (or even the extension) of large low-paid areas would hinder harmonious progress towards integration, seriously damage economic and social cohesion, and could undermine the efficiency and competitiveness of the Community economy as a whole.

The problem of an equitable wage could usefully be addressed from this angle, in order to define minimum criteria and thresholds for low pay, on which to base a process of upward adjustment. It is also conceivable that workers could be offered other guarantees (e.g. basic and advanced

training, job security, working conditions, career) which, if properly negotiated, could compensate for less than optimum wage conditions.

The special features and position of some firms located in countries or regions facing development problems may make it difficult for them to raise their lowest wage levels. Such problems must be tackled by specific measures made possible by cohesion or SME support policies.

It is not to be excluded that Community action should in the longer term focus not on the substance of wage policies but on the framing of a number of accompanying measures and the indication of general criteria to encourage convergence of wage policies in the Member States. In this context, the setting of a reference wage must not only take account of macroeconomic and monetary constraints; it must also consider such factors as the different wage levels (and particularly, the average thereof) and the overall productivity of the sector and system.

The Commission could also have supported the development of "social dialogue" at EC level, to encompass, among other subjects under discussion and in the light of the prospects opened up by the new Treaty, definition of the criteria to be borne in mind when fixing a fair wage. These criteria should then be taken into consideration in national wage negotiations and could possibly be enshrined where relevant in national legislation particularly as regards a reference wage.

*This Opinion, adopted by a majority vote, with two dissenting votes and 17 abstentions, was drawn up in the light of the paper produced by the Section for Social, Family, Educational and Cultural Affairs, chaired by Mr Vasco Cal (Portugal - Workers). The Rapporteur was Mrs Giacomina Cassina (Italy - Workers).*

## 2. DRUGS AND DRUG ADDICTION (REITOX)

**Proposal for a Council Regulation (EEC) on the establishment of a European Drugs Monitoring Centre and a European Information Network on Drugs and Drug Addiction (REITOX)**  
(COM(91) 463 final)

### **Gist of the Commission Proposal**

On 28-29 June 1991 the European Council approved the idea of establishing a European Drugs Monitoring Centre, on the basis of a recommendation by the European Committee to Combat Drugs (CELAD).

The Centre's objective will be to provide objective, reliable and comparable information at European level to facilitate the necessary steps to reduce the consumption, production and trafficking of drugs. The information provided by existing Community, government and non-government sources, and others to be established, will *per se* not be operational and in particular excludes all references and information concerning natural persons.

Attention will be focused on the following priority areas of action, in descending order of importance:

- 1) reduction of demand for drugs,
- 2) national and Community strategies and policies,
- 3) international cooperation and geopolitics of supply,
- 4) drug trafficking,
- 5) the drugs economy.

The Centre will be an autonomous Community legal entity, operating through an infrastructure for collecting and exchanging information and documentation (REITOX).

It will seek the cooperation of international organizations and other European agencies in the drugs sector and will be open to the participation of non-Member countries on the basis of agreements entered into in accordance with the procedure set out in Article 228 of the Treaty.

The proposal is based on Article 235 of the Treaty and provides for revision of the Regulation at the end of a three year period to ascertain whether the Centre should be assigned new monitoring tasks.

### **Gist of the Committee Opinion (CES 635/92)**

The Committee endorses the proposal to set up a European Drugs Monitoring Centre and Information Network on Drugs and Drug Addiction. The new system should provide a wider approach to the problem than is possible at national level, while linking measures to reduce demand with those to curb drug trafficking.

Coordination of measures to reduce the illegal production, supply and demand for narcotic drugs and psychotropic substances at both EC and international level, as part of an overall approach to the problem of drugs and drug addiction, can enhance the effectiveness of efforts in the individual Member States.

On the demand side, the need is for prevention by:

- a) giving inner-city areas a more human face;
- b) involving schools and universities in a health education and information programme;
- c) a leisure policy targeted at young people;
- d) economic and social measures to create jobs;
- e) an effective rehabilitation policy to combat discrimination against former drug addicts and to provide support for people working with young drug victims.

Since the drugs problem has social and employment repercussions, the ESC would like to be associated in an appropriate manner in the work of the centre's management board.

For the same reasons, the annual general report on the centre's activities should also be forwarded to the ESC.

*This Opinion, adopted unanimously, 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 Mr Francisco Ceballos-Herrero (Spain - Various Interests). The Rapporteur was Mr Luis Gómez Martínez (Spain - Workers).*



### 3. THE SOCIAL ECONOMY (three Opinions)

**Proposal for a Council Regulation (EEC) on the Statute for a European association**

**Proposal for a Council Directive supplementing the Statute for a European association with regard to the involvement of employees**

**Proposal for a Council Regulation (EEC) on the Statute for a European cooperative society**

**Proposal for a Council Directive supplementing the Statute for a European cooperative society with regard to the involvement of employees**

**Proposal for a Council Regulation (EEC) on the Statute for a European mutual society**

**Proposal for a Council Directive supplementing the Statute for a European mutual society with regard to the involvement of employees**

(COM(91) 273 final)

#### **Gist of the Commission Document**

The Regulations on the statutes for a

- European association
- European cooperative society
- European mutual society

have been drawn up to enable these bodies to take advantage of the single market in the same way as companies can, without having to forgo their specific character.

These Regulations will be relevant to organizations which may take different forms in different Member States, but which carry on the same type of activities under the same principles; the categories of legal entity concerned are listed in the Annex.

Like cooperatives and mutual societies, associations became important in all European countries at the end of the last century, in response to the needs of particular groups of people, especially the poorest.

They took different shapes depending on the traditions of the country and the particular circumstances of the time. The legal mechanisms adopted

were not the same from one country to another. Cooperatives, mutual societies and associations are different forms, but in practice they may amount to much the same thing.

These Regulations, which are supplemented by Directives on the involvement of employees, contain no fiscal provisions. Fiscal problems which may arise in the time when the AEs, SCEs and MEs are formed or when they are active, including those relating to the transfer of their registered office from one Member State to another will have to be dealt with by Directives settled according to the procedure of Article 100 of the Treaty.

### **Gist of the Committee Opinions**

(Cooperatives: CES 640/92/Mutual societies: CES 641/92/European associations: CES 642/92)

After a number of European Parliament Resolutions and recent ESC Opinions in which the Committee stressed the need to set up an optional or alternative European legal framework for cooperative societies, mutual societies and associations, the Commission's proposals highlight most positively the importance of this sector within the European economic market.

By beginning its work in April 1991, the Committee was able to intervene before the final adoption of the Commission proposals - for the first time. Consultation of the Committee on the social economy had also been called for by the European Parliament. In its Resolution on the statute of the European cooperative society, the Parliament asked the Commission to involve the ESC closely in the drafting of these texts.

With their specific and optional statute, these societies will be in a position to make a major contribution to developing a "Citizen's Europe": a precondition for social cohesion and essential to the success of the internal market itself.

The Committee considers it absolutely essential that the three Regulations on the statutes for a European association, a European mutual society and a European cooperative society be examined and adopted simultaneously.

The Committee urges maintenance of the "gangways" principle, which it also considers essential, i.e. the possibility of setting up one of these three European entities through a national association, mutual society or cooperative society.

To take account of the evolutionary nature of the matters dealt with by the Regulation, the Committee would like it to include a flexible revision clause enabling, for instance, the exhaustive Annexes to be modified.

### **Comments on the proposed Directives**

The Committee welcomes the Commission's desire to take appropriate account of the role of employees when supplementing the statutes for a European cooperative society, mutual society and association. These Directives coordinate national provisions concerning the participation of employees, the provision of information for employees and their consultation, and constitute an indispensable complement to their statutes.

These Directives are an important component of a policy to promote economic and social cohesion in the Community.

Through these Directives, employees are to be provided with an information and consultation process and be involved in the corporate planning of the SCEs, MEs and AEs.

The Committee points out that it is absolutely vital that the Regulation and Directive come into force at the same time.

In its Opinions on the statute for a European company (SE), the Committee repeatedly affirmed its agreement in principle that workers' participation is an important precondition for the development of a democratic society and a Citizen's Europe.

The Committee Opinions contain specific comments on the following points:

- establishment of an optional, alternative specific legal instrument. This instrument will also take account of the specific nature of enterprises in the cooperative/mutual/non-profit sector;
- establishment of financing techniques for consolidating or boosting the capital of such enterprises;
- compliance with the "one person, one vote" principle, adaptable for legal persons;
- provisions, in the event of liquidation, for the devolution of assets to bodies pursuing similar objectives;
- accessibility of the statute to legal and natural persons;
- the possibility of establishing a European company of this type by merger, setting-up a subsidiary, conversion of a national company or establishment from scratch.

*These Opinions were drawn up on the light of work carried out by the Section for Industry, Commerce, Crafts and Services, chaired by Mrs Ann Robinson (United Kingdom - Employers). The Rapporteur for the three Opinions was Mr Roger Ramaekers (Belgium - Various Interests); Co-Rapporteur for the Opinion on Mutual Societies: Mr Paul Flum (Germany - Workers); Co-Rapporteur for the Opinion on association: Mr Angel Panero Florez (Spain - Employers).*

The Opinion on cooperatives was adopted by a majority vote, with 9 dissenting votes and 9 abstentions. The Opinion on mutual societies was adopted by a majority, with 8 dissenting votes and 15 abstentions and the Opinion on European Associations was adopted by a majority with 11 dissenting votes and 16 abstentions

#### 4. EXCISE DUTIES ON BIOFUELS

**Proposal for a Council Directive on excise duties on motor fuels from agricultural sources  
(COM(92) 36 final)**

##### **Gist of the Commission Proposal**

The aim of the Directive is to bring about a Community-wide reduction in excise duty on biofuels, when they come into commercial use. It stipulates that, from 1 January 1993, excise duty in each Member State may not exceed 10% of the rate in that same Member State for the fuel being replaced (petrol or diesel). This thus amounts to a compulsory reduction by 90% or more in the excise duty on biofuels in each Member State.

The aim is of course to reduce the total cost price of biofuels to a level where they can be competitive with petroleum products.

The proposal follows on from the political agreement reached on 24 June 1991 at the Council meeting on economic and financial affairs, concerning excise duty on fuels. Its basis is the same as the one adopted by the Community in the case of lead-free petrol, where a minimum rate 50 Ecu below that for leaded petrol was decided on.

##### **Products concerned**

The measure concerns all fuels from agricultural sources, regardless of their origin or the nature of the agricultural product from which they derive.

The proposed tax advantage is for all uses of biofuels, whether for private vehicles, public transport, farm machinery, industrial and commercial vehicles and captive fleets.

### **Prospects as regards energy, environment and farm policy**

Biofuels are a new non-food outlet for farm production. This is in line with one aspect of the reform of the CAP, which provides for growing non-food crops on land subject to compulsory set-aside.

In addition, the emergence of a biofuel production capacity may help in improving the Community's security of supply.

These new potential outlets could lead to biofuels accounting eventually for about 5% of the motor fuel market.

Biofuels also release less CO<sub>2</sub> (greenhouse gas) and little SO<sub>2</sub> (acid rain), which is a major advantage from the environmental point of view. This will be a significant contribution, as transport is responsible for about 25% of CO<sub>2</sub> emissions in the Community.

### **Gist of the Committee Opinion (CES 627/92)**

#### **General comments**

The Committee endorses the proposal.

It is pleased that the Commission and the Council have decided to set up a medium and long-term agro-industrial policy for non-food use of agricultural commodities, taking on board its past recommendations.

Firstly, the Committee notes that one cannot launch such an important and complex structural policy simply by granting tax concessions (essential as these may be) to biofuel users.

A completely new production sector is to be set up, which must be able to promote specific agricultural commodities for energy purposes and new industrial activities to process them. It will also have to offer the products under conditions which make them attractive to the final consumer. Each of these aspects requires other accompanying provisions in addition to the proposed tax concessions.

**Problems surrounding the production of agricultural commodities for energy purposes**

Selection of the most suitable crops for energy purposes is a delicate matter which could lead to significant savings on producer costs. The Committee recommends that the Commission step up R&D in this field (genetic and biotechnological selection in general and trials), with new crops and techniques being widely disseminated throughout the farming community.

The Committee also draws the attention of the Commission and the Council to the case for transferring technology and knowhow regarding the energy-related use of agricultural resources, where necessary, to the countries of Eastern Europe, the Commonwealth of Independent States, and developing nations in general.

**Problems surrounding the processing of agricultural commodities for energy purposes**

There are well-established and widely-used technologies for converting agricultural commodities into biofuels. They have been devised and tested over several decades, mainly in the United States. The Committee calls on the Commission to assist the new processing industry by setting up R&D projects for the establishment of pilot and experimental plants designed to pave the way for industrial applications.

**Problems surrounding the preparation of biofuels at refineries and at the distribution stage**

The final stage of biofuel processing, in which it is mixed with petroleum-based fuels, will necessarily involve the oil refining and distribution sector.

In particular, it should be possible to design flexible installations (able to deal with both MTBE and ETBE) that are able to treat intermediate products of both mineral and vegetable origin. Europe's oil companies are today faced with the need find ways to raise the octane rating of petrol in the wake of the sharp cut in the lead content of petrol laid down in EC Directives. One answer might be to add oxygenated agents of mineral or vegetable origin (as happens in the USA). European companies are familiar with this option as they have been following the problem for years.

Marketing of these new types of cleaner petrol could lead to lower and less harmful emissions not only from new cars (equipped with catalytic converters) but from all cars on the road.

There is one other problem which will require the active cooperation of the European oil industry: the need to decide how the new blends of petrol and biofuels (also blended) for diesel engines can best be marketed.

Lastly, the Committee considers it important that the Council should make a formal political commitment guaranteeing the continuity and duration of its concessionary tax policy for fuels of agricultural origin.

*This Opinion, adopted unanimously, was drawn up in the light of the paper produced by the Section for Economic, Financial and Monetary Questions, chaired by Mr Jean Pardon (Belgium - Employers). The Rapporteur was Mr Aldo Romoli (Italy - Employers).*

## 5. SUPPLEMENTARY PENSION SCHEMES

**Communication from the Commission to the Council on supplementary social security schemes: the role of occupational pension schemes in the social protection of workers and their implications for freedom of movement (SEC(91) 1332 final)**

### **Gist of the Commission Proposal**

This Communication examines supplementary pension schemes from two different but closely related angles. In the first part, their actual and potential contribution to the overall social protection of workers will be discussed. In the second part, their implications for freedom of movement for workers will be analyzed. The main characteristics of pension schemes in each Member State are summarized in the Appendix.

The Commission is currently also working on a draft Directive on pension funds. Whilst the present Communication deals with the subject of occupational pensions from the viewpoint of free movement of workers (by analyzing obstacles to labour mobility and by encouraging cooperation at the Community level which should lead to a greater convergence of national policies and systems), the draft Directive deals with the functioning of pension funds as financial institutions in the Internal Market.

The aim of the present Communication is to start a discussion at Community level, involving anyone with an interest in supplementary pension schemes, on the role of such schemes and their impact on the free movement of workers.

### **Gist of the Committee Opinion (CES 630/92)**

The Commission Communication is a welcome first discussion document on the need to stimulate closer cooperation among the Member States with regard to supplementary (i.e. occupational) pension schemes and the preservation or transfer of pension rights.

The approved goal of establishing comparable transfer values EC-wide and associated rights presupposes an official coordination machinery for this purpose, *if* such rights are to be guaranteed and efficiently administered throughout the Community. In other words, there is a case for an EC coordination framework in respect of occupational pension schemes analogous to that already in existence for statutory schemes. The Commission might reconsider whether Article 51 of the Treaty would be the appropriate legal basis for such a coordination framework. If not, possibly Article 118 might be invoked at a first stage.

An appropriate starting point for the operational development of this framework would be to assess good practice in regard to transferability and to consider how this could be extended on a multi-national basis. *Pre-funded* schemes, in this connection, would probably be the easiest test cases to work on. Safely financed, and preferably state guaranteed, *pay-as-you-go* schemes based upon a calculable "points" value system could be a second area to explore. Efforts should also be made by the Commission to provide for cross-border membership of group schemes, especially for multi-national companies and the increasing number of "Community-scale" undertakings. The Committee urges the Commission to explore the possibility of devising the format and rules of a model European Occupational Pension Scheme, possibly as an appendage to the European Company Statute. Transnational, industry-based schemes should also be looked into. A common pension scheme for seafarers serving in ships on the proposed European Shipping Register, for example, could be a potential model.

As regards facilitating the acquisition of pension rights, the Committee considers that vesting and waiting periods should be cut by national legislation to a minimum, especially in *pre-funded* schemes. The Commission might consider proposing to Member States a set of target figures in this respect.



With regard to the practical issues involved in the acquisition by part-time and temporary workers of an occupational pension right and its preservation and "transferability" EC-wide:

- Part-time employees in regular employment should be able to participate in occupational pensions schemes on a pro-rata basis.
- Temporary workers (including agency staff) with repeated renewal of fixed term contracts should qualify on a cumulative basis.
- For those whose employment pattern is intermittent with a variety of employers, the laws of Member States should enable personal, portable pension plans to receive appropriate employers' contributions and tax treatment that is no less favourable than that available to occupational pension schemes.

Workers seconded or sub-contracted for relatively short periods of employment elsewhere or in another Member State, should be able to remain in membership of their own occupational pension scheme or be part of a multi-national scheme.

Self-employed workers operating or contracting trans-nationally should be actively encouraged to seek the best possible pension provision, for example private (portable) pension schemes.

The tax question is also one of the major obstacles to the cross-border transfer of occupational pension rights and the Committee urges the Commission to initiate action to achieve EC-wide coordination and streamlining on this issue.

*This Opinion, adopted by a majority with 7 abstentions, was drawn up in the light of the paper produced by the Section for Social, Family, Educational and Cultural Affairs, chaired by Mr Vasco Cal (Portugal - Workers). The Rapporteur was Miss Ada Maddocks (United Kingdom - Workers).*

## 6. MACHINERY

**Proposal for a Council Directive amending Directive 89/392/EEC on the approximation of the laws of the Member States relating to machinery**  
(COM(91) 547 final - SYN 381)

### **Gist of the Commission Document**

The proposal is designed to amend Council Directive 89/392/EEC of 14 June 1989, as already amended by Council Directive 91/368/EEC,

on the approximation of the laws of the Member States on machinery, in order to include machinery for lifting persons involving specific risks for those persons.

The proposal has been drawn up in accordance with the Council Resolution of 7 May 1985 on a new approach to technical harmonization and standardization.

Considering the scope of Directive 89/392/EEC, very few machines are subject to EC type-examination (Annex IV). Under the new proposal, however, all machinery from which there is a risk of falling from a height of over five metres will be subject to this procedure.

### **Gist of the Committee Opinion (CES 644/92)**

It would have been preferable for the amendment, currently being prepared, of Directive 89/655 on the use of work equipment to have been presented at the same time as the present proposal, so as to establish a clearer link between texts relating to design and use.

It is dangerous for other texts, at the same time, to govern aspects already covered by the Directive on machinery. A single technical factor, such as noise, should only be subject to one regulatory requirement.

Where employees operating the apparatus do not understand the language of the country in which they are working, they must have at their disposal instructions translated into their language.

Spare parts must meet the same safety and quality requirements as the original parts, whoever the supplier may be.

The Committee considers that on safety grounds the height of 5m specified in Annex II is unacceptably high. In many operating areas reliable accident investigation and prevention shows that 1.5m can be a suitable height. That height of 1.5m however cannot apply in all sectors covered by this Directive, especially in relation to type-examination recommends further consideration of the drafting.

In order to avoid the many references to other legislation in the draft Directive, the Commission should issue a consolidated Directive encompassing all subsequent amendments.

*This Opinion, adopted unanimously, was drawn up in the light of the paper produced by the Section for Industry, Commerce, Crafts and Services, chaired by Mrs Ann Robinson (United Kingdom - Employers). The Rapporteur was Mr François Perrin-Pelletier (France - Employers).*

## 7. COMMON FISHERIES POLICY

### **Report 1991 from the Commission to the Council and the European Parliament on the Common Fisheries Policy (SEC(91) 2288 final)**

#### **Gist of the Commission Proposal**

The Commission has put forward guidelines for the CFP for the period 1993-2002. Although they relate mainly to the resource management and conservation policy they also have a bearing on the other domains of the CFP.

The purpose of the CFP must be to *ensure the sustainability of the fishing industry*, which depends on balanced and rational exploitation of the living resources of the sea. This is a sine qua non condition of its economic viability. But rebalancing fishing effort against resources will involve socio-economic upheavals for which the Community must *find solutions, especially in the case of social problems*, in order to safeguard the pursuit of *social and economic cohesion throughout the Community*.

This must be achieved in two phases. The first involves the restoring of balance, particularly by appropriate management of fishing effort by the supervisory authorities and a *system of regulation of access to resources*. The second phase involves management of the balance regained, and here market forces can play a more leading role.

In the first phase, if the Community is to ensure the sustainability of the fishing industry and the very existence of certain communities dependent on it, which in their turn safeguard the socio-economic fabric of coastal and insular regions, it is essential, given the *present imbalance between resources and fishing effort*, to *act promptly and swiftly* in order to:

- *reduce fishing effort, including fishing capacity*, by a more constraining policy of structural planning, taking account of the various segments of the fleet;
- *minimize socio-economic upheaval* by appropriate accompanying measures, taking account of the geographical concentration of fishing and fish-related activities.

It is therefore advocated that the various domains of the CFP in its present form be *integrated* and that the existing instruments be adjusted and reinforced to arrive at a system of overall management of inputs and

outputs, within the framework of a coherent and binding programme, the objectives being as follows:

- *distribution of responsibility at all levels*, in accordance with the subsidiarity principle, conferring responsibility on the parties concerned, in particular the fishermen's organizations which could be given the task of implementing the management measures at the appropriate level;
- *more stringent regulation of access to resources* by a system of licenses to rationalize fishing effort (by zone, species, fisheries, etc.), cutting back excess capacity and improving the planning of fishing so as to reduce over-investment and economic inefficiency;
- *a new classification of fishing activities* (multiannual, multispecies, and analytical TACs, as appropriate), definitions being based on existing rights and the economic and social characteristics of each fishery;
- *more stringent control mechanisms*, using modern technologies for vessel location and communication of information, in order to monitor the movements of certain vessels and inform the authorities concerned, while coordinating the information obtained;
- *enforcement of compliance with rules which are in the common interest*, ideally through economic incentives encouraging good behaviour by fishermen (use of selective gear, compliance with landing standards), and deterrent sanctions at Community level (penalty quotas, withdrawal of licences, withholding of aid, fines);
- *stronger structural management*, by segmentation of the fleet, on the basis of new parameters, providing a basis for the assessment and control of fishing effort, and inclusion of structural measures under the umbrella of the reform of the structural Funds;
- *greater synergy* between management of internal and external resources, other sources of supply and market management.

Pursuing the same approach, in connection with the three principles established by Regulation (EEC) No. 170/83, it is suggested that the following be maintained:

- *the principle of relative stability*, subject to any adjustments made in response to changes occurring since the introduction of the allocation key, particularly in order to rationalize fisheries;
- *derogation from the principle of freedom of access within the 12-mile limit*;

- *the present arrangement for the Shetland area*, with the possible extension of the box arrangement to other regions, under present conditions, as an effective tool for regulating access to resources.

### **Gist of the Committee Opinion (CES 638/92)**

Since the 1991 Report draws largely on the Commission's earlier Communication on the Common Fisheries Policy, the comments made in the Committee Opinion of 26 September 1991 (CES 1121/91<sup>1</sup>) remain fully valid.

The Committee:

- supports retention of the principle of relative stability, albeit with any adjustments that may be warranted in the light of developments since 1983;
- accepts the principle of equal access and the derogations to it in the 12 mile zone;
- stresses the important role of structural policy in the fisheries sector;
- regrets that nothing is being done to cushion the inevitable social effects of cuts in the fleet;
- re-affirms the value of the principle of Community preference;
- endorses the Commission's intention to establish an overall policy of cooperation between Mediterranean states in order to manage the area's resources in a rational manner.

The Committee thus basically endorses the Commission's guidelines for the CFP over the period 1993 to 2002. It reaffirms its support for the Commission's efforts to make the CFP more comprehensive and consistent. The most serious problem facing the Community is the level of available resources. In this context, the Committee confirms its position as regards retention of the TACs and quotas system, while noting that other measures could also be envisaged, such as regulating:

- the duration and number of fishing days;
- the number, size and engine power of vessels;
- fishing gear.

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<sup>1</sup> OJ No. C 339 of 31 December 1991.

The Committee rejects the idea of a licence system in which licences could be the subject of business transactions. Adjustment of fishing activity and fleet capacity should form part of an overall plan that takes full account of the social aspects. The Committee considers that the failure to take account of the social dimension is a serious shortcoming, and it reiterates the social policy demands made in its earlier Opinions.

*This Opinion, adopted unanimously, was drawn up in the light of the paper produced by the Section for Agriculture and Fisheries, chaired by Mr André Laur (France - Various Interests). The Rapporteur was Mr Augusto Gil Bensabat Ferraz da Silva (Portugal - Workers).*

## 8. MARITIME INDUSTRIES (Additional Opinion)

### **Commission Communication on New Challenges For Maritime Industries (COM(91) 335 final)**

#### **Gist of the Commission Communication**

##### *a) Introduction*

Maritime issues have become increasingly important internationally in ecological, economic and political terms.

The Community should actively react to this because of its long coastline, its dependence on foreign trade and efficient shipping services, and its environmental interests.

The Commission Communication seeks to stimulate an open discussion on the increasing importance of the Community's maritime dimension and to find an EC response to current and future challenges. Its primary intention is to develop the relevant maritime issues within the context of the general principles of the Community's industrial policy, as set out in the Commission's recent Communication on Industrial policy in an open and competitive environment (COM(90) 556 final, 16 November 1990).

The basic objectives and content of the Communication are designed to:

- underline the importance of maritime issues and the Community's interests in this field (Chapter B);

- describe the key issues for improving the competitiveness of the EC maritime industries, in comparison with their main international competitors (Chapter C);
- outline the possibilities for a maritime initiative, within the context of Community industrial policy (Chapter D);
- propose a discussion forum with representatives of all the interested parties (maritime industries, research institutes, Member States' Maritime and Industrial Administrations and the Commission, for example), which should contribute to a more precise definition of the type of actions to be developed in order to improve the competitiveness of these EC maritime sectors.

*b) Europe's maritime industries: elements for European competitiveness*

*The shipbuilding sector*

Today, the EC's market share of 20% (compared with Japan's 38%) is based mainly on the construction of ships with a high technology content, where the Community still has a comparative advantage. However, EC-shipbuilders operate in a deeply fragmented European market.

The introduction of modern production technologies, additional R & D efforts and better exploitation of the benefits of the internal market, including a higher degree of intra-Community cooperation, are urgently needed. A review of the potential of shipbuilding technologies for marine use should be envisaged, for example with regard to new offshore structures, research vessels for science and industry and deep-sea mining equipment, built by specialized yards.

Given the special technological know-how of the warship yards, their experience and skills could be of great value *a priori* for civil activities, for instance in assisting in the exploration and exploitation of the oceans, the development of new unmanned submersibles and underwater robotics.

*The EC Fleet*

In 1975 the fleet registered in the Community amounted to more than 30% of the world fleet. Since then, however, the Community's share has declined sharply, to less than 15% in 1990.

This decline is partly due to the growth of protectionist measures by third countries and unfair pricing practices.

The Commission has put forward a package of positive measures and proposals intended to stem the decline in the size of the EC fleet and in the employment of Community seafarers: *A future for the Community shipping industry: Measures to improve the operating conditions of Community shipping* (COM(89) 266 final of 3 August 1989). The package includes a proposal for a Community shipping register (EUROS), improvements to the effectiveness of Port State Control, and the implementation of the principle of freedom to provide maritime services within the Member States.

#### *The equipment industry*

This sector covers all kinds of ship machinery, navigational and safety equipment as well as marine environmental instrumentation. Opportunities for European manufacturers to exploit possible European markets have not all been exhausted.

#### *The marine resources industry and marine research*

The EC's R&D in marine technology has been so dominated by the requirements of offshore, oil and gas, and defence, that it has created a situation where the technology already developed now needs to be adapted and extended into other promising areas. These include electrical and electronic engineering in the marine environment, underwater acoustics and communication to facilitate offshore exploitation and operations, especially in deep-water, including the development of autonomous (unmanned) vehicles and robotic mid-water and sea-bed systems.

#### *Situation in Japan and the USA*

In Japan, shipping and shipbuilding are closely interlinked at the level both of industrial conglomerates and of support measures.

In the USA, a complex system of measures gives support to shipbuilding and shipping, through restriction of cargo and national-built requirements in respect of domestic trade (Jones Act).

#### *c) A new European maritime initiative*

##### *Action within the context of the Commission's industrial policy strategy*

The Commission can only give special attention to areas which play a key role in the economy as a whole. In this connection, the maritime industry receives special mention in the communication on the EC's industrial policy.



### *Towards a coherent maritime approach - action points*

Based on the analysis of future challenges and the current state of the EC's industries, the Commission has identified several interrelated areas as deserving special attention:

#### *Business environment: achievement of the internal market*

A draft directive is in preparation and will harmonize technical regulations on marine equipment used on board merchant ships.

#### *Safety*

The Commission is preparing a Communication covering a wide range of safety aspects.

A distinction has to be made between navigational safety, safety on board, safety at work and environmental safety.

#### *R&D*

Europe's maritime R&D base should be strengthened through coordination of European maritime science and technology R&D requirements. Priority areas should also be identified through better coordination of existing European R&D programmes (MAST, EURET, BRITE/EURAM, EUREKA (EUROMAR), etc.)

#### *Transport*

Attention needs to be paid to such aspects as container technology, inter-modal transport and the integration of industrial-logistics with transport-logistics. The Commission is already carrying out work on the development of a combined transport network including maritime links. The extension of transport infrastructure policies and funding arrangements to the ports is also being pursued. In recognition of the importance of efficient ports with good connections to road, rail and inland waterway.

#### *Training*

An EC Directive is being prepared which aims to:

- promote adequate qualifications for seamen and mechanics;
- promote the harmonization of training of Community seamen and ensure the uniform application of IMO rules;

- guarantee navigational safety and environmental protection at the same time, by ensuring that sailors are properly qualified.

### *Environment*

Particular attention should be paid to:

- interpretation and implementation of IMO rules at European level, taking into account existing Community legislation;
- promotion of a comprehensive policy on port-reception facilities;
- promotion of new technological systems for surveillance, combat and control of marine pollution (either operational or accidental).

### *Competition in the EC*

Strict control of State aids is a necessary condition for fair competition. With regard to shipping and the proposed EC register, attention is paid to the need to secure real convergence of Member States' competition conditions.

### *International dimension*

In the context of current OECD negotiations, the Community is actively seeking an international agreement against distortive trade measures, including unfair pricing practices, in the shipbuilding sector.

### *Conclusions*

The Community needs to strengthen its maritime base if it is to benefit from future developments in the maritime sector. However, this cannot be done by the industry, Member States or the Commission individually.

There is thus a need for better internal policy coordination, as well as a better understanding between the different companies in each sector concerned, the different maritime industries, Member States and the Commission.

The Commission therefore proposes to set up a discussion forum of all the parties concerned, with the following tasks:

- define more precisely the scope of the global and horizontal approach, by identifying the priority areas and types of actions to be developed, in order to make the EC maritime industries more competitive, both within the Community and at world level;
- assess the best way to implement these actions.

The forum should submit a report to the Commission nine months after the present communication is approved.

Following this report, the Commission will decide whether a further communication to the Council and the European Parliament would be appropriate, in order to propose concrete actions of common interest to the maritime industries.

### **Gist of the Committee Opinion (CES 639/92)**

The Committee welcomes the Commission's initiative.

However, the Commission document would not seem to highlight sufficiently the many social implications that are inevitable.

Though interests clearly do not always coincide, the interdependence and potential pooling of effort among the maritime industries must be highlighted. A large EC fleet obviously guarantees an internal market for shipbuilding and repair yards as well as for suppliers of ship parts. Similarly shipping must be able to draw on an extensive range of highly skilled financial, insurance, legal and brokerage services. Lastly, the professionalism of Community seamen is an asset which must be carefully preserved since it ultimately advantages other land-based and port activities.

The Member States' shipping fleets have to contend with the widespread protectionist measures and unfair practices to which the fleets of quite a few non-EC countries resort.

Shipowners' expectations are based on the adoption of a complete package of measures (tax, financial, nationality of crew, pay, working conditions, etc.) which will also make the EUROS registry proposed by the Commission genuinely attractive, and thus competitive. The Committee therefore urges the Commission to press ahead with this work.

From the industrial angle, Community shipyards and ancillary activities must cease to be so fragmented and strive for the economies of scale which are one of the strong points of their Asian competitors.

Modernization of the world fleet should go hand in hand with the scrapping of decrepit vessels, starting with those which are sub-standard.

The Community and the Member States must strive for more stringent application of rules to protect the marine environment and ensure navigational safety.

Of particular importance is the need to address the human factor involved in the safe and efficient operation of ships.

The fisheries sector would seem in urgent need of a restructuring process designed to reduce the overall capacity of the existing EC fleet, accompanied by the renewal of certain national fleets as part of a "scrap and build" drive.

The introduction of electronics, computerization, etc. has radically transformed management of ports and maritime traffic. A balanced port network would have decided advantages, e.g. in terms of intermodality (fewer expensive "on- and off-loading" costs, easier link-ups with road, rail and inland waterway communications) and relief of congestion in certain areas.

The research drive needed to provide the maritime industries with advanced know-how presupposes:

- action to awaken interest and achieve closer coordination among Community research bodies and programmes;
- the framing of a specific programming and financial strategy guaranteeing wide-ranging, sustained activity and encompassing the pre-commercialization stage and not just basic research.

The Commission's Communication seems deficient as regards practical definition of the challenges facing the EC maritime industries and identification of the most suitable measures to tackle them.

The work of the Forum should be centred on clear-cut, realistic objectives in view of the huge scale and complexity of the matter under discussion.

The Committee highlights the need for a clear demarcation line between general strategy and economic instruments, with particular reference to competition. Competition policy must be supplemented by a policy or policies specifically directed at assisting the EC's shipping and shipbuilding industries.

The Commission's Communication does not take sufficient account of the "social dimension" despite the fact that this dimension (which implies job security and protection of the marine environment) must be one of the key objectives of an "assault" strategy for the Community's maritime industries.

*This Opinion, adopted unanimously, was drawn up in the light of the paper produced by the Section for Industry, Commerce, Crafts and Services, chaired by Mrs Ann Robinson (United Kingdom - Employers). The Rapporteur was Mr Romolo Arena (Italy - Employers).*

## 9. RETURN OF CULTURAL ASSETS

**Proposal for a Council Directive on the approximation of the laws, regulations and administrative provisions of the Member States relating to the return of cultural objects unlawfully removed from the territory of a Member State**

(COM(91) 447 final - SYN 382)

### **Gist of the Commission Document**

The Single European Act provides that all internal frontier controls are to disappear in the Community on 1 January 1993. It is urgent, therefore that the Community should equip itself in good time with instruments to guarantee the protection of national treasures.

The situation *after 1992* will be as follows:

- Member States will, under the terms and within the limits of Article 36 of the Treaty, retain the right to define their national treasures and to take the necessary measures to protect them, e.g. through a system of authorization of certificates;
- they will, on the other hand, no longer be able to carry out checks at the Community's internal frontiers to ensure the effectiveness of any measure they have taken under Article 36. It is therefore necessary to discuss what could be done at Community level to ensure that the abolition of checks at internal frontiers does not have adverse repercussions on the protection of national treasures.

Since 1989, the Commission has been aware of the problem of movement of objects of cultural interest in the context of the single market - since cultural items/national treasures because of their special nature cannot be treated as mere goods.

In the proposal the Commission presents the following legislative proposals to the Council:

- a) a proposal for a *Regulation* on the exportation of cultural objects to non-Member countries;

- b) a proposal for a *Directive* on the approximation of the laws, regulations and administrative provisions of the Member States relating to the return of cultural objects unlawfully removed from the territory of a Member State.

The Committee has only been consulted as far as b) is concerned.

In view of the fact that after 1992, Member States will no longer be able to carry out checks and apply formalities at internal frontiers to ensure effective implementation of the measures needed to protect their national treasures (in accordance with Article 36 of the Treaty), a *system should be established which would enable Member States to secure the return of cultural objects classed as national treasures* within the meaning of Article 36 and unlawfully removed from their territory.

The proposal provides for the establishment of machinery for returning objects and ensuring cooperation in the field.

The proposal for a Directive introduces a *system of return* whereby the court in the Member States in which the object is found *must order its return* when the Member State from which the object comes proves that it:

- constitutes a national treasure within the meaning of Article 36 of the Treaty;
- belongs to one of the categories of objects referred to in the Annex to the Directive; and
- left its territory unlawfully after 31 December 1992.

A system for the return of objects is inconceivable if there is no *cooperation between Member States*. The proposal for a Directive provides for such cooperation.

The main purpose of the document is to explain the workings of the machinery contemplated.

### **Gist of the Committee Opinion (CES 629/92)**

- a) *Proposal for a Council Directive on the return of cultural objects unlawfully removed from the territory of a Member State*

The Committee approves the proposed Directive subject to the following comments and suggestions.

The Committee is surprised, however, at not having been consulted on the proposed Regulation on the export of cultural goods. At the end of

its Opinion it sets out its criticisms of the procedure followed by the Commission and its comments on the proposed Regulation.

In particular the Commission has reserved the right to clarify its interpretation of Article 36, and will no doubt do this at a later date.

The Committee urges the Commission to examine the matter and make known its interpretation before the publication of this draft Directive; it would like to be consulted on or at least informed of the results.

Apart from the provisions contained in this proposal regarding periods of limitation, the problem raised by the varying time limitations laid down by the laws of the Member States will have to be resolved, in the case of receiving and concealing stolen goods for instance. The aggravated theft of cultural goods and national treasures should certainly not be subject to a time limitation.

The Committee is concerned to know whether cultural goods belonging to religious communities, private museums or private individuals are covered by the proposed Directive. This would seem to be the case if the cultural goods in question fall within one of the categories listed in the Annex.

While the monetary values given in the Annex on cultural goods are the result of a consensus between the Member States, a procedure for their adjustment must be laid down in view of the substantial fluctuations in the value of these goods.

The Committee wonders what can be done to prevent the breaking-up of collections (points 11 and 12) to facilitate their disposal (with the possibility of the purchaser reassembling the collection subsequently).

The values and age limits listed in the Annex, which are the criteria for whether national treasures qualify as cultural goods, may be open to question and the Committee wonders whether they are practicable.

The cooperation of art galleries, auctioneers and antiques dealers is valuable, essential even, for clarity in the transfer of cultural goods and a European or even international code of conduct would be highly desirable.

**b) *Proposal for a Council Regulation (EEC) on the export of cultural goods***

Although the Committee has not been consulted on the proposal, it feels it must express surprise at this and offer its comments on the Regulation

since this instrument covers the same cultural goods as the Directive. While it approves the proposal, some points need making.

Although the Commission thinks that the special nature of cultural objects means that they cannot be treated as mere goods, it bases its proposed Regulation on Article 113 of the Treaty which is part of Chapter 4 on commercial policy.

The Committee considers that Article 100a would have been more suitable and would have allowed both it and the European Parliament to give their views on an important subject in which all Member State citizens have an interest.

The Committee has reservations about the following points in particular:

- the definition of cultural goods is different from that in the Directive and its reference to a list may give rise to difficulties, e.g. for values;
- the comments set out in points 1.4.4. and 1.4.5. apply *mutatis mutandis* to the criteria in this Annex.

*This Opinion, adopted unanimously, was drawn up in the light of the paper produced by the Section for Social, Family, Educational and Cultural Affairs, chaired by Mr Vasco Cal (Portugal - Workers). The Rapporteur was Mr Georges Proumens (Belgium - Employers).*

## 10. TRANSIT AND STORAGE STATISTICS - TRADING OF GOODS

**Proposal for a Council Regulation (EEC) on transit statistics and storage statistics relating to the trading of goods between Member States**  
(COM(92) 97 final - SYN 407)

### **Gist of the Commission Document**

This proposal supplements Council Regulation (EEC) No. 3330/91 of 7 November 1991 on the statistics relating to the trading of goods between Member States and specifically concerns transit or storage statistics on goods moving from one Member State to another.

It has been established that in the present circumstances the Community has no need of these statistics; on the other hand, several Member States do compile, or intend to compile, transit and storage statistics. From



1993, the absence of legislation would prevent them from obtaining information in these two fields: it is therefore necessary to define the framework for Member States to collect the information necessary for producing these statistics.

With the same general aim as Regulation No. 3330/91 referred to above, the present Regulation, taking into account the abolition of formalities at the Community's internal borders, sets up the new collection system based on direct contact with the parties responsible for providing information and sets out the methodology for this. The methodology imposes certain limits so that the burden on respondents is not generally increased and does not vary excessively from one Member State to another; it is thus mainly concerned with the data media and classifications to be used and the information to be declared.

Nevertheless, this proposal allows the Member States a certain amount of leeway out of consideration for their particular circumstances, without jeopardizing the goal of reducing the burden.

Thresholds have also been set to alleviate burdens; below these thresholds, parties responsible are not required to make declarations for statistical purposes; these are in fact minimum thresholds which the Member States will be obliged to adhere to.

Adoption of this Regulation will round off the legislation to be adopted by the Council in order to meet post-1992 statistical requirements on the trading of goods between Member States.

### **Gist of the Committee Opinion (CES 628/92)**

In its Opinion on the proposal which has since become Council Regulation (EEC) No. 3330/91 on the statistics relating to the trading of goods between Member States, the Committee criticized the tax aspect, which has since been resolved, and cast doubts on the applicability, reliability and exhaustiveness of the proposed new statistics system. The Committee endorses the present proposal, as it satisfies the requirement set out in Article 31 of the basic Regulation No. 3330/91. Under Article 31 of this Regulation the Council is to adopt, on a proposal from the Commission, the provisions needed to allow the establishment of statistics other than statistics of trade between Member States.

The compiling of transit and storage statistics will provide the States concerned with valuable information on the volume of international transport to and from other Member States. These statistics will make

it possible to assess the extent to which infrastructure is being utilized, to plan investment in this area and to have an accurate picture of the activities of transport and transshipment undertakings involved in transit trade.

Transit via an EC Member State may also be of interest to a number of that State's trading partners since access to such statistics will show them how much of their import and export trade is handled by the ports or airports of the Member State concerned.

Finally, transit and storage statistics make it possible to assess the competitive position of ports and airports.

*This Opinion, adopted unanimously, was drawn up in the light of the paper produced by the Section for Economic, Financial and Monetary Question, chaired by Mr Jean Pardon (Belgium - Employers). The Rapporteur was Mr Camille Giacomelli (Luxembourg - Employers).*

## 11. OZONE LAYER

**Proposal for a Council Regulation (EEC) amending Regulation (EEC) No. 594/91 of 4 March 1991 in order to speed up the phasing-out of substances that deplete the ozone layer**  
(COM(92) 106 final)

### **Gist of the Commission Proposal**

The existing Regulation 594/91 envisages the complete phasing out of the above-mentioned substances (CFC's, halons, etc.) in stages by deadline dates ranging from 1997 to 2005.

Recent scientific knowledge shows that damage to the ozone layer is more extensive than originally thought even a few years ago.

Accordingly, the Commission now proposes to amend the existing Regulation to speed up the phase-out to meet a deadline date for complete elimination by 1 January 1996.

### **Gist of the Committee Opinion (CES 645/92)**

The Committee endorses the proposal, subject to the following comments:

- account must be taken of the gas released into the atmosphere during the volcanic eruption in the Philippines;

- the list of exemptions which the Commission is now preparing must be justified and clearly defined in conjunction with the producer and user industries. Certain technical comments are made in this connection;
- HCFCs should be subject to toxicological studies;
- the Commission should ensure, via the UNEP, that equivalent measures are taken worldwide by third countries;
- the Commission should examine opportunities for recycling and eliminating the substances in question.

*This Opinion, adopted unanimously, was drawn up in the light of the paper produced by the Rapporteur-General, Mr Georges Proumens (Belgium - Employers).*

## 12. WILD FAUNA AND FLORA

**Proposal for a Council Regulation (EEC) laying down provisions with regard to possession of and trade in specimens of wild fauna and flora**  
(COM(91) 448 final - SYN 370)

### **Gist of the Commission Proposal**

EC trade in wild fauna and flora is currently regulated by Regulation No. 3626/82 implementing the CITES Convention (CITES = Convention on International Trade in Endangered Species).

The Regulation (as distinct from the Convention itself) has proved to be deficient in many respects and the current proposal is to revise and update it in the light of the establishment of the internal market on 1 January 1993.

### **Gist of the Committee Opinion (CES 632/92)**

The Committee approves the Commission proposal subject to several important qualifications:

- it contains loopholes which might possibly be exploited;
- it should be restricted to trade; and not contain a general ban on mere possession by individuals;
- some of the procedures appear cumbersome and unduly bureaucratic;

- species which are actually threatened should not be in the same category as thousands of common species;
- the proliferation of apparently contradictory classifications should be avoided;
- the procedures concerning the following points are not clear:
  - i) the rejection of applications for permits;
  - ii) derogations regarding individual specimens;
  - iii) monitoring of compliances;
  - iv) the role of the Scientific Review Group;
- attention should be paid to the training of customs officials, as even some professional biologists would not be competent to identify all species listed in the Annexes;
- as regards illegal trade, sanctions against shipping agents should be considered;
- the vernacular names of species in the annexes should be given in addition to the Latin names;
- a new annex should be established to cover "harvested" species, i.e. species which in some countries are considered pests which have to be culled and traded (e.g. muskrats and kangaroos).

*This Opinion, adopted unanimously, 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 Mr Francisco Ceballo-Herrero (Spain - Various Interests). The Rapporteur was Mr Tomás Roseingrave (Ireland - Various Interests).*

### 13. EXTRACTION SOLVENTS

**Proposal for a Council Directive amending for the first time Council Directive 88/344 of 13 June 1988 on the approximation of the laws of the Member States relating to extraction solvents used in the production of foodstuffs and food ingredients**

(COM(91) 502 final - SYN 374)

#### **Gist of the Commission Proposal**

In the basic Directive 88/344 on extraction solvents used in foodstuffs, provision was made for the re-examination after a two-year period of the substances listed therein.

The present proposal concerns a number of technical revisions to the original Directive based on data received from the SCF (Scientific Committee for Food).

### **Gist of the Committee Opinion (CES 633/92)**

The Committee approves the proposal subject to observations of a technical nature on certain specified solvents (trichloroethylene, acetone, dichloromethane and cyclohexane), and on consultation procedures (comitology).

*This Opinion, adopted unanimously, 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 Mr Francisco Ceballo-Herrero (Spain - Various Interests). The Rapporteur was Mr Kenneth J. Gardner (United Kingdom - Employers).*

## **14. CONTAMINANTS IN FOOD**

### **Proposal for a Council Regulation (EEC) laying down Community procedures for contaminants in food (COM(91) 523 final - SYN 379)**

### **Gist of the Commission Proposal**

''Contaminants'' are defined as substances added unintentionally to food during the production/distribution process (e.g. heavy metals, mycotoxins, substances in smoke, etc.).

The proposal is to set up a procedure whereby a list of maximum tolerances for specific contaminants may be established at Community level.

### **Gist of the Committee Opinion (CES 634/92)**

The Committee approves the proposal subject to observations of a technical nature on methods of sampling and analysis and on the applicable comitology.

*This Opinion, adopted unanimously, 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 Mr Francisco Ceballo-Herrero (Spain - Various Interests). The Rapporteur was Mr Kenneth J. Gardner (United Kingdom - Employers).*

## 15. HYGIENE OF FOODSTUFFS

### **Proposal for a Council Directive on the Hygiene of Foodstuffs**

(COM(91) 525 final - SYN 376)

#### **Gist of the Commission Proposal**

The proposal supplements Directive 89/397 on the Official Control of Foodstuffs, and is itself a framework Directive setting out hygiene rules for the whole foodstuffs chain from production to sale to the ultimate consumer. In particular the proposal covers HACCP (Hazard Analysis and Critical Control Points).

#### **Gist of the Committee Opinion (CES 631/92)**

The Committee approves the proposal, subject to a number of critical observations of which the principal are as follows:

- a) the proposal should be extended to include foods concerned by *vertical* legislation as well as horizontal;
- b) particular attention should be paid to health and safety of employees in the workplace;
- c) the provisions on uniformity, monitoring and control should be re-examined;
- d) specific reference should be made to noxious insects;
- e) some additional definitions are proposed.

*This Opinion, adopted unanimously, 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 Mr Francisco Ceballos-Herrero (Spain - Various Interests). The Rapporteur was Mr Kenneth J. Gardner (United Kingdom - Employers).*

## 16. ORGANIC PRODUCTION

**Proposal for a Council Regulation (EEC) amending Council Regulation (EEC) No. 2092/91 of 24 June 1991 on organic production of agricultural products and indications referring thereto on agricultural products and foodstuffs  
(COM(92) 69 final)**

### **Gist of the Commission Proposal**

As third countries have not yet submitted the necessary information, it will not be possible to decide before the implementing deadline whether they should be included in the list of permitted importers of organic produce. The list is to be based on an assessment that the production and inspection conditions applied in a third country are equivalent to those applicable to EC products.

Since this situation could lead to an interruption in imports, the present proposal introduces a derogation giving importers themselves the opportunity to demonstrate the equivalence of production and inspection arrangements for products which they wish to import from third countries.

### **Gist of the Committee Opinion (CES 636/92)**

The Committee approves the Commission proposal. It also recommends:

- that the proposed regulation be limited to three years and reviewed in the light of circumstances at that time;
- that the importer be obliged to submit proof to his national inspection body that the imported produce complies with conditions equivalent to EEC production requirements;
- that the Commission urgently develop a test or tests to verify the genuineness of organic products.

*This Opinion, adopted unanimously, was drawn up in the light of the paper produced by the Section for Agriculture and Fisheries, chaired by Mr André Laur (France - Various Interests). The Rapporteur working alone was Mr Kenneth J. Gardner (United Kingdom - Employers).*

## 17. MILK AND NON-MILK FATS

### **Proposal for a Council Regulation (EEC) laying down marketing standards for certain milk and non-milk fats composed of plant and animal products (COM(91) 462 final)**

#### **Gist of the Commission Proposal**

The Commission proposal seeks to lay down general Community rules on the definition, classification, designation and placing on the market of fats for use as spreads competing on the market.

It is based on the principle that, in order to be effective, Community legislation must cover all the products competing on the market which are comparable on the basis of certain characteristics. It also takes account of the fact that some Member States have just introduced or are about to introduce divergent national provisions in the absence of Community rules. In some cases they are about to broaden the definition of some oils and fats which have already been manufactured for a long time (butter and margarine).

The rapid development of production methods has led to a wide diversification of products placed on the market, in particular as regards low-fat products, and has promoted the marketing of products in which the milk fat has been substituted by other substances.

This development has led to a rapid fall in the consumption of butter in the Community. The results are difficulties in disposing of milk and especially milk fats, which threaten the stability of the milk product market.

Without restricting the development of new products and consumer choice, it seems possible to stop the fall in milk product consumption and stabilize the market by establishing a clear and distinct classification accompanied by rules on designation based on the fat content of all competing products.

#### **Gist of the Committee Opinion (CES 646/92)**

The Committee basically approves the Commission proposal. However, it considers that the term "butter" should be reserved solely for the product obtained from milk or cream with a fat content of more than 80%.



*This Opinion, adopted by 50 votes for, 20 dissenting votes and 8 abstentions, was drawn up in the light of the paper produced by the Section for Agriculture and Fisheries, chaired by Mr André Laur (France - Various Interests). The Rapporteur was Mr Leopoldo Quevedo Rojo (Spain - Various Interests).*

## 18. COMMON MARKET IN PROCESSED FRUIT AND VEGETABLES

**Proposal for a Council Regulation (EEC) amending Regulation (EEC) No. 426/86 on the common organization of the market in products processed from fruit and vegetables**  
(COM(92) 138 final)

### **Gist of the Commission Proposal**

Article 4(1) of Regulation (EEC) No. 426/86 provides that in the case of fresh tomatoes intended for processing, the minimum price to be paid to producers is to be adjusted as from the 1991/92 marketing year on the basis of the *dry weight* content of the raw material.

Experience shows that the existing analysis methods for measuring dry extract require a lot of time, can only be conducted in a laboratory and call for major analysis equipment. In addition, they are conducted at the processor's, whereas the regulations require that the analysis be conducted in the presence of the producers. This poses additional practical problems. Under these circumstances measuring the *soluble dry extract*, which can be done easily and quickly, is more in line with the needs of the industry.

### **Gist of the Committee Opinion (CES 637/92)**

The Committee approves the Commission proposal.

*This Opinion, adopted unanimously, was drawn up in the light of the paper produced by the Section for Agriculture and Fisheries, chaired by Mr André Laur (France - Various Interests). The Rapporteur working alone was Mr Kenneth J. Gardner (United Kingdom - Employers).*

## 19. POSEIMA

**Proposal for a Council Regulation (EEC) introducing specific measures for the Azores and Madeira concerning certain agricultural products**  
(COM(92) 143 final)

### **Gist of the Commission Proposal**

The proposal constitutes the initial implementation of the Poseima programme for Madeira and the Azores, and establishes a framework Regulation for agricultural measures financed by the EAGGF Guarantee Section.

In view of the specific problems of these islands and the imminent completion of the internal market, the proposal provides for a series of multiannual, multisectoral measures to facilitate supply and help to improve the production and marketing of the regions' agricultural produce.

### **Gist of the Committee Opinion (CES 649/92)**

The Committee approves the Commission proposal.

*This Opinion, adopted unanimously, was drawn up in the light of the paper produced by the Rapporteur-General, Mr José Bento Gonçalves (Portugal - Employers).*

## 20. POSEICAN

**Proposal for a Council Regulation (EEC) introducing specific measures for the Canary Islands concerning certain agricultural products**  
(COM(92) 144 final)

### **Gist of the Commission Proposal**

The proposal constitutes the initial implementation of POSEICAN programme and establishes a framework Regulation for agricultural measures financed by the EAGGF Guarantee Section.

In view of the specific problems of the Canary Islands, which are an integral part of the Community, and the imminent completion of the

internal market, the proposal provides for a series of multiannual, multisectoral measures to facilitate supply and help to improve the production and marketing of the region's agricultural produce.

### **Gist of the Committee Opinion (CES 648/92)**

The Committee approves the Commission's proposal.

*This Opinion, adopted unanimously, was drawn up in the light of the paper produced by the Rapporteur-General, Mr José Luis Mayayo Bello (Spain - Various Interests).*

## **21. AID FOR PRODUCERS' ORGANIZATIONS IN THE FRENCH OVERSEAS DEPARTMENTS, CANARIES, AZORES AND MADEIRA**

**Proposal for a Council Regulation (EEC) authorizing an enhanced aid system for the formation of producers' organizations in the French overseas departments, in the Canary Islands, in Madeira and in the Azores (COM(92) 103 final)**

### **Gist of the Commission Proposal**

The Council Decisions setting up POSEICAN and POSEIMA contain specific measures for fisheries, in particular a reinforced system of aid for producers' organizations.

As all transactions on the fisheries market are handled of necessity by producers' organizations, exceptional arrangements for the granting of enhanced aid to encourage producers to set up such organizations would facilitate the operation of the common market organization in the regions concerned.

### **Gist of the Committee Opinion (CES 647/92)**

The Committee approves the Commission proposal.

*This Opinion, adopted unanimously, was drawn up in the light of the paper produced by the Rapporteur-General, Guiseppe Pricolo (Italy - Employers).*

## **II — Outside Presence and Influence of the Economic and Social Committee**

### **Activities of the Chairman and the Secretary-General**

7 May 1992, Bonn, talk with Johann Eeckhoff, Minister of State for the Economy - Federal Republic of Germany.

12 May 1992, Dusseldorf, meeting with Ministers for European Affairs of the new German Länder.

15 May 1992, Luxembourg, Managing Directors Conference - Federal Union of German Employers Organizations.

17 - 19 May 1992, Reykjavik, 24th EFTA/ESC meeting.

### **Other activities**

7 May 1992, Brussels, at ESC premises, Brussels, discussion with Commission Vice-President, Filippo Maria Pandolfi, on future guidelines for Community research and technological development policy at a meeting of the Section for Energy, Nuclear Questions and Research.

12 May 1992, Brussels, speech to the Section for Economic, Financial and Monetary Questions by Mr Ernst-Gunther Bröder, Chairman of the European Investment Bank, on EIB Investment Policy.

25 - 27 May 1992, Seville, attendance by a delegation from the Section for Energy, Nuclear Questions and Research at the 4th Brite/Euram Conference (research and technological development programme in industrial technologies and materials), organized by the European Commission.

25 - 27 May 1992, Rome via Florence to Pisa, participation by a joint delegation from the Section for Energy, Nuclear Questions and Research and the Section for Transport and Communications in a test run in ETR 500 (Italian HST)

### III — Fact-Finding Visits

During the period under review the following fact-finding visits were made to the ESC:

- 5 May 1992 Quaker Council for European Affairs, Brussels
- 6 May 1992 Dansk El-Forbunds (Danish trade unionists)
- 6 May 1992 The Finnish Federation for Social Welfare/Citizens' Europe Finland, Helsinki
- 7 May 1992 Lycée Saint Louis, Chateaulin (France)
- 7 May 1992 IUC - International Education Centre "Focus Europe", Svendborg (Denmark)
- 7 May 1992 Europäische Akademie Bayern, Munich (Germany)
- 8 May 1992 General Farmers Union (affiliated to the Italian Union of Workers) Rome (Italy)
- 11 May 1992 The Black Country Urban Industrial Mission, Wolverhampton (UK)
- 12 May 1992 Journalists from Mavarra and from La Rioja (Spain)
- 13 May 1992 Diputación Foral de Bizkaia (Spain)
- 13 May 1992 Konrad-Adanauer Foundation (Austrian journalists), Sankt Augustin, Bonn (Germany)
- 13 May 1992 Friedrich-Ebert Foundation (senior representatives from the Caribbean Congress of Labour), Brussels
- 14 May 1992 Bedford College of Higher Education (UK)
- 14 May 1992 Landeszentrale für politische Bildung, (Association for Political Training), Kiel (Germany)
- 14 May 1992 Jean Moulin University, Lyon (France).

- 15 May 1992 Arbeiterkammer Oberösterreich (Upper Austrian Chamber of Labour) (Austria)
- 18 May 1992 The Kanan-Flagler Business School/The University of North Carolina (USA)
- 18 May 1992 Gallaudet University - School of Management, Washington (USA)
- 18 May 1992 Bayerisches Staatministerium für Bundes -und Europaangelegenheiten, (Bavarian Ministry for Federal and European Affairs), Munich, (Germany)
- 19 May 1992 Dansk Kommunal Arbejderforbund (General Municipal Workers Union)
- 19 May 1992 Chambre de Commerce et d'Industrie, La Réunion (France)
- 20 May 1992 Dudok College, Naarden (Netherlands)
- 20 May 1992 Erasmus University, Rotterdam (Netherlands)
- 20 May 1992 Metz and Saarbrücken Universities (France and Germany)
- 21 May 1992 Metalskolen Jorlunde, Slangerup (Denmark)
- 21 May 1992 Office Bruxellois des Syndicats suédois LO/TCO (Swedish Trade Unions Training Committee, Brussels)
- 21 May 1992 Boston University (USA)
- 22 May 1992 Swedish Employers Representative Office (Brussels)
- 26 May 1992 Politicians and municipal officials from Fynen (Denmark)



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## I — 298th Plenary Session of 1 and 2 July 1992

The 298th Plenary Session of the Economic and Social Committee was held in Brussels, on 1 and 2 July 1992, under the chairmanship of Mr Michael Geuenich, Chairman.

On this occasion, the Committee adopted the following Opinions:

### 1. POLLUTION OF THE NORTH SEA

**Proposal for a Council Decision approving certain amendments to the agreement for cooperation in dealing with pollution of the North Sea by oil and other harmful substances, as signed in Bonn on 13 September 1983 (COM(92) 133 final)**

#### **Gist of the Commission Proposal**

The 1983 Bonn Agreement, concluded by the EC Council in Decision 84/358/EEC, set out rules for cooperation in the event of critical situations, but contained no provisions for action to prevent pollution caused by the discharge of oil and other harmful substances or to prosecute offenders who breach anti-pollution regulations.

Following the International Conference for the Protection of the North Sea held in London in 1987, the contracting parties held their first meeting in Bonn in September 1989 and endorsed a proposal for an amendment establishing an appropriate legal framework for stepping up cooperation on pollution surveillance.

The contracting parties also decided to amend the demarcation zone of the Skagerrak (Article 2(a) of the Agreement) in order to rectify a material error pointed out by the Danish authorities.

The Commission is therefore forwarding the amendments to the Council for approval.

### **Gist of the Committee Opinion (CES 800/92)**

The Committee approves this Commission initiative to bring up to date and improve the technical and preventive aspects of the Agreement.

The oil and marine transport industries should also be involved in the implementation of the Agreements. The Agreements already provide mechanisms for cooperation on the prevention and handling of spills of oil and other dangerous substances, and on financing these activities and the consequent civil liabilities. It is essential that these sectors be more intensively involved, with more activities in the field of prevention and exchanges of technical information and data.

It is necessary to accelerate and promote the implementation of the Agreements. The present amendments, approved in September 1989, will have taken three years to be ratified by the Contracting Parties.

*This Opinion, adopted unanimously, was drawn up in the light of the paper produced by the Section for Protection of the Environment, Public Health and Consumer Affairs, under the chairmanship of Mr Francisco Ceballo Herrero (Spain - Various Interests). The Rapporteur was Mr José Ignacio Gafo Fernandez (Spain - Employers).*

## **2. LIFTS**

### **Proposal for a Council Directive on the approximation of the laws of the Member States relating to lifts** (COM(92) 35 final - SYN 394)

#### **Gist of the Commission Document**

The proposal is intended to replace Directive 84/529/EEC, as subsequently amended.

The proposal is for a "new approach" Directive.

It is intended to cover all types of lifts in permanent buildings, irrespective of the use to which the building is put.

Optional entry into force: 1 January 1995

Mandatory entry into force: 1 January 1998

The essential health and safety requirements cover all the risks run by lift users.

As regards the risks run by maintenance staff, the proposal refers to the essential requirements laid down by the Machinery Directive 89/392/EEC.

### **Gist of the Committee Opinion (CES 801/92)**

The Committee welcomes the proposals to replace Directive 84/529/EEC as it has consistently called for a Directive in which provision is made for total harmonization.

The Committee notes the assurance that there will be no reduction in safety standards, but thinks that a CEN harmonized standard would be of advantage.

It believes that the Commission should review and upgrade the safety requirements for existing lifts, setting a common harmonized standard.

There are a number of Directives which are contingent upon one another: "machines", "lifting equipment", "lifts" and elements of the Construction Products Directive. The Commission and the Council should be very careful that the requirements of these Directives do not contradict and that there should be as much alignment as possible.

In view of the increasing provision of fire fighting lifts in high rise buildings, attention should be drawn to fire protection in the construction of a building housing a lift.

The Commission should be obliged to publish in the Official Journal the prohibition from use of lifts and safety components bearing the CE mark which do not conform to the required safety standard.

The definition of LIFT should be extended to include "Goods-only" lifts - whose lift cars are accessible to loaders, with power supply to the car.

The Commission should refer to a maximum permitted level of 75 degrees from vertical. This change is to facilitate modern design of lifts in public areas which will enable, for example, greater facilities for the disabled.

There can be confusion between the contract responsibility and liability of the installer and of the manufacturer of a lift. Article 1(4) should provide for the correlation of both parties.

The language provisions may be inadequate: it is necessary that the manufacturer supplies the instructions in the language of the installer and also in the language of the country in which it is installed.

Lift manufacturers are concerned that the question of uncontrolled movement of the lift car (free fall in both directions) is unresolved: despite the cost element involved it is important that a Council ruling be made at an early date.

*This Opinion, adopted unanimously, was drawn up in the light of the paper produced by the Section for Industry, Commerce, Crafts and Services under the chairmanship of Mrs Ann Robinson (United Kingdom - Employers). The Rapporteur was Mr Gordon Pearson (Ireland - Employers).*

### 3. EUROPE 2000

#### **Europe 2000 - Outlook for the development of the Community's territory** (COM(91) 452 final)

#### **Gist of the Commission Document**

The final text of the Commission's report on Europe 2000 contains a comprehensive analysis of the outlook for the Community's territory in four areas:

- A. Demographic and economic context
- B. Infrastructures and spatial coherence
- C. Environment
- D. Specific types of area in the Community.

In Part E (Policy implications) the Commission submits the following proposals for Community action:

1. Information: establishment of a system for "monitoring and updating geographical information", coupled with the development of a "geographical information system" (p. 198).
2. Committee on Spatial Development: the Commission proposes a committee "involving the Member States and the Commission", which will be consulted by the Commission (pp. 198-199).
3. The Commission identifies the following specific areas for Community intervention:
  - Frontier developments;
  - Cooperation between regions and cities;

- Improvement of centre-periphery connections (transport, telecommunications, energy networks);
- Improvement of the quality of life in urban areas.

### **Gist of the Committee Opinion (CES 802/92)**

The Committee broadly endorses the Commission objectives. It recommends that the Commission evaluate - with due regard for the subsidiarity principle - the inter-relationship between regional, national and EC spatial-planning policies.

The Committee also deals in detail with the coordination of spatial-development goals and EC structural policy instruments. The Committee considers the "policy implications" to be inadequate. It advocates the establishment of an "observatory" for spatial planning in the Community. Economic and social interest groups should be involved at all levels in the formulation of the European reference framework. The Committee also makes the recommendations set out below.

Europe 2000 should be updated in the form of an "outlook for European regional development".

The proposed "information-based reference framework" should be amplified with a view to providing a "policy-based reference framework".

The Commission should submit proposals for clarifying institutional responsibilities for aspects of regional development policy.

A regional data base should be established.

The Europe 2000 proposals should be discussed in detail at all levels.

*This Opinion, adopted by a majority with one abstention, was drawn up in the light of the paper produced by the Section for Regional Development and Town and Country Planning under the chairmanship of Mr Robert J. Moreland (United Kingdom - Various Interests). The Rapporteur was Mr Eugène Müller (Luxembourg - Various Interests).*

#### 4. DECLARATION OF EUROPEAN INTEREST

**Proposal for a Council Regulation (EEC) introducing a declaration of European interest to facilitate the establishment of trans-European networks in the fields of**

- transport
- electricity and natural gas transmission
- telecommunications

(COM(92) 15 final)

##### **Gist of the Commission Proposal**

The Commission's Communication COM(90) 585 final presented an *action programme for the establishment of trans-European networks* in four fields: transport, telecommunications, electricity and natural gas transmission and vocational training. The proposed European-wide infrastructure is of particular importance for the outlying regions of the Community.

In its Opinion of 30 October 1991 the ESC supported the Commission's proposals, including the proposal that certain networks should be declared to be of European interest.

The new provisions (Article 129 b/c/d) concerning trans-European networks inserted in the Treaty on European Union, adopted in Maastricht in December 1991, did not encompass commercial enterprises. Article 129 c provides, inter alia, that "The Community shall establish a series of guidelines covering the objectives, priorities and broad lines of measures envisaged in the sphere of trans-European networks; these guidelines shall identify projects of common interest".

On 24 February 1992 the Commission put forward proposals for three Council Regulations on declarations of European interest to facilitate the establishment of trans-European networks in the fields of *transport, energy and electricity and natural gas transmission*. The purpose of this declaration of European interest is to attract private investors to such infrastructure projects by fostering a more favourable investment climate.

This is done by improving profitability, possibly through financial support (e.g. through the future cohesion fund) and reducing risktaking (clearly defined and highly developed projects; stable legal and tax conditions, etc.).

These factors are particularly relevant in the case of infrastructure projects, which necessitate substantial capital input and normally take a long time to produce a return.

It is pointed out that the granting of a declaration of European interest is essentially an initiative designed to stimulate the injection of private capital into such infrastructure projects, and not necessarily a guarantee of financial support.

Under the proposal, a declaration of European interest is granted by the Commission after consulting the Member States involved and in compliance with guidelines for deadlines etc.

### **Gist of the Committee Opinion (CES 803/92)**

The Committee endorses the Commission's proposal, including the proposal that trans-European networks should be allowed to encompass one or several third countries.

However, it feels that the potential impact of opposition by one or more Member States to a particular project should be clarified. It also stresses that the information to be supplied by the parties concerned should be dealt with in the strictest confidence.

Lastly, the Committee proposes that the deadline provided for in Article 5 should be cut from 6 to 3 months and the Commission's assessment report (referred to in Article 8 of the Transport Regulation and Article 7 of the other Regulations) should be forwarded to the ESC as well as to the Parliament and the Council.

*This Opinion, adopted unanimously, was drawn up in the light of the paper produced by the Section for Transport and Communications under the chairmanship of Mr Eike Eulen (Germany - Workers). The Rapporteur was Mr Paulo Jorge Marcelino Baptista de Andrade (Portugal - Employers).*

## **5. TRANSFER OF CONTROLS/EXTERNAL FRONTIERS**

**Proposal for a Council Regulation (EEC) on the transfer of controls in the field of road and inland waterway transport to the Community's external frontiers (COM(92) 105 final)**

### **Gist of the Commission Proposal**

The Council Regulation No. 4060/89 with subsequent amendments abolished all controls performed at the frontiers of Member States in the field of road and inland waterway transport. The Regulation lays down



that such controls should no longer be carried out at internal frontiers but form part of the normal controls applied in a non-discriminatory manner throughout the Community.

The present proposal extends the scope of the previous Regulations to cover transports originating in a non-Community country. The abolishing of systematic controls within the Community means that the check of these transports would have to take place at the Community's external frontiers, carried out by the authorities of the Member State whose border forms the Community's external frontier.

When no internal frontier controls exist, an authorization for entering a Member State automatically gives the right to operate on the entire Community territory. Therefore, this authorization will have to ensure compliance with all terms of international agreements between any Member State and the non-Community country in question.

### **Gist of the Committee Opinion (CES 804/92)**

The Committee fully supports the Commission's proposal.

However, it expresses concern that States on the perimeter of the Community may have difficulties in carrying out controls required by bilateral agreements (between a Member State and a Non-Member State) to which they are not parties, and ask the Commission to take all necessary steps to minimize such problems.

*This Opinion, adopted unanimously, was drawn up in the light of the paper produced by the Section for Transport and Communications under the chairmanship of Mr Eike Eulen (Germany - Workers). The Rapporteur was Mr Francis J. Whitworth (United Kingdom- Employers).*

## **6. IMPROVEMENT OF STRUCTURES - FISHERIES AND AQUACULTURE SECTOR**

**Proposal for a Council Regulation (EEC) amending for the second time Regulation (EEC) No. 4028/86 on Community measures to improve and adapt structures in the fisheries and aquaculture sector (COM(92) 155 final)**

### **Gist of the Commission Proposal**

The aim of this proposal is to increase the rates of Community aid in the aquaculture sector in the five new Länder of unified Germany and in Ceuta

and Melilla, these being part of the less developed regions of the Community.

### **Gist of the Committee Opinion (CES 805/92)**

The Committee approved the proposal.

*This Opinion, adopted unanimously, was drawn up in the light of the paper produced by the Section for Agriculture and Fisheries under the chairmanship of Mr André Laur (France - Various Interests). The Rapporteur was Mr Augusto Gil Bensabat Ferraz da Silva (Portugal - Workers).*

## **7. SHIPBUILDING AID**

### **Proposal for a Council Directive providing for changes to the Seventh Council Directive on aid to shipbuilding of 21 December 1990 (SEC(92) 991 final)**

#### **Gist of the Commission Proposal**

The shipbuilding industry is important for the structural development of the coastal areas of the former German Democratic Republic. When these Länder became part of the Community, their shipyards were so backward that urgent and comprehensive restructuring is now needed to make this industry competitive. As the immediate application of the common maximum ceiling for production aid does not allow such measures, a special transitional arrangement should be introduced.

In addition, competition considerations make it necessary that the former GDR shipbuilding industry contributes significantly to the reduction of excess capacities in this sector.

Until 31 December 1993 operating aid for shipbuilding and shipconversion activities of yards operating in the territories of the former GDR on 3 October 1990 may be considered compatible with the common market provided that:

- aid to facilitate the continued operation of the yards during that period does not for any of these yards exceed a maximum ceiling of 36% of turnover calculated on the basis of three times the yard's shipbuilding and shipconversion annual turnover norm after restructuring;
- no further production aid, including contract-related aid, is granted on contracts signed between 1 July 1990 and 31 December 1993;

- the German Government agrees to carry out a genuine and irreversible closure of shipbuilding capacity in these territories of 40% net compared to the shipbuilding capacity of 545,000 cgt existing on 3 October 1990.

### **Gist of the Committee Opinion (CES 806/92)**

It is essential for the Commission to approve investment and operating aid measures for the shipyards of the former GDR, as it has done for the other Member States, along with measures to cushion the social effects.

As regards operating aid, for which a derogation to the 7th Directive is proposed, it is vital that the scale of aid granted for contracts signed between July 1990 and December 1993 does not distort competition within the Community.

The Committee advocates that the sharp contrast between the scale of aid granted to shipyards in the former GDR and to shipyards elsewhere in the EC should be alleviated by increasing the ceiling (9%) applicable to the latter for 1992 under the 7th Directive.

The Committee reiterates its full support for the plan to restructure the shipyards concerned and welcomes the adoption of urgent and appropriate measures to avoid serious damage to the economy and unemployment in the Länder concerned but advocates that the transitional period granted to the former GDR should go hand in hand with an undertaking on the part of the Community to review the situation and the prospects for infusing fresh momentum into the Community shipbuilding industry as a whole.

*This Opinion, adopted unanimously, was drawn up in the light of the paper produced by the Rapporteur-General Mr Romolo Arena (Italy - Employers).*

## **8. ADOPTION (Own-initiative Opinion)**

### **Gist of the Committee Own-initiative Opinion (CES 807/92)**

#### **Recommendations**

##### *The general philosophy of adoption*

The interests of the child must always remain at the heart of legislation, procedures and measures on adoption.

*The abandonment of a child*

When the time comes to consider abandoning their child, parents (and particularly mothers) need to be given the psychological assistance necessary for preparing their decision, as well as moral, social and financial aid in keeping with the solution to be found. The period of reflection, during which the decision to abandon the child may be revoked, must be short and used wholly in the interests of the children.

The period of care, which ought to be as brief as possible, must be used to pave the way for adoption in the knowledge that (a) a child must be able to live in a family which it regards as its "own", and (b) adoptive parents wish in most cases to take in a child when it is very young so as to facilitate integration into the family.

*Adoption procedures*

Such procedures must be rigorous but not unnecessarily protracted.

With a view to the free movement of persons, consultations should be held between Member States on the standards underpinning national adoption legislation. Significant distortions might be prejudicial to the interests of the children and their adoptive and natural parents.

Prospective adopters are often anxious. Imposing unnecessary bureaucratic hurdles, as sometimes happens, may undermine respect for the persons concerned and their adoption project. It is desirable that the "trial period" required of prospective adopters is confined to essential investigations and appraisals which are rapidly concluded without undermining their quality.

Prospective adopters should have the right to appeal against administrative and legal decisions which concern them, and should be given the type of assistance they require. Children should also be heard if they are old enough to express their views.

*The practice of adoption*

It is natural that the public authorities wish to ensure that all parents fulfil their responsibilities in the interests of their children. In the interests of both the adopted child and the adoptive parents, it should not be possible for full adoption orders to be rescinded. Family organizations and associations of adoptive parents must be encouraged and assisted in their action to support adoptive families.

### *International adoptions*

Drawing on joint studies, the European Institutions should encourage each individual Member State to conclude intra and extra-Community conventions which regulate the conditions governing the organization of international adoptions affecting their own nationals either as parents or children. Such measures become even more necessary with the free movement of persons.

### *Access to origins*

However understandable it may be, the desire of an adopted person to have access to his origins must be subject to precautions so as to avoid immediate or long-term damage to the parties involved. Although access to ethnic or geographical origins hardly presents any problems, revealing the identity of natural parents presupposes that a thorough case study has already been carried out.

### *Fostering as an alternative to adoption*

There are many children deprived of parents. Some of these children have been legally abandoned but will not be adopted. Others, though not abandoned de jure, have been virtually abandoned de facto because of the lack of regular contact with their original family. These children are frequently placed in care. They are therefore likely to reach adulthood without ever having known the warmth of a real family. In the case of such children, different forms of "fostering" are needed.

### **Conclusion**

The paramount interest and hence sovereign right of a child is to be able to live in a family where he is loved and can himself love and be happy and secure.

*This Opinion, adopted unanimously, was drawn up in the light of the paper produced by the Section for Social, Family, Educational and Cultural Affairs under the chairmanship of Mr Vasco Cal (Portugal - Workers). The Rapporteur was Mr Roger Burnel (France - Various Interests).*

## 9. ENVIRONMENT ACTION PROGRAMME

**Proposal for a Resolution of the Council of the European Communities on a Community programme of policy and action in relation to the environment and sustainable development**  
(COM(92) 23 final)

### **Gist of the Commission Proposal**

Community environment policy, which began in 1972, is now twenty years old. It has developed under four successive action programmes, the last of which runs until the end of 1992. Over this period the Community has adopted *about 200 pieces of legislation* covering air, water and soil pollution, waste management, safeguards in relation to chemicals and biotechnology, product standards, environmental impact assessment and nature conservation. This impressive body of legislation has provided a sound basis for national and international initiatives in this area. Despite all these efforts, the state of the environment as depicted in the report prepared and circulated in conjunction with the draft environment programme leaves a great deal to be desired. The data available show that while the action taken has had some effect on the adverse trends observed in the past, it has not succeeded in reversing them.

Environmental problems are simply a manifestation of behaviour which fails to take account of the fact that natural resources are finite and that the absorption capacity of the biophysical environment is not inexhaustible. Continuing down that road will inevitably affect the viability of economic activities and the quality of life.

Up to now, protection of the environment in the Community has largely been based on legislation, entailing a top-down approach. The new strategy proposed in the new programme presupposes a *commitment on the part of all the social and economic players*. It therefore also entails a bottom-up approach. The complementarity and effectiveness of these twin approaches will depend to a large extent on the nature and quality of the *dialogue* to be established in a context of *partnership*.

In order to bring about substantial changes in current trends and practices and to involve all sectors of society, in a spirit of shared responsibility, a broader mix of instruments needs to be developed. It is necessary in particular:

- to improve the *environmental data* to make for better policy formulation and better impact assessment once policies have been implemented;
- to step up *research and development* efforts;
- to develop *information, education and training*;
- to promote *sectoral and spatial planning*;
- to encourage *the use of economic and fiscal instruments*;
- to incorporate *environmental concerns* more systematically in *Community and national financial instruments* so as to increase the effectiveness of their operations and their impact over time.

For each of the main issues, the programme sets long-term objectives as an indication of the direction to be taken or the thrust to be applied in the pursuit of sustainable development. *It also indicates performance targets for the period up to the year 2000*, and a package of measures with a view to achieving the targets.

Five target sectors have been selected for special attention under the programme: **INDUSTRY, ENERGY, TRANSPORT, AGRICULTURE and TOURISM**. These are sectors in which the Community has a particularly important role to play and is the most efficient level at which to tackle some of the problems these sectors cause or face.

The programme combines the principle of subsidiarity with the wider concept of shared responsibility. This is not so much a question of choosing a particular level of implementation, but rather a matter of establishing all the instruments and players involved at the various appropriate levels, without affecting the division of responsibilities between the Community, the Member States and the regional and local authorities.

It is now more and more recognized that issues of a global nature such as climatic changes, depletion of the ozone layer and loss of bio-diversity, are seriously threatening the ecological balance of our planet as a whole.

These issues have been addressed at the highest level at the United Nations Conference on Environment and Development (UNCED) which can add a new dimension to the global political will and commitment to effective action.

The credibility of the industrialized countries, including the Community, in the eyes of the developing countries will depend first and foremost on their ability to resolve their own environmental problems. By adopting and applying the environment policy programme, the Community will be able to play a leading role in the international arena.

### **Gist of the Committee Opinion (CES 808/92)**

The Committee welcomes the signal given by the Council of Ministers on 26 May 1992 with its conclusions on the environmental policy action programme. The Committee is pleased that the Council gave the discussion of the programme priority to enable it to begin on 1 January 1993.

The Committee emphasizes the need to set political priorities and translate general guidelines into concrete proposals. The Committee reserves the right to express its views on such proposals at a later date. The Committee also considers it necessary to bring EFTA countries into the discussion so that an environment policy can be mapped out for the European Economic Area.

The Committee intends to support the activities of the socio-economic interest groups represented on it with a view to helping them fulfil their role in implementing the programme.

The Committee fully accepts the principle of the shared responsibility of all actors at all levels since this is consistent with the principle of subsidiarity. It also calls for a precise definition of delegated powers and decision-making levels. Workers' organizations should also be creatively involved in environmental policy (interaction between environmental protection and the working environment). Shared responsibility presupposes involvement in decision-making. Apart from providing adequate financial support for non-governmental organizations specializing in environmental problems, it is also important to promote environmentally-conscious behaviour through information, education, as well as school and extra-curricula training.

The Treaty of Maastricht included a new "level of action" for environmental policy. The Committee is nevertheless worried that the funds available might fall short of what is required. The funds available under the Cohesion Fund are not sufficient to meet the need to clean up environmental areas - a need which has increased in the meantime (e.g. the former territories of the GDR). The Committee urges that all measures supported by the Cohesion Fund should satisfy the requirements of the environment programme, thereby contributing to sustainable and environmentally-friendly development. It also believes that careful consideration needs to be given to ensuring that the Community funds made available for the implementation of environment policy provisions are compatible with the "polluter-pays" principle. The polluter-pays principle must remain a pillar of Europe's environment policy.



The Committee approves the new approach which consists of an "instrument mix" of regulatory instruments and economic measures designed to ensure that environmentally-friendly behaviour pays off. The Committee has already advocated such an approach in various Own-initiative Opinions and draws attention to the difficult problem of internalizing external costs and thinking through their social implications.

The Committee reserves the right to issue Opinions at a later date on the new proposals regarding the reduction of CO<sub>2</sub> emissions, the greenhouse effect and improved energy efficiency - proposals which also include economic and tax measures.

The European Agency for the Environment is one of the key instruments for implementing the programme. The Committee considers that the delay in getting the Agency off the ground is scandalous and believes that it would be worth considering the designation of a provisional location.

The Committee considers that the European Community should play a leading role in environmental protection on the world stage, bearing in mind the high level of industrialization and technology in Europe, our considerable financial resources and our relatively keen awareness of environmental issues.

The findings of the United Nations' International Conference on the Environment and Development (UNCED) will have to be taken into consideration in implementing the action programme.

*This Opinion, adopted by a majority with six abstentions, was drawn up in the light of the paper produced by the Section for Protection of the Environment, Public Health and Consumer Affairs under the chairmanship of Mr Francisco Ceballo Herrero (Spain - Various Interests). The Rapporteur was Mr Klaus Boisseree (Germany - Various Interests).*

## 10. LABELLING OF FOOTWEAR

**Proposal for a Council Directive on the approximation of the laws, regulations and administrative provisions of the Member States relating to labelling of the materials used in the main components of footwear for sale to the final consumer**

(COM(91) 529 final - SYN 378)

### **Gist of the Commission Proposal**

This is a proposal to introduce harmonized pictogram labelling for footwear at EEC level, (i) to facilitate both producers and consumers,

and (ii) to counteract the disparity between the national laws in certain Member States on footwear labelling which is creating barriers to trade.

### **Gist of the Committee Opinion (CES 809/92)**

The Committee agrees the Commission's proposal subject to the following comments:

- it is regrettable that the proposal is limited to *materials* labelling; the Commission is requested to submit a second proposal to cover other footwear characteristics, e.g. fit, water resistance, health aspects;
- to generate public familiarity with labelling and pictograms, explanations by manufacturers, retailers and consumer organizations should be extended beyond poster displays at point of sale;
- several technical modifications are suggested, notably to divide "other materials" into natural and synthetic - each with its own pictogram.

The formulation of these additional quality characteristics, which will ensure more informative footwear labelling, can be left to the interested parties, i.e. producers and consumers. These must be able to hold discussions leading to agreements embodied in a code of practice which forms part of the footwear labelling Directive. Imports should also be brought within the scope of the legislation by including in the Directive a provision to the effect that agreements on footwear labelling reached between the interested parties at EC level shall apply equally to imported products.

*This Opinion, adopted by a majority vote, with seven votes against and three abstentions, was drawn up in the light of the paper produced by the Section for Protection of the Environment, Public Health and Consumer Affairs under the chairmanship of Mr Francisco Ceballo Herrero (Spain - Various Interests). The Rapporteur was Mrs Helga Elstner (Germany - Various Interests).*

## **11. PROTECTION OF THE ELBE**

**Proposal for a Council Decision concerning the approval of the additional Protocol to the Convention on the International Commission for the Protection of the Elbe (COM(92) 212 final)**

### **Gist of the Commission Proposal**

A Convention to establish an International Commission for the Protection of the Elbe was signed at Magdeburg in October 1990 between Germany,

Czechoslovakia and the EEC, and was ratified by the Council in November 1991.

The present proposal is to give legal status to the aforementioned International Commission.

### **Gist of the Committee Opinion (CES 810/92)**

The Committee approves the Commission's proposal.

*This Opinion, adopted unanimously, was drawn up in the light of the paper produced by the Rapporteur-General, Mr Helmut Giesecke (Germany - Employers).*

## **12. APPLICATION OF THE SOCIAL CHARTER (Own-initiative Opinion)**

### **The Commission's First Report on Application of the Social Charter (COM(91) 511 final)**

### **Gist of the Committee Own-initiative Opinion (CES 811/92)**

The Committee welcomes the First Report of the Commission on the application of the Social Charter. It is now clearly recognized and accepted that the Single Market is not a goal in itself, but a means for better assuring both economic progress and social well-being throughout the Community. A durable EC-wide social market model must rest equally upon free enterprise and economic growth, and basic social rights, social consensus and cohesion.

It is with this perception of balance and parity between economic and social progress that both the Committee and the European Parliament have worked positively with the Commission in promoting the implementation of the Social Charter and the Social Action Programme. The Committee however is extremely concerned at the Council's slowness in adopting proposals stemming from the Social Charter and Social Action Programme.

The failure of the Council of Ministers to adopt many of the important social policy proposals presented is not due to any majority opposition to progress. Quite the reverse: most, in fact nearly all, Member Governments accept that the "1992" process must be matched by an EC-wide platform of basic social rights as set out in the Action Programme.

Failure in Council is due to the "liberum veto" which any single Member State can still exercise or threaten.

The slow rate of social policy decision-making in Council prompted the Commission to propose a revision of the social chapter of the Treaty so that qualified majority voting would apply to important fields covered by the Social Charter. The Committee likewise called upon the inter-governmental conference to revise the Treaty in order to enable EC Social Policy and the use of Articles 100a and 118a to be applied in a broader sense and on a "firmer and clearer footing than hitherto".

The actual results of the intergovernmental conference in this context can be seen as intrinsically linked to the application of the Social Charter.

The Social Agreement resulting from the Maastricht Summit, is a step in the right direction, insofar as the heads of government of the 12 Member States "authorize" the 11 Member States' signatories to the Social Charter to apply many of the key policies of the Charter on the basis of qualified majority voting.

At the same time, whilst these new provisions might represent a major breakthrough for 11 Member States, the Committee finds it hard to accept that, in a "Union" of 12, the "European citizens" of one particular Member State should be treated in a discriminatory manner. The Social Charter and the Social Protocol Agreement should apply to all citizens concerned throughout the "Union" as a whole.

It is imperative, especially in the context of a Single Market, that the legal status of social policy decisions to be taken under the new qualified majority procedure is not bogged down by complications as to whether or not any single Member State can have the implicit right to "opt out" of Europe-wide commitments on a case-by-case basis.

It is of course recognized that "Maastricht", whilst vital, is not the only route to social progress, basic rights and better industrial relations throughout the EC. Much progress is being achieved within the Member States and might be better highlighted and supported, for instance through EC examples of good practice.

The Committee also reiterates its call for the Community to ensure that "the scope of these basic principles and rights is interpreted with due respect for the standards already recognized in other international social legal instruments". It regrets the obvious lack of importance attached to this principle to date. The Member States have not yet ratified a number of the international conventions mentioned in the Committee Opinion of

22 February 1989 and some of them are considering withdrawal from agreements that have been ratified. The Commission should keep the European Parliament and the Committee regularly informed about the ratification and implementation of ILO standards and legal problems between the European Community and the ILO. As integration grows in the Community, the institutional peculiarities of the Community and the ILO may lead to demarcation problems. Since the EC could become a member of the ILO only after a long process of integration, the Committee believes that steps must be taken in the meantime to ensure that the national social partners' importance in ILO decision-making is not impaired. The social partners should therefore be consulted at EC level in those cases where the European Commission already submits Opinions to the ILO.

*This Opinion, adopted by 88 votes to 65, with 1 abstention, was drawn up in the light of the paper produced by the Section for Social, Family, Educational and Cultural Affairs under the chairmanship of Mr Vasco Cal (Portugal - Workers). The Rapporteur was Mrs Ursula Engelen-Kefer (Germany - Workers).*

### 13. SOCIAL DEVELOPMENTS IN 1991 (Own-initiative Opinion)

#### **Social Developments in the Community in 1991**

#### **Gist of the Committee Own-initiative Opinion (CES 812/92)**

The year 1991 was marked by a slowdown in job growth and a rise in unemployment. This was largely due to the generally worsening economic situation.

Any improvement in the labour market situation depends primarily on extra new jobs being created. The Committee believes the Community should take care to see that conditions for attracting job-creating investments are created in all Member States. This includes better infrastructure and closer co-operation between governments at Community level. The general economic situation too has a decisive bearing on any attempt to improve the labour market situation. The Committee has issued a separate Opinion on this matter. The Commission should make more use of the possibilities it has of supporting the policies of Member States' governments. Greater co-ordination of input from the Social Fund, the Structural Fund and the newly-created Cohesion Fund is needed here. Where necessary the conditions for using the Social Fund

should be changed. The two sides of industry can play a particular role here. They should be involved more in the distribution and co-ordination of resources, especially in the regions. Trade unions and employers have already produced joint proposals at European level for a co-operative growth strategy. Not only the quantitative, but also the qualitative application of resources is crucial. There must be a guaranteed regular monitoring of resource use by independent bodies and the two sides of industry.

The basic precondition for combatting youth unemployment and long-term unemployment is better worker training. It has been shown that in Member States where young people are given work or professionally-oriented training as soon as they leave school, they have more chances on the labour market, especially when changing jobs, than those in countries without any such basic training. The Committee feels that after Maastricht the Commission has now been given a foundation on which to develop suitable instruments to ensure that young school-leavers in all Member States are given vocational training which equips them to find skilled jobs. The so-called "sandwich course" system, where practical on-the-job training is combined with theoretical vocational training in college, has proved to be the most successful.

More jobs are needed for young people. A better distribution of work and a better organization of work through restructuring would be wise.

The Commission should also take appropriate steps to ensure that workers in all Member States have the possibility, if they are unemployed or threatened with unemployment, of receiving further education and re-training, so as to prevent them joining the long-term unemployed or becoming unemployable. The Committee believes there should be a preventive policy to re-train workers threatened with unemployment.

In all these measures steps must be taken to ensure that the unemployed receive enough money to maintain themselves while they are being re-trained. The Committee recently issued an Opinion on this too.

There are particular problems in Member States which are still overwhelmingly based on agriculture. A special Community programme is necessary for workers losing jobs in agriculture.

To prevent workers, especially women, who are working part-time or under fixed-term contracts from being placed at a disadvantage, the Commission and Council are asked to conclude and put into practice right

away those Community instruments which are already on the table. The same applies for temporary workers. The fear here is that the abolition of border checks may lead to a big increase in illegal cross-border temporary work. Here too the Committee calls for the quickest possible conclusion of Community instruments which have been submitted.

The Committee welcomes the initial decisions on a fundamental reform of the SEDOC scheme. The experiences which have been acquired in border areas with the co-operation of employment offices close to the frontier could be used for the SEDOC scheme.

The Committee calls upon the Commission to develop as soon as possible Community directives on immigration policy towards non-EC nationals and the treatment of asylum-seekers.

The Committee is pleased that the efforts of European trade unions and employers to develop the social dialogue further have found expression in the Maastricht Treaty. The agreements reached in October 1991 were essential in ensuring that a new form of social policy co-operation - agreements between the two sides of industry - was incorporated into the Maastricht Treaty. With this it has been recognised that the two sides of industry are ready, as autonomous parties and on their own responsibility, to take part in the social shaping of Europe. The Committee regards the further development of this co-operation with interest and hopes it will lead to European framework agreements which can stand alongside the legislation of the Community institutions. It is too early for the moment to pass judgment on the relationship between the two sides of industry in the narrower sense and on the role of the Committee in social legislation. But the work in the social dialogue and in the ESC can be broadened and not be ruled out and that thereby a European social policy can be implemented better and more effectively.

The new cooperation arrangements between management and labour are of undoubted importance. However, many other interest groups (e.g. farmers, craftsmen, traders, small and medium-sized businesses, the professions, consumers and ecological groups, and representatives of cooperatives, mutual societies, non-profit associations and families) are also expressing a legitimate wish to contribute to decision-making on the economic and social development of the European Community.

*This Opinion, adopted by a majority vote, with five abstentions, was drawn up in the light of the paper produced by the Section for Social, Family, Educational and Cultural Affairs under the chairmanship of Mr Vasco Cal (Portugal - Workers). The Rapporteur was Mr Werner Löw (Germany - Employers).*

## 14. COPYRIGHT/TERM OF PROTECTION

### **Proposal for a Council Directive harmonizing the term of protection of copyright and certain related rights (COM(92) 33 final - SYN 395)**

#### **Gist of the Commission Document**

The term of protection is an essential element of intellectual property rights. However, the international conventions governing copyright and related rights do not lay down fixed terms of protection.

The disparities between national laws on the terms of protection of copyright and related rights constitute obstacles to the free movement of goods and services, obstacles to freedom of establishment and distortions of competition in the internal market.

The object of the proposal is to achieve total harmonization of terms of protection over as broad a range as possible. However, Member States' laws contain isolated provisions whose impact on the internal market is negligible and whose harmonization is therefore unnecessary.

#### **Gist of the Committee Opinion (CES 813/92)**

The Council Resolution of 14 May 1992, which aims to improve protection of copyright and related rights, has its full approval.

The Committee welcomes the Member States' undertaking to accede to the Paris Act of the Berne Convention and to the Rome Convention by 1 January 1995, and to ensure effective compliance under their national legal systems.

The Committee joins with the Council in calling on the Commission, when negotiating agreements between the Community and non-EC countries, to place particular emphasis on the ratification of, or accession to, these instruments by the non-EC countries concerned as well as on effective compliance with their provisions.

In the Committee's view, it is essential that protection of copyright and related rights, in particular the term of protection, should be harmonized throughout the Community. The Commission must endeavour to ensure that non-EC countries respect these rights.

The term of protection for copyright should be increased to 50 years.



The crux of the matter is that this term of protection should be exactly the same in all Member States.

*This Opinion, adopted by a majority vote, with 17 votes against and 6 abstentions was drawn up in the light of the paper produced by the Section for Industry, Commerce, Crafts and Services chaired by Mrs Ann Robinson (United Kingdom - Employers). The Rapporteur was Mr Jean Pardon (Belgium - Employers).*

## **II — Outside Presence and Influence of the Economic and Social Committee**

### **Activities of the Chairman and Secretary-General**

1 July, meeting in Brussels with Mr Thomas von der Vring, Chairman of the European Parliament's Committee on Budgets.

### **Official visit to Poland by ESC Chairman and Vice-Chairmen**

25 and 26 June, visit to Poland by Mr Michael Geuenich, ESC Chairman, accompanied by Mrs Susanne Tiemann and Mr Filotas Kazazis, Vice-Chairmen, Mr Konrad Schwaiger, ESC Director, and Mr Daniel Paulus, the ESC Chairman's Chief Executive Assistant.

### **Official visit to Israel by ESC Chairman**

18 to 23 July, official visit to Israel by Mr Michael Geuenich, ESC Chairman.

### **Other activities**

2 June, at ESC headquarters in Brussels, statement on Community environment and consumer protection policy to Environment Section by Mrs Terese Gouveia, Portuguese Deputy State Secretary and Chairman-in-office of the Environment Council of Ministers.

3 June, at ESC headquarters in Brussels, statement on outcome of Energy Council (May 1992) to Energy Section by Luis Fernandes de Mira Amiral, Portuguese Minister for Industry and Energy and President-in-office of the Energy Council of Ministers.

10 June, at ESC headquarters in Brussels, statement on the XXIst Competition Policy Report to Industry Section by Mr Claus Dieter Ehlermann, Director-General of Commission DG IV.

11 June, at ESC headquarters in Brussels, oral evidence on trade and development policy given to External Relations Section by HE Ambassador Mihai Zissu, Head of the Rumanian Mission to the EC.

**11 and 12 June, in Berlin, meeting of Agriculture and Fisheries Section.**

**16 June, Newcastle (United Kingdom), Forum of Maritime Industries attended by ESC delegation.**

**17 June, at ESC headquarters in Brussels, statements to Transport Section by Mr Robert Coleman, Director-General of Commission DG VII and Mr Schoupe, President of the Community of European Railways.**

### **III — Personal Notices**

Mr Petro Vidal, representative of the Portuguese Farmers' Confederation and member of Group III at the ESC since 21 September 1986, died in Brussels on 20 June. Mr Vidal had been elected a Bureau member for the term 1990-1992.

## IV — Fact-Finding Visits

In the period under review, the following groups visited the Economic and Social Committee:

- 1 June 1992 University of Hohenheim (Stuttgart), Germany (Korean Group)
- 1 June 1992 Technical University of Chemnitz (Germany)
- 2 June 1992 Group of young civil servants (Deutscher Beamtenbund) (German Public Employer Union)
- 2 June 1992 Union members, Handels- og Kontorfunktionærernes Forbund i Danmark
- 2 June 1992 Committee for European Questions, Rhineland-Palatinate Land (Germany)
- 3 June 1992 Wake Forest University, North Carolina (United States)
- 3 June 1992 Picardy Regional Council (France)
- 4 June 1992 SIPTU (Services Industrial Professional Technical Union), Dublin (Ireland)
- 4 June 1992 Teachers from Lycée Saint Ouen, Pont-Audemer (France)
- 5 June 1992 Marmara University (European Community Institute), Istanbul (Turkey)
- 9 June 1992 Centre Technique Rural Notre-Dame, Orvillers-Sorel (France)
- 9 June 1992 Teachers from Schongau district (Germany)
- 9 June 1992 Economic and Social Committee, New Caledonia (France)
- 9 June 1992 Key To Europe (Swedish teachers)
- 9 June 1992 Madonna University, Livonia, Michigan (United States)
- 10 June 1992 Key to Europe (Dutch teachers)

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- 10 June 1992 Officials of Fédération F.O. des Cheminots (French Railway Union) (France)
  - 10 June 1992 Professors from Växjö University (Sweden)
  - 11 June 1992 Illinois State University (United States)
  - 11 June 1992 Miami University - John E. Dolibois European Centre (Luxembourg)
  - 11 June 1992 Friedrich-Ebert Foundation (Students from Ruskin College, Oxford)
  - 11 June 1992 Institute of Personnel Management (United Kingdom)
  - 12 June 1992 Rother Valley College of Further Education, Sheffield (United Kingdom)
  - 15 June 1992 Staffordshire Polytechnic (United Kingdom)
  - 15 June 1992 Support for training and development, Mediterranean integrated programmes (participants, European adviser training) Montpellier (France)
  - 16 June 1992 Confédération des organisations de fonctionnaires et employés danois (FTF - Danish civil servant and employee union)
  - 16 June 1992 Key To Europe (group from Hogeschool Holland)
  - 17 June 1992 Bundessektion Verkehr (Austria)
  - 17 June 1992 Leaders, information and entertainment section of CISL (Conferazione italiana sindacati lavoratori) (Italian confederation of trade unions)
  - 19 June 1992 Key to Europe (Hogeschool Holland)
  - 19 June 1992 Wolfgang Döring Stiftung/FDP-Kreisverband Oberberg (Germany)
  - 19 June 1992 Evangelische Kirche von Westfalen, Bezirk Münsterland (Westphalia Protestant Church) (Germany)
  - 23 June 1992 Diputación Juvenil de Bizkaia, Bilbao (Spain)
  - 23 June 1992 Austrian mission to EC
  - 23 June 1992 Società Italiana per l'Organizzazione Internazionale, Rome

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- 23 June 1992 Supreme Council of the Knights of St. Columbanus, Dublin (Ireland)
- 24 June 1992 Vuxenskolan, Uddevalle (Sweden)
- 24 June 1992 Gustav Stresemann Institut für internationale Bildung und europäische Zusammenarbeit, Bonn (Hungarian group)
- 25 June 1992 Centre de Formation et de Perfectionnement des Chambres d'Agriculture, Trie-Chateau (France)
- 26 June 1992 Juristes du Tribunal régional supérieur de Munich (Germany)
- 29 June 1992 Arbeitsgemeinschaft für Umweltfragen (Association for matters on the environment), Bonn (Germany)
- 6 July 1992 Região Autónoma da Madeira (Portugal)
- 7 July 1992 ISIS - Educational Services, Worthing (United Kingdom)
- 8 July 1992 Law University of Budapest (Hungary)
- 8 July 1992 EUROLAB, Milan (Italy)
- 9 July 1992 Centre International d'Etude de Langues, Strasbourg (France)
- 9 July 1992 Fédération Départementale des Syndicats d'Exploitants Agricoles de la Vendée, La Roche-sur-Yon (France)
- 10 July 1992 Journalists of the Radiostation "Deutsche Welle", Cologne (Germany)
- 14 July 1992 Deutschland- und Europapolitisches Bildungswerk Nordrhein-Westfalen, Tecklenburg (Germany)
- 14 July 1992 Linfield College, Oregon (United States)

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