

ECONOMIC AND SOCIAL COMMITTEE
OF THE EUROPEAN COMMUNITIES

BULLETIN

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I

207th PLENARY SESSION

The 207th Plenary Session of the Economic and Social Committee was held in the Committee building, Brussels, on 27 and 28 April 1983. The Session was presided over by the Committee's Chairman, Mr François Ceyrac.

ADOPTION OF OPINIONS

1. TRANSFRONTIER SHIPMENT OF HAZARDOUS WASTES

“Proposal for a Council Directive on the supervision and control of transfrontier shipment of hazardous wastes within the European Community”

Gist of the proposed Directive

This proposal for a Directive covers the transfrontier shipment of hazardous wastes within the Community. It comes under the European Communities' two action programmes on the environment, and when adopted, will be one of a series of Directives on hazardous wastes, the others being on the disposal of waste oil, on the disposal of PCB, and on toxic and dangerous waste.

All these Directives lay down common principles and a common system of controls and safety regulations designed to provide man, animals and the environment with effective protection against the exceptional dangers which arise when hazardous wastes are collected, transported, treated, stored and disposed of.

For several years now transfrontier shipments of hazardous wastes have been increasing steadily, but at present supervision of these wastes ends at the national frontier without any guarantee of adequate supervision in the country of destination.

All the Member States are now calling for Community measures to guarantee adequate monitoring and supervision of transfrontier ship-

ments and this proposal for a Directive is to ensure uninterrupted supervision and monitoring of hazardous wastes from the source right through to their final non-polluting disposal, even if this is to take place on the other side of the national frontier.

Gist of the Opinion⁽¹⁾

Following the preparatory work which included, for the Seveso case, a hearing of representatives of the firms Hoffmann-La Roche and Mannesmann, the Economic and Social Committee adopted its Opinion unanimously with 2 abstentions.

The Committee approves the aim of the Commission proposal, which is to ensure the strict supervision of hazardous waste during its journey from its place of production to its place of disposal in another Member State.

The Committee, bearing in mind *inter alia* the recent revelations about the transfrontier disposal of the waste from the Seveso disaster, agrees with the Commission about the urgent need for a solution to this matter.

It hopes that the Council will be able to start discussions on the proposed Directive in June, so that it can be implemented as soon as possible.

Even more emphasis should be placed in the proposal on the need to protect the environment and health by disposing of the waste in the safest and most suitable places and with the safest and most suitable machinery.

Hazardous waste should normally be disposed of in its country of origin; it should be shipped abroad to be disposed of only when it cannot be disposed of properly in the country of origin. Encouragement should be given to Member States' efforts to provide or maintain an adequate and efficient infrastructure — whether private or public — for the proper disposal of hazardous waste in their own countries.

At all events, Member States should be free to refuse waste which they cannot dispose of without entering into conflict with human health or environmental requirements.

The Committee agrees with the Commission that this Directive should not deal with the problems associated with the methods used for the shipment of hazardous products or waste; these problems should be

⁽¹⁾ Doc. CES 438/83

solved on the basis of existing provision and in the light of the special features of this special category of "goods".

The Directive presupposes that the Member States which may serve as the country of dispatch, country of transit or country of disposal, are to determine and name the authorities that are to receive notification. This assumes that the Member States are obliged to ensure that they have an adequate and suitable network of authorities.

The Committee notes that the proposal does not indicate whether the "competent authorities" are to be local, regional or national authorities.

Of course, each Member State must be free to determine which authorities are to be competent, since this depends not only on its constitution and administrative machinery but also on which special social relations must be taken into account in the country. It may be easier for producers and consignors to deal in the country of dispatch with the most local authorities. In the country of destination the "competent authorities" should have a sufficient idea about the extent to which suitable facilities are available in their country for disposing of hazardous waste. This may militate in favour of the appointment of a central authority, unless special circumstances make it seem expedient to delegate responsibility elsewhere and let a regional or local authority decide.

More broadly, the Draft Directive should not only require Member States to adequately coordinate transfrontier shipments in order to ensure maximum safety and optimum information of the public, but should also make it possible for them to take urgent, exceptional action, within the spirit of the Directive whenever they are faced with situations that pose a particularly dangerous threat to local inhabitants and the environment.

This Opinion was based on material prepared by the Section for the Environment, Public Health and Consumer Affairs, under the chairmanship of Mrs. Heuser (Germany — Various Interests). The Rapporteur was Mr Kölbl (Germany — Various Interests).

2. COMMUNITY ENVIRONMENT ACTION (ACE)

"Proposal for a Council Regulation (EEC) on action by the Community relating to the environment (ACE)"

Gist of the proposal

The European Parliament has earmarked funds in the Community budget to finance a future Environmental Fund. In the light of this

move and in accordance with the aims of the Community environment programme, the Commission has now proposed that certain specific projects be given financial support.

The Commission is specifically concerned with projects relating to development of "clean" technologies which abate pollution and depletion of natural resources, and environmental conservation in areas of Community interest.

The proposal sets out the aid ceilings and the conditions and procedure to be observed by firms and individuals who wish to obtain aid.

Finally, the proposal provides for the setting-up of an ad hoc Advisory Committee to assist the Commission in deciding which projects should qualify for aid.

Gist of the Opinion⁽¹⁾

In an Opinion which it adopted unanimously, the Committee upholds the Commission's proposals that certain specific projects be given financial support, but considers that the Community's financial instruments for the environment should be pooled more in future, and must of course be subject to the polluter pays principle.

Care should be taken to ensure that the ACE programme does not overlap with other Community programmes. The limited funds available should be used for sectors for which there is proof of a particularly strong need, e.g. metalworking, tanning, textile dyeing and finishing, foodstuffs and agro-industry.

The innovative and creative potential of small industries and of special interest groups should be supported.

The financing of technologies for monitoring the quality of the environment should be given a lower priority than that for "cleaner" technologies; even though monitoring in practice is often behind the times.

This Opinion was based on material prepared by the Section for the Environment, Public Health and Consumer Affairs, under the chairmanship of Mrs Heuser (Germany - Various Interests). The Rapporteur was Mr Kölble (Germany - Various Interests).

(1) Doc. CES 437/83

3. TEMPORARY WORK

“Proposal for a Council Directive concerning temporary work”

Gist of the Commission document

The objectives of the Commission proposal are threefold:

- to protect temporary workers by ensuring as far as possible that they enjoy the same rights as permanent workers;
- to protect the permanent workforce by reducing misuses of temporary labour;
- to ensure that only sound, reputable agencies can engage in the supply of temporary workers with a view to eliminating malpractices both at national and international level.

In pursuing these objectives the Directive must not unreasonably restrict the flexibility which firms need in matters of labour management.

The body of the proposal falls into two parts — the first concerned with the supply of workers by temporary employment agencies and the second with the engagement of workers on fixed-duration contracts.

Gist of the Opinion⁽¹⁾

In its Opinion, adopted by 65 votes to 44 with 11 abstentions, the Economic and Social Committee endorses the aim of bringing about appropriate control of the supply of temporary workers by temporary employment businesses and of ensuring better protection for the workers concerned, through the introduction of common rules.

It notes that, while many firms would find it expedient to make use of temporary workers in the interests of flexible business and staff planning, the supply of such workers by temporary employment businesses raises a number of problems. There are many cases of abuses in this area.

The Committee highlights the fact that temporary workers frequently do not have the same working conditions or the same social security protection as permanent staff. Particularly unsatisfactory is the impact of the differences in national rules on the supervision of the activities of temporary employment businesses. Moreover, temporary employment agencies are engaging increasingly in cross-frontier operations. The Committee takes the view that a Community Directive is needed in this area.

⁽¹⁾ Doc. CES439/83

The Committee considers the unrestricted and unsupervised supply of temporary workers by temporary employment businesses to be undesirable. Placement should be carried out by non-profit-seeking neutral agencies.

To eliminate abuses, the Committee urges that Community legislation should protect temporary workers against default on wages and on social security contributions by making the user undertaking liable. On no account should temporary workers be used to break strikes.

Provision is already made for the co-liability of user undertakings in some Member States, for example, France, Germany, Belgium and the Netherlands. There are numerous cases of illegal operations and abuses by temporary employment businesses. An employer who nonetheless employs temporary workers supplied by such businesses because it is to his advantage must realize that there are certain risks involved. At all events, it is not right that these risks should be borne solely by the workers themselves, i.e. those in the weakest social position. Fundamentally there is even justification for stipulating in the Draft Directive that temporary workers who have been supplied unlawfully are to be regarded as employees of the user undertaking.

The Committee feels that fixed-duration contracts should not be included in the Draft Directive but should be dealt with in a special Directive if it is considered necessary to regulate this area.

The Employers' Group issued a minority statement in which it made the following points:

The Directive as proposed by the Commission is unacceptable and moreover unnecessary.

It would introduce an element of rigidity in the labour market which would restrict the productive capacity of trade and industry and ultimately adversely affect permanent staff. It would also curtail the prospects of temporary workers without there being any guarantee of improved prospects for permanent staff.

In its present form the Directive would lead to a further increase in unemployment.

This Opinion was based on material prepared by the Section for Social Questions, under the chairmanship of Mr Houthuys (Belgium - Workers). The Rapporteur was Mr Muhr (Germany - Workers).

4. 2nd PROGRAMME OF ACTION ON HEALTH AND SAFETY AT WORK

“Proposal for a Council Resolution on a second programme of action of the European Communities on safety and health at work”

Gist of the Commission’s proposal

The Commission has submitted to the Council a proposal for a second programme of action on safety and health at work. This follows the first four-year programme which was adopted in 1978. The aim is to continue to improve protection in the workplace for the 100 million workers in the European Communities.

Fourteen areas of work were covered in the first programme and in its implementation priority has been given to the control of dangerous substances. To this end, regulations have been sought for specific substances such as lead and asbestos.

In other areas, more educational and organizational in nature, work has concentrated on the exchange of information between Member States and efforts towards a common understanding and approach.

By their very nature, some of these fourteen areas of work can never be completed and other areas were of a preparatory nature, hence the need for a second programme for the years 1982/87.

The features of this programme are an increased emphasis on safety in the work place with particular mention of the important role of ergonomics. This will balance continuing work on dangerous substances such as chemicals known or suspected to cause cancer, and other harmful exposures such as high levels of noise and vibration.

Emphasis is also placed on the need to develop schemes for the safety training of young people and the training of migrants.

Overall, the approach of this second programme is to further develop Community action within the field of workers’ health and so complement other Commission action within the broad field of social affairs, including employment and education.

Gist of the Opinion⁽¹⁾

The European Community’s second action Programme on Safety and Health at Work — a programme that will affect 100 million

⁽¹⁾ Doc. CES 440/83

workers — should signal a powerful upsurge of political commitment in this important area of social policy. This view is expressed in an Opinion adopted unanimously with 4 abstentions, by the Economic and Social Committee. It said that the first programme had been patchy, too general and too slow in implementation. It therefore urged that the second programme be put in hand more quickly and efficiently, with a tighter work schedule and clearly defined priority areas accompanied by a costs/benefits assessment of priority preventive measures.

In the face of rapid technological change, efforts should be redoubled to adapt and harness the technical and medical advances to protect the worker.

The Committee expresses the conviction that the second programme will run more smoothly with the active participation, greater acceptance of responsibility, and collaboration between political bodies, employers and workers.

The Committee considers that in order to raise safety levels in factories, in small firms, on the land, and in employment in general, workers and industrialists must be given more information on all features of machinery, products (including fertilisers and pesticides) and plant which have a bearing on safety and health. These measures should be supplemented by a European campaign of information.

To achieve better standards in the Community the Committee proposes concrete action to harmonize safety standards for the worker at work. For instance, there is no good reason why certain occupational diseases are recognized in some Member States and not in others. To these ends the Committee also proposes a European data bank on occupational cancers and a Community directive on machinery and instruments. EEC health and safety legislation should also be backed up by a Community monitoring mechanism.

This Opinion was based on material prepared by the Section for Social Questions under the chairmanship of Mr Houthuys (Belgium - Workers). The Rapporteur was Mr Vercellino (Italy - Workers).

5. 13th VAT DIRECTIVE

“Proposal for a thirteenth Council Directive on the harmonization of the laws of the Member States relating to turnover taxes — arrangements for the refund of value added tax to taxable persons not established in Community territory”

Gist of the Commission document

The proposal seeks to introduce common rules for VAT refunds to non-Community traders in respect of goods purchased in a Member State or goods and services exported from a Member State.

Such refunds flow from Article 17 of the 6th VAT Directive of 17 May 1977 Article 17 which stipulates that taxable persons are entitled to claim back VAT invoiced to them by a Member State in which they are not established. Article 17 (4) applies to taxable persons not established in a Member State and entitles the Member State to waive the above rules. The result is that non-Community traders are treated in the same way as Community traders in some Member State but are refused VAT refunds in others. These differences clearly cause deflections in EC trade with third countries. Moreover, competition is distorted by the fact that more attractive conditions are applied by some Member States.

The proposal is entirely consistent with the Eighth Directive of 6 December 1979 (refunds for taxable persons established in a Member State in respect of VAT charged on goods purchased in or exported from another Member State).

The new arrangements are designed to improve the terms of competition between the Member States. They must be seen as a further step towards European integration via harmonization of policies.

Gist of the Opinion⁽¹⁾

In an Opinion, adopted by 75 votes to 7 with 25 abstentions, the Committee endorses the Commission proposal subject to the specific comments set out below. The Committee regrets, however, that there is only limited scope for introducing a standardized procedure. At any rate, the Directive should urge the Commission and all Member States to insist that reciprocal arrangements be incorporated in future international agreements with third countries which do not already have such arrangements with the Community. This would facilitate further harmonization.

This Opinion was based on material prepared by the Section for Economic and Financial Questions, under the chairmanship of Mr Marvier (France - Various Interests). The Rapporteur was Mr Broicher (Germany - Employers).

⁽¹⁾ Doc. CES 441/83

II

EXTERNAL RELATIONS

PRESIDENT'S ACTIVITIES

The Committee Chairman, Mr François Ceyrac, went on an official visit to London on 13 and 14 April in the company of his Vice-Chairman, Mr Margot, the Secretary-General of the Committee, Mr Louet, the Head of his Private Office, Mr Evain, and a Committee Director, Mr Mc Laughlin. During his visit he met:

- Mr Douglas Hurd, Minister of State responsible for European affairs, with whom he discussed the UK's views on the role of the ESC and its relations with the Council of Ministers and the Commission;
- Mr Peter Rees, Minister for Trade;
- Mr John Mc Gregor, Parliamentary Under-Secretary of State responsible for small firms in the Department of Industry;
- Mr John Selwyn Gummer, Parliamentary Under-Secretary of State in the Department of Employment.

He also had a discussion with Lord Seebohm and three other members of the House of Lords' Select Committee on the European Communities.

Furthermore, he had talks with:

- the UK Inter-Professional Group;
- local authorities;
- the Confederation of British Industry;
- representatives of small business;
- representatives of consumer organizations.

In addition, on 15 April, the Committee Chairman took part with Mr Margot, Mr Broicher and Mr de Wit and the Secretary-General in a meeting with the Bureau of the French Economic and Social Council.

In the course of this meeting, Mr Broicher presented a memorandum on the Committee's activities with regard to the international market. Several other memoranda were presented by the French side, especially on questions relating to new technologies.

Finally, on 29 March talks were held with Mr Dondelinger, Permanent Representative of the Grand Duchy of Luxembourg to the European Communities.

III

NEW CONSULTATIONS

During the month of April the Council asked the Committee to deliver Opinions on the following subjects:

“Communication from the Commission to the Council on Structures and Procedures for the Common Policy in the Field of Science and Technology” (COM(83) 143 final).

“Proposal for a Council Regulation (EEC) amending Regulation (EEC) No. 358/79 on Sparkling Wines Produced in the Community and Defined in Item 13 of Annex II to Regulation (EEC) No. 337/79”; and a

“Proposal for a Council Regulation (EEC) Laying Down General Rules for the Description and Presentation of Sparkling Wines and Aerated Sparkling Wines” (COM(83) 155 final).

“Proposal for a Council Regulation (EEC) amending Regulation (EEC) No. 516/77 on the Common Organization of the Market in Products Processed from Fruit and Vegetables and Regulation (EEC) No. 950/68 on the Common Customs Tariff”;

“Proposal for a Council Regulation (EEC) adjusting Certain Rules in the 1979 Act of Accession in Respect of Products Processed from Fruit and Vegetables”;

“Proposal for a Council Regulation (EEC) Fixing Guarantee Thresholds for Certain Products Processed from Fruit and Vegetables”; and a

“Proposal for a Council Regulation (EEC) amending Regulation (EEC) No. 516/77 on the Common Organization of the Market in Products Processed from Fruit and Vegetables” (COM(83) 92 final).

“Proposal for a Council Regulation (EEC) on the Strengthening of the Common Commercial Policy with regard in Particular to Protection Against Unfair Commercial Practices” (COM(83) 87 final).

“Proposal for a Council Regulation laying down specific measures for urban redevelopment in Northern Ireland (Belfast)” (COM(83) 163 final).

“Proposal for a Sixth Council Directive amending Directive 69/169/EEC on the Harmonization of Provisions laid down by Law, Regulation or

Administrative Action relating to Exemption of Turnover Tax and Excise Duty on Imports in International Travel” (COM(83) 117 final).

“Proposal for a Seventh Council Directive amending Directive 69/169/EEC on the Harmonization of Provisions laid down by Law, Regulation or Administrative Action relating to Exemption from Turnover Tax and Excise Duty on Imports in International Travel” (COM(83) 166 final).

“Proposal for a Council Directive on the approximation of the laws of the Member States relating to the roll-over protection structures (rear-mounted rollbar, frame or cab type) of narrow-track wheeled agricultural or forestry tractors” (COM(83) 167 final).

“Proposal for a Council Directive on the Combating of Air Pollution from Industrial Plants” (COM(83) 173 final).

“Proposal for a Council Directive on Procedures for Harmonizing the Programmes for the Reduction and Eventual Elimination of Pollution Caused by Waste from the Titanium Dioxide Industry” (COM(83) 189 final).

IV

PROVISIONAL FUTURE WORK PROGRAMME

MAY/JUNE 1983 PLENARY SESSION

Opinions

- NCI loans
- Origin of textile products
- Determination of persons liable for payment of a customs debt
- Declaration forms
- Customs debt payment guarantees
- Non-resident carriers
- Commercial independence of the railways
- Land transport
- FAST
- Basic standards for ionizing radiation
- Outline programme for scientific and technical strategy (1984-1987)
- Agricultural research
- Fruit and vegetables
- Protection against unfair commercial practices
- Urban renewal (Belfast)

Own-initiative work

- Education and training
- Youth employment
- VIth UNCTAD

JULY 1983 PLENARY SESSION

Opinions

- 12th turnover taxes directive
- Noise at work
- Social developments in 1982

- Tourism policy
- Limit values for mercury discharges
- Transport infrastructures — experimental programme
- Simplification of trade statistics
- Distribution agreements for motor vehicles

Own-initiative

- Economic situation, mid-1983

SEPTEMBER 1983 PLENARY SESSION**Opinions**

- Direct insurance, Switzerland
- Price formation

Own-initiative

- Migrant workers
- Environment/employment

Information Report

- Problems of frontier regions in Ireland

SUBSEQUENT PLENARY SESSIONS**Opinions**

- ESPRIT
- Roll-over protection devices for tractors
- 6th Directive on exemption from import taxes in international passenger traffic
- 7th Directive on exemption from import taxes in international passenger traffic
- XIIth Report on competition
- Chapter VI (supplies) of the EURATOM Treaty
- Common policy in the field of science and technology
- Sparkling wines
- Integrated Mediterranean programmes
- Memorandum, development policy

Own-initiative

- Dialogue producers/consumers
- Fats and oils
- EEC/USA
- Enlargement

Information Report

- National regional development aids
- Community fisheries policy.

PUBLICATIONS OBTAINABLE FROM THE ECONOMIC AND SOCIAL COMMITTEE

Periodical

- Bulletin (monthly publication)

General Documentation

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

Opinions and Studies

- Inaugural Conference — 1983: The European Year of SME February 1983, 27 p. (ESC 83-002)
- Guidelines for Mediterranean Agriculture (4 Opinions) September 1982, 64 p. (ESC 82-010)
- The Economic and Social Situation of the Community (2 Opinions) (July 1982) 57 p. (ESC 82-008)
- The Promotion of Small and Medium-sized Enterprises (Opinion) (June 1982) 70 p. (ESC 82-007)
- Aims and Priorities of a Common Research and Development Policy (Study) (January 1982) 59 p. (ESC 82-001)
- Agricultural Aspects of Spain's Entry into the E.C. (Opinion) (February 1982) 107 p. (ESC 81-017)
- The EEC's External Relations — Stocktaking and Consistency of Action (Study) (January 1982) 139 p.
- Genetic Engineering (Colloquy) (October 1981) 120 p. (ESC 81-014)
- Prospects for the '80s (Opinion) (Dec. 1981) (ESC 81-018)
- Economic Pointers for 1982 (Opinion) (August 1981) 32 p. (ESC 81-010)
- Problems of the Handicapped (Opinion) (September 1981) ± 46 p. (ESC 81-013)
- Present situation in the Community's Building Sector (Opinion) (September 1981) ± 24 p. (ESC 81-011)
- Community Competition Policy (Opinion) (ESC-81-008)
- Development Policy and Working Conditions (September 1980) (Opinion) 61 p. (ESC 80-012)
- The Organisation and Management of Community R&D (February 1980) (Study) 168 p. (ESC 80-001)
- Agricultural Structures Policy (November 1979) (Opinion) 90 p. (ESC 79-003)
- Enlargement of the European Community Greece-Spain-Portugal (September 1979) (Study) 75 p. (ESC 79-002)
- The Community's Relations with Spain (June 1979) (Study) 112 p. (ESC 79-001)
- Community Shipping Policy Flags of Convenience (April 1979) (Opinion) 170 p.
- Youth Unemployment — Education and Training (November 1978) (5 Opinions) 97 p.
- The Stage reached in aligning labour legislation in the European Community (June 1978) (Documentation) 60 p.
- Employment in Agriculture (June 1978) (Study) 135 p.
- Monetary Disorder (June 1978) (Opinion) 98 p.
- Industrial Change and Employment (November 1977) (Opinion) 98 p.
- EEC's Transport Problems with East European Countries (December 1977) (Opinion) 164 p.
- Community Nuclear Safety Code (July 1977) (Study) 50 p.
- Research and Development (November 1976) (Study) 35 p.
- Systems of education and vocational training (August 1976) (Study) 114 p.
- Regional Policy (March 1976) (Opinion) 11 p.
- European Union (July 1975) (Opinion) 33 p.
- The Situation of Small and Medium-sized Undertakings in the European Community (March 1975) (Study) 69 p.



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

- Community Advisory Committee for the Representation of Socio-Economic Interests (£8.50)
- European Interest Groups and their relationship to the Economic and Social Committee (£25)

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

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

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