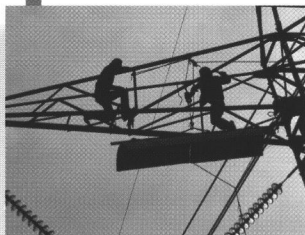


# European Economic and Social Committee



*European Economic and Social Committee*



# 4 '99

## Facts and figures - October 1998

### PRESIDENCY

President: Beatrice RANGONI MACHIAVELLI  
(Italy - Various Interests)

Vice-presidents: Josly PIETTE  
(Belgium - Workers)  
Aina Margareta REGNELL  
(Sweden - Employers)

Secretary-General: Patrick VENTURINI

### ORIGINS

The ESC was set up by the 1957 Rome Treaties in order to involve economic and social interest groups in the establishment of the common market and to provide institutional machinery for briefing the European Commission and the Council of Ministers on European Union issues.

The Single European Act (1986), the Maastricht Treaty (1992) and the Amsterdam Treaty (1997) have reinforced the ESC's role.

### MEMBERSHIP

The 222 members of the ESC are drawn from economic and social interest groups in Europe. Members are nominated by national governments and appointed by the Council of the European Union for a renewable 4-year term of office. They belong to one of three groups: Employers (Group I - president: Manuel Eugénio Cavaleiro Brandão - Portugal), Workers (Group II - president: Roger Briesch - France), Various Interests (Group III - president: Anne-Marie Sigmund - Austria). Germany, France, Italy and the United Kingdom have 24 members each, Spain has 21, Belgium, Greece, the Netherlands, Portugal, Austria and Sweden 12, Denmark, Ireland and Finland 9 and Luxembourg 6.

### THE MEMBERS' MANDATE

The task of members is to issue opinions on matters referred to the ESC by the Commission and the Council, as well as the European Parliament pursuant to the Amsterdam Treaty.

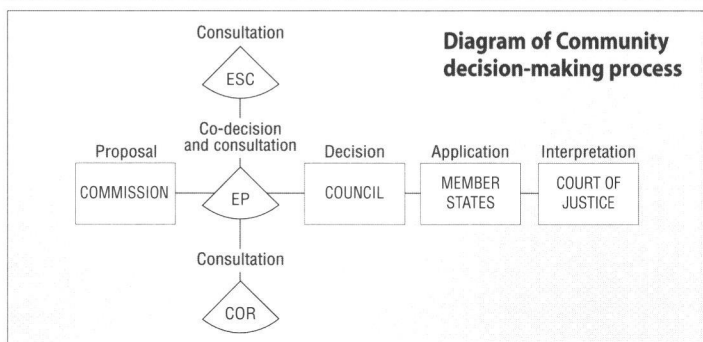
The ESC is the only socio-occupational advisory body that can be consulted by the EU Council of Ministers.

### ADVISORY ROLE

Consultation of the ESC by the Commission or the Council is mandatory in certain cases; in others it is optional. The ESC may, however, also adopt opinions on its own initiative. The Single European Act (17.2.86), the Maastricht Treaty (7.2.92) and the Treaty of Amsterdam (signed on 2.10.97) extended the range of issues which must be referred to the Committee: regional policy, environmental policy, employment policy, broad guidelines for economic policies, combating social exclusion, etc. The ESC produces 180 opinions a year (of which 15% are issued on its own initiative). All opinions are forwarded to the Community's decision-making bodies and then published in the Official Journal of the European Communities.

### INFORMATION AND INTEGRATION ROLE

Over the last few years the ESC has stepped up its role in the European Union and has transcended the straightforward duties flowing from the treaties. It acts as a forum for the single mar-



ket and has hosted, with the support of other EU bodies, a series of events aimed at bringing the EU closer to the people.

Diagram of the Community's decision-making process

### INTERNAL ORGANIZATION

#### 1. Presidency and Bureau

Every two years the ESC elects a Bureau made up of 21 members (seven per group), and a president and two vice-presidents chosen from each of the three groups in rotation.

The president is responsible for the orderly conduct of the Committee's business. He is assisted by the vice-presidents, who deputize for him in the event of his absence.

The president represents the ESC in relations with outside bodies.

Joint briefs (relations with EFTA, CEEC, AMU, ACP countries, Latin American and other third countries, and the Citizens' Europe) fall within the remit of the ESC Bureau and the president.

The Bureau's main task is to organize and coordinate the work of the ESC's various bodies and to lay down policy guidelines for this work.

#### 2. Sections

The Committee has six sections:

- Section for Economic and Monetary Union and Economic and Social Cohesion - secretariat tel. 546 9366 (president: Umberto Burani - Group I - Italy)
- Section for the Single Market, Production and Consumption - secretariat tel. 546 9598 (president: Klaus Schmitz - Group II - Germany)
- Section for Transport, Energy, Infrastructure and the Information Society - secretariat tel. 546 9611 (president: José Ignacio Gafó Fernández - Group I - Spain)
- Section for Employment, Social Affairs and Citizenship - secretariat tel. 546 9215 (president: Jan Olsson - Group III - Sweden)
- Section for Agriculture, Rural Development and the Environment - secretariat tel. 546 9687 (president: Etienne de Paul de Barchifontaine - Group III - Belgium)
- Section for External Relations - secretariat tel. 546 9537 (president: Tom Jenkins - Group II - United Kingdom)

#### 3. Study groups

Section opinions are drafted by study groups, varying in size from three to 15 members, including a rapporteur who may be assisted by as many as four outside experts.

#### 4. Other bodies

The ESC has the right to set up other ad hoc

structures under its Rules of Procedure, known as sub-committees, for specific issues. It has also set up a permanent Single Market Observatory.

#### 5. Plenary session

As a rule, the full Committee meets in plenary session ten times a year. At the plenary sessions, opinions are adopted on the basis of section opinions by a simple majority. They are forwarded to the institutions and published in the Official Journal of the European Communities.

### EXTERNAL RELATIONS

#### 1. Relations with economic and social councils

The ESC maintains regular links with regional and national economic and social councils throughout the European Union. These links mainly involve exchanges of information and joint discussions every year on specific issues.

The ESC also liaises worldwide with other economic and social councils at the "International Meetings" held every two years.

#### 2. Relations with economic and social interest groups in third countries

The ESC has links with economic and social interest groups in a number of non-member countries and groups of countries, including Mediterranean countries, the ACP countries, central and eastern Europe, Latin America and EFTA. For this purpose the ESC sets up delegations headed by the president or a vice-president. Some meetings involving the countries of central and eastern Europe have been institutionalized with the agreement of the Council, e.g. with the Committee's counterparts in Hungary and - in the near future - with those in Bulgaria and Poland. There are also formal links with socio-economic interest groups in Turkey.

### PUBLICATIONS

The ESC regularly distributes a number of publications, including its main opinions in brochure format, a monthly newsletter entitled ESC INFO and its Annual Report.

### SECRETARIAT-GENERAL

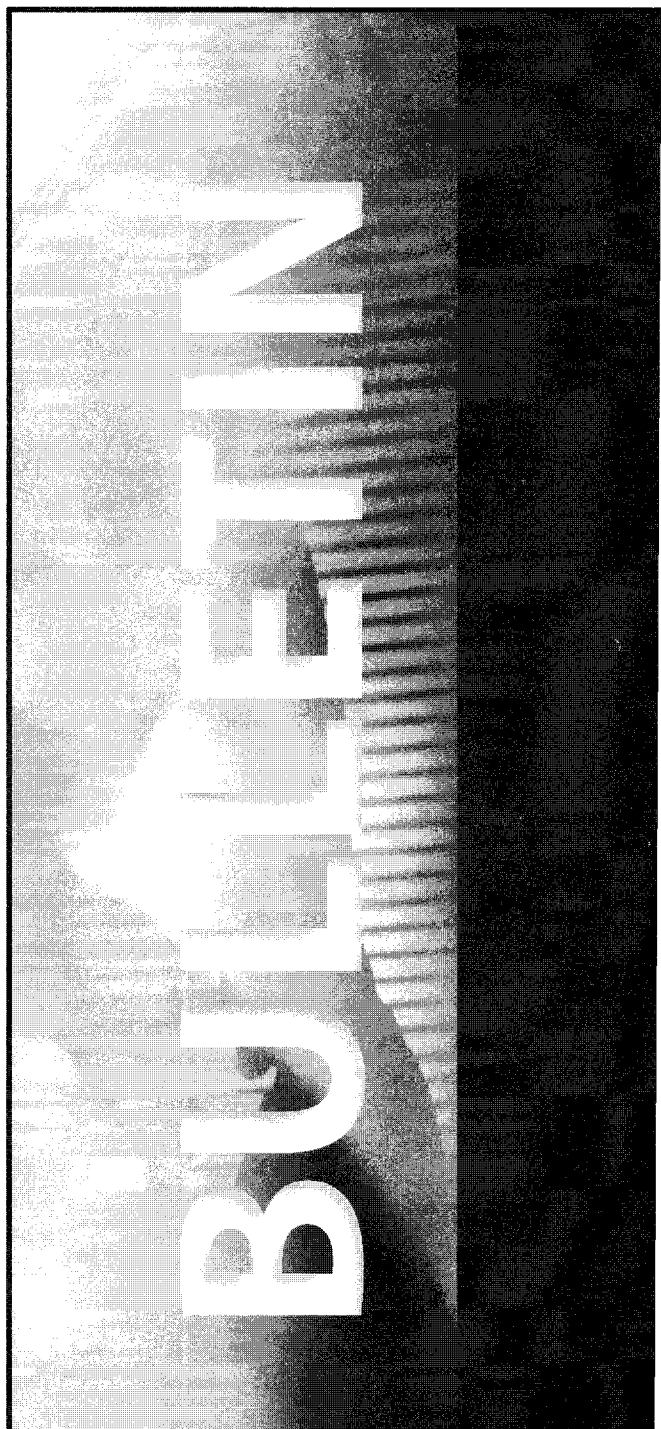
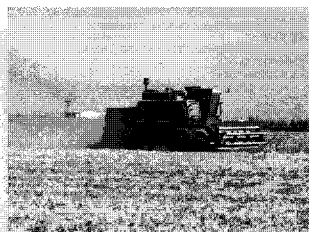
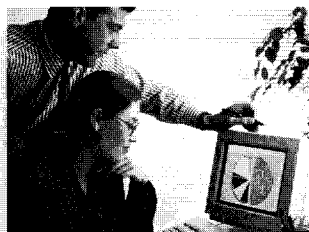
The Committee is serviced by a secretariat-general, headed by a secretary-general who reports to the president, representing the Bureau.

135 staff work exclusively for the Economic and Social Committee. Since 1 January 1995, the Economic and Social Committee and the Committee of the Regions have shared a common core of departments whose staff, numbering 516, are mostly members of the ESC secretariat.

# European Economic and Social Committee



European Economic and Social Committee



# 4 '99

This Bulletin reports on the activities of the Economic and Social Committee, a European consultative assembly. It is published after plenary sessions in French, English and German. Versions in the eleven official languages of the European Union are available on the ESC Internet site (<http://www.esc.eu.int>).

The complete texts of ESC opinions are available:

- *in the Official Journal of the European Communities,*
- *on the CELEX database,*
- *at the ESC Internet site,*
- *on written request from the ESC General Secretariat.*

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Catalogue no.: ESC-99-004-EN

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*Printed in Belgium*

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## I. 363<sup>rd</sup> PLENARY SESSION - 28 and 29 APRIL 1999

The European Economic and Social Committee held its 363<sup>rd</sup> plenary session in Brussels on 28 and 29 April 1999. The ESC president, **Mrs Rangoni Machiavelli**, took the chair.

The session was attended by **Mr Manfred Dammeyer**, President of the Committee of the Regions, and **Mr Günter Verheugen**, Minister of State, Ministry of Foreign Affairs of the Federal Republic of Germany, on behalf of the current presidency of the Council of the European Union.

### Speech given by Mr Manfred Dammeyer, President of the COR

**Mr Dammeyer** was very happy to take up the ESC's invitation, as it was the first time that a COR President had attended a plenary session of the Economic and Social Committee. Having thanked all those in the administration and on the staff who had helped the COR to grow in wisdom and strength, he said that after a period as siamese twins the time had now come to learn how to live together independently, and that was what the recently-concluded cooperation agreement was all about. The European institutions were going through a difficult period and the two committees could doubtless serve as a model of administrative cooperation, in the absence of budgetary funds.

It was to be hoped that the new Commission President would waste no time in carrying out the necessary reforms, based on the principles of accountability, subsidiarity and closeness to the citizen, which were not corrective mechanisms but the very foundations of the Treaty.

Of course the main current topics were combating unemployment - which would be the central theme of the next European Council - and enlargement, along with the necessary institutional reforms. The COR was making its views known on these major topics and on the environment and Union citizenship. It was in the process of stepping up its cooperation with the European Parliament and hoped to do likewise with the Economic and Social Committee.

### Speech given by Mr Günter Verheugen, Minister of State, Ministry of Foreign Affairs of the Federal Republic of Germany

**Mr Verheugen** congratulated the ESC on its regular contributions to the construction of Europe, whether in connection with the Charter of fundamental workers' rights or with proposals for financing the EU, some of which had been adopted by the Berlin conference.

The German Presidency had not been an easy one; there had been a succession of stressful events: the adoption of Agenda 2000 - the biggest package deal on which the 15 had ever had to decide - the crisis between the European Parliament and the Commission, and finally the war in the Balkans which had started just after the Berlin summit and which had shown up Europe's weaknesses in the areas of foreign policy and defence - all this against a background of world economic crisis triggered by the financial chaos in the Asian countries.



Certain points could nevertheless be noted by way of stocktaking:

- Europe now had a financial framework to take it through to 2006, since solidarity between Member States had been allowed to prevail over national self-interest. The burden would be more fairly spread, while solidarity with the applicant countries would be maintained but would be better controlled.
- Reform of the CAP had not really gone far enough, but Germany had abandoned its demands for the sake of compromise and it had at least been possible to stabilise expenditure. The general lesson to be learned was that it was better to proceed step by step rather than trying to discuss packages as huge as Agenda 2000.
- The political crisis had not been resolved simply with the appointment of **Mr Prodi**. It was now up to governments and the European Parliament to choose the people who would form a Commission with the complete integrity which the public demanded, starting work if possible on 1 August.
- In the area of foreign policy and defence, it was commendable that Europe had been able to close ranks and present a common front (including since the previous day Albania and Macedonia) but it was regrettable and humiliating that the United States remained Europe's policeman. The German proposal for a Balkan stability pact - which would bear no resemblance to Vienna or Yalta, where the victors had played around with frontiers - should offer a realistic alternative and would be discussed shortly. The appointment of a single person to be responsible for the common foreign and security policy might take place at the Cologne summit; at any rate that was to be hoped for.
- The problems of enlargement had been underestimated and it was impossible to set deadlines at the present stage or even to identify the candidates once and for all.

\*

\*            \*



In the course of the session, the Committee adopted the following opinions:

**Section for the Single Market, Production and Consumption**  
*Joao Pereira dos Santos, Head of Division - ☎ (32-2) 546 9245*

## 1. UNITS OF MEASUREMENT

**Opinion of the Economic and Social Committee**  
*on the Proposal for a European Parliament and Council Directive amending Council Directive 80/181/EEC on the approximation of the laws of the Member States relating to units of measurement*

(COM(1999) 40 final - 99/0014 COD)

(CES 444/99 - 99/0014 COD)

Rapporteur working alone: Klaus STÖLLNBERGER  
(Austria - Employers)

### Gist of Commission document

Council Directive 80/181/EEC has as its objective the harmonization of the use of units of measurement throughout the Community. It lays down as the legal units those of the Système International (SI) with some other very specific units recognized internationally for particular uses. Additionally, it permits supplementary indications in units other than the legal units, until 31 December 1999.

Since this Directive was last amended, decisions have been taken at international level that affect the definitions of SI units or their use, and it must therefore be amended to take account of the changes.

In addition, after the expiry on 31.12.1999 of the transition period during which supplementary indications in units other than the legal units are permitted, incompatibility will exist between the legislation in the Community and the US affecting the use of units when indicating values of quantities.

It is the Commission's firm view that the long term solution is the adoption by the US of the SI as their pre-eminent system of units, as is the case in the rest of the world. As a short term solution, the US

should amend their present legislation so as to permit the placing on their market of products bearing indications in SI units only. In the meantime, the Commission proposes extending the transition period during which supplementary indications in non-legal units are allowed in the EU, thus maintaining compatibility with the present US legislation.

Adoption of this interim measure will on the one hand allow European manufacturers to continue to market products without the need to fulfil differing requirements regarding units of measurement, and on the other hand create a time delay during which greater efforts can be made towards the elimination of mandatory requirements for indications in units other than those of the SI.

### Gist of the Committee opinion

It is quite appropriate for the definitions of SI units to be changed to ensure compliance with international agreements. There is no doubt that if the deadline of 31 December 1999 is met without any changes being made to US legislation, some branches of industry will face substantial costs. For these reasons the Committee welcomes the proposed deadline extension.

However, the Committee would urge the Commission to use the extra time gained to step up its efforts to achieve the removal of US provisions that require measurements to be given in units other than SI units.

## 2. ELECTRONIC COMMERCE

**Opinion of the Economic and Social Committee**  
*on the Proposal for a European Parliament and Council Directive on certain legal aspects of electronic commerce in the internal market*  
(COM(1998) 586 final - 98/0325 COD)

(CES 457/99 - 98/0325 COD)

Rapporteur: Harald GLATZ (Austria - Various Interests)

#### **Gist of Commission document**

In its 1997 Communication "A European initiative in the field of electronic commerce, Commission announced its intention to create a legal framework for the single market based on the principle of supervision in the country of origin.

The proposed directive builds on the broad lines of the Communication and aims to establish a legal framework for the development of electronic commerce within the single market, by removing the remaining legal obstacles and improving legal certainty. Information society service providers should be able to benefit from the principles of freedom to provide services and freedom of establishment. At the moment, the discrepancies in Member State legislation governing these services, together with the considerable legal costs involved, means there is a lack of clarity for operators and a consequent lack of consumer confidence.

The proposal interferes as little as possible with national legal systems, only intervening in areas where this is strictly necessary for the proper operation of the area without frontiers. These areas include:

- definition of place of establishment;
- commercial communications;
- on-line contracts;
- liability of intermediaries;
- settlement of disputes;
- role of the national authorities.

The directive applies to information society services (services provided, normally against remuneration, at a distance by electronic means and in response to the individual request of a customer). It will only apply to service providers established within the EU (and not to those established in a third country).

The proposal was forwarded to the European Parliament and to the Council for adoption under the co-decision procedure.

#### **Gist of the opinion**

The Commission has shown good timing in its submission of the proposed directive since, in most Member States, legal transactions and commerce by electronic means are a live issue.

Basically, unless warranted on practical grounds, there should be no difference in the legal environment of electronic commerce and established trade. In terms of technology, there should be a level playing field.

The Committee expressly welcomes the accompanying consumer protection measures set out in the proposal. The Committee feels it is crucial that electronic commerce should not be promoted at the expense of consumer protection standards. The Committee broadly endorses the idea behind the country-of-origin principle which, among other things, makes for better implementation of protective measures by the appropriate authorities in the country of origin. On the demand side, however, and for consumers in particular, the application of this principle means grappling with various and often considerably different legal systems which determine the content, quality and legal certainty of information society services. In practice, therefore, this principle may pose risks to users.

The Committee would suggest that further exemptions may be justified where Member States' legal systems vary widely or in areas considered highly sensitive by public opinion in the Member States.

Principles should therefore be established as a guide for determining areas in which the country-of-origin principle applies and areas where, as yet, this is not possible. No-one disputes that such considerations should not be allowed to generate obstacles to the single market. Beyond that, the aim over time should be to achieve high harmonized standards.

The Committee notes that the wording of many of the provisions set out in the proposal remains unclear and must be reworked in more precise terms. The definition of "*information society services*" in particular also raises a whole range of borderline issues, which cannot be not fully resolved.

### 3. DISTANCE CONTRACTS

**Opinion of the Economic and Social Committee on the proposal for a European Parliament and Council Directive concerning the distance marketing of consumer financial services and amending Council Directive 90/619/EEC and Directives 97/7/EC and 98/27/EC**

(COM(1998) 468 final - 98/0245 COD)

(CES 458/99 - 98/0245 COD)

Rapporteur: Manuel ATAÍDE FERREIRA  
(Portugal - Various Interests)

#### Gist of the Commission document

The aim of the proposed directive is to supplement the "general directive" on the protection of consumers in respect of distance contracts, adopted in 1997 (Directive 97/7/EC, OJ L 144 of 4.6.1997), by extending its scope to financial services.

The aim of the proposal is to ensure a high level of protection for consumers of retail financial services (e.g. insurance, banking and investment services) marketed by telephone, by electronic means such as the Internet or by mail, so as to encourage consumer confidence in such services and provide financial service suppliers with a clearly defined legal framework valid for distance selling throughout the single market without hindrance. The proposal should facilitate the development of innovative forms of trade in financial services within the EU and make it easier for consumers to buy financial services in other Member States.

The proposal for a Directive covers distance contracts concerning financial services (e.g. banking, insurance, investment) concluded under an organized distance sales or services-provision scheme, for which the supplier and the consumer make exclusive use of communication at a distance (such as by telephone, by electronic means such as the Internet or by mail) up to and including the moment at which the contract is concluded. The proposal would fully harmonize Member States' rules on distance selling of financial services, thus ensuring identical standards throughout the single market.

#### Gist of the opinion

The Committee feels that measures to harmonize the distance marketing of contracts are necessary and welcomes the Commission's initiative in coming forward with the present draft directive, which was long overdue.

The Committee calls on suppliers of financial services to implement the provisions of the directive voluntarily as soon as possible, in advance of the deadline of 30 June 2002.

Any overlap with other consumer protection directives should be avoided. These directives should be made compatible with each other.

The Committee feels that the term "durable medium" needs to be defined more precisely, and recommends including a more technical and exhaustive definition.

As regards the right of withdrawal, the draft directive provides no clear definition of whether it is receipt of the consumer's communication by the supplier which counts, and if so, whether receipt by the supplier must be within the period allowed for exercising the right, or whether it is enough for the right to be exercised within the period even if a communication to that effect is received later.

The Committee recommends that the question of communicating the right of withdrawal be clearly explained so as to avoid doubts about interpretation.

The ESC stresses the need for the Commission and the Member States to ensure the rapid development of cross-border consumer redress mechanisms such as those which could be provided by a network of national consumer protection agencies or ombudsmen who would act as conduits and arbitrators in the event of dispute.

Given that the concepts of "approximating" laws and "harmonizing" laws are different, the Committee feels that this Article should maintain the term "approximate". However, if the Commission were to opt for total harmonization, the Article should read "to harmonize the laws, regulations and administrative provisions ...".

Bearing in mind the difficulty of making a strict distinction between single contracts and successive contracts, the Committee feels that the directive should refer to "each new individual and separate contract".

In point 1, a new paragraph should be added as follows:

*"Until the consumer accepts the contract, no payment, in any form whatsoever, may be demanded by the supplier."*

Although not including them in the list of exclusions to the right of withdrawal, the Committee feels that an explicit reference is required in the preamble of the directive to portfolio management services and investment advice with regard to the financial products referred to in points 5 and 7 of the Annex, specifying that although contracts constituting a mandate for individualized management of financial products may always be revoked in general terms, this does not imply withdrawal from contracts concluded, under mandate, in con

nection with the financial products referred to in points 5 and 7 of the Annex.

The Committee feels that where the "durable medium" does not offer sufficient guarantee of reliability or security, Member States should be given the option to require communication in writing in the cases referred to in the directive.

The Committee feels that the Commission - without prejudice to the provisions of the Brussels and Lugano Conventions - should consider the possibility of including a provision on the competence of the courts which, in the case of a cross-border dispute, would allow the consumer to choose between taking legal action in the national courts of the country in which he resides or in the national courts of the country in which the supplier is domiciled or has its headquarters, while any legal action against the consumer should always be undertaken through the courts of the country where the consumer is resident.

Lastly, the Committee feels that the directive should provide for periodic assessment of implementation.

**Section for Transport, Energy Infrastructure and the Information Society**

Luigi Del Bino, Head of Division - ☎ (32-2) 546 9353

#### 4. GREEN PAPER / RADIO SPECTRUM

**Opinion of the Economic and Social Committee on the Green Paper on Radio Spectrum Policy in the context of European Community policies such as telecommunications, broadcasting, transport, and R&D**

(COM(1998) 596 final)

(CES 445/99)

Rapporteur: Yvonne THOMPSON (United-Kingdom - Employers)

##### Gist of the Commission document

##### a. Introduction

The European Community has a substantial interest in the development of a consistent radio spectrum policy as it is the backbone for a wide range

of industrial activities in sectors such as telecommunications, broadcasting, transport, R & D and services of general interest. Radio spectrum is becoming a scarce resource as the number of users and types of usage increases.

The objective pursued with the proposed Green Paper is to identify how best to approach and implement Spectrum Policy at Community level. Results from the Green Paper will also feed into several specific debates which are currently under way.

In the changing environment Europe faces new challenges:

- the number of new systems both commercial and non-commercial is increasing
- globalization increases the need for international co-operation.

## b. The EU and radio spectrum

The location and amount of radio spectrum allocated for each service may differ between countries and only a small amount of the radio spectrum is harmonized among countries.

EU action on radio spectrum differs significantly across sectors as the following examples show:

In **telecommunications** the number of applicants has increased due to technical innovation and the global liberalization of telecommunications markets.

In contrast, radio spectrum availability for **broadcasting** has so far not been addressed in the European Community as an issue requiring political or legislative action.

**Transport policies**, in turn, benefit from radio spectrum being available on an almost exclusive and international basis.

## c. EU Policy on radio spectrum. Issues for comments

The European Commission invites comment on five key issues:

- Strategic planning of the use of radio spectrum
- Harmonization of radio spectrum allocation
- Radio spectrum assignment and licensing
- Radio equipment and standards
- The institutional framework for radio spectrum co-ordination.

An overview of European Community policies involving radio spectrum is given in Annex I of the Green Paper.

### Gist of the opinion

The Committee welcomes the Commission's Green Paper and agrees that there is a need for a full debate on spectrum use. It considers that the value of radio spectrum is not a predominant factor commonly taken into account, even though the relevant authorities increasingly use auctions and sales of defined and regulated licences for the use of spectrum. However, the Committee warns

against this having a negative impact on employment or leading to increased costs for consumers.

It is worthwhile considering that where the relevant authorities sell or auction licenses for the use of spectrum, a significant percentage of these funds be earmarked for specific related activities such as R&D, rather than the funds going exclusively to national exchequers.

The Committee feels that there should be a mechanism to allow the EU a fuller role in spectrum policy and that there needs to be a balance between the current technical assessment procedure and possible future more political, economic and social procedures for this scarce resource. Any new mechanism should be clear, open and transparent to ensure non-discrimination, taking into account Member States' activities and the mechanisms that currently exist.

Any changes to the current decisionmaking processes need to take into account the role of the CEPT (European Conference of Postal and Telecommunications Administrations) and the ERC (European Radiocommunications Committee) and avoid the EU becoming involved in massive detail of spectrum management. The EU does play a role in the telecommunications sector in harmonizing the availability of radio spectrum.

The Committee wants to ensure the highest level of protection and public health. It is aware of the work undertaken concerning the health considerations of electromagnetic fields and looks forward to strong and clear policies and continuous monitoring and research in this area.

## 5. HARMONIZATION / CIVIL AVIATION

**Opinion of the Economic and Social Committee on the Proposal for a Council Regulation (EC) amending Council Regulation (EEC) No. 3922/91 of 16 December 1991 on the harmonization of technical requirements and administrative procedures in the field of civil aviation**  
(COM(1998) 759 final - 98/0349 SYN)

(CES 446/99 - 98/0349 SYN)

Rapporteur working without a study group: Joël DECAILLON (France - Workers)

### **Gist of the Commission document**

The common air transport policy of the European Community aims inter alia at ensuring a high level of safety in civil aviation and at the abolition of obstacles to the free movement of aviation products and services within the Community.

Council Regulation (EEC) No. 3922/91 provides the instrument by which harmonized technical requirements and administrative procedures (JARs) worked out by the Joint Aviation Authorities (JAA) can be incorporated into Community legislation. An amendment proposed in 1996 is still frozen pending the common certification procedure planned for 1999. Nevertheless, in 1996 the Commission made one amendment necessitated by scientific and technical progress and plans another for 1999.

However, the incorporation of JAR 145 (Approved Maintenance Organizations) is not fully consistent with the external competencies of the European Community because one of its provisions would allow individual Member States to accept a foreign maintenance organization on the basis of an approval granted by a third country.

The Community will have to negotiate the appropriate bilateral agreements, which is not possible in the near future. As a consequence, it is proposed (new Article 7 bis) that Member States could be empowered to recognize the approvals granted to foreign products, organizations and personnel. Such practice could be allowed and be subject to Community surveillance.

In order to ensure surveillance, such approvals should be notified to the Commission and the Member States in order to allow an *a priori* examination. When doing so the Commission should be assisted by a committee of Member State representatives. In order to set up this consultative committee instead of the regulatory committee under Regulation (EEC) 3922/91, Articles 9, 11 and 12 will have to be redrafted.

### **Gist of the opinion**

As in its previous opinions, the Economic and Social Committee endorses the objectives of a high level of security in civil aviation and freedom of movement for the aviation products and services described above.

The Committee welcomes the proposal for a Council regulation which, in the absence of bilateral agreements between the Community and third countries, recognizes approval granted under bilateral agreements - subject to Community surveillance - between Member States and third countries.

Approval or acceptance of an organization on the basis of approval granted by the competent authorities of a third country, as provided for under the new Article 7 bis, must not alter the economic climate, cause social disruption or impact negatively on employment in the Community. The Committee therefore calls for research to be undertaken into the possible impact in the social sphere.

The ESC sees no reason to water down the regulatory nature of the existing committee by transforming it into a consultative committee.

## **6. PUBLIC SECTOR INFORMATION IN THE INFORMATION SOCIETY**

**Opinion of the Economic and Social Committee on the *Green Paper on public sector information in the information society***  
(COM(1998) 585 final)

(CES 455/99)

Rapporteur: Bernardo HERNÁNDEZ BATALLER  
(Spain - Various Interests)

### **Gist of the Commission document**

The Green Paper on public sector information in the information society draws on a consultation process that started in June 1996.

Progress in information and communication technologies (ICT) is radically changing information management in all sectors of society, public and private.

As an increasingly important commercial resource, information must be accessible to all potential users.

In the light of the differences between Member States in terms of information policy (see Appendix 1 to the document), and the fact that this het-

erogeneity could hinder the development of the European information industry, this green paper is designed to spark a debate on access to information and how make the most of that information in an increasingly complex environment:

- First, links must be forged between the three main players in the information chain: the private sector, the public sector and the public;
- Second, access to public sector information must be rapid and straightforward throughout Europe, to promote the competitiveness of European businesses that use public sector information in their countries. Meanwhile, the process of European integration calls for an exchange of information between national public sector bodies.

However, the current divergence between Member States on conditions for access to information, and practice and policy as regards dissemination and use could hamper the further growth of the European information industry.

If the European information society is to come of age, these obstacles must be pinpointed and the following aspects taken into consideration:

- the definition of the public sector and its scope;
- right of access;
- time, quantity and format;
- the pricing of public sector information;
- competition and protection of privacy;
- inventories and directories of public sector information;
- liability.

Community-wide initiatives are required to stimulate European economic growth and establish a user-friendly information society. Arrangements must be made to enable Member States to exchange information more effectively. A number of awareness-raising projects have been launched in this area under the INFO 2000 programme.

To counter the existing plethora of differing laws and practices, the Commission green paper calls for the harmonisation of regulations across the European Union.

Appendix 2 to the green paper looks back at milestones in the area of public sector information and action taken by the Commission to improve public access to its documents and to set up web sites providing large quantities of information.

### **Gist of the Committee opinion**

The Economic and Social Committee shares the Commission's concerns as set out in the green paper and supports enhancing the transparency of the public sector, including the Community sector, and the promotion of an approach which is more favourable to the initiative and development of SMEs.

The Committee states that the right to information, of which the right of access to documents is a corollary, is a basic human right and forms part of the rights of European citizenship. To this end, the Committee considers that access to public sector information involves:

- access to administrative archives and registers;
- equal participation by all operators in relation to sources of administrative information;
- the public obligation to protect freedom of access.

The Committee proposes that priority should be given to adopting a legal instrument with obligatory force to regulate access to public sector information and its free circulation in the Community, in accordance with the principles of proportionality and subsidiarity.

These rules and exceptions to them should be subject to the following principles:

- the principle of limited exceptions;
- the principle of restrictive interpretation of exceptions;
- the principle of proportionality in applying the exceptions;
- the principle of proof of the prejudicial nature of information withheld;
- the principle of control in respect of public sector decisions denying the right of access to information.

The Committee also takes the view that other, complementary, measures could be adopted, such as an exchange of information among public sector bodies with a view to sharing experience, running campaigns to train citizens and make them more aware of existing information sources, and carrying out pilot projects to reveal and co-ordinate the different sources.



**Section for Agriculture, Rural Development and the Environment**

**Francisco Vallejo, Head of Division - ☎ (32-2) 546 9396**

**7. AGRICULTURAL PRODUCTS / NON EU-COUNTRIES**

**Opinion of the Economic and Social Committee**  
on the *Proposal for a Council Regulation (EC) on measures to promote and provide information on agricultural products in third countries*  
(COM(1998) 683 final - 98/0330 CNS)

(CES 447/99 - 98/0330 CNS)

Rapporteur: José Maria ESPUNY MOYANO  
(Spain - Employers)

**Gist of the Commission proposal**

This proposal establishes measures to promote and provide information on Community agricultural products in third countries and creates an EU support instrument for such actions. At present, promotion campaigns in non-EU countries concern only olive oil and fibre flax and in these fields the results are very satisfactory. The Commission therefore takes the view, that EU actions, based on subsidiarity and complementarity, can offer added value as certain trade results can only be secured at Community level. The target markets would be those where real or significant potential demand exists (ex. Japan, Southeast Asia, Middle East, USA).

With the exception of certain specific measures (information on Community quality, high-level visits, studies) to be financed 100% by the EC, the other measures should be part-financed (e.g. 50%) by the EC, the remainder being defrayed by professional organizations proposing them and by the Member States concerned.

The action to be undertaken can be grouped in three categories:

- General Activities, comprising market research and surveys, participation at international events fairs and exhibitions etc.;

- Sector Activities, meaning measures carried out for a specific sector or for a few specific products with the purpose of establishing a basis for the marketing effort;
- Specific Programmes, instead, would consist of Public Relations activities, advertising and promotions aimed at end users.

**Gist of the opinion**

The ESC welcomes this initiative and is convinced that the instrument in question has an important role to play in improving the competitiveness of European agricultural products. It also plays an important role in the context of GATT and the main competitors, which do already use this instrument.

It supports the idea that one of the best ways of maintaining and improving Europe's market position is to support its export drive and gives a number of reasons for that.

The principles of subsidiarity and complementarity must be the basis of Community's promotion of agricultural products.

The ESC considers that it is essential for the Community to set aside the necessary funds for its promotional policy and it notes with disappointment, however, that the Commission's proposed budget is clearly inadequate.

In its specific comments the ESC gives a number of recommendations and remarks to certain aspects of promotion in third countries. These observations concern e.g. the exclusion of particular brand names, the list of policy instruments for product promotion which should include other points and should be clarified. It further comments on the proposed studies aimed to evaluate the results, on criteria for choosing suitable third countries and on the importance of an active involvement of the Member States and private organisations in Member States. It finally supports the co-financing proposal of the Commission.

## 8. ENVIRONMENTAL INSPECTIONS

**Opinion of the Economic and Social Committee on the Proposal for a Council Recommendation providing for minimum criteria for environmental inspections in the Member States**

(COM(1998) 772 final - 98/0358 SYN)

(CES 448/99 - 98/0358 SYN)

Rapporteur: María Candelas SÁNCHEZ MIGUEL  
(Spain - Workers)

Co-rapporteurs:

Antonello PEZZINI (Italy - Various Interests)

Maria Luísa SANTIAGO (Portugal - Employers)

### Gist of the Commission proposal

The purpose of the Recommendation - which must be considered *inter alia* against the background of the 1996 Commission Communication on Implementing Community Environmental Law and the recommendations made by the EU Network for the Implementation and Enforcement of Environmental Law (IMPEL) - is to establish guidelines on environmental inspections carried out in the Member States. This is done in the form of minimum criteria regarding the organising, carrying out, following up and publicising of the results of inspection tasks. Such minimum criteria aim at strengthening compliance with and bring about an even implementation of Community environmental law in all Member States.

The proposal is oriented to pollution to air, water and land from point sources such as industrial installations which are subject to authorisation under Community law (e.g. under the IPPC-Directive). At this stage, the proposal does not extend to inspections for pollution from diffuse sources. However, the Commission intends to give consideration in subsequent stages to also include such diffuse pollution sources and general inspections of environmental media.

It should be added that the Commission has chosen to present its proposal in the form of a non-binding recommendation rather than a directive, arguing that presently there is a great disparity in the inspection systems in the Member States. However, in the light of future experience, consideration will be given to the adoption of a framework directive relating to environmental inspections generally.

### Gist of the Opinion

The ESC broadly supports the proposed recommendation, which will help to ensure that environmental legislation is implemented properly. The Commission must, however, push ahead with the planned subsequent stages, especially the inspection of diffuse sources of pollution. Against this background, the Committee supports the Commission's proposal to review the implementation of the recommendation after two years. If need be, the case for a framework directive could be examined then.

The **specific remarks** and suggestions made by the Committee on the recommendations proposed by the Commission include the following:

- The Committee welcomes the inclusion of a recommendation on **co-operation between the Member States** (Point III.2). In this connection the ESC would stress the importance of extending this co-operation to the applicant countries so as to help them make the changes necessary to bring all their environmental legislation into line with the Community acquis.
- With regard to **informing the public** (Point IV.1 and especially VI.2), which is covered by Directive 90/313/EEC on the freedom of access to information on the environment, more stress should be placed on publicising the inspection activities and the legitimate right to request such information should be clearly defined, seeing that in practice it is often refused. Inspection reports could be better publicised (Point VI.2) if they were included in a European register as urged by the ESC in its opinion on the implementation of environmental legislation. The European Environment Agency could undertake this task. This register would be kept separately from the national data bases provided for in point VI.2 of the proposed recommendation, thus improving the information available to all organisations concerned about the environment.
- With regard to the **inspection criteria** proposed by the Commission (Point V), the Committee proposes adding that the authorities responsible for the inspections should apply to those enterprises which voluntarily join the eco-management and audit scheme (EMAS) the same inspection methods as are already

used in the EMAS. This would encourage a greater number of enterprises to join the scheme which has scarcely been used so far in some Member States.

- As to **non-routine site visits** (Point V.3), account should also be taken of the role that workers' organisations could play here, in that it is the workers who suffer directly from the effects of non-compliance with environmental standards and who are more knowledgeable than other members of public. Recommendation V.3 should therefore contain a new paragraph recognising the right of workers' organisations in inspected enterprises and installations to file a complaint.
- Concerning point VII on **investigations of serious accidents and incidents**, the Commission should be able, with due respect for the principle of subsidiarity, to take action to remedy any shortcomings in the inspections in some Member States, using the Treaty articles which allow it to monitor the transposition and implementation of Community legislation.
- Finally, the Committee considers that in order to reduce the current differences in inspection duties between the Member States, it is also important to lay down some **common criteria for environmental inspectors**, in particular their qualifications and training, as is being done through IMPEL.

## 9. CIVIL PROTECTION

**Opinion of the Economic and Social Committee**  
on the *Proposal for a Council Decision establishing a Community action programme in the field of civil protection*

(COM(1998) 768 final - 98/0354 CNS)

(CES 449/99 - 98/0354 CNS)

Rapporteur:

Soscha zu EULENBURG (Germany - Various Interests)

Co-rapporteurs:

Giorgio LIVERANI (Italy - Workers)

Clive WILKINSON (United Kingdom - Employers)

### Gist of the Commission proposal

Measures in the field of civil protection are provided for in the Treaty (Article 3t). They are necessary given that the European Union (EU) suffers from major natural disasters including floods in the majority of Member States as well as earthquakes, landslides and forest fires in Southern Europe. Environmental emergencies are also important (e.g. pollution threat in the Doñana natural park in Spain). Since 1985, the EU has set up operational mechanisms, on the basis of the "subsidiarity" principle, for the reinforcement of cooperation between the EU's civil protection actors (including mutual assistance principles, operational manual, 24/24h operational structure, exchange of experts, etc.).

In 1998, following the adoption by the Council of a two-year action programme in the field of civil protection (1998-99), the Commission launched several major projects in close cooperation with civil protection authorities in the Member States and with their co-financing. These projects are aimed at the establishment of best practices, lessons learnt, common rules and guidelines as well as networking of experts in the respective fields. They cover the fields of crisis management, information of the public, disaster medicine, and disaster prevention.

The new action programme that is proposed in the field of civil protection will cover the period 2000-2004 and will help consolidate and reinforce the results obtained through the major projects mentioned above. It will also help launch new major projects in the fields of prevention, preparedness, response and restoration and will contribute to the continuation of existing good practices (establishment of common rules and guidelines, training, pilot projects, support actions etc.). The Commission proposes the allocation of an annual budget of ECU 2 million for this programme.

### Gist of the opinion

The Committee broadly approves the Commission proposal. The legal basis should, however, be reviewed since, given the prospect of Community enlargement, Article 235 of the Treaty establishing the European Community might not be sufficient. The Committee would also underline the following points:

- a) Community action must be focused not only on risk prevention but also on interdisciplinary risk analyses;
- b) since in the event of a disaster the initial assistance comes from the local population, EU citizens must be taught how to help themselves more and must be made more aware of the fact that civil protection concerns each and every one of us.

The Committee also points out that other Community measures and policies must be applied to civil protection and that cooperation between Member States in the field of civil protection should also be promoted beyond the period covered by the planned action programme.

## 10. MARINE POLLUTION

**Opinion of the Economic and Social Committee on the Proposal for a Council Decision setting up a Community framework for cooperation in the field of accidental marine pollution**  
(COM(1998) 769 final - 98/0350 SYN)

(CES 450/999 - 98/0350 SYN)

Rapporteur:

Clive WILKINSON (United Kingdom - Employers)

Co-rapporteurs:

Soscha zu EULENBURG (Germany - Various Interests)

Giorgio LIVERANI (Italy - Workers)

### Gist of the Commission proposal

Actions in the fields of combating Accidental Marine Pollution are necessary in the context of the EU's environment policy. Europe's coasts extend over 89,000 km and are threatened daily by oil spills (spills of less than 10 tons occur daily, spills of 10 to 700 tons occur 3-4 times yearly and spills of more than 700 tons occur every 18 months).

Since 1978 and on the basis of the «subsidiarity» principle, the EU set up operational mechanisms for the reinforcement of the co-operation of actors involved in Accidental Marine Pollution at the level of the EU (EU Information System, Community Task Force, 24/24h operational structure, training programs etc.).

The new Framework that is proposed in the field of Accidental Marine Pollution for the period 2000-2004 will ensure the modernization of the EU Information System, the continuation of the successful training and information exchange actions, and the launching of pilot projects to improve methods and techniques in this field.

Due to the higher sensitivity of the public to environmental problems, the Commission envisaged a special focus on matters such as the protection of sensitive areas, the recovery of the polluted areas, and chemical pollution. The proposed annual budget for implementing the Accidental Marine Pollution Framework is ECU 1 million.

### Gist of the opinion

The Committee generally supports the Commission proposal, but notes that the proposed budget for the scheme is very modest, bearing in mind what costs may be saved in a single major incident by effective and speedy action.

It would also be advisable for the EU candidate countries which have coastlines to be involved in the activities planned under the action programme, and the appropriate international organizations, such as the International Maritime Organization (IMO), should be kept permanently informed of progress under the programme, which is emerging as a major, international-scale model for action.

## 11. ZOONOTIC AGENTS / INFECTIONS AND INTOXICATIONS

**Opinion of the Economic and Social Committee on the Proposal for a European Parliament and Council Directive amending Directive 92/117/EEC concerning measures for protection against specified zoonoses and specific zoonotic agents in animals and products of animal origin in order to prevent outbreaks of food-borne infections and intoxications**  
(COM(1999) 4 final - 99/0003 COD)

(CES 451/99 - 99/0003 COD)

Rapporteur working alone: Leif Erland NIELSEN (Denmark - Various Interests)

### **Gist of the Commission proposal**

It was found to be necessary for the prevention and control of zoonoses to carry out a substantial review of the provisions of Council Directive 92/117/EEC concerning measures for the protection against specified zoonoses and specific zoonotic agents in animals and products of animal origin in order to prevent outbreaks of food-borne infections and intoxications. Directive 97/22/EC granted the Commission a period of 18 months to come up with new proposals. However, according to the Commission a revision of Directive 92/117/EEC within this time limit was due to the complex and difficult issues not possible. The proposal therefore provides for a postponement of the deadlines.

### **Gist of the opinion**

In view of the significance of zoonoses, both in terms of health and economic implications, the ESC regrets that the Commission and the Member States did not make efforts sooner to achieve the objective set in the 1992 directive. Similarly, it is concerned about a further postponement. With initiatives underway in the Member States to prevent the further spread of zoonoses, the Commission must lose no time in surveying the current state of play and submitting appropriate proposals with a view to bringing the situation under control as soon as possible. Otherwise there is a risk of major problems in the functioning of the internal market. Available statistics should also be published and a scientific conference organized as soon as possible. Early clarification of the EU's policy in this area is also crucially important for its relations with the wider world.

## **12. FARM PRICES 1999/2000**

**Opinion of the Economic and Social Committee on the Commission proposals on the prices for agricultural products and on related measures (1999/2000)**

(COM(1999) 38 final - 99/0025 CNS - 99/0039 CNS - 99/0801 CNS)

(CES 452/99 - 99/0025 CNS - 99/0039 CNS - 99/0801 CNS)

Rapporteur: Rudolf STRASSER (Austria - Various Interests)

### **Gist of the Commission proposal**

The farm prices package for 1999/2000 largely amounts to a roll over of existing arrangements, except for some minor technical adjustments. This approach is possible because many of the elements which would normally be dealt with have been fixed already in the 1992 reforms or other sectoral reforms or are under negotiation in the context of Agenda 2000. The minor adjustments proposed are in the sugar, arable crops, wine and seeds areas.

In the case of sugar it is proposed to reduce the reimbursement of sugar storage costs, in the form of the monthly refund to take account of the decline in interest rates from 0.38 euro to 0.33 euro per 100 kg i.e. a reduction of 13.2%. It is also proposed to continue to pay the same intervention price for sugar in Italy as in the rest of the EU as the latest available statistics indicate that this Member State remains a surplus area (deficit areas can have a derived intervention price which is higher).

In the arable crops sector, in the context of irrigated ceilings, it is proposed that a 1% overshoot of those areas will lead to a reduction in aid of 1% rather than 1.5% as it is at present. This is in line with the proposal to abolish special set-aside contained in Agenda 2000.

In the wine sector, with a view to the reform of the market organization, it is necessary to avoid any possible legal gaps and present a relevant set of interim measures. This includes in particular the extension by one marketing year of traditional derogations and of the regime for permanent vineyard abandonment measures. The continuation of the planting ban for 1999/2000 was already decided in June 1998. However, 10,000 ha of new rights were granted for the two marketing years 1998/99 and 1999/2000.

In the seed sector, some changes to the basic Regulation are proposed. In the case of rice and hemp, they aim to bring seed legislation into line with the legislation on corresponding products. For perennial ryegrass, it is proposed to fix the aid at the same level, i.e. 30.9 euro/100 kg for three variety groups, while respecting budget neutrality.

The net impact of these proposals is to reduce EAGGF expenditure by 25 million euro.

### **Gist of the opinion**

In its general comments the ESC puts forward a number of critical remarks.

It views with great concern negative trends in farm incomes in the majority of EU Member States. The main factor for this is - contrary to the view of the Commission - the decline in producer prices. The ESC does not agree that the partial shift from price support to direct income has helped to consolidate agricultural incomes. In this context it stresses the need for appropriate application of CAP market instruments. The Committee calls for in-depth study of the impact of the CAP reforms on all aspects and actors of the sector. Finally it criticises the lack of additional measures to raise production of non-food farm goods.

As far as specific sectors are concerned, the Committee basically accepts the Commission proposals regarding cereals, rice, fibre plants, fruit and vegetables, wine, seeds and animal products. As sugar the Committee believes that the Commission should re-examine the reduction of the monthly storage refund.

### **13. RESIDUE LIMITS VETERINARY MEDICINAL PRODUCTS / ANIMAL FOODSTUFFS**

**Opinion of the Economic and Social Committee on the Proposal for a Council Regulation (EC) amending Regulation (EEC) No. 2377/90 laying down a Community procedure for the establishment of maximum residue limits of veterinary medicinal products in foodstuffs of animal origin**  
(COM(1999) 130 final - 99/0072 CNS)

(CES 454/99 - 99/0072 CNS)

Rapporteur general: Paolo BRAGHIN (Italy - Employers)

#### **Gist of the Commission proposal**

With the entry into force of Council Regulation (EEC) No. 2309/93, the scientific Committee for

Veterinary Medicinal Products (CVMP) is henceforth responsible for the European Agency for the Evaluation of Medicinal Products which deals with requests for authorisation to place human and veterinary medicinal products on the market.

With a view to legal consistency, the Regulation should therefore be adapted by conferring on the Agency the task of dealing with applications for the establishment, amendment and extension of maximum residue limits and by aligning the decision making process with that of the centralised procedure.

Moreover, it is necessary to adapt the period for submitting draft measures to the regulatory committee to allow the Community to meet its obligations under the Agreements on the application of sanitary and phytosanitary measures which emerged from the multilateral negotiations of the Uruguay Round.

#### **Gist of the opinion**

The proposed Council Regulation (EC) is intended to adjust the procedures laid down in Regulation (EEC) No. 2377/90 laying down a Community procedure for the establishment of maximum residue limits of veterinary medicinal products in foodstuffs of animal origin. It aims to make them consistent with the new set of rules resulting from the entry into force of Council Regulation (EEC) No. 2309/93 of 22 July 1993, which established a European Agency for the Evaluation of Medicinal Products and gave it the task of handling matters concerning the determination of the maximum residue limits acceptable.

The proposal solely concerns procedural changes to preserve the Regulation's legal consistency while at the same time facilitating compliance with the commitments made in connection with the Uruguay Round multilateral negotiations.

The Committee welcomes this move to achieve clearer and consistent rules and suggests some minor improvements as regards precise wording and deadlines.

**Section for Employment, Social Affairs and Citizenship**

**Wolfgang Jungk, Head of Division - ☎ (32-2) 546 9227**

**14. FREE MOVEMENT AND RESIDENCE OF WORKERS (Amendments)**

**Opinion of the Economic and Social Committee on the**

*Proposal for a European Parliament and Council Regulation amending Council Regulation (EEC) No. 1612/68 on freedom of movement for workers within the Community*

*Proposal for a European Parliament and Council Directive amending Directive 68/360/EEC on the abolition of restrictions on movement and residence within the Community for workers of Member States and their families*

*Proposal for a European Parliament and Council Decision establishing an Advisory Committee on freedom of movement and social security for Community workers and amending Council Regulations (EEC) No. 1612/68 and (EEC) No. 1408/71 (COM(1998) 394 final - 98/0229 COD - 98/0230 COD - 98/0231 COD)*

(CES 453/99 - 98/0229 COD - 98/0230 COD - 98/0231 COD)

Rapporteur: Gianni VINAY (Italy - Workers)

**Gist of the Commission document**

The Commission has adopted three legislative proposals aimed at updating and clarifying citizens' rights to move about the European Union (EU) to take up work. The first two proposals modify and update Regulation 1612/68 and Directive 68/360, the two core pieces of EU legislation that have guaranteed freedom of movement of EU workers for the past 30 years. The third proposal is for a decision to merge two existing tripartite consultative committees – one on free movement of workers, the other on the co-ordination of social security schemes – into a single tripartite advisory body, with a clearer policy focus.

The proposals are part of a comprehensive strategy to improve the conditions for the free movement of workers in the EU announced in last November's Action Plan for Free Movement of Workers (IP/97/978). They also respond to some of the

recommendations put forward in the 1997 report of the High Level Panel on free movements chaired by Mrs Simone Veil (IP/98/588).

**Improving citizens' rights**

The main elements of the proposals concern:

– **clarification and simplification of the rules on rights of residence for EU workers:** the existing legislation guarantees EU nationals the right to take up work anywhere in the EU. It also gives them the automatic right to a residence permit on production of documents proving their identity and that they have a job. The proposed amendments make clear, in line with the case law of the ECJ, that:

- EU nationals also have the right to go to another Member State to seek work or to undertake vocational training;
- EU job seekers have an automatic right of residence for six months, and can stay beyond that if they can prove that they are actively seeking employment and have a reasonable chance of finding a job;

In line with the recommendations of the Veil Group, the proposed amendments also improve the residence rights of people who have a series of fixed term or short-term contracts, once they have worked for 12 months in an 18-month period. Administrative procedures for issuing residence permits are also simplified in order to reduce bureaucratic obstacles;

– **guaranteeing equal treatment for EU nationals:** the existing legislation aims to guarantee EU nationals equal treatment with home nationals with regard, for example, to conditions of employment and work, tax and social advantages, and so on. However, the current wording is rather unclear, and the ECJ has interpreted these provisions broadly in a large number of rulings. The amendments therefore reinforce and clarify the principle of equal



- treatment, in line with the ECJ case law, so as to guarantee equal treatment across the board;
- **encouraging a European space of professional mobility:** while the current regulation has no specific provisions in this area, the case law of the ECJ has repeatedly confirmed that facts and events with professional relevance that have occurred in any Member State, (e.g. previous professional experience, completion of military service) must be taken into account in the Member State of employment. These amendments will therefore reinforce the ability of EU workers to take advantage of an effective space of professional mobility. Specific provisions are also introduced to ensure that frontier workers do not lose out simply because they live in one Member State and work in another;
  - **EU workers' families:** the existing legislation enables EU workers, their spouses, their descendants who are under the age of 21 or who are dependent, and their ascendants who are dependent, to take up residence with workers once they are employed in another Member State. These proposed amendments remove the age and dependency criteria, in line with the recommendation of the Veil Group. The existing rules also require Member States to facilitate the admission of other family members who are either dependent on or live with the EU worker. It is proposed here to give such family members who are living in the EU a right to admission to the Member State the EU worker is moving to;
  - **improving the rights of family members:** the existing legislation seeks to promote the integration in the host Member State of EU workers and their families who have exercised the right to free movement. The proposed amendments confirm, in line with the ECJ rulings and the recommendations of the Veil Group, that family members should enjoy the right to equal treatment as regards all economic, fiscal, social, cultural or other benefits. In line with the recommendations of the Veil Group, the proposed amendments also clarify that family members have the right to take up self employed activity. They also protect the situation of third country nationals who are married to a Community worker and are subsequently divorced after 3 years residence;

- **non-discrimination:** a clause outlawing discrimination on the grounds of race, religion, sex, age, disability or sexual orientation when workers exercise their right to free movement is proposed.

The proposal for a new Advisory Committee on freedom of movement and social security will merge the two existing tripartite advisory committees in this area into a single body. This responds, in particular, to requests from the social partners to improve and rationalise the operation of these bodies.

### Gist of the Opinion

The Committee welcomes and endorses the overall package. The proposed revision of measures pertaining to "workers" and their families is consistent with the goal of full exercise of the right of Union citizens to move and reside freely throughout the EU. Having already emphasized this need in the past, the Committee once more urges the Commission to follow up its current proposals with accompanying measures to establish a single legal status for European Citizenship and full freedom of movement.

Although the proposals are definitely a major step forward, they do not totally remove all the practical barriers to transnational mobility. For instance, certain fiscal aspects and a number of points relating to social protection and supplementary pensions in particular must be tackled once and for all. The Committee is convinced of the need to draw up a legal framework to coordinate these matters at EU level and, therefore, reiterates its call for a single European commissioner to be appointed to coordinate all free movement issues.

The Committee echoes its previous opinion in reminding the Commission that the issue of the rights and protection of third country workers, legally resident in any Member State, should also be taken into account within this context.

The Committee takes this opportunity to call for the term "migrant worker" to be replaced in future by that of "Community worker". The Committee approves of the changes regarding the affirmation of the right to free movement of job seekers and trainees, providing for access to training opportunities for people seeking employment in other Member States.

The Committee would again underline the need to extend and reinforce the Eures network, in both public and private sectors, and to generate synergies between Eures, Interreg and other Community programmes in order to provide an efficient interface between cross-border training projects and the European labour market.

The assimilation of the material rights of workers exercising their right to free movement with those of national workers constitutes a major step forward.

If implemented assiduously, the amendments regarding the equivalence of situations for professional purposes will significantly reduce forms of discrimination that persist.

The proposals to establish individual direct rights of family members, the right to engage in self-employed and other economic activity, access to training and education, and the retention of independent rights of residence match the hopes and demands expressed in both the Veil report and the Committee's last opinion. There is some confusion, however, on the criteria for continued independent right of residence, and the right to take up an economic activity, in the event of divorce.

The problem of frontier workers still requires action starting with tax and social security.

In view of the major implications for central and eastern European countries, especially those covered by association agreements, rules on movements of workers will clearly have to be drafted for inclusion in the relevant agreements and treaties.

The Committee emphasizes the importance of creating the right climate in border regions for social dialogue to have a positive input regarding job growth policies, spatial planning and the implementation of standards.

On movement and right of residence, the Committee welcomes the accompanying measures to facilitate family reunification and the independent right of residence for family members. The perennial problem persists, however, of the visa requirement throughout the Union, even for short journeys, for third country nationals, including the family members of Union citizens, legally resident in a Member State.

The proposal to recognize the right to cumulate periods of work for the purposes of claiming right of residence is vague. It would be clearer to state simply that once they had worked the necessary time, workers would acquire the right to be issued with a residence permit.

The proposed right of residence for job seekers from other Member States, for automatically renewable periods of at least six months, and residence permits for trainees, are an essential extension of the right to free movement.

The proposed bolstering of the right of residence and streamlining of administrative procedures are considered useful and timely.

In keeping with its earlier opinion and the request made at the time by the social partners, the Committee endorses the Commission's proposal to establish an advisory committee on free movement and social security, to collate and rationalize existing structures.

## 15. COMMUNITY ACTION PROGRAMME (DAPHNE PROGRAMME 2000-2004)

**Opinion of the Economic and Social Committee on the amended proposal for a European Parliament and Council Decision adopting a programme of Community action (the DAPHNE Programme) (2000-2004) on measures aimed to prevent violence against children, young persons and women (COM(1999) 82 final - 98/0192 COD)**

(CES 456/99 - 98/0192 COD)

Rapporteur working alone: Christina WAHROLIN (Sweden - Various Interests)

### Gist of the Commission proposal

On 20 May 1998, the Commission adopted a Communication on violence against children, young persons and women, as well as a Proposal for a Council Decision on a medium-term Community action programme on measures in this field (the DAPHNE Programme) (2000-2004) (COM(1998) 335 final). The legal base for the proposal was Article 235 of the EC Treaty.

As a result of deliberations within the Council Ad hoc DAPHNE Working Group, it has become apparent to the Commission that the appropriate le-

gal base for the DAPHNE Programme is Article 129 of the EC Treaty (Public Health), which will shortly be replaced by Article 152 of the Amsterdam Treaty. In these circumstances, the Commission is amending the legal base accordingly. Consequently, the proposal must be referred to the Economic and Social Committee once again.

In addition to the amendment to the legal base, the new document also contains a number of proposed amendments, including:

- greater emphasis on cooperation between the Commission and NGOs and voluntary organizations;
- a new article on the budget for the programme;
- each year the Commission shall submit progress reports to the European Parliament and the Council;

- greater emphasis on prevention.

#### **Gist of the opinion**

The Committee welcomes the proposal as a whole. The amendment of the legal base to Article 129 is, however, hazardous, and requires that the term "public health" be interpreted in the broad sense, in accordance with WHO definitions. The Committee feels that both causes and symptoms must be addressed. The Commission proposal does not place sufficient emphasis on the abuser. The research programmes provided for must include positive ways of dealing with abusers. The ESC welcomes the establishment of a multidisciplinary network and the increased cooperation between NGOs and the authorities. However, it does not endorse the fact that sexual exploitation- and other sexual abuse-projects are no longer covered.

### **Section for External Relations, Trade and Development Policy**

Georgina Willems, Head of Division - ☎ (32-2) 546 9471

#### **16. EU-LATIN AMERICA RELATIONS** (*Own-initiative*)

**Opinion of the Economic and Social Committee** on *Relations between the European Union, Latin America and the Caribbean: socio-economic inter-regional dialogue*

(CES 459/99)

Rapporteur: José Maria ZUFIAUR NARVAIZA (Spain - Workers)

#### **Background**

Relations between the EU and the countries of South America will enter a new phase in the course of the German EU presidency by virtue of the **First Summit of Heads of State and Government**, to be held in June 1999. The Committee should therefore set out its views on the prospects for EU-South America relations, highlighting both the need to involve civil society and institutional relations between socio-economic interest groups. It should give its views, in particular, on the establishment of a joint consultative committee for

the ESC and the Social Consultative Forum of Mercosur (FCES).

The own-initiative opinion addresses:

- current negotiations between the EU and the states of South America, designed to bring about a balance trade and the social and cultural dimensions;
- the preparation of the EU-South America summit;
- relations between civil society institutions and the organization of civil society.

The Committee responded promptly to the new cooperation strategy between the EU and Mercosur adopted by the EU in 1995. It first organized a hearing on the subject in September 1995 and subsequently drew up an opinion on the matter in October 1995. Contacts between economic and social players were facilitated by the fact that the agreement concluded between the Mercosur states had provided for the establishment of an economic and social consultative forum along the lines of the ESC model.

In December 1997 representatives of the ESC and the Economic and Social Consultative Forum of Mercosur (FCES) signed an agreement on institutional cooperation, which provided for an exchange of information.

The Commission and the European Parliament responded favourably to the measures taken by the ESC and will be very keen to see the Committee make a contribution to the preparation of the summit between EU and South American Heads of State and Government. The ESC and the FCES are working towards such a contribution; the goal of these two bodies is to bring about provision for a joint consultative committee in the forthcoming framework agreement and to promote both the socio-economic dialogue and the involvement of civil society in relations between the EU and Central and South America.

#### **Gist of the opinion**

The first Summit of Heads of State and Government between the countries of the EU, Latin America and the Caribbean, to be held in Rio de Janeiro on 28 and 29 June 1999, will not simply take stock of the progress made on relations between the regions, since the political declarations and guidelines on cooperation which should emerge from it will also largely define the areas that will dominate dialogue and cooperation between the EU, Latin America and the Caribbean in the early years of the new millennium.

This opinion assesses the current state-of-play and the outlook for intra-regional relations, with the emphasis on the outlook for dialogue and cooperation between the representatives of civil society, on socio-economic issues in particular.

Adherence to democratic principles and respect for human rights form the cornerstone of EU/Latin American political dialogue. This vision has been substantiated in a wide agenda of cooperation and practical achievements.

The expansion and strengthening of trading relations and reciprocal investment is an objective shared by the EU, Latin America and the Caribbean. Generally speaking, the development of trade between the two regions during the nineties has been particularly dynamic.

Some structural problems persist: the EU's relative share of Latin American foreign trade has fallen,

and, from the Latin American perspective, the persistence of a growing trade deficit with the EU since 1993 is a cause for concern.

The introduction of the euro as the single currency for 11 of the 15 EU Member States has opened up new possibilities. Any further progress towards trade liberalization between the EU and Latin America needs to take account of the sensitive nature of certain products, and, in general, the legitimate interests of the different sectors of production in the two regions.

For the last decade, the EU and its Member States have been the main source of external cooperation for Latin America and the Caribbean. The participation of civil society in the design and implementation of cooperation should not simply be regarded as a means of bringing cooperation closer to grassroots level, but also as a means of boosting and maximizing the benefits of cooperation and of consolidating the democratic process. Incorporating a social dimension into the processes of integration and ensuring the active participation of the social partners are necessary for achieving the aims pursued by the integration processes in both regions.

In Latin America, relations between the socio-occupational players have to a large extent been marred by conflict and the failure to establish proper institutionalized dialogue or coordination. Nevertheless, in recent years significant progress has been made in incorporating the social dimension into the different regional integration structures in Latin America and the Caribbean. Notable examples of this progress are provided by the adoption of the 1997 MERCOSUR Multilateral Social Security Agreement, and, above all, the adoption of the 1998 MERCOSUR Socio-occupational Declaration, which establishes a range of individual and collective rights in the workplace. There has also been significant progress in involving the social partners and socio-occupational groups more closely in the processes of regional integration.

The world financial crisis which has beset Latin America since the second half of 1998, and which has once again damaged the immediate prospects for economic growth, highlights the need to implement structural policies designed to reduce poverty and the unequal distribution of income. Strengthening the organizations representing the social partners and dialogue and coordination be-

tween these organizations is crucial to solving these problems.

The ESC considers it necessary to define appropriate machinery for ensuring that economic and social organizations participate in the various forums for interregional dialogue. It is important that negotiations on new interregional agreements, with Mexico, Chile and MERCOSUR, explore possible ways of ensuring the participation of representa-

tives of trade unions, employers and other sectors in the various interregional bodies. Strengthening socio-occupational associations in Latin America and the Caribbean should be a core objective of EU dialogue and cooperation with the region.

The ESC recommends that ways be found to incorporate organizations representing civil society into development and economic cooperation programmes and to give them a more active role in steering these programmes.

## **II. FUTURE WORK**

### ***FOR INFORMATION***

- Reduced VAT rate on labour-intensive services (**ECO-MAY**)  
COM(1999) 62 final - 99/0056 CNS

### ***FOR DECISION***

- Electricity generated from renewable energy sources (**TEN-OCT**)  
SEC(1999) 470 final

### ***IN ANTICIPATION***

- Road transport of dangerous goods (**TEN-TO BE DECIDED**)  
COM(1999) 158 final
- Labelling and presentation of foodstuffs (consolidated version) (**NAT-JULY**)  
COM(1999) 113 final - 99/0090 COD
- Protection of juveniles of marine organisms (3<sup>rd</sup> revision) (**NAT-MAY**)  
COM(1999) 141 final - 99/0081 CNS
- Protection of workers from the risks related to exposure to carcinogens at work (consolidated version) (**SOC-MAY/JULY**)  
COM(1999) 152 final - 99/0085 SYN
- Tourism for employment (Communication) (**INT-SEPT/OCT**)  
COM(1999) 205 final

### ***REPORT***

- Relations between the European Union, Latin America and the Caribbean (**REX**)

### ***INITIATIVES***

- Directive on general product safety (**INT-TO BE DECIDED**)
- Simplifying of regulations in the single market (**INT/SMO-TO BE DECIDED**)
- Services and the general interest (**TEN-DEC**)
- Development of outlets for food and non-food packaging waste (**NAT-OCT**)
- The infancy of the single European currency, an initial assessment (**ECO-OCT/DEC**)
- Ninth Structural Funds annual report 1997 (**ECO-SEPT**)
- Health and safety in the workplace: application of Community measures and new dangers (**SOC-OCT/DEC**)
- Hungary on the road to accession (**REX-TO BE DECIDED**)

### ***INFORMATION REPORT***

- Demographic situations and trends in the European Union (**SOC-SEPT**)

### ***ADDITIONAL OPINIONS***

- World summit on social development (**REX-TO BE DECIDED**)
- A forestry strategy for the European Union (**NAT-OCT**)

## **III. PRESENCE AND INFLUENCE OF THE ECONOMIC AND SOCIAL COMMITTEE**

### **Activities of the ESC presidency**

**Mrs Rangoni Machiavelli**, ESC president, took part in a meeting of the executive committee of the European Movement on 27 March at the ESC building. On 8 April she met Commissioner Monti at the European Commission's headquarters in Brussels.

On 15 April Mrs Rangoni Machiavelli addressed a conference in Paris on the balanced participation of women and men in decision making, an event organized by a number of French ministries. The following day she met Mr Jacques Delors, the former president of the European Commission.

### **Activities of sections and members**

On 29 March Mrs Williams represented the ESC at a European Consumer Safety Association convention in Edinburgh, UK. The main theme of the event was safety promotion and injury prevention; Mrs Williams chaired a session on safety for senior citizens.

On 8 April Mr Vever and Mr Pezzini took part in a seminar in Brussels on the European private company.

On 13 April a delegation of ESC members visited the European Environment Agency in Copenhagen. The delegation comprised Mr de Paul de Barchifontaine, Mrs Sánchez Miguel and Mr Verhaeghe.

Mr Byrne attended a seminar organized by the European Commission entitled Barriers to employee financial participation (in company share ownership). The event was held in Brussels on 14 April.

On 15 April Mr Folias and Mr Regaldo attended a conference in Brussels - again organized by the European Commission - on the White Paper on commerce.

On 19-20 April Mr Gafo Fernández, president of the Section for Transport, Energy, Infrastructure and the Information Society took part in a forum on information and communication technology in Madrid. The specific aim of the event was to bring together Latin American and European firms involved in this area.

#### **IV. RESIGNATION**

At the April plenary session, the ESC president announced the resignation of Mr A. A. Jaarsma (Group I - Netherlands). He had been a member of the ESC since 27 April 1998.

#### **V. INFORMATION VISITS**

The following groups visited the ESC during the period in question:

Hungarian Chamber of Commerce and Industry - Hungary  
Delegation de las Comunidades autónomas españolas - Spain  
Universidad de Zaragoza - Spain  
Lycée Saint-François - France  
Lycée Charles de Foucauld - France  
Stadtjugendpflege Bad Schwartau - Germany  
Slovak Agricultural University at Nitra - Slovakia  
RGS Guilford - UK  
Bisowe des DBB - Germany  
Manchester Metropolitan University - UK  
Kaiser Jacob Stiftung - Germany  
Institut d'études politiques de Lyon - France  
Stockholm University - Sweden  
Hogeschool Brabant - Netherlands  
London School of Economics - UK  
Associação dos Jovens Agricultores de Portugal - Portugal  
Uppsala University (IPF Institute) - Sweden  
Stockholm University - Sweden  
Fachhochschule Bielefeld - Germany  
Hogeschool Ijselland - Netherlands  
Universität Innsbruck - Austria  
ASAJA - Spain  
FENEBUS - Spain  
University of Braga - Portugal  
Politisches Bildungswerk VISG - Germany  
Ecole nationale d'administration - France

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*Catalogue Number: ESC-99-004-EN*

