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BULLETIN



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273rd Plenary Session

The 273rd Plenary Session of the Economic and Social Committee of the European Communities was held in Brussels on 31 January and 1 February 1990. Mr Alberto Masprone, Committee Chairman, took the chair.

The Session was attended by:

Mr Jacques Delors, President of the Commission, who presented the Commission's programme for 1990;

Mr Gerry Collins, Irish Minister for Foreign Affairs, who spoke about the Irish Presidency's programme, and

Mr Cardoso e Cunha, who took part in the debate on the Energy Opinions.

Presentation of the Commission's programme by Mr Jacques Delors, President of the Commission

Mr Delors, accompanied by Ms Vasso Papandreou, the Commissioner responsible for employment, industrial relations, social affairs, human resources, education, training and relations with the Economic and Social Committee, said:

'The success of the Single Act remains our internal responsibility'.

The 'external' responsibilities arose not only from the events in Central and Eastern Europe but also from the recognition of European renewal: 'Europe is once again a reality. Can it assume its responsibilities in today's world?'

The 1990 programme of work included measures designed to make the frontier-free market 'irreversible'. The Commission had submitted 95% of the directives listed in the White Paper on completion of the internal market. The backlogs run up by the European Parliament and the Council meant that the Commission was required not so much to draw up legislation as to stimulate those two institutions and to put pressure on governments to translate the directives into national laws and conventions.



From left to right: Mr Masprone, ESC Chairman, Mr Delors, President of the Commission, Ms Papandreou, Member of the Commission, and Mr Jakobsen, ESC Vice-Chairman.

'Difficulties remain', Jacques Delors stressed:

the elimination of physical frontiers (the whole range of security and taxation-related problems),

the fact that common markets still remained to be set up for telecommunications, energy and motor vehicles.

On the subject of the motor vehicle market Jacques Delors said that it was not just the problem of the Japanese: 'It is also an internal problem (...). Is our motor-vehicle industry really competitive?'

In other areas the situation was more satisfactory:

Economic and social cohesion: the programmes got under way at the beginning of the year. Progress would be assessed towards the end of 1991.

Research and development: efforts had been made to prevent the programmes being fragmented.

Environment: the Community had been in a higher gear for the last two years and had high expectations of the European Environment Agency.

European Monetary System: developments had been largely favourable.

Social dimension of the internal market: a new impetus had been given by the adoption of the Social Charter by the European Council and the implementation of the Commission's action programme — 'an ambitious, demanding programme. At least two or three major legal instruments will need to be adopted in 1990'.

Turning to the Community's external role, Mr Delors put three questions to EFTA with whom the Community is currently hammering out more dynamic cooperation arrangements.

Did EFTA accept the Community's achievements?

Did it intend to strengthen its own structures?

Did it concede that the Community had a right of initiative which it could not share?

This was a quid pro quo for cooperation between ministers and social partners in both blocs.

Central and Eastern Europe: 'Community arrangements for coordinating aid to Poland and Hungary are extremely satisfactory. We propose to extend these arrangements to the GDR, Czechoslovakia, Romania and Bulgaria. We must indicate our interest'. Mr Delors advocated new association arrangements which

did not constitute transition to full membership but enabled these countries to play their full role in Europe.

The Uruguay Round: the negotiations had to be completed, and more emphasis placed on the southern nations.

Lomé IV: a new structural adjustment instrument was to be tried out.

US-EC relations: did they measure up to developments? The concept of partnership would have to be revamped if the democracies were to cope with events in Central and Eastern Europe.

Turning to the Community's future, Mr Delors said that transition to the second phase of monetary union was contingent on the success of the first stage. The Community's future had however to be seen in broader terms.

'Is political cooperation going to crawl along even though the Economic Community has boarded the supertrain?'

'Are the Community's political institutions sturdy enough to prevent events in the rest of Europe from diluting the Community? Did some people want this? In France some people certainly did... The success of the proposed European Conference was contingent on its ties with the Community'.

In conclusion Mr Delors said that the forthcoming intergovernmental conference would have to debate the Community's powers. It was necessary to define 'subsidiarity' more clearly, to determine the Member States' room for manoeuvre and to define the limits of regional action.

Debate

The EC Commission should submit proposals in 1990 for Community instruments on:

- (i) the dismissal and subcontracting of cross-frontier workers and unfair exploitation of their atypical terms of employment;
- (ii) the right to information and consultation in the event of the restructuring, amalgamation or merger of firms;
- (iii) the enforcement of existing social legislation and collective bargaining agreements when awarding public contracts.

Since these proposals serve the objectives of the internal market, they should be based on Articles 8a, 8b and 100a(1) of the Treaty, which will allow the Council to act by a qualified majority.

This was the message which the rapporteur of the subcommittee on Basic Social Rights, Mr François Staedelin (Chairman of the Workers' Group, France) gave to Jacques Delors at the ESC Plenary Session in response to the request for the Committee's 'views' on the Social Charter action programme contained in the Commission's letter of 29 November 1989.

The three urgent measures called for by the Committee already featured in the Opinion on basic Community social rights adopted on 22 February 1989, for which François Staedelin again acted as rapporteur. However, a new legal basis is now being proposed by the Committee.

In its Opinion of 22 February, the Committee expressed the view that a social policy could not be restricted to employer-worker relations, but should also cover the social economy and environment policy and take account of the interests of the liberal professions, consumers, craftsmen, etc.

Notwithstanding the lack of response to that recommendation, the Committee continues to insist on the need for action. 'In parallel with the action programme', Mr Staedelin explained, 'the Commission should draw up framework instruments to guarantee the rights of consumers, cooperatives, mutual associations, the liberal professions and self-employed workers in the internal market. As a matter of urgency the Commission should make specific proposals to guarantee social protection for all citizens and make every effort to promote coordinated financing and benefit policies. It is essential that, in the context of the internal market, there should be clear common rules for citizens of non-Community countries. All European Community residents, including members of ethnic minorities, must be sure of a place and a future in the 'citizens' Europe'.

Thanking the Committee for its Opinion on the action programme implementing the Social Charter, Jacques Delors stressed how important that Opinion was, not least for the Economic and Social Committee. He reminded the Committee that it was he himself, together with the Vice-President of the Commission, Manuel Marín, who in November 1988 had asked the ESC to start work on the Social Charter. 'This was not a tactical manoeuvre. The Committee was the body best placed to deliver the first 'draft' of a difficult document... The Committee has made a decisive contribution to the achievement of one of the six objectives of the Single Act... We will not neglect to mention this at the intergovernmental conference.'

Whilst accepting that the Committee should be free to tackle texts of a more general nature, he hoped that it would none the less not neglect the more specific Opinions on which it could bring its technical expertise to bear.

Returning to the Committee's Opinion on the Commission's action programme, Jacques Delors said that it 'identified priorities and the link with the internal market... In the difficult discussion on subsidiarity we are torn between two opposing constraints: if we set standards too low, we will encourage social dumping in the richer countries. If on the other hand standards are too high, we will deprive the poorest countries of their competitive advantage', the Commission President added. He hoped none the less that this dilemma would diminish as social conditions in the various Member States were aligned upwards.

Agreeing with the Committee, Jacques Delors stressed that 'there can be no true competition unless certain labour legislation is observed in all the Member States. Representatives of the Employers' Group will understand that', he added, referring in particular to atypical terms of employment.

Giving his 'personal analysis', the Commission President said that this year 'real progress needs to be made on certain important texts. Otherwise it will look as if social questions come second to economic considerations. The European elections showed that people are losing interest in Europe because of the lack of concrete action. If the Council is unable to reach a decision on the three priorities identified by the Economic and Social Committee, we will be heading for a major crisis.'

In reply to Mr Delors, Mr Francis Whitworth (Employers' Group — United Kingdom) trusted that the Committee would secure a consensus on the 'detailed' measures of the Commission's action programme on social matters. He was particularly concerned about arrangements for consulting and informing workers.

Nikolaos Vassilaras (Chairman of the Various Interests Group — Greece) stressed the need to extend the social dialogue to include self-employed workers, consumers, etc. and to give more recognition to European institutions 'particularly your own'.

Gian Battista Cavazzuti (Workers' Group — Italy) explained to Jacques Delors that the social programme of the Commission had left him 'puzzled'. 'When Lord Cockfield came here to present his White Paper on the internal market, he was asked to come again when the White Paper contained some social measures...'. He also

expressed his concern about negotiations between the Community and EFTA: 'There was a risk of being trapped'.

Michel Collas (Employers' Group — France) emphasized that there was no real single market unless there was a common currency. In alluding to the future of the Economic and Social Committee he declared that it was the body which was competent to speak on economic and social matters and which could find common ground among so many different interests. 'We want to be consulted on the major economic and social issues, and on cooperation with the countries of Eastern Europe'.

On behalf of the self-employed, Henry Salmon (Various Interests Group — France) affirmed that he was 'for a Europe which was united culturally, socially and intellectually'.

Ada Maddocks (Workers' Group — United Kingdom) highlighted citizens of EEC Member States who had originally come from non-EEC countries and belonged to ethnic minorities, hoping that the Community would not take restrictive measures regarding them. 'The Community should prepare its own instruments as far as human rights are concerned', she said. As for the disabled, the Committee should 'hear their cry' and speak on their behalf.

Aldo Romoli (Employers' Group — Italy) laid stress on the technical expertise which the Committee could provide in relations with the countries of Central and Eastern Europe. Referring to Community policy on energy, he suggested that the Community should tackle such problems as the relationship between energy and economy.

Vasco Cal (Workers' Group — Portugal) pointed out that the previous day the Committee had adopted unanimously an Opinion on economic and commercial cooperation between the European Community and Latin America. He regretted the absence of a common policy in this area.

On behalf of the farmers, Michael Strauss (Various Interests Group — United Kingdom) pointed out that agriculture could not be treated in the same way as a manufacturing industry.

Finally, George Dassis (Workers — Greece) thought that 'significant' progress had been made in the social field since Vasso Papan-dreou had been put in charge at the Commission. However, 'this is not enough' and the Commission, instead of playing its proper role, was behaving like Pontius Pilate.

Jacques Delors replied as follows to each of the specific points raised:

The self-employed, craft, cooperative and mutual benefit sectors should be involved at 'realistic and reasonable' levels. If the Community begins to legislate about everything, it will create a mass of red tape, which will heighten the feeling of democratic shortcomings. We will find good solutions. We need only a few legal instruments but these must be clear and accessible.

Immigration: the Community had asked a group of experts to produce a report on Member States' practices and ways of thinking. The Community should agree on a joint philosophy for relations with third-country workers.

The handicapped: this was a typical case where the Community could only give a lead. On the question of marginalization, the Member States acted in a very parochial fashion: each looked after its own poor and woe betide anyone trying to take them away.

Latin America: it was only towards the countries of Central America that the Community could adopt an overall policy. Each country of Latin America was different.

Future of the Community: 'I am rather disturbed that the Community may be left on the sidelines with priority being given to the major events ahead of us'.

Agriculture: the Commission is going to host a seminar on the repercussions of the structural means it has used in this sector.

Japan: 'greater firmness is required, and not just as regards trade'.

Presentation of the Irish Presidency's programme by Mr Gerard Collins, Irish Minister for Foreign Affairs

Mr Collins, addressing the Plenary Session, emphasized the intention of the Irish Presidency of the Council to use this opportunity for making the European Community relevant to its citizens. 'Unless we channel all efforts to build up this Community and bring it closer to the people, unless we have the support of all the people in different areas, we will not succeed', he said. That was why he appreciated the role of the Economic and Social Committee and acknowledged the need for improving its influence and standing.

He stressed the fact that the Irish Presidency regarded the social dimension as an integral part of the internal market and that it would give special emphasis to employment, particularly to combat



Mr Masprone, ESC Chairman, with Mr Gerard Collins, President of the Council.

long-term unemployment. The need to complete the internal market had been the motive force behind the Community's achievements in recent years and would remain this presidency's objective.

Mr Collins considered that economic and monetary union would be the most tangible demonstration to date of the commitment of our peoples to a common European future. The Irish Presidency would move these preparations forward and also those for the inter-governmental conference.

Among the list of projects in the programme, the Minister underlined the continued effectiveness of the common agricultural policy, especially in support of the family farm.

During the debate Mr Gordon Pearson (Ireland — Employers' Group) welcomed the intention of the presidency to push ahead with implementation of the Single Act, for greater economic cooperation in the Community, for advancing public procurement purchasing and to address seriously the transport policy, including air transport liberalization.

A significant improvement in the institutional position of the Economic and Social Committee was the request put forward by Mr François Staedelin (France — President of the Workers' Group). This important point should be put on the inter-governmental conference agenda, he said. Community legislation on social affairs should be adopted by qualified majority voting in the Council.

Mr Tomás Roseingrave (Ireland — Various Interests Group) said that the Community rested on the two principles of subsidiarity and cohesion. Resources allocated by the Community should be able to reach the regions which were most disfavoured. The viability of rural communities should receive greater attention, particularly in view of the present programme of setting aside arable land and the consequences which this entailed for the people living on these affected areas.

Mr Patrick Murphy (Ireland — Workers' Group) said that the Irish Presidency coincided with a most momentous time for Europe. In meeting its aim of making the Community relevant to its citizens, the Irish Presidency should put in motion the actions needed to implement the Social Charter before 1993. The same sense of urgency should be given to this development as is given to the achievement of the internal market.

ADOPTION OF OPINIONS

1. EC/LATIN AMERICA (Own-initiative Opinion)

EC economic and trade cooperation with Latin America

Gist of the Committee's Opinion ¹

The implementation of the Single Act and the attention focused on the rapid developments in some regions (notably Eastern Europe) should not lead the Community to forget its responsibilities towards the rest of the world.

Community cooperation with Latin America stands at a crossroads.

Trade between the two areas is declining in percentage terms. Humanitarian aid, development aid and economic cooperation account for an annual average of ECU 4.5 million scattered over a large number of budget headings. The Community's agreements with Latin American countries are hampered by the lack of financial protocols, and progress towards democracy in the region, to which the Community should contribute, is threatened by worsening economic and social problems.

There has been little practical follow-up to the Council resolution of 22 June 1987 calling for a consistent overall strategy for relations between the two areas. In the medium term, a framework agreement would offer a means to step up cooperation and put relations on a more systematic footing.

The Committee Opinion, adopted unanimously, also considers specific aspects such as the impact of the internal market, international agricultural trade, the priorities for economic, financial and technical cooperation, training of managerial staff, support for sub-regional integration and the environment. The accompanying report and appendices expand on the points made in the Opinion.

This Opinion was drawn up in the light of the paper produced by the Section for External Relations and Trade and Development Policy, chaired by Mr Neto da Silva (Portugal — Employers). The rapporteur was Mr Vasco Cal (Portugal — Workers).

¹ CES 87/90.

2. GENERAL SYSTEM FOR THE RECOGNITION OF PROFESSIONAL EDUCATION AND TRAINING

Training for a Council Directive on a second general system for the recognition of professional education and training which complements Directive 89/48/EEC [COM(89) 372 final — SYN 209]

Gist of the Commission's proposal

The large internal market of 1992 should enable Community citizens to exercise their occupation anywhere in the Community, even when it is regulated by the Member States.

To achieve this ambitious and justified objective, the EC Commission recommends that the Twelve take one step forward and adopt a system complementing that of December 1988 which extends the general system of recognition to regulated occupations for which a secondary education or short higher-education diploma is necessary. This measure rounds off attempts to achieve mutual recognition of diplomas and other certificates initiated in the 1960s.

The problem is not new: in practice all the Member States require proof of training for access to a regulated occupation. The aim of this requirement is to improve the quality of services provided for consumers.

As a rule, the national authorities do not seek to discriminate against citizens of other Community countries, but naturally they refer to given situations, namely the national education and training systems.

Nevertheless, this procedure hinders the mobility of persons who wish to practise a regulated occupation outside their country of origin.

For over 20 years the Commission has been tackling this obstacle. In the mean time the Council of Ministers has adopted some 50 directives providing for the mutual recognition of diplomas and other evidence of formal qualifications for specific occupations.

Since the 1960s and up to 1985 the Council gave the green light for instruments providing for the mutual recognition of a number of occupations and granting the persons concerned the possibility of practising their occupation wherever they wished in the Community.

These instruments cover: (a) doctors, nurses, dentists, midwives, veterinary surgeons and pharmacists, and (b) a wide range of commercial, craft and services occupations.

However, this was not sufficient: many of the regulated occupations were not mutually recognized.

In June 1984, the European Council met at Fontainebleau and suggested initiating a second stage in the mutual recognition of diplomas.

In short, the Summit sought to proceed not vertically, occupation by occupation, but rather in a general and horizontal manner.

On 21 December 1988, the Twelve adopted a general system for the recognition of higher education diplomas awarded on completion of a long period of higher education for occupations not regulated by specific directives. The general system will come into force early in 1991 and will cover some 100 occupations, including a number in the legal and teaching professions.

At present, the Commission proposes a further stage in which the general system of recognition would be extended to regulated occupations requiring less advanced training than traditional higher education, in other words a short period of post-secondary education or simply a period of secondary education.

The complementary system, like the initial system, is simple in concept and is based on the following principles:

- (1) *The rule*: the Twelve recognize without condition an individual's training provided the training required in the host country is the same as or below that acquired in the country of origin.
- (2) *Exceptions*: where there are significant differences between the duration of training (e.g. one year instead of two years) or substantial differences in content, the host Member State can require proof of occupational experience, a period of adaptation or an aptitude test.

A few examples will help to illustrate the proposed general system:

- (i) a speech therapist having completed one or two years' higher education in the country of origin could practise in a host country which requires two years of higher education;
- (ii) an air hostess or steward who has obtained a secondary school leaving certificate in a Community country can take up this occupation in another country which requires a secondary education certificate;

- (iii) a physiotherapist having completed two years' higher education in one country could take up the occupation in another country which requires three years' training.

Gist of the Committee's Opinion ¹

The ESC urges, in its Opinion adopted unanimously, that the draft directive be presented in clearer, more comprehensible terms; this is particularly true of the explanatory memorandum and the preamble.

The draft directive is of paramount importance in that it is the last in a set of measures giving every Community national the right to have qualifications acquired in another Member State recognized or taken into account by a host Member State which regulates the relevant activity.

In its specific comments, which deal with definitions as well as the scope and application of the draft directive, the Committee states that the new system:

- (i) must take account of the diversity and nature of the situations and systems of professional education and training in the Member States;
- (ii) must be easy to understand and to apply;
- (iii) must pave the way for an equitable solution to the problems of moving from a low to a higher level, and from purely occupational experience to the level of formal training;
- (iv) must take into consideration the need to define and spell out a number of essential concepts;
- (v) must bear in mind the implications of the provisions for collective-bargaining agreements which in some cases lay down conditions of access to professional activities;
- (vi) must take into account certain specific situations arising as a result of: (a) the political and institutional structures of the Member States, and (b) the provisions governing access to, and/or the exercise of, certain professional activities;
- (vii) must take into account the need to promote acquisition of the linguistic knowledge essential to the effective pursuit of a professional activity in the host country.

¹ CES 86/90.

This Opinion was drawn up in the light of the paper produced by the Section for Social, Family, Educational and Cultural Affairs, chaired by Mr Margot (Belgium — Various Interests). The rapporteur was Mr Salmon (France — Various Interests).

3. GENERAL PRODUCT SAFETY

Proposal for a Council Directive concerning general product safety
[COM(89) 162 final — SYN 192]

Previous Committee work on the subject

On 27 April 1988 the Committee issued an Own-initiative Opinion on the general safety requirements for products¹ in which it maintained that it is essential for all those involved in the manufacture, supply and sale of goods to have a legal obligation to comply with a general safety requirement.

As this matter is relevant to both (a) the completion of the internal market, technical harmonization in particular, and (b) public health and safety, areas which must be recognized as integral to the free movement of goods, the Committee pointed out that there is a particular need for action on three points:

- (i) harmonization at Community level in face of the growing amount of national legislation which differs in scope and content from one Member State to another;
- (ii) removal of technical barriers to trade;
- (iii) dissuasion of Member States from using spurious health and safety standards to hinder free trade.

Gist of the Commission's proposal

The aim of the proposed Directive is to require the Member States to ensure that only 'safe products' are placed on the market, i.e. products which during their foreseeable time of use and under normal conditions of use or consumption do not present an unacceptable risk for the user or consumer.

Any risk for the health or safety of the user must be clearly indicated (Article 4).

¹ OJ C 175, 4.7.1988.

The Member States must organize and guarantee the necessary monitoring operations and inform the Commission of the competent national authorities;

The proposed Directive also lays down rules in cases where a Member State has information about or grounds for suspecting an unacceptable risk.

The Commission must be informed if intra-Community trade is affected by measures restricting the marketing of a product. It initiates a consultation and investigation procedure (or directly takes appropriate temporary measures). It is assisted by a Committee on Product Safety Emergencies (Article 13).

Gist of the Committee's Opinion ¹

The proposed general directive should apply only where there are no adequate specific Community safety rules;

Legislation should be introduced to cover the safety of services in addition to products;

Closer integration is needed with other Community measures, and in particular with:

- (i) the new approach to technical harmonization and standards,
- (ii) the Ehlass programme,
- (iii) the 1986 resolution on consumer education in schools;

Appropriate monitoring, enforcement and advisory bodies should be established;

The export of dangerous products to non-EC countries should be banned;

The right of redress for distributors/retailers needs examination;

Several of the dispositions and terms used in the proposal need clarification, e.g. 'safe product', 'unacceptable risk', 'foreseeable use'.

This Opinion was adopted by 93 votes to 59 with 7 abstentions.

¹ CES 85/90.

In a minority declaration the Employers' Group gives three reasons for its opposition to the Opinion:

1. The scope of the Directive must be limited to consumer and similar products.
2. The definitions relating to safety and acceptable risks should be expressed in the same terms as those used in the Directive on product liability.
3. Excessive extension of the administrative system would not only be intolerable for SMEs, distributors and retailers, but also ineffective because the appropriate means for monitoring the declarations envisaged by the Commission are lacking;

This Opinion was drawn up in the light of the paper produced by the Section for Protection of the Environment, Public Health and Consumer Affairs, chaired by Mr Jaschick (Germany — Various Interests). The rapporteur was Mrs Williams (United Kingdom — Various Interests).

Speech by Mr Antonio Cardoso e Cunha, Member of the Commission, who participated in the debate on the Energy Opinions

Mr Antonio Cardoso e Cunha, Portuguese Member of the Commission, speaking before the Economic and Social Committee at its Plenary Session on Wednesday, 31 January 1990, declared:

'It is necessary to turn away from the traditional country-by-country approach in the energy sector and switch to an overall, integrated approach if progress is to be made towards the internal market.'

'As the ESC has already pointed out in previous Opinions', continued Mr Cardoso e Cunha, 'it is necessary to harmonize structures and principles and to ease the rules. Energy is a political and not a technical problem; if necessary the Commission is prepared to resort to legal action to ensure that the measures needed in the energy sector are properly implemented'. Mr Cardoso e Cunha concluded by asking the ESC not to attempt to curtail the binding power which the Commission wished to bestow on the rules.

The ESC members who spoke in the debate emphasized the need to involve the ESC in the various stages of integration. Great caution was called for and it was necessary to safeguard energy supplies which could be disrupted by liberalization.



Mr Alberto Masprone, ESC Chairman, with Mr Antonio Cardoso e Cunha, Portuguese Member of the Commission.

In particular, Mr Aldo Romoli (Italy — Employers' Group) stressed the need to establish major public transport infrastructure throughout Europe, not forgetting the peripheral regions. Eastern Europe could not be excluded from any action, according to those who spoke in the debate, including Mr Paul Flum (Germany — Workers' Group), who also called for immediate practical measures rather than mere declarations, bearing in mind the precarious situation in that part of Europe. He also noted that Europe had coal reserves for some 200 years and that these had to be taken into account in any energy policy. The majority of ESC members agreed that energy and the environment were indissolubly linked.

Mr Klaus B. von der Decken (Germany — Various Interests Group) called for total integration between energy and environmental policy on a continental scale, not merely in the Community of Twelve.

4. TRANSPARENCY OF ENERGY PRICES

Proposal for a Council Directive concerning a Community procedure to improve the transparency of gas and electricity prices charged to industrial end-users [COM(89) 332 final]

Gist of the Commission's proposal

The lack, not to say total absence, of transparency in energy prices, particularly those charged to large users, is one of many obstacles to the development of trade in energy and to closer integration of the energy market, as pinpointed by the Commission in its working document of May 1988 on the internal energy market [COM(88) 238 final].

The Commission regards price transparency as a key factor in the completion and operation of the single market in that it promotes fair terms of competition in the common market. The Commission therefore calls, in this document, for priority action in this sector to ensure further progress, for which purpose existing legal provisions and instruments do not suffice.

Giving practical expression to its undertakings, particularly as regards the submission of a 'detailed comparative analysis of energy prices plus conclusions and proposals regarding transparency of prices, in particular for large industrial users', the Commission drew up an initial communication in March 1989 [COM(89) 123 final], which sets out the results of this analysis along with the arguments

for, and aims of, a new Community action, in the shape of a proposal for a new legal instrument.

The Commission communication sees this proposal as providing the legal basis for the Commission 'to obtain the necessary information on prices, notably final gas and electricity consumer prices', areas in which there is a particular lack of transparency, making it impossible for consumers to check whether the prices charged reflect fair terms of competition.

The latest Energy Council meeting, held on 11 May 1989, discussed this communication. At the close of this debate, the Presidency stressed the importance of transparency of consumer energy prices in the context of completion of the single energy market and took note of the Commission's intention to present the proposal in question.

The Presidency also noted that consideration should be given, in the context of attainment of the single energy market, to whether or not it was desirable, as the Commission and certain Member States contended, to set up a system which, with due regard for the rules on confidentiality and competition, would permit transparency to be extended to cost structures and subsequently to price and tariff formation.

The above Presidency conclusions were approved by 11 delegations.

The proposed Directive therefore reflects the Commission's intention of introducing a Community procedure which, while satisfying the specified requirements as regards the transparency of gas and electricity prices charged to the final industrial consumer, also ensures normal confidentiality in respect of individual contracts.

The proposed Directive is based on the following key principles:

- (i) respect of contract confidentiality;
- (ii) half-yearly communication of information on prices charged at 1 January and 1 July each year;
- (iii) publication no later than five months after the date when prices were recorded.

Two technical annexes to the Directive define the final industrial consumers covered by the provisions and give full details of the implementing arrangements (form, contents and any other features of the information to be communicated to the Commission).

For the Commission's part, the EC Statistical Office will be responsible for the collection, processing, monitoring and publication of the data to be submitted in application of the Directive.

The Commission proposal also provides for the preparation of an annual consolidated report on implementation of the Directive, to be sent also to the ESC.

Gist of the Committee's Opinion ¹

In its Opinion adopted unanimously, the Committee welcomes the draft Directive which should enable the firms concerned to compare gas and electricity prices and thus in effect to bring about increased competition between suppliers.

The Committee calls upon the Commission to make a careful assessment of the possible consequences of passing on information on 'the distribution of consumers and the corresponding volumes by category of consumption', particularly as regards the effect on competition in respect of both gas and electricity supply companies and user groups.

The Committee points out that a number of factors have a bearing on the price charged to the final consumer, namely:

- (i) the legal and regulatory framework within which transport and distribution firms operate;
- (ii) the price of the primary fuels used for electricity generation;
- (iii) disparities in the field of indirect taxation;
- (iv) additional costs arising as a result of national regulations, such as those governing environmental protection.

A further important issue raised by the Committee is the question of extending transparency to cost structures and subsequently to price formation arrangements and tariffs. This possibility was considered at the Energy Council on 11 May 1989. Though the establishment of price transparency may involve ascertaining cost structures, the Committee expresses its reservations over any future extension of transparency to cover price formation and tariffs.

Such a step could create a precedent for intervention by the Commission in other economic areas. This would be neither desirable nor justified.

¹ CES 88/90.

This Opinion was drawn up in the light of the paper produced by the Section for Energy, Nuclear Questions and Research, chaired by Mr Romoli (Italy — Employers). The rapporteur was Mr Proumens (Belgium — Employers).

5. NATURAL GAS TRANSIT

Proposal for a Council Directive on the transit of natural gas through the major systems
[COM(89) 334 final — SYN 206]

Gist of the Commission's document

Integration of the natural gas grid within the Community is a pre-condition for greater security of supply and for the development of a real common market in natural gas. This was stressed by the Commission in its last communication on natural gas [COM(86) 518 final of 11 December 1986] and by the Council in the conclusions it drew up after examining the communication on 2 June 1987.

The European natural gas grid is already relatively well integrated, although some Member States (the UK, Ireland, Spain, Greece and Portugal) are not yet connected. The transit of gas through one or more Member States represented 22% of total gas imports in 1987 (intra and extra-EC), and is forecast to rise to 33% by the year 2000.

However, the Council meeting of 2 June 1987 stressed that 'the Community and the Member States should encourage further integration of the gas grid, having regard at all times to the geographical situation of certain Member States', and called on the gas industry to act accordingly.

The Commission working document on the internal energy market [COM(88) 238 final of 2 May 1988] confirms the growing interpenetration of the Member States' gas industries, with a few notable exceptions. It also pinpoints some potential obstacles to trade in gas and suggests some priority measures for removing the worst of them. They include improvement of the efficiency of the gas supply system and greater competition within the gas sector for the benefit of the consumer, whilst ensuring a high degree of security of supply.

In the communication, to which the present proposal is appended, the Commission advocates a tripartite approach:

- (i) adoption of a Directive establishing arrangements for the application of transit rights between Community gas companies in the EC high-pressure grid;
- (ii) establishment of a detailed consultation procedure for all concerned to define conditions under which it would be possible to give third parties (notably public distributors and/or industrial consumers) more general access to transport systems. Following this consultation, the Commission will take its decision concerning the introduction of a system of third-party access to the gas transmission grid,
- (iii) promoting the Community dimension in gas transmission investments.

The Commission estimates that third-party access would bring a net financial benefit of ECU 625 million per annum, divided up as follows:

Drop in import prices and production costs: ECU 250 million;

Increased gas industry efficiency: ECU 250 million;

Macroeconomic (trade) benefit: ECU 125 million.

In tandem with the implementation of the proposed Directive, the Commission also intends to set up an organization of representatives of the bodies responsible for the high-pressure gas pipeline system. This organization is to:

- (i) help the Commission with the arrangements for claims to transit rights;
- (ii) seek reconciliation between the companies concerned in case of difficulties;
- (iii) submit to the Commission an annual report on its activities.

Gist of the Committee's Opinion ¹

Generally speaking the Committee, in its Opinion, adopted unanimously with four abstentions, agrees with the gradual approach proposed by the Commission and therefore endorses the draft Directive.

¹ CES 89/90.

However, the Committee has decided not to take a firm position at this stage on the question of third-party access to the European gas transmission grid ('common carrier'). It feels that it cannot give valid views until the Commission has completed its detailed cost-benefit analysis, constituting the second stage of the approach, and issued a concrete proposal on the subject.

The ESC feels that a number of conditions must be met:

- (i) maintaining security of supply;
- (ii) allowance for the technical constraints in the natural gas market which require a complex system of infrastructure;
- (iii) allowance for the high costs involved in finding and exploiting natural gas deposits.

The Committee also feels that careful consideration should be given to the likely impact on all categories of consumers of an open, flexible system, in terms of supply security and price.

As regards the draft Directive proper, the Committee suggests the following changes and additions:

It should be made clear that the aim of the Directive is to introduce the measures required to ensure free circulation of natural gas within the Community, across natural frontiers and that it is to apply to all Member State gas transmission companies, whether State-owned (national or regional), semi-public or privately owned;

Article 5, which amounts to little more than a declaration of intent on the part of the Commission, should be deleted. The article is also inappropriate in that it could imply that the proposed Directive is an initial step designed to culminate automatically and more or less surreptitiously in the introduction of the 'common carrier' system;

A new article should be introduced referring specifically to the creation by the Commission of a representative body of organizations responsible for high-pressure networks, which will primarily assist with the implementation of the Directive.

This Opinion was drawn up in the light of the paper produced by the Section for Energy, Nuclear Questions and Research, chaired by Mr Romoli (Italy — Employers). The rapporteur was Mr Frandi (Italy — Workers).

6. ENERGY INFRASTRUCTURE

Proposal for a Council Regulation (EEC) amending Regulation (EEC) No 1056/72 of 18 May 1972 on notifying the Commission of investment projects of interest to the Community in the petroleum, natural gas and electricity sectors
[COM(89) 335 final]

Gist of the Commission proposal

As the Council stressed at its meeting of 8 November 1988, the creation of an internal energy market should contribute both to completing the internal market and to consolidating the achievements of Community energy policy; thus the Community dimension must be taken into account in formulating measures linked with energy policy.

The completion of the internal energy market therefore requires in particular that future investments should contribute to the optimum allocation of available resources in a Community context and so benefit consumers. In this context the Council itself stated at the meeting of 8 November 1988 that 'the internal energy market also depends on the development of efficient energy infrastructures'.

The decisive role of investment in determining the structure and operation of the energy market was recognized by the Council as early as 1972, when it adopted an initial Regulation on 'notifying the Commission of investment projects of interest to the Community in the petroleum, natural gas and electricity sectors',¹ which aims at the formulation of an overall view of the development of such investment projects in the Community, and which the Commission regards as likely to facilitate the necessary coordination in this sector.

The Commission now proposes further amendment of this Regulation, which was amended and supplemented for the first time in 1976.²

The present Commission proposal is designed to:

- (a) enable the Commission to be informed, at the feasibility study stage, of investment projects planned in the Member States in the fields covered by the Regulation;

¹ Regulation 1056/72 of 18 May 1972, OJ L 120, 25.2.1972.

² Regulation 1215/76 of 4 May 1976, OJ L 140, 28.5.1976.

- (b) enable the Commission to inform the other Member States of aspects of those investment projects which are of Community interest;
- (c) enable the Commission to organize a flexible form of consultation between the Member States concerned with a view to achieving the greatest possible consistency of planned major investment;
- (d) enable the party responsible to take the fullest possible account of Community interest when taking the final decision authorizing the investments.

Gist of the Committee's Opinion ¹

The Committee, in its Opinion, adopted by a large majority with one vote against and one abstention, notes that the aim of the new procedures proposed is to permit a flexible form of consultation between Member States with a view to achieving the greatest possible consistency of planned major investments, and that it is not the intention of the Commission to interfere with the investment policies of the persons and undertakings concerned; they would remain free to carry out their investment projects as originally planned, or to modify them.

However, the ESC takes the view that, by laying down that any form of consultation between the interested parties would take place at the end of the feasibility study stage, the draft Regulation runs counter to the Commission's declared wish to maintain the confidentiality of information and the competitiveness of enterprises.

The Committee, therefore, believes that a more appropriate stage to pass on information relating to an energy investment project would be when a proposal is placed before a competent authority for approval, and it makes practical proposals to amend the draft Regulation to this end.

The Committee makes other proposals for amendments aiming to clarify and improve information and consultation procedures.

This Opinion was drawn up in the light of the paper produced by the Section for Energy, Nuclear Questions and Research, chaired by Mr Romoli (Italy — Employers). The rapporteur was Mr Aspinall (United Kingdom — Various Interests).

¹ CES 91/90.

7. TRANSIT OF ELECTRICITY

Proposal for a Council Directive on the transit of electricity through transmission grids [COM(89) 336 final — SYN 207]

Gist of the Commission document

The transfrontier interconnection of electricity grids has gradually developed within the Community as a logical sequel to local and regional interconnections, given the economic and technical advantages to be gained from the more profitable use of equipment and the greater security of supply. The widespread existence of integrated networks is therefore one of the features of the Community's electricity industry highlighted by the Commission in its document [COM(88) 238 final] on the internal energy market.

The Commission notes, however, in the same document that 'the national and international interconnection systems operate at present principally as links between producer/distributor systems (largely within national frontiers) rather than as systems linking all distributors with lowest cost-generation sources on an international basis'.

Despite the establishment in the Community of one of the world's most highly integrated high-voltage networks, trade in electricity between the Member States averages less than 5% of the electricity consumed in the Community. Accordingly, the Commission considers the question of exclusive rights for the operation of high-voltage interconnection systems to be one of the issues to be discussed as a matter of priority in the light of the electricity market's growing liberalization, and at the 8 November 1988 Energy Council meeting it undertook to take action in 1989 to abolish barriers to trade in electricity. The communication on increased intra-Community electricity exchanges accompanying the present proposal is in response to this undertaking.

In this communication, the Commission underlines the 'obvious' and 'unacceptable' fragmentation of the markets in electricity. The restrictions on competition in this sector are due in part to the sector's intrinsic features but they are also due to trade obstacles. Normally the differences in electricity costs should stimulate trade and even narrow the gaps between costs.

An increase in trade based on *de facto* advantages could, according to the Commission, have a major impact on kWh tariffs. Better

utilization of grids would save one-third of the investment otherwise needed before the turn of the century.

The Commission therefore proposes a three-stage plan for the greater integration of the electricity market, which would lead to greater economic efficiency and substantial savings and would also be commensurate with the security-of-supply objective. This plan consists of:

- (i) the adoption of a Directive establishing procedures for applying the right of transit between integrated electricity grids for the purpose of increasing and liberalizing trade;
- (ii) the establishment of cooperation between the Member States and interested parties in order to examine whether arrangements should be made for third-party access to grids and, if so, under what conditions;
- (iii) an improvement of the prior notification and consultation procedure relating to future investment in electricity generation and transmission in the Community (dealt with in a separate draft Regulation which has also been referred to the Committee).

In order to be in a position to avoid any distortion or discrimination which may result from the implementation of the right of transit, the Commission has also made provision for transparency with regard to:

- (i) financing of investments;
- (ii) the financial structures, etc., of electricity production, commercialization and distribution in the Member States.

Gist of the Committee's Opinion ¹

In its Opinion, adopted by a large majority, with one vote against and three abstentions, the Committee gives its basic approval to the inclusion of electricity supplies in the internal market and therefore welcomes the Commission proposal.

However, in view of the special problems posed by electricity supplies, the merging of national markets must be a cautious and gradual process.

¹ CES 90/90.

The Committee notes in this respect that the proposal's implementation will not require any changes to current national supply structures.

On the question of third-party access to the Community electricity network, the Committee stresses that it is not yet possible to make an adequate assessment of the pros and cons of introducing 'common carriage'.

The Opinion also makes a number of comments and proposals for amplifying or amending the proposal with a view to:

- (i) spelling out the scope of the Directive;
- (ii) confining the obligation to notify the Commission and the competent national authorities of requests for transit to cases where no agreement is reached, whereas the Commission proposal provides for the notification of all requests, including those on which 'entities' reach agreement;
- (iii) deleting Article 5 (which the Committee considers to have no legal significance).

This Opinion was drawn up in the light of the paper produced by the Section for Energy, Nuclear Questions and Research, chaired by Mr Romoli (Italy — Employers). The rapporteur was Mr Flum (Germany — Workers).

The Economic and Social Committee's external representation and influence

Official visit to the Republic of Malta on 9 to 11 January 1990

On 9 January 1990 a Committee delegation comprising Mr Masprone, the ESC Chairman, Mr Jenkins and Mrs Williams, Members of the Committee, and Mr Moreau, Secretary-General, met at Valletta (Republic of Malta):

senior officials from the Ministry of Social Affairs with responsibility for matters relating to training, employment and workers' participation;

the European Movement and the Alternative Democratic Party;

the Secretary of State responsible for the elderly, Mr Rizzo Naudi.

On 10 January, after being received by Mr Tabone, President of the Republic of Malta, the delegation held talks with the General Workers' Union (GWU). The delegation exchanged views with representatives of various socio-economic groups (the Employers' Association, the Federation of Industries and the Maltese Trade Union Confederation) as well as with farming, consumer protection, women's rights and environment protection representatives.

It also talked to the Maltese Labour and Nationalist parties.

On 11 January the delegation was welcomed by Mr Eddie Fenech Adami, Prime Minister and Minister for Foreign Affairs and by the Maltese Parliament delegation responsible for relations with the European Parliament.

Activities undertaken by the ESC Chairman and Secretary-General

12 January 1990: talks with Mr Crnobrnja, Ambassador Extraordinary and new head of the Yugoslav mission to the EC.

15 January 1990: meeting with Ms Papandreou, Member of the Commission.

17 January 1990: the Committee received a delegation from the National Bureau of the Force Ouvrière (FO) trade union (France).

19 January 1990: Mr Masprone, accompanied by Mr Roseingrave and Mr Pearson, Members of the Committee, held discussions with the Ambassador Extraordinary of the Permanent Representation of Ireland, Mr John H. F. Campbell.

22 January: further talks with Mr Campbell.

24 January: Mr Moreau addressed members of the Directors' Research and Study Centre in Paris on 'Europe and the single market'.

25 January: a Committee delegation, including the chairman, rapporteur and co-rapporteur of the GATT Study Group (Mr Cavazuti, Mr Romoli and Mr Droulin) and Mr Moreau, Secretary-General, were received in Geneva by Mr John Beck, Deputy Head of the Commission Delegation in Geneva, and by Mr Arthur Dunkel, Director-General of GATT. The purpose of this visit was to collect information on the progress of the Uruguay Round negotiations.

26 January: Mr Masprone addressed the conference organized by the ELA trade union in Bilbao, Spain.

29 January: the Committee welcomed Mr Fernandez Fabregas, Director-General in the EC Council for the budget, institutional affairs and relations with the European Parliament and the Economic and Social Committee.

31 January: meeting with Mr Krsikapa, Councillor for Social Affairs at the Yugoslav Embassy.

Other activities

On 24 January Mr McLaughlin, Director in the ESC Secretariat, talked with Mr Grunsteidl, international relations adviser to the president of Philips International.

Visiting groups

Between 5 and 26 January, the following groups visited the Economic and Social Committee

- 5 January 1990 Baton Rouge Agricultural University, USA
- 10 January 1990 France Télécom, France
- 12 January 1990 Dauphine Association for Europe, France
- 15 January 1990 Stockport College of Technology, United Kingdom
- 16 January 1990 Portsmouth Sixth Form College, United Kingdom
- 17 January 1990 German Civil Servants' Association (youth group), Hessen, West Germany
- 17 January 1990 Confederal executive board of Force Ouvrière, France
- 18 January 1990 Staffordshire Polytechnic, United Kingdom
- 19 January 1990 European Institute of Advanced International Studies, France
- 23 January 1990 Cucans (University society for north/south friendship links), University of Paris-V, Law Faculty, France
- 24 January 1990 Lesneven Institute of Rural Affairs, France
- 26 January 1990 World University Service, Ireland
- 26 January 1990 UIL senior officials (Italians Workers' Union) Italy

Provisional future work programme

February 1990 Plenary Session

OPINIONS

Civil liability for damage caused by waste
[COM(89) 282 final — SYN 217]

Restrictions on marketing of certain dangerous substances
[COM(89) 548 final]

Control of transfrontier movements of hazardous wastes
(10524/1/89/ENV)

Assessment of conformity (certification)
[COM(89) 209 final — SYN 208]

Community transit
[COM(89) 480 final — SYN 225]

Community civil aviation
[COM(89) 373 final]

Air traffic competition rules
[COM(89) 417 final]

Self-drive cars
[COM(89) 430 final]

Access to the market in the international carriage of goods by road
[COM(89) 572 final]

Farm prices (1990/91)
[COM(89) 660 final]

Game and rabbit meat
[COM(89) 496 final]

Poultry and feathered-game imports
[COM(89) 507 final]

Help for small cotton producers
[COM(89) 611 final]

March 1990 Plenary Session

OPINIONS

Social Affairs Section

Continuing vocational training

[COM(89) 567 final]

Environment Section

Treatment of acute human poisoning

[COM(89) 505 final]

Industry Section

European Company Statute

[COM(89) 268 final — SYN 218/SYN 219]

Section for Regional Development

Envireg — Community regional policy

Transport Section

Research and development programme — Transport (Euret)

[COM(89) 557 final — SYN 226]

Recognition of vocational qualifications — Civil aviation

[COM(89) 472 final]

Agriculture Section

Infectious haemopoietic necrosis of salmonids

[COM(89) 502 final]

Prevention of pathogens in foodstuffs

[COM(89) 509 final]

Safeguard measures in the veterinary field

[COM(89) 493 final]

Biological agricultural products

[COM(89) 552 final]

Products of animal origin

[COM(89) 492 final]

OWN-INITIATIVE WORK

Section for Regional Development

Declining industrial areas

Subcommittee

Agricultural and forestry resources

April 1990 Plenary Session**OPINIONS***Environment Section*

Medspa programme
[COM(89) 598 final]

Municipal waste-water treatment
[COM(89) 518 final]

Regional Development Section

14th ERDF report

Transport Section

Road vehicle dimensions
[COM(89) 573 final]

Energy Section

Euratom health protection — Radioactive waste shipment
[COM(89) 559 final]

Eurotra system
[COM(89) 603 final]

Cooperation agreements EC/Austria/Finland/Norway/Sweden/
Switzerland (SPES agreement)

EC/Finland/Switzerland/Norway/Sweden cooperation agreements
(BCR)

May 1990 Plenary Session**OPINIONS***Economic and Financial Section*

Excise duties
[COM(89) 551/525/526/527 final]

OWN-INITIATIVE WORK*Section for Regional Development*

Tourism year

INFORMATION REPORT*Section for External Relations*

EC relations with the countries of Eastern Europe

July 1990 Plenary Session

OPINIONS

Section for Social Questions

Social developments

Transport Section

Relations between the Member States and the railways
[COM(88) 842 final]

OWN-INITIATIVE WORK

Economic and financial Section

Mid-1990 economic situation

Plenary Sessions still to be determined

OPINIONS

Environment Section

Tourism — Five-year programme
[COM(88) 363 final]

Protection of natural habitats
[COM(88) 381 final]

Fur imports
[COM(89) 198 final]

Industry Section

Mobile machinery
[COM(88) 624 final — SYN 223]

INFORMATION REPORT

Section for External Relations

GATT/Uruguay Round

LIST OF PUBLICATIONS AND BROCHURES

Available from the ESC

General documentation

The other European Assembly (CES 89-003)
Leaflet on the ESC

Opinions and studies

Europe and the new technologies (1986) (ESC 89-004)
Disadvantaged island regions (July 1988) (ESC 88-009)
Basic Community social rights (Opinion) (February 1989)
Horizon 1992: The ESC supports the removal of fiscal frontiers (July 1988)
(eight Opinions)
Target date 1992: The ESC supports 'the new-frontier Europe' (June 1988)
(seven Opinions) (ESC 88-010)

Available from Gower Publishing Co. Ltd, 1 Westmead, Farnborough, Hants GU1 47RU

Community Advisory Committee for the Representation of Socio-Economic
Interests (UKL 8.50)
European interest groups and their relationship to the Economic and Social
Committee (UKL 25)

Available from Delta Publications, rue Scailquin 55, 1030 Brussels

The economic and social interest groups of Portugal (BFR 350)
Action by the European Community through its financial instruments
(Brussels, 1979) (BFR 425)
The economic and social interest groups of Greece (BFR 350)
The right of initiative of the ESC (BFR 400)

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Directory of European agricultural organizations (UKL 39)

Available from the EC Publications Office

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Community (Brussels, 1987) (ECU 3.40)
European environment policy: air, water, waste management (Brussels,
1987) (ECU 3.50)
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EEC maritime transport policy (Brussels, June 1986) (ECU 3.40)
EEC air transport policy (October 1985) (ECU 5.50)
GATT – towards a new round (Opinion) (Brussels, 1986) (ECU 2.20)
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