

COUNCIL OF THE EUROPEAN COMMUNITIES
GENERAL SECRETARIAT

PRESS RELEASE

6710/93 (Presse 88)

1666th Council meeting

LABOUR AND SOCIAL AFFAIRS

Luxembourg, 1 June 1993

President: Ms Jytte ANDERSEN
Minister for Labour of the Kingdom of
Denmark

The Governments of the Member States and the Commission of the European Communities were represented as follows:

<u>Belgium:</u> Ms Miet SMET	Minister for Employment and Labour
<u>Denmark:</u> Ms Jytte ANDERSEN Ms Karen MOUSTGAARD JESPERSEN Mr Henrik HASSENKAM	Minister for Labour Minister for Social Affairs State Secretary for Labour
<u>Germany:</u> Mr Horst GÜNTHER	Parliamentary State Secretary, Federal Ministry of Labour and Social Affairs
<u>Greece:</u> Mr Aristides KALANTZAKOS	Minister for Labour
<u>Spain:</u> Mr Luis MARTINEZ NOVAL	Minister for Labour and Social Security
<u>France:</u> Mr Michel GIRAUD	Minister for Labour, Employment and Vocational Training
<u>Ireland:</u> Ms Mary O'ROURKE	Minister of State (Labour Affairs)
<u>Italy:</u> Mr Gino GIUGNI	Minister for Employment
<u>Luxembourg:</u> Mr Jean-Claude JUNCKER Ms Mady DELVAUX-STEHRÉS	Minister for Labour Secretary of State for Social Security
<u>Netherlands:</u> Mr Bert DE VRIES	Minister for Employment and Social Security
<u>Portugal:</u> Mr José DA SILVA PENEDA	Minister for Employment and Social Security
<u>United Kingdom:</u> Mr David HUNT Mr Michael FORSYTH	Secretary of State for Wales Minister of State for Employment
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<u>Commission :</u> Mr Pádraig FLYNN Mr Antonio RUBERTI	Member Member

ACCESS TO CONTINUING VOCATIONAL TRAINING

The Council agreed on the Recommendation on access to continuing vocational training (see text in Annex I).

In that Recommendation, provided for in the Commission's action programme on the implementation of the Community Charter of the Fundamental Social Rights of Workers, the Council recommends that Member States organize their vocational training policies in such a way that every Community worker is enabled to have access to continuing vocational training without any form of discrimination and to benefit therefrom throughout his or her working life.

Continuing vocational training has been of constant concern to both employers and workers in the context of the dialogue between the two sides of industry and the Recommendation draws particularly on the joint opinion of the two sides of industry, dated 21 September 1991, on ways of facilitating the broadest possible effective access to training opportunities.

The Recommendation stipulates that Member States should take a series of measures concerning inter alia:

- companies' training plans and programmes;
- support for SMUs facing industrial change;
- informing workers and informing and consulting their representatives;
- access to continuing vocational training for women, young people and the unemployed;

- the transnational dimension, in particular with a view to facilitating workers' freedom of movement.

The Council instructed the Permanent Representatives Committee to finalize the text with a view to its adoption without further discussion at a forthcoming meeting.

FLEXIBLE RETIREMENT

The Council agreed on the Resolution on flexible retirement arrangements, the text of which is contained in Annex II.

In this Resolution, approved at the Presidency's initiative, the Council wishes inter alia to see older people continue to play an active part in society and, having regard to the economic and employment situation, maintain a link with the labour market.

The Council instructed the Permanent Representatives Committee to finalize the text with a view to its adoption, without further discussion, at a forthcoming meeting.

ORGANIZATION OF WORKING TIME

At the end of discussions over a period of several years, the Council reached agreement, with the United Kingdom delegation abstaining, on the common position concerning the Directive on certain aspects of the organization of working time.

The common position contains minimum provisions concerning the following main aspects:

- maximum weekly working time (48 hours including overtime);
- daily rest (11 hours);
- breaks;
- weekly rest (24 hours);
- annual paid leave (four weeks);
- nighttime working hours (8 hours).

It also includes a provision for the protection of night workers.

The Directive provides for the possibility of fixing:

- reference periods for:
 - = weekly rest;
 - = maximum weekly working time;
 - = nighttime working hours.
- derogations from some of the Directive's Articles.

It will be recalled that at its meeting on 24 June 1992 the Council had already achieved broad agreement on the common position, with the exception of the following two points in particular:

- the level at which the two sides of industry may, subject to certain conditions, derogate from certain articles of the Directive;
- the maximum duration of the reference period relating to the application of Article 6 (maximum weekly working time) and the option open to the two sides of industry of exceeding that maximum.

The Council instructed the Permanent Representatives Committee to finalize the text with a view to its adoption, without further discussion, at a forthcoming meeting.

ESTABLISHMENT OF EUROPEAN WORKS COUNCILS

The Council held an exchange of views on the proposal for a Directive on the establishment of a European Works Council in Community-scale undertakings or groups of undertakings for the purposes of informing and consulting employees.

Its discussions focused on the following points:

- definitions of "Community-scale undertaking" and "Community-scale group of undertakings";
- definition of "controlling undertaking";
- possible exclusion from the scope of the Directive of employees on merchant navy ships.

The Council instructed the Permanent Representatives Committee to continue its discussions.

INITIATIVE IN THE FIELD OF EMPLOYMENT

The Council held an exchange of views on the Commission communication entitled "Community-wide framework for employment".

The exchange of views ended with the Council reaching the following conclusions:

1. The Council underlines the vital importance it attaches to attacking the problem of severe unemployment throughout the Community.
2. The Council pledges the collective commitment of Labour and Social Affairs Ministers to seek solutions to unemployment.
3. The Council welcomes the Commission communication as a valuable contribution to this process, while recognizing that the primary responsibility for employment policies lies with the Member States.
4. The Council will intensify its efforts to these ends and will seek to mobilize all parties concerned, notably the social partners.

PROTECTION OF YOUNG PEOPLE AT WORK

Following a policy debate at the meeting on 6 April 1993, the Council continued its discussion on certain questions of principle concerning the proposal for a Directive on the protection of young people at work and of the following points in particular:

- limitations on working time authorized for children working under a combined work/training scheme or performing light work;
- the conditions and scope of any derogations from the principle of banning night work by children and adolescents.

It will be recalled that:

- the Directive is provided for in the Commission's action programme on the implementation of the Community Charter of the Fundamental Social Rights of Workers, which contains specific provisions on the protection of young people and children in particular;
- the conventions and other agreements concluded in this field by international organizations, and in particular Convention No 138 of the International Labour Organization, lay down high standards of protection.

The Council asked the Permanent Representatives Committee to continue its discussions and to submit a draft common position as soon as possible.

FISHING VESSELS

With the French and United Kingdom delegations abstaining, the Council approved the common position with a view to the adoption of the Directive concerning the minimum safety and health requirements for work on board fishing vessels.

It should be emphasized that the activities of fishermen involve specific and major risks and that the accident, and in particular fatal accident rate, is reaching a high level which is of great concern.

The text which was approved applies to:

- new vessels 15 or more metres in length;
- existing vessels 18 or more metres in length.

The common position provides inter alia that:

- owners must ensure that their vessels are used without endangering the safety and health of workers;
- any occurrences at sea which affect or could affect the health and safety of the workers on board must be described in a report to be forwarded to the competent authorities;
- to verify their compliance with the Directive vessels must be subject to regular checks by authorities specifically empowered to carry out such checks;
- owners must ensure that any defects likely to affect the safety and health of workers are rectified;

- owners must ensure that the vessels are cleaned regularly and that life-saving and survival equipment is in good working order and take account of personal protective equipment specifications.

The common position embodies provisions on the information, training, consultation and participation of workers.

It contains 4 Annexes laying down:

- minimum health and safety requirements for new vessels;
- minimum health and safety requirements for existing vessels;
- minimum health and safety requirements concerning life-saving and survival equipment;
- minimum health and safety requirements concerning personal protective equipment.

The Council instructed the Permanent Representatives Committee to finalize the text with a view to its adoption, without further discussion, at a forthcoming meeting.

OTHER BUSINESS

The Council noted:

- a statement by the Danish delegation on combating social exclusion;
- a statement by the German delegation on the protection of data relating to workers;
- a statement by the Commission on the European Year of Older People and of Solidarity between Generations (1993).

COUNCIL RECOMMENDATION

on access to continuing vocational training

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community, and in particular Article 128 thereof,

Having regard to the proposal from the Commission ⁽¹⁾,

Having regard to the Opinion of the European Parliament,

Having regard to the Opinion of the Economic and Social Committee ⁽²⁾,

1. Whereas the first principle established by Council Decision 63/266/EEC of 2 April 1963 laying down general principles for implementing a common vocational training policy ⁽³⁾ states that every person should receive adequate training, with particular reference to the need to promote basic and advanced vocational training and, where appropriate, retraining suitable for the various stages of working life, and the need to offer to every person, by means of permanent facilities for vocational advancement, the opportunity to gain promotion or to receive instruction for a new and higher level of activity;
2. Whereas, under the terms of Decision 63/266/EEC, it is the responsibility of the Member States and the competent institutions of the Community to apply such general principles within the framework of the Treaty;
3. Whereas the development of human resources by means of vocational training is one of the essential elements in increasing the competitiveness of the European economy; whereas, as affirmed by the European Council meeting in Hanover on 27 and 28 June 1988, the completion of the single market must be accompanied by increased access to continuing training;
4. Whereas technological developments, their impact on employees' skills and the growth of unemployment make it necessary to develop access to continuing vocational training;
5. Whereas point 15 of the Community Charter of the Fundamental Social Rights of Workers, adopted by the Heads of State and of Government of eleven Member States at the European Council meeting in Strasbourg on 9 December 1989, states that:

⁽¹⁾ OJ C 23, 27.1.1993, p. 8.

⁽²⁾ OJ C 129, 10.5.1993, p. 57.

⁽³⁾ OJ C 63, 20.4.1993, p. 1338/63.

"Every worker of the European Community must be able to have access to vocational training and to benefit therefrom throughout his working life. In the conditions governing access to such training there may be no discrimination on grounds of nationality.

The competent public authorities, undertakings or the two sides of industry, each within their own sphere of competence, should set up continuing and permanent training systems enabling every person to undergo retraining, more especially through leave for training purposes, to improve his skills or to acquire new skills, particularly in the light of technical developments."

- 6. Whereas vocational training remains of constant concern to both employers and workers in the context of the dialogue between the two sides of industry ⁽⁴⁾;**
- 7. Whereas the Economic and Social Committee adopted a report on 22 October 1992 on vocational training as a means of promoting vocational qualifications and a strategic instrument for the economic and social development of the European Community;**
- 8. Whereas on 21 April 1993 the European Parliament adopted an own-initiative report on vocational training policy in the European Community for the 1990s, in which the subject of access to continuing training is considered;**
- 9. Whereas transnational co-operation measures have been undertaken at Community level ⁽⁵⁾;**

(⁴) See following texts:

- joint opinion of 6 March 1987 on training and motivation, information and consultation;
- joint opinion of 13 February 1990 on the creation of a European occupational and geographical mobility area and improving the operation of the labour market in Europe;
- joint opinion of 19 June 1990 on basic education and initial, vocational and adult training;
- joint opinion of 21 September 1991 on ways of facilitating the broadest possible effective access to training opportunities;
- agreement of 31 October 1991 between the two sides of industry at European level;
- European framework agreement of 6 September 1990 between the European Trade Union Confederation (ETUC) and the European Centre of Public Enterprises (CEEP) on training in public enterprises.

(⁵) See following texts:

- Council Decision 90/267/EEC of 29 May 1990 establishing an action programme for the development of continuing vocational training in the European Community (FORCE) (OJ L 156, 21.6.1990, p. 1);

10. Whereas demographic trends will significantly reduce the number of young people entering the Community labour market, which, together with changes in the working environment, must lead to an updating and greater adaptation of skills among the working population;
11. Whereas it has been noted throughout the Community that the problems faced by women in gaining access to employment are largely attributable to their limited access to vocational training; whereas particular attention must be devoted to ensuring that women have effective access to continuing vocational training; whereas the increase in the number of working women should also be taken into account ⁽⁶⁾;
12. Whereas co-operation in the field of continuing vocational training should also be based on existing provisions in force in the Member States, while respecting the diversity of national legal systems and practices, the powers under national law of the parties concerned and contractual autonomy; whereas the initiatives taken at national level by the Member States and the two sides of industry are many and varied, and it appears, as regards the Community Charter of the Fundamental Social Rights of Workers, and taking into account the transnational dimension of the action, that they should be supported at Community level; whereas, finally, it is essential to encourage a synergy of resources and promote partnerships between the public and private sectors;
13. Whereas the Advisory Committee on Vocational Training has been consulted; whereas it has recognized the strategic importance of the question of continuing vocational training in undertakings, for the Member States and for the Community, and the necessity for the Community to be seen to play an active role in this area,
- I. RECOMMENDS that Member States, taking into account the resources available and the

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- Council Decision 89/657/EEC of 18 December 1989 establishing an action programme to promote innovation in the field of vocational training resulting from technological change in the European Community (Eurotecnet) (OJ L 393, 30.12.1989, p. 29); both as amended by Decision 92/170/EEC (OJ L 75, 21.3.1992, p. 51);
 - Council Decision 89/27/EEC of 16 December 1988 adopting the second phase of the programme on co-operation between universities and industry regarding training in the field of technology (Comett II) (OJ L 13, 17.1.1989, p. 28);
 - Council Decision 91/387/EEC of 22 July 1991 amending Decision 87/569/EEC concerning an action programme for the vocational training of young people and their preparation for adult and working life (PETRA) (OJ L 214, 2.8.1991, p. 69);
 - Council Regulation (EEC) No 4255/88 of 19 December 1988 laying down provisions for implementing Regulation (EEC) No 2052/88 as regards the European Social Fund (OJ L 374, 31.12.1988, p. 21).

⁽⁶⁾ Commission of the European Communities: "Employment in Europe" (1992).

respective responsibilities of the competent public authorities, undertakings and the two sides of industry, while respecting the diversity of national legal systems and/or practices, gear their vocational training policies to ensuring that every worker of the Community must be able to have access to continuing vocational training without any form of discrimination and to benefit therefrom throughout his or her working life;

II. RECOMMENDS that, in order to provide easy access for as many employees as possible, Member States:

1. raise awareness among undertakings about the links between workers' skills and the competitiveness of undertakings to encourage them to give priority to improving the quality and skills of their employees and to establish training plans and programmes appropriate to their size and business objectives, making their managers aware of requirements in this respect and informing them accordingly.

These plans and programmes may be established by taking into account available human and financial resources, the organization of work, future skill requirements, the need to anticipate industrial and technological change and the transnational dimension of continuing vocational training;

2. make provision for specific incentives and technical support measures for small and medium-sized undertakings.

These could include, for example, assistance with regard to advice on training and assistance with regard to analysis of training needs;

3. encourage undertakings to give impetus to the continuing vocational training necessary for their development, taking account of the particular situation of the employees of the undertakings, particularly in order to promote, where appropriate, the measures described below;
4. make provision for specific incentives and technical support measures which are appropriate, necessary and adequate for undertakings facing industrial change, in order to encourage vocational training and retraining for their employees;
5. develop continuing vocational training in order to make it an important feature of regional and local development, taking into account the specific needs of employees and undertakings;

support the establishment of partnerships, particularly at regional or local level, to analyse the requirements of undertakings and employees and to provide up-to-date information on training opportunities in order to match supply and demand as closely as possible;

6. impress on employers that they should inform their employees as soon as possible and, if necessary, at the time of their recruitment, about the undertaking's policy and activities in the field of continuing vocational training and staff development and about the terms of access to continuing vocational training, including the possibility of being assigned non-active status for the purpose of continuing vocational training;
7. support initiatives which enable workers who so desire to assess their continuing vocational training needs.

This assessment should be carried out within or outside the undertaking and/or in partnership with specialized institutions.

The use of the results must be confidential;

8. encourage the information and consultation of employees' representatives or, in the absence of such representatives, the employees themselves on the development and implementation of the training plans and programmes of the undertaking concerned;
9. make employees and undertakings more aware of the importance of continuing vocational training leading to qualifications relevant to the employment market.

To this end, it should be ensured that training is not directed specifically towards the post in question alone but that it provides the means of anticipating and mastering developments in production systems and the organization of work in order to strengthen the competitiveness of undertakings and improve employees' job prospects;

10. encourage the development of the most suitable teaching and learning methods in continuing vocational training which will facilitate access to continuing vocational training for employees, e.g. methods of self-training on the job, distance learning, media-assisted learning, etc;
11. help less-qualified employees, whatever their status, to benefit from continuing vocational training measures enabling them to achieve a basic level of qualification and giving them the basis for mastery of new technologies.

Particular attention should be paid to providing access to continuing training for employees or groups of employees who have not benefited from training for a certain length of time or who have limited opportunities for employment and job prospects;

12. encourage access for and effective participation by women in continuing vocational training.

This may in particular help to open up new professional fields to women and encourage the resumption of a professional activity after a break in such activity;

13. promote access to continuing vocational training for young people with a vocational qualification or work experience, whatever their level of skills, and encourage their participation therein, in order to enable them to realize their full potential and acquire skills for the present and the future;
14. encourage access to and participation in continuing vocational training by the unemployed.

Particular attention should be paid to the long-term unemployed with inadequate and/or unsuitable qualifications, in order to improve their occupational integration or reintegration.

The continuing vocational training of the unemployed which involves action by undertakings is particularly suited to promoting reintegration into the labour market;

15. encourage, in policies on access to continuing vocational training, a transnational dimension, in particular to assist the free movement of workers;

- III.
 1. INVITES the Commission to reinforce co-operation with Member States and the two sides of industry, in particular within the Advisory Committee on Vocational Training, in order to support the implementation of point II;
 2. To this end INVITES the Commission, in concert with the Member States and by utilizing the existing Community action programmes and initiatives in the field of training, including, where appropriate, the European Social Fund, and specialized bodies within the Community such as Cedefop, to:
 - (a) disseminate and add to the body of comparative information on continuing vocational training systems, including existing provisions and methods for integrating young job-seekers and the long-term unemployed into the labour market;
 - (b) facilitate suitable exchanges of experience in and methods for significant innovations in continuing training;
 - (c) support transfers of know-how between Member States, which are important for implementing point II, by means of transnational partnerships and networks, especially for the benefit of regions, sectors, types of undertaking and groups of employees for whom access to continuing training is least

developed;

3. Also INVITES the Commission to support moves by both sides of industry at Community level, within the dialogue between them, to discuss access to continuing training in greater depth; such dialogue could, if the two sides consider it desirable, lead to relations based on agreement;
- IV.
1. INVITES Member States to provide the Commission, three years after the date of adoption of this Recommendation, with a report setting out the measures taken under the terms of points I and II;
 2. INVITES the Commission:
 - (a) on the basis of the reports from the Member States and the results of the dialogue between the two sides of industry, to draw up an assessment report on progress made on the basis of the recommendations in points I and II in the sphere of access to continuing vocational training in the Community;
 - (b) to submit this assessment report, not later than one year after the date referred to in point IV.1, to the Advisory Committee on Vocational Training;
 3. INVITES the Commission to submit this report to the European Parliament, the Council and the Economic and Social Committee and to send it to the two sides of industry at Community level,
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COUNCIL RESOLUTION
on flexible retirement arrangements

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

1. **RECALLS** the Council Recommendation of 10 December 1982 on the principles of a Community policy with regard to retirement age, which advocates inter alia the gradual introduction of flexible retirement arrangements and lays down general objectives on these issues;
2. **RECALLS** the reports submitted to the Council by the Commission in 1986 and 1992 on the application of the Recommendation;
3. **RECALLS** the Council Recommendation of 27 July 1992 on the convergence of social protection objectives and policies;
4. **NOTES** the changed employment situation in recent years and the changes in the age and composition of the workforce;
5. **NOTES** that several Member States have framed their policies in the light of a number of objectives having regard, on the one hand, to the retirement situation for employees and, on the other, to the labour-market situation for older workers;
6. **NOTES** the financial constraints and their implications for retirement schemes and other schemes with similar objectives in the Member States, in view of demographic patterns and the labour-market situation;
7. **NOTES** the increasing demand by men and women for greater choice and more flexibility regarding active participation in the labour market over their working lives;
8. **NOTES** that certain features of flexible retirement arrangements for older employees may have a considerable bearing on the possibility of those covered by them returning to employment;
9. **NOTES** recent developments in pension and retirement schemes and the debate under way in Member States in the light of changes in the employment, demographic and economic situation;
10. **EMPHASIZES** the positive socio-economic contribution made by older employees and **WISHES** to encourage a smooth transition from work to retirement, e.g. through appropriate adjustment of working conditions;
11. **EMPHASIZES** that a smooth transition to retirement as well as flexible arrangements as indicated in point 13 may constitute a rational response to changing demographic

patterns and to labour-market changes;

12. **REFERS** in this connection to the steps taken in several Member States, in accordance with their specific features, to introduce the possibility of partial retirement from the labour market, combining retirement benefits with income from employment;
13. **EMPHASIZES** that the framing and implementation of a policy on flexible retirement arrangements is a matter for each Member State, subject to the provisions of the Treaties and bearing in mind the principle of subsidiarity referred to in Article 3b of the Treaty on European Union;
14. **NOTES** the important role of management and labour in this field in the Member States;
15. **WISHES** to see older people continue to play an active part in society and, having regard to the economic and employment situation in each Member State, maintain a link with the labour market;
16. **INVITES** the Member States and, where appropriate, management and labour, to develop and, if necessary, adapt their employment policies so as to make possible flexible adjustments in line with changes in demography and in the age structure of the labour force;
17. **CALLS** on Member States to continue collecting information and assessing the effects of changes in their employment policies and in their pension and retirement schemes;
18. **CALLS** on the Commission therefore:
 - (a) to promote exchanges of information on pension and retirement schemes for older employees in the Community;
 - (b) subsequently to inform the European Parliament, the Council and the Economic and Social Committee of the measures taken by the Member States in implementation of this Resolution;
 - (c) to examine, following communication of this information to the institutions concerned and in consultation with the Member States, whether other measures are needed.

MISCELLANEOUS DECISIONS

Co-operation agreement with India

The Council decided to sign the Co-operation Agreement between the European Economic Community and the Republic of India on partnership and development negotiated by the Commission and initialled on 11 December 1992.

The Council also decided to consult the European Parliament on the Agreement.

Relations with the countries of Central and Eastern Europe

Following the constitutional developments which took place in Czechoslovakia on 1 January 1993, the Council authorized the Commission to negotiate two Exchanges of Letters between the Community, of the one part, and the Czech Republic and Slovakia, of the other part, for the acceptance by the latter of all obligations arising from all the Agreements concluded by the Community with the former CSFR and in particular from the Interim Agreement.

Transport

The Council adopted a common position on the Regulation for an action programme in the field of transport infrastructure with a view to the completion of an integrated transport market.

The purpose of this Regulation is to renew Regulation No 3359/90, with certain amendments regarding objectives and infrastructure projects, for a transitional period of two years, pending more comprehensive measures to be taken later on trans-European networks in the framework of the Treaty on European Union.

It is to be the subject of a conciliation meeting between the Council and the European Parliament on 7 June 1993 in Luxembourg alongside the Transport Council meeting.

Agriculture

The Council adopted:

- the Regulation on measures adjusting certain sectors of the Portuguese food industry. The idea is to encourage that industry's modernization efforts in Portugal in the context of the integration of Portuguese agriculture into the single market. To this end provision is made for the granting of Community aid amounting to a maximum of ECU 60 million to be gradually reduced over three years. Policy agreement on this Regulation had already been reached at the Agriculture Council in March 1993 (see Press Release 4524/93 (Presse 15));
- new Directives on the statistical surveys to be carried out on the production of
 - = pigs,
 - = bovine animals,
 - = sheep and goats.

The purpose of these Directives is to provide the Commission with regular data on the trend of animal populations and production potential. In particular they lay down detailed conditions for surveys, regional breakdowns, classes of population sizes and forecasts on production and external trade.



Luxembourg, 1 June 1993.

NOTE BIO (93) 148 AUX BUREAUX NATIONAUX
cc. aux Membres du Service du Porte-Parole

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Labour and Social Affairs Council
(Gerry Kiely)

ORGANISATION OF WORKING TIME

Introduction

1. The Commission published its original proposal for a Directive on certain aspects of the organisation of working time in September 1990 (COM(90) 317 final - SYN 295), as part of its Action Programme implementing the Community Charter of Basic Social Rights for Workers. The proposal was made under Article 118A of the Treaty establishing the European Economic Community.
2. The main aims of the proposed Directive were to ensure that workers have minimum daily, weekly and annual rest periods and that they do not work excessively long hours at night.
3. The European Parliament gave its Opinion on the Commission's proposal in February 1991. The Commission made an amended proposal in the light of Parliament's Opinion in April 1991 (COM(91) 130 final).

The Common Position of the Council

4. The Common Position of the Council establishes the following principles :
 - a minimum daily rest period of 11 consecutive hours a day;
 - a right to a rest break where the working day is longer than 6 hours;
 - a minimum rest period of 1 day a week;
 - a maximum working week of 48 hours on average including overtime;
 - a right to 4 weeks' annual paid holiday;
 - night work must not exceed 8 hours a night on average.
5. Provision is made for derogations in certain circumstances, in particular in accordance with certain criteria (with examples) set out in the Directive and where there are collective agreements with regard to working time covering the workers concerned. Where these "derogations" are allowed the workers concerned will normally have a right to equivalent compensatory rest periods.
6. Whereas the Commission proposed that the Directive should cover all employees, the Council have agreed to exclude the transport sectors and sea fishing from the scope of the Directive.

Next steps

7. Under the Co-operation Procedure laid down in Article 149 of the Treaty, the Common Position will now be sent to the European Parliament for a second reading. The Parliament will have 3 months in which to accept, amend or reject the Common Position. If the Parliament amends the Common Position, the Commission will then have a further month in which to make a "re-examined" proposal in the light of Parliament's amendments. The Council will then have a further 3 months in which to adopt the proposal.

Implementation

8. The Common Position provides for implementation of the provisions of the Directive by the Member States within three years of its final adoption by the Council. However the provision of a right to a fourth week of annual paid leave may be postponed for a further three years. At the request of the United Kingdom delegation, a Member State will also have the option to allow workers to work more than 48 hours a week on average, provided that such work is voluntary and that specific safeguards are provided to prevent abuse. This provision will be reviewed within 10 years of the adoption of the Directive.

Amitiés,
Bruno Dethomas

Luxembourg, 1 June 1993.

NOTE BIO (93) 148 (suite 1) AUX BUREAUX NATIONAUX
cc. aux Membres du Service du Porte-Parole

Labour and Social Affairs Council
(Gerry Kiely)

* Proposal for a Directive on the protection of young people at work

This proposal lays down minimum safety and health requirements for the protection of young people at work and it is intended that young people may not be allowed to perform any work likely to harm their physical, psychological or social development or compromise their education. To fulfill these objectives under the proposal member States shall adopt measures necessary to ensure general prohibition of work by children and that adolescents have working conditions which suit their age.

The presidency asked Ministers to address two issues upon which it put forward a compromise that :

- (a)- limit on working time ie 8 hours/day and 40 hours/week for work performed under a combined work/training scheme;
 - 2 hours on a school day and 12 hours per week;
 - 7 hours per day and 35 hours per week for work performed during the school holiday period.
- (b) member States shall adopt measures to prohibit work by adolescents between 22.00 hours and 6.00 hours.

It was not possible to conclude an agreement on this proposal and the subject was sent back to Coreper to prepare for a decision in the near future.

Responding to the debates Mr Flynn said that the Community must adopt legislation in this area and he believed the outstanding difficulties are not insurmountable.

* Proposal for a Directive on the establishment of European works Councils :

Introducing the proposal Mr Flynn made the following points :

- the Directive reflects subsidiarity in that it confines itself to transnational information and consultation and leaves responsibility for determining the nature functions and powers of such bodies to management and employees representatives;
- the Directive seeks to ensure that the EWC does not over-ride the rights and responsibilities of existing lower-tier employees representative bodies established under national laws and practices;

- the positive effects of productivity resulting from the improvement of industrial relations should be regarded as a real incentive;
- the Commission considers that the Directive should apply to all sectors, including fishing, maritime transport and sea-going vessels;
- that the thresholds should be maintained at 1000 employees within the Community and 100 in at least two member States;
- that this proposal is a vital part of the legislative process to get a social dimension for the Community.

On the question of thresholds, a minority of delegations felt that the threshold should be raised from 100 to 200 or 250 employees (ie secondary threshold) while a majority can accept the proposed level of 100.

A discussion also took place on the definition of controlling undertaking, but it was not possible to find a consensus on this point.

The third point addressed was the request to exempt employees of merchant navy ships from the Directive. This derogation was sought by two member States, who maintained their positions.

The subject was sent back for discussion to Coreper recognising that some progress had been made but that the Directive was not yet ready for adoption.

Amitiés,
Bruno Dethomas

.embourg, 1 June 1993.

**NOTE BIO (93) 148 (suite 2) AUX BUREAUX NATIONAUX
cc. aux Membres du Service du Porte-Parole**

Labour and Social Affairs Council
(Gerry Klely)

*** Proposal for a Directive on fishing vessels**

The Commission has put forward a proposal aimed at improving the working conditions and safety of fishermen.

Introducing the proposal Mr Flynn said that this sector presents the highest of fatal accidents of all sectors at 300-600 per year and the sector also has relatively poor working conditions. The Council, he said, has a responsibility to improve safety conditions for these workers.

The debate focused on the length of vessels to which the Directive would apply and the transition period which would apply to existing vessels with a compromise proposal for the Directive to apply to existing vessels of 18 metres or more and that the transitional period be extended to 7 years (ie together with a 2 years implementation period). This was further modified to new vessels - 15 metres and existing vessels of 18 metres. This proposal was agreed as a common position.

Council Conclusions on the Commission's Communication on Employment

1. The Council underlines the vital importance it attaches to attacking the problem of severe unemployment throughout the Community.
2. The Council pledges the collective commitment of Labour and Social Affairs Ministers to seek solutions to unemployment.
3. The Council welcomes the Communication of the Commission as a valuable contribution to this process, while recognising that the primary responsibility for employment policies lies with the Member States.
4. The Council will intensify its efforts to these ends and will seek to mobilise all parties concerned, including the Social Partners.

Amitiés,

Bruno Dethomas

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