

COUNCIL OF THE EUROPEAN COMMUNITIES
GENERAL SECRETARIAT

PRESS RELEASE

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1541st Council meeting
LABOUR AND SOCIAL AFFAIRS
Brussels, 3 December 1991

President: Mr Bert DE VRIES
Minister for Employment and
Social Security of the
Kingdom of the Netherlands

France:

Mrs Martine AUBRY

Minister for Labour, Employment
and Vocational Training

Mr Jean-Louis BIANCO

Minister for Social Affairs and
Integration

Ireland:

Mr Michael O'KENNEDY, T.D.

Minister for Labour

Italy:

Mr Ugo GRIPPO

State Secretary for Employment
and Social Security

Luxembourg:

Mrs Mady DELVAUX-STEHRÉS

State Secretary for Social
Security

Netherlands:

Mr Bert DE VRIES

Minister for Employment and
Social Security

Mrs E. TER VELD

State Secretary for Employment
and Social Security

Portugal:

Mr José DA SILVA PENEDA

Minister for Employment and
Social Security

United Kingdom:

Mr Michael HOWARD

Secretary of State for
Employment

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Commission:

Ms Vasso PAPANDEOU

Member

ORGANIZATION OF WORKING TIME

The Council held a detailed discussion on the proposal for a Directive on certain aspects of the organization of working time.

At the close of the debate, the President noted that the compromise text proposed met with delegations' approval, subject to certain specific points which still caused difficulty for some delegations and reservations entered by two delegations.

The Council instructed the Permanent Representatives Committee to continue examining the proposal with a view to reaching agreement on the common position under the Portuguese Presidency.

PROVISION OF SIGNS

The Council agreed on the common position on the Directive concerning the minimum requirements for the provision of safety and/or health signs at work.

It will be formally adopted at a forthcoming meeting, following legal and linguistic editing of the texts.

The Directive, based on Article 118a of the Treaty, is the eighth individual Directive within the meaning of Article 16(1) of framework Directive 89/391/EEC, aimed at encouraging improvements in the safety and health of workers at work. It is designed, more specifically, to combat risk factors associated with linguistic and cultural differences which might arise as a result of the free movement of workers.

In contrast with Council Directive 77/576/EEC which it replaces, it is designed to make the provision of signs compulsory in certain circumstances and to introduce new safety signboards and other harmonized forms of signs. It also covers more firms and workers than Directive 77/576/EEC, since its scope in relation to persons is that of framework Directive 89/391/EEC.

The Directive is scheduled to enter into force no later than two years after its adoption.

SOCIAL SECURITY FOR MIGRANT WORKERS

The Council gave its consent to two Regulations on social security for migrant workers, one concerning non-contributory benefits and the other the award and calculation of pensions. Formal adoption will take place at a forthcoming meeting, following legal and linguistic editing of the texts. The two proposals, which were discussed by the Council in 1985 and 1989 respectively, supplement Community legislation on social security for migrant workers.

The Regulation on non-contributory benefits, which is designed to bring Regulation (EEC) No 1408/71 into line with the case-law of the Court of Justice in this area, makes provision for co-ordinating non-contributory schemes under which Member States are obliged to grant non-contributory benefits to workers resident in their territory who fall within the Regulation's scope in relation to persons.

More particularly, the Regulation stipulates that where a person transfers his place of residence to another Member State, the latter must give him benefit corresponding to that granted in his

Member State of origin, provided that the legislation of the latter makes provision for such benefit.

The Regulation on the award and calculation of pensions, for which the Court of Justice's case-law had also indicated the need, is designed to simplify the award and calculation of the pensions of those who have worked in several Member States.

Its purpose is to resolve problems arising in connection with the aggregation of periods of employment in different Member States and the co-existence of different types of legislation in cases of overlapping of pensions, and to protect migrant workers from over-stringent application of national provisions against the overlapping of benefits.

It stipulates in particular that if the application of national legislation, including the clauses against overlapping, proves less favourable than that of the aggregation and pro-rata arrangements, the latter arrangements must be applied.

CHILD CARE

The Council gave its consent to the proposal for a Recommendation on child care.

The Recommendation, provided for in the Commission's action programme for the implementation of the Community Charter of the Fundamental Social Rights of Workers, makes provision for a number of initiatives in the area of child care, to enable parents to combine more easily their professional, family and educational responsibilities.

The Council instructed the Permanent Representatives Committee to finalize the text with a view to its adoption as an "A" item at a future meeting.

DIGNITY AT WORK

The Council recorded its agreement in principle on a Declaration on the implementation of the Commission Recommendation on the protection of the dignity of women and men at work including a code of practice to combat sexual harassment.

This Declaration, which results from a Presidency initiative, is intended to accompany and reinforce the Commission Recommendation and the Code of Practice, which constitute a follow-up to the Council Resolution of 29 May 1990 on the protection of the dignity of women and men at work.

This Declaration will be formally adopted as an "A" item at a future Council meeting.

SUFFICIENT SOCIAL-PROTECTION RESOURCES

Pending receipt of the Opinion of the European Parliament, the Council held an initial exchange of views on the proposal for a Recommendation on common criteria concerning sufficient resources and social assistance in the social-protection systems.

The proposal for a Recommendation, which is provided for in the Commission's action programme for the implementation of the Community Charter of the Fundamental Social Rights of Workers,

is designed to guarantee each individual's fundamental right to sufficient resources and benefits to allow him to live in dignity.

The Council instructed the Permanent Representatives Committee to continue examining this proposal, once the European Parliament's Opinion had been received, so that agreement could be reached at a future meeting.

EUROPEAN WORKS COUNCILS

The Council held a policy discussion on certain major aspects of the proposal for a Directive on the establishment of European Works Councils and, on the basis of a note from the Presidency, focused its discussion on the following points:

- definition of certain basic concepts;
- definition of the powers of the special negotiating body;
- number of European Works Councils within a single group of undertakings.

The Council instructed the Permanent Representatives Committee to continue examining this proposal with a view to an overall solution being found at a later meeting.

COMBATING POVERTY

The Council took note of the Commission's final report on the second European poverty programme covering the period 1985 to 1989.

The purpose of the report, which was drawn up in accordance with Article 5 of the Council Decision of 19 December 1984 on specific Community action to combat poverty, is to evaluate the measures implemented and set out the lessons to be learnt.

MISCELLANEOUS DECISIONS

Own funds of credit institutions

The Council adopted a Directive implementing Directive 89/299/EEC on the own funds of credit institutions.

The purpose of this Directive, which takes account of the recommendations made by the Basel Committee (Committee on Banking Regulations and Supervisory Practices), is to include funds for general banking risks (FGBR) within the category of tier-one funds alongside capital and disclosed reserves (core capital) to constitute the own funds of credit institutions.

Implementation of financial assistance for Bulgaria and Romania

The Council adopted the following conclusions:

1. In accordance with the ECOFIN Council conclusions of 11 November 1991, the Commission contacted the IMF in order to assess the economic and financial situation of Bulgaria and Romania and to ensure that the Fund was maintaining its support for their balance of payments. The letter of 18 November 1991 to the President of the Commission from the Director-General of the IMF confirmed:
 - the Fund's favourable assessment as regards the implementation of the adjustment and economic reform programmes undertaken by those countries;

- the necessity, for the continuation of those programmes of exceptional assistance from the Community and the other G-24 countries for Bulgaria and Romania;
- the Fund's intention of continuing its financial support for those countries in 1992.

2. Accordingly, in view of those conclusions of 11 November 1991:

- (a) the Council agreed to depart from the rule on equal sharing between the Community and the other G-24 members of contributions to the balance-of-payments-support operation for Romania and Bulgaria for 1991;
- (b) the Commission stated that, in the light of that departure and subject to compliance with the other conditions attached to Community loans to those countries, it intended, after consulting the Monetary Committee, to pay out the second instalments of the loans as soon as the review of the economic situation of those countries and the corresponding Community borrowing operations had been completed.

3. The Council and the Commission undertook to continue their efforts to obtain from the other G-24 members a contribution matching that of the Community to balance-of-payments support for Romania and Bulgaria.

Directives for the negotiation of a European Energy Charter

The Council authorized the Commission to negotiate on behalf of the Community, in matters falling within Community competence, the texts prepared during the Conference on a European Energy Charter.

The Conference has already drawn up a draft final document for the Charter to be signed in the Hague on 16 and 17 December of this year.

It will then continue its proceedings with a view to the signing of the basic Agreement and the implementing agreements, which will relate in particular to the improvement of energy efficiency with a view inter alia to better environmental protection, to hydrocarbons and to nuclear energy.

Generalized tariff preferences

In the light of the Opinions of the European Parliament and of the Economic and Social Committee, the Council adopted the legal texts on the Generalized System of Preferences (GSP) for industrial, textile, agricultural and ECSC products for 1992.

The Council decided provisionally to extend the 1991 GSP to 1992 in view of the fact that the progress of work on the review of the system made it unlikely that arrangements based on new guidelines would be established by 1 January 1992. This review is scheduled for 1992 on the basis of proposals to be submitted by the Commission.

The Council decided to update the preferential amounts expressed in ecus for industrial products with a view to an overall improvement in the system.

Finally, the Council proposes to reach a decision before the end of the year on the Commission proposals expected in the next few days on the addition of the three Baltic countries and Albania to the list of GSP beneficiaries and the lifting of the GSP suspension for South Korea.

Fisheries

The Council adopted:

- a Regulation allocating among the Member States an increase from 6 500 to 8 500 tonnes in the "other species" quota available to the Community in 1991 in Norwegian waters south of 62°N.

By virtue of this allocation, Denmark has a quota of 4 250 tonnes, the United Kingdom one of 3 184 tonnes and Germany, Belgium, France and the Netherlands, 1 066 tonnes each.

- the Regulation amending the seasonal restriction dates limiting herring fishing in the Celtic Sea to the South-East of Ireland, in the light of the latest scientific advice.