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SOCIAL EUROPE

Contents

Community Charter of Basic Social Rights for Workers

The action programme relating to the implementation of the Charter

Social policy Progress review for 1989

COMMISSION OF
THE EUROPEAN COMMUNITIES

DIRECTORATE-GENERAL FOR
EMPLOYMENT, INDUSTRIAL RELATIONS
AND SOCIAL AFFAIRS

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SOCIAL EUROPE

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COMMISSION OF THE EUROPEAN COMMUNITIES

DIRECTORATE-GENERAL FOR EMPLOYMENT, INDUSTRIAL RELATIONS
AND SOCIAL AFFAIRS

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Editorial

For the last seven years *Social Europe* magazine has been regularly supplying information on social developments in Europe and on all the work undertaken by the Commission of the European Communities in the social field.

In order to promote an even better understanding of Community activities in the social field, the *Social Europe* team thought it time to experiment with a new formula as regards both the content and the format of the magazine.

Published three times a year but accompanied, as in the past, by several supplements, the magazine will be divided into two parts.

The first part will be devoted to a particular topic. In a spirit of openness and readiness to accept dialogue and criticism, the magazine is to make its columns available to all those who, in one way or another, contribute to the Commission's deliberations.

In this way, we hope to provide our readers with a complete file offering a comprehensive view of the chosen topic.

The second part, entitled 'Facts and documents' will provide information concerning the main initiatives taken at Community level since the last issue and will reproduce the texts adopted by the various Community bodies.

In this way, the magazine will continue to place at the disposal of its readers high-speed information and documents which are not easily obtainable outside the *Official Journal of the European Communities.*

The first issue of 1990 bears witness to these changes in the magazine.

This issue is important not only by virtue of the fact that it appears in a period of change but above all because, barely a few weeks after the European Council held in Strasbourg on 8 and 9 December 1989, it sets out to provide full details of the Community Charter of Basic Social Rights for Workers and on the action programme which, as from January 1990, is to provide the main framework for the work to be embarked on by the Commission.

Furthermore, the magazine carries articles by various people who, in their respective institutions, have each played a part in drawing up the Charter.

This issue consequently contains articles expressing the points of view of Ms Papandreou, Member of the Commission responsible for Employment, Industrial Relations and Social Affairs, and the French Minister for Employment, Mr Jean-Pierre Soisson, who presided over the work of the Council of Ministers for Employment and Social Affairs devoted to the examination of this Charter. The magazine has also sought the views of two important representatives of the two sides of industry: Mr Jean Lapeyre, Secretary of the European Trade Union Confederation, and Mr Tyszkiewicz, Secretary-General of Unice, as well as those of Mrs Buron, Member of the European Parliament,

who was parliamentary rapporteur on the Community Charter of Fundamental Social Rights for Workers, and Mr Staedelin, who was the rapporteur for the Committee which drew up the opinion of the Economic and Social Committee.

This edition also makes an assessment of 1989 in the social field. It provides the texts (or extracts from the texts) of the main documents (with the exception of those concerning health and safety at the workplace which will be dealt with in Issue 2/90. More precisely, the file dealt with in Issue 2/90 will be devoted to health and safety at the workplace while Issue 3/90 will deal with the labour market.

In this way, *Social Europe* hopes to provide regular information on the Commission's efforts to develop the social dimension of the single market for all its readers whether they have responsibilities in the social field or simply wish to be kept informed.

Jean DEGIMBE
Commission of the European Communities
Director-General for Employment,
Industrial Relations and Social Affairs

PART I

THE CHARTER AS WE APPROACH 1992

CHAPTER 1

The place of the Charter in the context of the single market

Moving on

This special issue of *Social Europe* is an important one. It focuses entirely on the Community Charter of Basic Social Rights for Workers and on the Commission's action programme for its implementation at Community level over the next three years. As such, it represents a new point of departure for the Community — not only in operational terms but also as a political signal throughout the Community and beyond. It expresses also the political will and the political courage to ensure that the completion of the internal market and the full implementation of the Single European Act take the 'social dimension' fully into account. Such a commitment is particularly important at a time when radical changes are taking place in Eastern Europe. Europe is on the move, yes — but a Europe which goes beyond the free circulation of capital, goods and services. A Europe of the citizen. A Europe of solidarity. A Europe which knows that nothing valuable can be achieved unless the growth and the wealth which it generates are directed towards the well-being of its people and unless the people participate fully in its creation.

Why a Charter? Why an action programme?

Barely three years before 1992, the need was felt to assert openly that the completion of the internal market could not be achieved without fully recognizing that the aspirations, the interests and thus the rights of Europe's citizens — especially the workers — needed to be guaranteed. Growth without a social consensus may very fast lead to a segmentation of our societies, to social exclusion for some if not many. It would be wrong, however, to view the Charter as no more than some kind of self-protecting device. It goes beyond that — even if fears have been expressed regarding the potential dangers of 'social dumping'. The Charter — even as a solemn declaration — represents a basic platform or, if one prefers, a framework of principles governing the many aspects of working and living conditions. It is a tool for progress and enhancement. It is an instrument for ensuring that the search for competitiveness and greater economic efficiency is simultaneously accompanied by equal advances in the social field. Both the Member States and the Community, but also the social partners have a key role to play here — each within their own sphere of competence. The basic function of the Charter is thus to offer a common perspective — taking into account the diversities and the specificities of all the contributors. It does not set out to impose a 'social model' by means of some kind of 'blanket harmonization' — far from it: it is the focus around which all men and women of good will can pool their efforts to ensure the building of a Europe to which citizens and workers can relate and contribute to its development.

The Commission's action programme is the next logical step in this approach. Its purpose is quite straightforward: on the basis of the principles embodied in the Charter, the programme sets out the initiatives to be taken by the Commission over the next three years so as to fully implement this set of rights. Nothing more, but nothing less — it being understood that the Commission, in adopting this text, has fully complied with the principle of 'subsidiarity'. In other words, and to put it clearly: where there is Community competence and where indeed action at Community level appears necessary, either because there is no other way — as is the case with the free movement of workers or the provision of minimum requirements for health and safety — or because the necessary deregulation at national level requires some kind of a Community framework so as to avoid unfair competition — as may be the case with provisions governing work contracts — then, yes, there is a place for Community intervention!

Of course — and why should we hide it — both the Charter and the action programme have attracted many criticisms, and in fact opposing criticisms. From those, for example, who have said that it goes too far, that it will increase the rigidities of the market and thus lead to job losses. Or from those on the other hand, who, for example, consider that the Commission has been too modest in its approach and that it should have proposed much more ambitious initiatives .... This is not the place to answer these criticisms. The die is cast! What matters now is to ensure that the announced initiatives are placed on the table. What matters also is that all those responsible for the development of a progressive social policy — at what-

ever level — do their best to make sure that these principles receive more than mere lip service.

The Charter and the Commission's action programme would not be what they are without the active contribution, at times critical but always constructive, of all those who were actively involved in their elaboration, although the Commission's draft for the Charter went further than the text which, in Strasbourg, has been accepted by 11 Member States. This goes for the Council, especially under the Spanish and the French Presidencies. This goes also for the European Parliament and the Economic and Social Committee, and, finally, for the social partners. Each had its say in this process, whatever the differences of opinion.

We now have to look ahead. 1989 has been a very good 'vintage year': over and beyond the Charter and the action programme, significant advances have been made on the social front: adoption of the framework Directive on health and safety together with a series of specialized Directives, adoption of the Eurotecnet programme, of Lingua, of a resolution on continuing training, revision of the regulation concerning family benefits, setting up a European Employment Observatory following the issue of the first Employment Report, the comparative study on labour law and the implementation of the revised European Social Fund. This, I believe, is just the beginning. Let us then work hard, harder even, to make sure that other successes will pave the road to 1992. The future lies in our hands.

Vasso PAPANDREOU

Observations on the Community Charter of Basic Social Rights for Workers

The adoption of the Community Charter of Basic Social Rights for Workers by the European Council in Strasbourg on 9 December 1989 is the culmination of a long process towards the construction of the European social area.

Since the President of the French Republic launched the idea of a European social area in 1981, it has been accepted as a necessity in the construction of Europe. Even though this idea gradually received the support of most of the political and social actors, the substance behind the words has for a long time remained nebulous.

In May 1987, Mr Hansenne, who was at the time Minister for Labour in Belgium and is now Director-General of the BIT, stressed the need 'to establish a platform of basic rights which would give the two sides of industry a stable, common basis from which they could negotiate to guarantee that the internal market has a real social dimension'.

In May 1988, Mr Jacques Delors, President of the European Commission, argued along the same lines before the congress of the European Trade Union Confederation in favour of 'a revival of the social policy', declaring himself to be an advocate of a 'minimum platform of guaranteed social rights with a view to the implementation of the single European market of 1992. This mandatory platform could be negotiated between the two sides of industry and then incorporated into Community legislation. It would serve as a basis for the social dialogue and for strengthening European cohesion'.

The European Councils of Hanover, Rhodes and Madrid ratified this objective, emphasizing the need to give the same importance to the social aspects as to the economic aspects and to develop economic and social cohesion.

This is how the idea of a Community Charter of Basic Social Rights gradually took shape. Various consultations were carried out in order to bring it to life.

On 9 November 1988, the President of the Commission referred the matter to the Economic and Social Committee, 'to exchange views and engage in a general discussion on the possible content of a Community Charter' designed to provide the economic and social actors with 'a clear message on the future of the Community and on the basic values it intends to promote'. The Economic and Social Committee Opinion, adopted on 22 February 1989 by a large majority, finds that, in various international bodies, the two sides of industry and the governments have been able to agree on the definition of social rights. It therefore proposes not inventing new rights, but considering as established the basic rights which are the subject of the conventions of the International Labour Organization, the Social Charter of the Council of Europe and the European Code of Social Security. It also states that as the internal market is achieved, new instruments will be necessary in order to ensure its balanced implementation and smooth operation.

For its part, the European Parliament stressed the urgency of adopting a text of this kind, in a report adopted on 23 February 1989 on the social dimension of the internal market. It advocates that the Community Charter should include the rights set forth in the international conventions and especially that it should define the rights specific to the European Economic Community associated with the achievement of the internal market. For the Parliament, the basic social rights, thus defined, not only form a point of reference and a legal instrument, but also a basis for bargaining between the two sides of industry.

On the basis of these opinions, the Commission drew up a preliminary draft Charter dated 29 May 1989 (COM (89) 248 final). In this preliminary draft, the Commission opted for a solemn declaration by the Heads of State or Government without the force of law. This preliminary draft was the subject of a policy discussion at the Council of Ministers for Social Affairs on 12 June 1989, at the end of which 10 delegations considered that the basic social rights, as set forth in the preliminary draft, should be approved as soon as possible by a solemn declaration by the Heads of State or Government, but that this declaration should be supplemented by mandatory Community standards and an action programme presented by the Commission. These conclusions were appended, with the

agreement of 11 delegations, to the conclusions of the Madrid Summit of 26 and 27 June.

From the start of the French Presidency, during the informal meeting of the Ministers for Labour in Auxerre on 10 July 1989, I obtained the agreement of my colleagues to set up an *ad hoc* group composed of one personal representative for each Minister, responsible for examining the Commission draft and reporting on it to the Council. This group, which met on 27 September, the date on which the Commission adopted its definitive draft Community Charter on Basic Social Rights, continued its work at two further meetings on 6 and 19 and 20 October 1989.

At the same time, I wished to take stock of the feelings of the two sides of industry. To this end, I met the representatives of the European Trade Union Confederation on 17 October and the Union of Industries of the European Community on 18 October.

On the same dates, I went before the Social Affairs Committee of the European Parliament to discover its feelings and before the Economic and Social Committee.

Finally, as the work of the group of ministerial representatives progressed, I visited several capitals of Member States to have talks with my colleagues and to iron out the difficulties.

This work and consultations have enabled the French Presidency to draw up a new text, presented at the Council session of 30 October. It received the agreement of all the delegations, subject to the sole reservation of the United Kingdom, and it was unanimously agreed to transmit it to the Strasbourg Summit with a view to a decision on its adoption.

In Strasbourg on 8 and 9 December 1989, the Heads of State or Government of 11 Member States adopted the Community Charter of Basic Social Rights for Workers.

This Charter establishes the existence of a European social model, drawn from common traditions and based on basic rights recognized in all the countries of the Community, just as there is a political model founded on freedom, democracy and respect of human rights.

It also establishes the will of the Heads of State or Government to link the development of economic competitiveness and social progress and to rule out any practice designed to derive benefit from the differences in level which may exist with regard to the protection of employees between the countries of the Community.

There can be no mistake. This decision is essential as it means that a decisive step has been taken towards the building of Europe. Beyond the conclusions of the previous summits of the Heads of State or Government, the Social Charter is the first comprehensive Community act towards the concrete implementation of the will to construct a European social area.

This Charter, which is a solemn declaration without the binding force of law, may as a result be disappointing to some. I can understand them; like them I would be tempted to make faster progress towards a social Europe, which is one of the dimensions of this strong Europe which we all want. But the disparities still existing between the levels of social protection found in the countries of the Community render it essential not to race past the various stages, on pain of creating considerable tensions in the economies of the least advanced States. To avoid this, progressive development in the national laws towards general improvement and the development of suitable Community action are appropriate. In its present form, the Charter is the instrument which allows this two-fold objective to be attained.

The Charter has two-tier social implications

The Charter first recognizes a certain number of basic social rights, the respect of which by Member States precludes any possibility of competition based on the differences in level of social protection. From this point of view, for the countries with the lowest level of social protection, the following points are particularly significant:

- the obligation to ensure that every worker receives an equitable wage and that of guaranteeing people with precarious forms of employment (temporary work, fixed-term contracts) a fair reference wage;

- the right of every person excluded from the labour market, either because he or she was unable to have access to it or because he or she was unable to return to it, to qualify for adequate benefits and resources;
- the right of every employee to belong to a trade union without any resulting personal or professional prejudice towards him;
- the ban on recruiting young workers before the end of their compulsory schooling and, in any case, under 15 years of age (bearing in mind that 9 States out of 12 allow work under the age of 16 years);
- the fixing of maximum working time and the ban on night working for young people under 18 years of age;
- the right of any person who has reached retirement age, but who would be excluded from the right to a pension, to qualify for adequate resources and appropriate social and medical assistance.

However, Europe should not content itself with solemn declarations of the existing rights. The building of Europe has far more ambitious objectives. This is why new rights, associated with the implementation of the internal market, have been established.

Guarantees have been undertaken for the development of the mobility of workers under satisfactory social conditions, in this way meeting the joint expectations of employees and employers. In this way, the Charter sets forth the right, recognized for the first time at Community level, to vocational training, so that everyone can improve his qualifications and adapt to the challenges of the technological changes and competition. The application of this right implies a considerable amount of work at Community level: training programmes, generalization of educational leave, etc. Likewise, the Charter states the need to recognize the equivalence of diplomas and qualifications.

This is also the reason why the workers' right of participation was established in the firms and groups established in several Member States. These firms have been called on to develop and there will be an increasing number of workers whose management will be in another Community country. It is inconceivable to mobilize them with regard to the future of their firm if they are not informed and consulted about the economic strategy of the group or the firm which employs them and on the decisions which have significant consequences for their employment or their working conditions.

The right to collective bargaining was also recognized so that this factor which regulates industrial relations in each State of the Community develops at European level.

The protection of the health and safety of workers has already given rise to the introduction of an important European regulation adopted under the framework directive and directed at the risks which have until now often not been regulated in the Member States (for example: visual display units, biological agents, etc.).

The Charter is a starting point

The second part of the Charter provides that the implementation of the social rights it sets forth will result from synergy between Community action and action within each State.

Far from freezing the national situations in their diversity, the Charter already has an entrainment effect in relation to the two sides of industry and the national public authorities.

For instance, the obligation to ensure a sufficient, equitable wage for all workers to enable them to enjoy a decent standard of living, has resulted in Ireland in a call by the trade unions for the introduction of a minimum wage.

Likewise, the right of persons excluded from the labour market to a minimum income was at the heart of the last electoral campaign in Spain.

In Portugal, the age to start work, which is currently 14 years of age, will shortly be brought into line with the standard laid down in the Charter.

These are of course only a few examples of the positive effects which the Charter will undoubtedly have on the developments in the national situations.

The Charter also implies Community action, which is outlined in the programme recently presented by the Com-

mission. The Heads of State or Government noted this at their meeting in Strasbourg and expressed their will for it to result in the rapid adoption of appropriate Community instruments to implement the Charter.

With regard in particular to the free movement of workers, training, the improvement of living and working conditions, the information and participation of employees, hygiene and safety and collective bargaining, which are fields where the European dimension is obvious, it is essential for Member States to equip themselves with common rules.

It is for the Commission, from 1990, to define its priorities by presenting the relevant texts.

For my part and in the context of close, fruitful cooperation with the Parliament, the Economic and Social Committee and the two sides of industry at European level, I shall endeavour to ensure that the Community adopts the necessary legal instruments for the mobilization and protection of its workers in order in this way to achieve the economic and social cohesion which is essential to its strength and influence.

Jean-Pierre Soisson
Minister for Labour, Employment and Vocational Training (France)

Community Charter of Basic Social Rights for Workers

The European Parliament: a forgotten partner . . . but an obstinate one.

For a long time, the European Parliament has been calling for the construction of 'social Europe' to be stepped up, in parallel with all the measures which, in other fields, are ensuring the completion of the large internal market provided for in the Single Act. To allow this acceleration, the Salisch report[1] already called for a wide interpretation of Article 118a of the Treaties, which should not be confined to the strict field of health and safety at the workplace.

The adoption, at the European Council in Strasbourg, of the Community Charter of Basic Social Rights for Workers should have met this expectation and reassured the European Parliament of the will of the other Community institutions finally to make progress in this field . . . . So why these negative reactions, a very critical resolution adopted by a very large majority at the plenary session in November and suggestions of censure against the Commission from certain Members of Parliament?

The source of discontent is two-fold:

- the Parliament was left out of the drawing up of a document with a strong political impact in a field about which it feels particularly strongly;
- the very content of the text adopted by 11 Member States at Strasbourg seems to it to be distinctly inadequate and of a tone which weakens its message considerably, so there is great concern about the effectiveness and the applicability of this declaration of principles.

Let us recall briefly the process which led to the adoption of this Charter.

It was the Council of Ministers for Social Affairs meeting in May 1987 which, at the initiative of the Belgian Minister, Mr Hansenne, decided to examine 'the basic social rights of workers which cannot be called into question by the pressures of competition and by the search for competitiveness'. It was not specified at the time which legal form this set of rights should assume, but the idea took root. In May 1988, in Stockholm, Jacques Delors, President of the Commission, referred to a 'platform' which could be negotiated between the two sides of industry and then incorporated into Community legislation. It would serve as a basis for the social dialogue and for strengthening European social cohesion. It would be of a mandatory nature. The form of a vast framework Directive or a Community 'Charter' was conjured up for this 'platform'. To stress the essential role of the two sides of industry in this field, it was finally the Economic and Social Committee which the Commission asked in autumn 1988 to define these basic social rights.

This choice was fully justified . . . but could not the Parliament too — which expresses the views of all the citizens of Europe — have been consulted in this essential matter? In any case, it decided that it could not remain silent. Following the publication of a Commission document on 'the social dimension of the internal market', its Committee on Social Affairs and Employment decided to present a wide-ranging report on this subject, a part of which would be devoted more particularly to the 'basic social rights'.

The opinions of the two institutions, the ESC and EP, were published more or less at the same time, at the end of February 1989.

The opinion of the ESC rejected the terms 'charter', 'treaty', 'convention' or 'pact': no new legal instrument but a need to 'include basic social guarantees in the Community legal system', by using the procedures provided for in the Treaties. In fact, it would soon be evident that although the Employers' Group and the Workers' Group reached a consensus to reject the idea of a charter, this was for opposite reasons — too restrictive for the former, not sufficient for the latter . . . .

For its part, the European Parliament,[2] whilst reaffirming the need to establish Community legislation defining the basic social rights associated with the completion of the internal market, showed its distrust of a 'charter' which was a mere solemn declaration. There are already international conventions, such as that of the ILO

[1] Resolution of 15 December 1988.

[2] Resolution on the social dimension of the internal market, Doc. A2-399/88, Official Journal of 17. 4. 1989.

or the Social Charter of the Council of Europe; let us start by ratifying them completely and applying them. On the other hand, the speed of completion of the internal market calls urgently for the preparation of legally binding instruments, directives or regulations, in particular in the field of the information, consultation and participation of workers, the right to equal protection whatever the status of the worker and the right to initial and in-service training. Finally, the Parliament wishes that, alongside the specific rights associated with the working environment and the changes in it, Member States declare their 'commitment to ensuring basic rights for all their citizens, such as the right to health, to a decent home and environment, to a minimum income, to social protection, etc.'.

In spite of everything, it was the idea of a 'charter' — in the form of a 'solemn declaration' — which was retained by both the Commission and the Spanish and the French Presidencies. Such an approach does not come within the procedures defined in the Treaties . . . it does not involve any consultation of the Parliament. The latter has hence found itself excluded from the start of the process of drawing up and discussing the very text of the Charter; in addition, absolutely no account was taken of its requirement that the latter should have the binding force of law — even though the Commission, aware of the inadequacies of a charter, promised to draw up at the same time a programme of specific measures coming under Community law. A large number of Members of Parliament, particularly those of the Committee on Social Affairs, were at that moment tempted to adopt an attitude of total rejection of the Charter.

What could the workers, worried about the acceleration in the restructuring of undertakings and services at European scale, and in anguish about the threats of delocalization, 'social dumping' and dismantling the structure of labour law, expect from yet another 'solemn declaration'?

This attitude of rejection on the part of the European Parliament emerged clearly in the debate of 14 September 1989 on economic and social cohesion. For all that, the Parliament is aware that now it has been ranked in the priorities by the French Presidency, the Charter will at least have the merit of drawing the attention of public opinion and that it is expected at least as a test of the political will of the governments of Europe to make Europe something other than a large free market. It is also aware that it cannot remain absent from the debate. It is for this reason that the resolutions adopted take note of the draft Charter, but ask for it to be legally binding. At the same time, the Committee on Social Affairs once again examined the draft on its own initiative; speaking as the rapporteur appointed during this debate in September, I had the opportunity of putting questions to the Commission on the need:

- ☐ to associate the Parliament in the discussion of the text before the Strasbourg Council;
- ☐ to accompany the Charter by a precise action programme, taken into account as well from the European Council;
- ☐ to progress towards a reform in the European procedures to allow more rapid progress in the social sphere, in particular by a less restrictive interpretation of Article 118a, but above all, beyond this, through the possibility to have recourse, in the field of the social aspect of the single market, to decisions by a qualified majority — the need for unanimity constituting a constant threat to the adoption of important directives (for example on worker participation).

The first point received no response; the second was implemented; with regard to the third, Jacques Delors contributed positive elements to which I shall return later.

During this time, the Commission made progress in drawing up its draft Charter. It adopted it definitively at the end of September and transmitted it to the Council of Ministers which immediately set up an *ad hoc* working group responsible for revising the text and for reaching agreement if possible.

The Parliament, for its part, was not consulted officially and although the Committee on Social Affairs, in the context of its own-initiative report, was able to question Commissioner Papandreou or her representatives on

several occasions, as well as Minister J.-P. Soisson, there was no question for us to claim to amend the Commission draft. We could only issue an opinion, stress our priorities and above all recall our demands for the future, i.e. the rapid implementation of the action programme. We were also embarrassed by the fact of not being acquainted with the definitive text produced by the Council of Ministers, which was to meet only a short time before the discussion of the report of the Committee on Social Affairs in plenary session. We therefore chose to keep to the Commission draft.

What is the essential message which the resolution adopted by a large majority (330 votes cast — 279 for, 14 against, 37 abstentions) wishes to convey?

To reaffirm our commitment to the completion of a true social Europe, progressing at the same rate (and heaven knows there is already time to be made up!) as the economic, technical and financial aspects and our conviction that this implies, amongst other things, the adoption of Community legal instruments, directives or regulations, allowing recourse before the European Court of Justice.

To recall solemnly that our institution, elected by universal suffrage, representing the will of the citizens of Europe, should never have been left out of the preparation of the Charter; that the Parliament therefore calls for cooperation with the Council before the Strasbourg Summit and that the finalization of the action programme and its priorities will have to be achieved with its legislative participation. We are faced with yet another example of the 'shortfall in democracy'.

To spell out once again that the legal bases, in their current interpretation, and especially the decision-making process, in the field of workers' rights (unanimity of the Council) do not allow the necessary progress, at a rapid rate, in this field (except in the limited field of health and safety at the workplace) — and that it is therefore a matter of urgency to change the current procedures: the next Intergovernmental Conference must not be confined to economic and monetary union, but must examine the extension of the procedures of the Single Act (vote of the Council by qualified majority; guarantee of effectiveness; cooperation procedure with the Parliament; guarantee of democracy). Whilst awaiting this reform, it is necessary to make far greater use of the current legal possibilities, in particular Article 118a.

With regard to the substance of the text, referring, as I said, to the draft Charter presented by the Commission at the end of September, the European Parliament considers it to be a first positive step towards the introduction of the basic social rights in the Community, but that, apart from its lack of legal force, it contains a large number of imprecise terms and deficiencies. In particular, the numerous references to the 'legislation of the Member States' or to 'national practices' weaken the basic and Community nature of the rights which are asserted.

The Parliament feels this feeling of 'weakness' of the Charter even more in the text adopted by the last Council of Ministers (30 October) for transmission to the European Council. Even though the EP resolution, for lack of time, does not enter into detailed criticism of this text, it can be specified that the main points of disagreement raised at the subsequent meeting with the Council of Ministers related:

- ☐ in general to the extremely restrictive tone of the text produced by the Council: even stronger insistence on 'national practices', constant reference to the principle of subsidiarity and precise limits on the current legal bases to act in the social sphere, seem to prohibit any developments in the future;
- ☐ to the passing of a Charter restricted to the basic rights for workers — and no longer for all the citizens (hence the disappearance, for example, of the right to a minimum income for all);
- ☐ to several individual points:
  - the right to equal wages for workers from third countries;
  - the right to a basic minimum wage;
  - the continuation of treatment in the event of illness;
  - the right to a minimum income and to social protection for all;

Committee on Social Affairs, Employment and the Working Environment

Of the 19 Parliamentary Committees, the Committee on Social Affairs, Employment and the Working Environment is competent for questions relating to:

1. improving living and working conditions;
2. protection of workers in the workplace, in particular with regard to health, hygiene and safety (Article 118a of the EEC Treaty);
3. employment policy, particularly where it affects young people;
4. wages, pensions and incomes and capital formation;
5. vocational training, particularly as regards access to the labour market and to retraining in connection with reconversion and occupational mobility;
6. harmonization of vocational qualifications;
7. paid holidays schemes;
8. activities of the European Social Fund (retraining, readaptation, etc.);
9. free movement of workers;
10. social security of Community and non-Community migrant workers;
11. housing policy and low-cost housing schemes;
12. promoting cooperation between the Member States in the field of social policy, with particular emphasis on labour law and the approximation of social legislation;
13. promotion of a 'European social budget';
14. equal pay and equal job and vocational training opportunities for men and women;

The committee will also be required to give its opinion on matters relating to the rights of migrant workers.

- the need for a clear assertion of the right to guaranteed protection for all the atypical employment situations (part-time work, temporary work, out-work), and of the right to regulations (allowing approximation while the improvement is being maintained) on working time and its organization (overtime, night working, weekend working, shift working, etc.);
- the extreme weakness of the paragraphs dealing with the protection of children and adolescents (age limit, limitation of working hours, right to wages);
- the failure to take account of the need to improve:
  - the protection of mothers,
  - the reconciling of family life and working life (right to parental leave).

Moreover, the Parliament proposes a long list of rights which it considers as priorities setting as its objective no longer so much the Charter as the action programme which will give it a real content and force of law.

Apart from those mentioned above, and providing reasons for the disapproval of the European Parliament in relation to the Council text (minimum wage, protection of atypical work, regulation of working time and its organization, etc.), the following can be mentioned:

- ☐ the refusal of any discrimination betwen workers, whether these discriminations are based on sex, age, religion, etc. or discrimination associated with nationality, whether it is a matter of wages, working conditions, social protection or tax arrangements;
- ☐ the right to the information, consultation and participation of workers in general (not confined to the European company only);
- ☐ the right to share in the profits resulting from the activity of the undertaking;
- ☐ the right to freedom of association, to collective action (right to strike);
- ☐ the right to protection against dismissals;
- ☐ equal treatment for men and women (and on this point the Committee on Women's Rights emphasized the draft directives which have been 'frozen' in the legislative machinery for a long time, such as the text on parental leave, which is one of the measures necessary to allow both parents to reconcile family life and working life);
- ☐ better protection of working mothers, as well as taking into account the size of families in the burden placed upon them;
- ☐ finally, and this is essential, the right to in-service vocational training and to paid educational leave.

Moreover, the European Parliament recalls its commitment to far more decisive progress in the cooperation between the two sides of industry and to significant financial measures in the sector of employment, with special treatment for the least favoured regions and the long-term unemployed.

Finally — last but not least — it stresses the depth of its discontent by leaving the threat that it is prepared to block the legislative work concerning the internal market if it is not satisfied with the rate at which the action programme is implemented or with the binding nature of the proposed measures. It is true that this paragraph was adopted with somewhat more difficulty than some of the others: the feeling of being 'fed up' which it expresses with regard to the lack of progress in social Europe, is none the less real.

What effect has this European Parliament resolution had? The power structure of the Community institutions being what it is, not a great deal.

We called for cooperation with the Council. It was formally granted to us on 30 November and, as President Barón Crespo said at the Strasbourg Summit, 'with the greatest correctness, but more out of courtesy than from a real will for negotiation'. This was the first time that this cooperation had taken place in the social sphere and several members of the Council of Ministers expressed the will for such exchanges to be on a regular basis. This progress is not therefore negative. But in concrete terms, there is not an iota of difference from the text of the Council of

Ministers of 30 October adopted as it was by the European Summit (the United Kingdom maintains its attitude of rejection of principle). To quote President Barón Crespo against:

> 'This absurd situation could not last. It is incomprehensible why the Parliament has to give its opinion on technical matters of minor importance which a committee of experts could solve, such as the safety measures concerning tractors or the maximum content of colourings in certain foodstuffs, when it is unable to give its opinion on a matter so basic as labour relations and the social rights of European citizens.'

What are the prospects now for the European Parliament, faced with the task of the implementation of the Charter, through the action programme prepared by the Commission, which has received a mandate from the European Council of Strasbourg to continue its preparation?

We do not yet know in which form we are to be associated in this preparation; and nevertheless it is essential; it is not sufficient for us to give our opinion on each directive or regulation included in the programme as they are presented by the Commission. We wish to have our say on the form adopted for each text, on the legal bases on which they are founded — and especially on the order of priority for the presentation of the various texts, as time is getting on and the commercial and fiscal constraints on manufacturing and service undertakings are easing up — which is a good thing — but without the introduction of the framework of social measures necessary to avoid violent repercussions on the situation of the workers.

Above all we are continuing to be very lucid. When one sees the difficulties which the French Presidency had in obtaining the acceptance — of only 11 States — of a Charter which contains nothing revolutionary and which, above all, has no force of law, questions may be asked about the chance of adopting a large number of directives giving form to the rights listed in the Charter. It hence boils down to chainging the legal bases and the procedures for the adoption of the 'social' texts. On this point, during the debate of 14 September at the European Parliament, Jacques Delors entered into the commitment, on behalf of the Commission, to seek the widest possible interpretation of Article 118a; knowing that this article cannot, alone, cover the entire scope of the rights of workers, he recognized that it could be necessary for an intergovernmental conference to examine the extension of the cooperation procedure to everything enabling the achievement of the social dimension of the internal market.

Will it be possible to squeeze a consensus on such a decision from the Council of Ministers and so from the governments of the Member States?

I said just now that the Charter has no force of law. Nevertheless, in adopting it, these same governments took on a political commitment in the eyes of their citizens. It is for us, the Members of the European Parliament, the most direct representatives of these same citizens, to ensure that these governments respect their commitments. We can only succeed in this by relying on public opinion in all the Member States; we have an enormous amount of work before us in the field of information and liaison with the national parliaments and all the organizations working along the same lines.

Martine Buron
Member of the European Parliament
Member of the Committee on Social Affairs, Employment and the Working Environment
Rapporteur on the Charter of Basic Social Rights

Social policy, Social Charter, basic rights

A third of a century of Europe and still no social policy worthy of the name!

It is true that the Treaties of Rome attached little importance to a common social policy, their objective being to construct a European Economic Community. Nevertheless, the texts state that social progress should be made.

Certainly, efforts have been made to harmonize the free movement of workers to guarantee their social protection in the event of 'migration'. Certainly, under the pressure of the trade union organizations, but also to eliminate costs of competition, measures have been adopted to improve health, hygiene and safety at the workplace by laying down average standards at Community level. All this obviously does not add up to a social policy!

In the 1970s, an attempt did succeed which allowed three points to be achieved:

- ☐ equality for men and women;
- ☐ rights of workers in the event of collective dismissal;
- ☐ rights of workers in the event of the transfer of undertakings.

Other attempts to extend the Community legislation in the social field failed:

- ☐ the right to information and consultation ('Vredeling');
- ☐ temporary work;
- ☐ part-time work;
- ☐ fixed-term contract work.

Certainly, texts were drawn up by the Commission, the institution from which the proposals for Community instruments must come, certainly the European Parliament and the Economic and Social Committee supported these texts, but the Council of Ministers forgot to adopt them.

During all this time, unemployment continued to rise, inflation assumed alarming proportions, the introduction of new production techniques eliminated hundreds of thousands of jobs and purchasing power declined everywhere.

Then came the year 1985: a new Commission, new proposals and the idea of completing a large internal market without barriers and without frontiers — in a way, the updating of the content of the Treaties, which the lack of political will had stifled. And, a brilliant idea if ever there was one: the setting of a deadline for the achievement of this large internal market. A White Paper, learnedly drawn up by the Commission, contained 300 measures to be adopted by 31 December 1992 to achieve part of the dream of the first Europeans. Three hundred measures which should allow harmonization so that all men, women, goods and capital can move freely. The Heads of State or Government, consulted at a summit in Milan during the same year, rediscovered an unsuspected common will to adopt this White Paper.

But what was happening to the social policy? Of the 300 measures, none of them relate to the social field.

New momentum, new enthusiasm; the European Parliament became even more Community-oriented in nature and adopted a document on European Union.

The Commission and Council, spurred on by so much commitment, could not resist and drew up the Single Act, a supplement to the original Treaties and ratified by all the national parliaments. The political democracy called for by the European Parliament in its document was lasting a long time and the social policy made a timid appearance, in particular in two areas:

- ☐ the social dialogue was to become one of the pillars of the completion of the internal market;
- ☐ the working conditions, and especially the problems of hygiene, safety and health at the workplace were to be harmonized while improvement was being maintained.

Things were moving and the workers with them, which forced the Hanover Summit to state in a declaration by the Heads of State or Government that the social aspect was at least as important as the economic aspect. The same was said at the following summit held in Rhodes.

A fig for declarations! What was missing was action.

And then the Commission remembered that there was an institution called the Economic and Social Committee in which representatives of the employers and the trade unions sat, alongside those of other organized social forces. Why not ask them how to carry out the mandate

assigned to the Commission and to the Council by the Heads of State or Government? No sooner said than done and the Committee found itself holding the baby.

It has to be believed that the Committee did useful work as, for the first time, the employers, trade unions and representatives of other forces almost unanimously approved the opinion of 22 February 1989. What in fact did they advise the Commission and the Council to do?

(1) No Labour Code at European level. Member States and the two sides of industry in these Member States must remain free to legislate and to sign collective agreements.

(2) The social aspect does not only concern labour relations, but also consumption, the environment, reciprocity and cooperatives.

(3) In a large internal market the rules must be laid down, which means that a distinction must be drawn between that which comes under legislation and that which comes under collective bargaining. However, to lay down the rules also means to define a platform of rights below which it is not possible either to bargain or to legislate at national level.

(4) Several international institutions (BIT, Council of Europe, OECD) have laid down standards and thresholds on a tripartite basis. At Community level, it is not possible to remain below these and these texts, which have been adopted but not always ratified, must serve as a reference for Community policy.

(5) The creation of the internal market quickly requires Community policies, in particular on cross-frontier temporary work, social guarantees when public contracts are awarded, the information and consultation of workers in the event of the merger and restructuring of undertakings.

(6) A new Community instrument must not be invented for the social policy, but the instruments must be used which come within Community law and are provided for by the Treaties to guarantee that the basic social rights are observed within the context of the legal orders of the Member States.

Why use the instruments provided for by the Treaties in the fields of agriculture, finance, tax, standardization and competition and devise a special, less binding fate for the social aspect!

In parallel, the European Parliament by a crushing majority confirmed its earlier standpoints and called for binding legal instruments for the social policy.

What did the Commission and Council do?

They proposed the adoption of a non-binding Social Charter by the Heads of State or Government and the adoption of an action programme drawn up under the sole responsibility of the Commission.

Clearly the Commission, the proposing institution, and the Council, the decision-making institution, took no account of either the will of the European Parliament elected by universal suffrage, or the opinion of the two sides of industry united in the Economic and Social Committee and designated by the major national social organizations.

And for all that, all those responsible have but one concern: to avoid the large market being a potential place for unfair competition in the social field by guaranteeing inalienable basic rights by means of framework instruments.

For easily identifiable reasons, this has not yet been achieved and is not in the process of being achieved.

Can one then ask: to whom do those responsible and the Commission and the Council consider themselves to be accountable when they take their decisions?

François Staedelin
Chairman of the Workers' Group
Rapporteur for the opinion on the 'Basic social rights'

Employers' views on the Community Charter of Basic Social Rights for Workers

Unice has always been in favour of recognizing fundamental social rights, and only last June said it is willing to support a Community Charter declaring the determination of all EC Member States to respect and apply such rights. Such a declaration would be significant not only for Community citizens but also for the citizens of other regions, including Eastern Europe.

Unice also insisted that the Charter must:

- ☐ have a clear status within the scope of the Treaty of Rome and the Single Act;
- ☐ allow basic rights to continue to be guaranteed by national legislation, agreements and practices which best meet the specific situations of Member States (i.e. respect the principle of 'subsidiarity');
- ☐ recognize the needs of the industrial relations of the future, geared to modern production methods and characterized by flexibility and decentralization;
- ☐ contribute to the creation of new jobs and to reducing unemployment by allowing Europe to remain competitive in an open, global trading system;
- ☐ recognize that collective bargaining between employers and workers' representatives (i.e. trade unions) is an important, but not the only means for achieving the desired objectives; the Charter must leave room for the direct involvement of employers and workers in the social and industrial relations field;
- ☐ evoke the important principles and the fundamental rights, but not set standards nor lay down procedures for their implementation. Such standards and procedures should be fixed through separate acts and instruments, introduced at appropriate levels.

We told the Commission that European companies would welcome a forward-looking Charter. We should not miss this unique opportunity to express Europe's readiness to meet the challenges of the next century. At the same time we warned against attempts to regulate at European level certain matters — especially in the field of industrial relations — which are presently decided nationally. We reiterated that Unice would support harmonization measures in five areas:

- ☐ health and safety,
- ☐ mobility,
- ☐ education and training,
- ☐ equal opportunity,
- ☐ economic and social cohesion, as defined in the Single Act.

Other matters, and especially those often called 'industrial democracy' measures must not be regulated or harmonized by the Community, but must be allowed to evolve naturally, in keeping with widely differing local circumstances which require different approaches. Europe's diversity is one of its great assets, as recognized by President Delors. We should not reduce it through Community directives unless absolutely necessary.

Furthermore, regulation of such issues through Community directives would have serious repercussions on the competitive position of individual firms, especially small and medium-sized enterprises, and on the less prosperous regions of the Community.

The Charter must not create the illusion that improvements in living and working conditions can be achieved independently of improvements in economic performance.

The text adopted by the Social Affairs Council of 30 October is a distinct improvement on the Commission draft of 2 October (COM(89) 471 final):

- ☐ Its status is now clearly defined within the framework of the Treaty of Rome and the Single Art;
- ☐ The principle of 'subsidiarity' is clearly evoked;
- ☐ The preamble recognizes the importance of completion of the single market for job creation;

- It calls on the Community to meet the economic and competitive challenges of the future;
- It is recognized that implementation of the Charter may take many forms: laws, collective agreements or practices;
- The programme of action to be presented by the Commission must be restricted to 'initiatives arising from its competences as defined in the Treaty'. In other words, the Charter does not extend those competences in any way.

On the other hand, the Charter still contains aspects with which employers have difficulties. For example:

- The principle of 'host country treatment' for all workers, even those on temporary assignment from another Member State, will reduce flexibility and mobility. Unice considers that such workers should be treated 'according to the laws of the host country'. These might differ from one Member State to another, to meet local circumstances.
- The Charter contains many words whose meaning is imprecise and may cause problems in the future. For example, the words 'equitable', 'sufficient', 'decent', 'adequate'. Even a word like 'participation' can mean very different things to different people.
- The text clearly underlines the Commission's intention of proposing legislation in areas which Unice considers unsuitable for Community action. These are the areas normally left to free collective bargaining (e.g. working hours, work contracts, leave, information, consultation and participation), or to national legislation meeting the specific requirements of the country concerned.
- The Charter fails to acknowledge the existence of direct relations between employers and workers. It seems to assume that these relations exist solely through workers' organizations.

The Commission has now published the proposed action programme mentioned in Article 31 of the Charter.

It is interesting to note how, in this document, the principle of subsidiarity acquires a completely new definition.

Paragraph 3 of the general introduction defines subsidiarity (correctly) as the principle:

'... whereby the Community acts when the set objectives can be reached more effectively at its level than at that of the Member States ...'.

But paragraph 5 goes on to state that:

'The Commission has therefore limited its proposals for directives or regulations to those areas where Community legislation seems necessary to achieve the social dimension of the internal market ...'.

From then on, the proposed measures are no longer justified according to whether their objectives 'can be reached more effectively at Community level'.

The fact that they are deemed by the Commission to be necessary to achieve the (undefined) 'social dimension of the internal market' is justification enough.

This approach worries Unice, since it appears to favour centralization and regulation through Community directives of matters which should properly be left for decision at other levels, either through national laws, through collective bargaining or according to the traditions and practices which have evolved locally over many decades.

European firms must not be bound up in more Community-level social regulations than those strictly necessary to:

- ensure the proper functioning of the internal market;
- avoid disloyal competition.

The social partners (Unice, CEEP, ETUC) should debate this issue in the social dialogue and try to identify which items in the Commission's action programme fall under the above two criteria.

On a quick count, Unice finds that the programme proposes 47 new initiatives, of which about eight or ten, in Unice's view, belong outside the Community's sphere of influence and control.

It is vitally important that we strike the right balance in this matter, because too much central control will stifle

initiative, demotivate the social partners at plant level, and, worst of all, drive new investment away from the Community.

If that is the ultimate effect of the Charter, we shall all regret it. On the other hand, if the Charter leads, as it can, to improved functioning of the internal market, and to healthy, loyal competition between firms, that will benefit everyone.

Let us hope the Charter will be applied with wisdom and with a practical eye to Europe's competitive position in the world. Employers, who have to survive in that world, must be heard and understood by the legislators and decision-makers in this field.

Z. J. A. Tyszkiewicz
Secretary-General, Unice

In search of the lost social dimension

What do these trade unions want, the niggers in the woodpile of the internal market?

This expression is often heard from certain government officials, from most employers and, it has to be said, some Commission officials.

As though the European trade union movement, the bulk of the strength of which is represented by the European Trade Union Confederation, were only a perpetual grumbler only ever knowing how to demand 'more' without understanding what is at stake.

Is not what is at stake first and foremost, for these officials, the economic success of the internal market so that the social benefits can then be drawn from it? At a pinch, to use the social dimension as an ambulance to correct the negative effects of the internal market? No, for the ETUC, what is at stake is first and foremost the success of the economic and social cohesion so that everyone can turn it to account in this large market. It is hence the ability to provide for the social effects of the internal market which must lead to simultaneity of the economic and social measures.

To tackle this problem of the basic social rights, it is helpful to go back a little in history. Oh! it is not a question of going back very far, only four years. 1985 saw the adoption of the White Paper on completing the internal market. During its Executive Committee meeting of December 1985, the ETUC took up the challenge of the internal market, but on condition that the White Paper was supplemented by a social section. It was a matter of ensuring economic and social cohesion by creating a Community social order at the same time as the new economic, technical and monetary order.

The ETUC simply demanded rules to avoid the creation of a free trade area in a social desert and to ensure upwards convergence, the necessary catching up for the countries and regions lagging behind, social progress and full employment.

Leeway which has never been made up . . .

Since 1985, we have been pursuing this lack of a social dimension in the completion of the internal market. Not that the Commission has not here and there adopted a few important initiatives in the social sphere, such as the reform of the structural Funds or the implementation of

What do these trade unions want?

certain action programmes, but it never gave any structure to this European social area, to the social dimension of the internal market. Since 1985, of the 279 measures in the White Paper, 90% have been the subject of proposals on the part of the Commission and 60% have already been adopted by the Council.

The breach opened in 1985 between the economic and the social aspects has therefore only been widened by a dephasing detrimental to the cohesion desired in the Single Act.

Four years to bring about the discussion on the social dimension

Four years of obstinacy were necessary on the part of the ETUC for the basic social rights and the social dimension of the internal market to come to the centre of the political debates and to be the subject of decisions.

But one could start from further back to measure the ambient inertia which prevailed on this subject. It was during the French Presidency of 1981 that François Mitterrand launched this idea of the European social area, it has to be said amidst general incredulity, apart from a few exceptions.

The relentlessness of the ETUC to rectify the balance of the construction of Europe gradually brought about the discussion on the Community social policy. From the Belgian Presidency of 1987 when the concept of the 'platform of basic social rights' appeared for the first time, passing through the Councils of Hanover, Rhodes and Madrid, but also through a remarkable opinion by the Economic and Social Committee and various opinions and resolutions by the European Parliament, we arrive at the French Presidency and the decisions of the Council of Strasbourg.

A symbolic act which has to be put into practice

The European Trade Union Confederation emphasized the weakness, the fragility and the uncertainty of the commitment entered into by 11 out of 12 Heads of State or Government on the Community Charter of Basic Social Rights. To do less than what was adopted would have been impossible without being ridiculous, to do more appeared to provoke divisions within the 'bloc' of the Eleven confronting the indomitable Mrs Thatcher.

The ETUC intends to make this Charter, however weak it may be, a foothold from which to unleash a dynamic process for the implementation of the Community social rights. Naturally, this does not seem to be a foregone conclusion, as at present, battle will be waged on each concrete proposal depending on each legal instrument chosen, each legal basis selected.

The political will of the Commission and the Council really to achieve the basic social rights will very quickly be put to the test at the beginning of 1990. For the ETUC, five factors condition this will:

1. The ability of the Commission to improve its action programme on the basis of the proposals made to it by the ETUC, but also those to be made to it by the Parliament and the Economic and Social Committee. In particular, by integrating proposals on the minimum income and parental leave.
2. The establishment of priorities for the beginning of 1990, associated with the state of progress in achieving the internal market, priorities which must signify the guarantee of the rights of workers faced with the risks of social dumping. For the ETUC, these priorities should relate to equal treatment and the social guarantees for the forms of atypical employment (fixed-term contract, temporary work, part-time work, etc.), to equal treatment whilst respecting the national legislation and collective agreements for the workers employed under subcontracts, to the inclusion of a social clause in public contracts, to working time (maximum duration, limitation of overtime, night working, etc.).
3. The definition of the legal instruments which will make the basic social rights effective and binding in the legislation of the Member States.
4. The use and widest interpretation of the existing Community legal instruments, in particular Articles 100a and 118a, to allow the achievement of the social area in liaison with the Economic and Social Committee and in cooperation with the Parliament.
5. A timetable ensuring that all the decisions are taken by 31 December 1992 at the latest.

An Intergovernmental Conference on the social dimension

At a time when everyone is speaking of the forthcoming Intergovernmental Conference which the Strasbourg Council decided to convene between now and the end of 1990, it is vital for the ETUC that the agenda for this conference is not confined to monetary policy but also takes account of the social dossier.

It is a matter of extending the bases of the Treaties to give the social policy a full status and to make it a real constituent part of the building of Europe. This must also lead to making up the democratic shortcoming currently existing with a Parliament elected by universal suffrage and unable to exercise the democratic rights which should belong to it.

It is not only a matter of legislation

To achieve a legislative social area does not mean that we wish to see everything codified at European level. This legislative area must be based on a policy of highly developed, very active social relations and collective bargaining.

As we are continually telling the employers at European level, the more bargaining and collective agreements, the less we shall need to legislate.

Unfortunately, the employers grouped together within their organization, Unice, seem to be rather hard of hearing.

The social dialogue which developed in Brussels continues to be too limited, in both qualitative content and scope.

For the ETUC, it is necessary to make a qualitative leap which allows progress to be made towards the conclusion of framework agreements at European level and which decentralizes the social dialogue in the occupational sectors and branches, in the multinational groups, even in the border regions, everywhere where the effects of the internal market will really be felt and where it will be necessary to bargain to anticipate and forestall the negative effects, but also to draw the maximum potential from it.

The decentralization and improvement of the European social dialogue also entails this social dialogue really being taken into account at national level.

The Community is not an island . . .

The Community must develop its internal solidarity, in particular with regard to the 16 million unemployed, 55% of whom have been without work for over a year, with all the consequences of the development of poverty and being reduced to the fringe of society, but also towards the regions which are lagging behind structurally and suffering from industrial decline. In addition, it must also develop its external solidarity and cooperation with other countries. This is not without a bearing on the Community Charter of Basic Social Rights. Community progress must be the progress of the whole of Western Europe and soon further . . . to the East. It is self-evident that reciprocity must play a role as well. The Community and in any case its Member States, must not feel themselves to be released from their responsibilities in relation to the Social Charter of the Council of Europe (only four Member States have ratified it in full, five have ratified it in part, three have not yet ratified it!) or in relation to the conventions and recommendations of the ILO.

But Europe would also be failing in its destiny and its duty if it were not capable of building itself whilst assisting the underdeveloped and the developing countries.

This external solidarity by the European Community is not additional soul, it is the soul of Europe to share its economic and social progress when the inequalities are constantly deepening between rich countries and poor countries.

And it is for this reason that the Community social model must be exemplary.

Jean Lapeyre
Secretary of the European Trade Union Confederation

From the Charter to the programme

The programme of work relating to the implementation of the Community Charter of Fundamental Social Rights for Workers as adopted by the Commission on 29 November 1989 is in no way intended as a catalogue or inventory. For the next three years it will serve as the central support for the Commission's initiatives in the social sphere. The 45 or so measures announced in the programme cover all fields in which, in the framework of the Treaty and in keeping with the principle of subsidiarity, the Commission considers it imperative to move forward in order to give tangible expression at Community level to the principles set out in the Charter. Taking a variety of forms — instrumental in the legal sense of the term or operational — these new measures, once adopted by the Council, are intended to demonstrate, where necessary, the reality of the 'social dimension of the single internal market'. Ambitious though this aim may be, it is not beyond the reach of the Community and all those involved in building a Europe which is not limited to the mere elimination of fiscal, technical or customs barriers but, as the preamble to the Treaty clearly states, has as its essential aim the constant improvement of the living and working conditions of its peoples.

However, it would be wrong to believe that in so doing the Commission is making a break with the past. On the contrary, the objective of economic and monetary union and the need for a 'social action programme' encompassing a whole range of objectives in the field of employment, living and working conditions or vocational training were simultaneously underlined as long ago as the summit conference of 19 and 20 October 1972. Moreover, the first Community rules, relating in particular to the free movement of workers, date from as long ago as the 1960s: since then a whole series of instruments have been adopted which together offer the necessary foundations for this 'social dimension'. Furthermore, the implementation of the Single Act in 1987 and the adoption of the 'Delors package' in February 1988 asserted the importance attached to consideration for the social aspects — particularly from the point of view of economic and social cohesion within the Community and the significant contribution which the structural Funds can make in this respect.

In short, by proposing a draft Charter to the European Council and adopting its action programme on this basis, the Commission is not negating the previous efforts and Community legislative advances which have marked the first 30 years of European integration: far from it, half-way to Horizon 1992 and the completion of the single market, the Commission has been concerned to emphasize the political and strategic importance of the social dimension and to endow itself with the necessary means. No one can dispute that in this approach, which is also a method, the European Parliament and the Economic and Social Committee have made extremely positive contributions — without forgetting the efforts made by the two sides of industry at Community level under the terms of the new Article 118b of the Treaty.

Something must also be said here concerning the extent and form of the action programme — more especially in connection with what has been baptized 'subsidiarity'. It is in no way the Commission's intention to compel the Member States to engage in across-the-board legislative harmonization in all areas of the social sphere. Clearly, in cases where intervention at Community level actually does impart an added value — either because it is at this level and at this level alone that problems can be tackled and solved (e.g. free movement of workers) or because only a Community approach can ensure common guidelines to the advantage of all the parties involved (e.g. the improvement of the working environment in order to protect workers' health and safety), Community legislation is necessary. On the other hand, there are fields where nothing would be more counterproductive and artificial than to seek to harmonize national laws or practices and in particular practices based on agreement at whatever the cost: this is particularly true as regards wage levels where there is no question of the Commission's proposing legislation of any kind. This is also the case as regards the national social security systems with respect to which the only possible Community initiative is to seek a 'convergence' of their objectives, the cover they provide and the methods by which they are financed, the term 'convergence' being understood to mean joint

deliberation — each Member State remaining free to organize the internal operation of its system as it sees fit. Likewise, the action programme entails a certain number of draft decisions relating to the launching or continuation of operational programmes (e.g. in the field of equal opportunities or to assist the disabled) designed to promote a real exchange of information and experience concerning innovative practices. Lastly, the informed reader will note that in a number of cases the legal nature of the envisaged initiative is not specified (e.g. in the matter of subcontracting, access to training or information/consultation/participation of workers). This silence is very revealing — not as regards the timidity or, as some would have us believe, the ulterior motives of the Commission but concerning the method it intends to follow, i.e. first to engage with the Member States and the two sides of industry in exploring the best approaches to be adopted in the matter in question.

It is only after this terrain has been clearly marked out that the Commission will assume its responsibilities by proposing what it regards to be the most appropriate instrument. This being the case, the Commission has likewise refrained from indicating the 'legal basis' of the planned initiatives — once again not in order to play with the Treaty but in a concern for strictness insofar as this basis can only be defined in the light of the full text of the draft instrument.

Rome was not built in a day... The Commission intends to see that the planned measures and initiatives are placed before the Council by the end of 1992 at the latest. As from 1990 it will start work on and present a number of those which it considers to be most urgent, with a second series in 1991. It will then be up to the Council but also to the European Parliament and the Economic and Social Committee to act and to act rapidly and effectively so that this social dimension takes real form and the single market can meet the economic, monetary, industrial, commercial but also social challenges which confront us all. The wind of freedom and democracy now rising in Eastern Europe is one more reason for demonstrating that the European Community is also a Europe of justice and solidarity and that its purpose is the establishment of a people's and in particular a workers' Europe.

André Kirchberger
Member of the
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Towards an economic and social area

Introduction

Since 1985 the Community has been involved in a dynamic process which cannot but change its future. The motive force of this process is the completion of an economic area without frontiers by 1992.

The Community has now returned to the path of ecnomic growth; over 8.5 million jobs have been created since 1984. In 1988 alone, 2.3 million new jobs were created. This is also the first time since the start of the 1970s that jobs have been created in all the Member States. The results presented in the study of the costs of non-Europe have hence been exceeded: 1.8 million (without flanking policies) to 5 million (with flanking policies). In the light of the current levels of job creation, it can already be stated that the internal market is starting to fulfil its role: to permit greater growth and therefore greater job creation. Indeed, the current climate of growth is explained in particular by the growth in investments, linked to the expectations of entrepreneurs with regard to 1992.

But there is still progress to be made as:

- there is still significant underemployment in the Community. Unemployment is not falling sufficiently (8.9% in November). Long-term unemployment affects over 52% of jobseekers. And in addition to the registered unemployed, a large number of Europeans would wish to work if they had the opportunity to do so;
- it is not a matter of job creation at any price. It is necessary to develop the quality of employment and therefore to preserve a certain European social model, uniting social protection, health and safety and social dialogue. The development of quality is also essential to economic development, as the Community, confronted by world competition, must endeavour to produce high-quality goods. The quality of the goods very often goes hand in hand with the quality of the work;
- economic and social cohesion between the regions and the social groups must be strengthened. The differences in income between the regions of the Community is of a ratio of from 1 to 5 and the fair distribution of the benefits derived from the internal market will not be automatic. In addition, the consequences of the crisis have led to the development of a two-tier society based on exclusions from the labour market. There are hence nearly 45 million poor people in the Community and over 7 million long-term unemployed. The Community professes to be responsible for everyone and, in this respect, has set itself a clear objective, 'the strengthening of economic and social cohesion', which it must achieve.

But in the social field the Community still has further challenges to take up:

- to manage the demographic developments. At the beginning of the 21st century, the population of the Community will fall, contributing to its ageing and to a reduction in the working population. This phenomenon has already started in some countries, such as the Federal Republic of Germany, where the current population of more or less 61 million will apparently fall in the next 40 years by about 15 million;
- to participate in 'the architecture of the large Europe of the future'. To do this, the Commission must initiate joint discussions on the architecture of Europe involving all the European countries, according to various procedures and with a sense of pragmatism and realism, which will allow progress to be made gradually and calmly, with recognition of the diversity of situations;
- the opening up of the countries of Eastern Europe is a significant future growth factor for the Community. In terms of markets, the Community has up to now been surrounded by not very buoyant markets (Africa, the Middle East and Eastern European countries which were not very open). The USA's environment was and is totally different. This trend must not however result in neglect of the preferential links which the Community has been forging for decades with the ACP countries, many of which are among the poorest countries in the world.

There are thus a large number of Europeans who are calling for the economic area which is in the process of completion to be accompanied by a social area. The Single European Act, which provided the Commission with the

means to implement the internal market, also specified the priorities for Community action. These include certain aspects of social policy.

Nevertheless, the significant progress achieved and to be achieved through the Single Act in the social sphere is not sufficient, given the transformations which will be generated or accelerated, notably by the internal market. For this reason, the Commission has proposed a social action programme associated with the implementation of the Charter of Fundamental Social Rights. This Charter, which expresses the deep commitment to a model of social relations based on traditions and practices, and the action programme will allow the foundations to be laid for a social area.

I — Why create an economic and social area?

The reply to this question may be broken down into two parts:

- □ the need for and imminent existence of an economic area;
- □ the need for a social dimension to economic progress, with the social aspect seen as a flanking policy or as a prerequisite for the success of the economic actions.

1. The need for and imminent existence of an economic area

The standard of living, expressed in terms of the per capita national income, of the Americans is 50% higher than that of Europeans. That of the Japanese is over 10% higher. These differences result to a large extent from the lower number of people working in the Community (60% in the EC, compared to 70% in the USA and in Japan). It could therefore be said that the lower the number of people working, the less wealth there is.

But it must above all be said that the more growth there is, the greater the opportunity for job creation. The Commission upholds the direction of this causality. It is therefore necessary to increase growth in Europe; it is a prerequisite.

Before acting, a diagnosis, even a rapid one, is helpful. Which factors and characteristics explain this situation? They are numerous, but three of them are fundamental:

- □ the world recession and the resulting race for productivity in Europe;
- □ the ineffective national policies and responses to the recession;
- □ the weakness of the Community's neighbours' markets

The recession which we have experienced since 1973 has led to a slow-down in growth. This stimulated the search for greater competitiveness and greater flexibility, especially on the labour market. A high unemployment rate was the result.

The Member States also developed additional responses to escape the recession which had a Community dimension. This included attempts at recovery and the erection of protectionist barriers. For different reasons, these two types of policy gave rise to a series of problems at European level.

First, it has to be stated that the interdependence of the economies, and in particular of the European countries, no longer permits the development of an independent economic policy. The attempts at recovery made by some countries (for example, the Federal Republic of Germany in 1978/79 and France in 1981) had negative repercussions, in particular on prices and currency, as they had not heeded the European dimension (linked, in particular, to imports and exports of goods and capital).

Secondly, the proliferation of non-tariff barriers in the Community, especially since the start of the recession, led to a whole series of costs for the European economy on account of market partitioning. Analysis of these costs has enabled a few potential scenarios to be put forward in the

event of trade barriers being dismantled: in the order of 4.25 to 6.5% of Community GDP.

To remedy these two problems, the Commission proposed a series of measures which should in time allow the emergence of a true economic area and not merely a free trade area.

Furthermore, until just recently, the Community was surrounded by markets which were not very dynamic, closed and not very solvent. The proximity of markets is an important factor for economic development. Conversely, the environment of the USA and the Pacific area was and is totally different. The recent developments in the countries of Eastern Europe change this situation.

Towards greater cooperation in economic policies

Only coordinated recovery policies are now conceivable in Europe. Since an isolated recovery policy by one country in a group of open economies often leads to foreign trade deficits and/or inflationary tensions, it is important to adapt the implementation of the economic policies to those applied by the others. In 1985/86 the Commission proposed for the first time a strategy which took account of this need for cooperation. This was an action combining supply and demand policies and in particular wage restraint.

The creation in three stages of an economic and monetary union in the coming months and years is also a factor which calls for greater cooperation and coordination in the economic field.

The internal market

For the advocates of protectionism, the development of non-tariff barriers enabling the partitioning of national markets was to allow national enterprise to be protected. In fact the result was a halt in the process of adjustment of the industrial structures, which is nevertheless inevitable in the long term, and a loss of competitiveness. For it is precisely the reduced size of the national markets which is an element of non-competitiveness (no economies of scale (lower costs through higher output), duplication in research, lack of dynamism, etc.).

Having decided upon and intensified its action, the Commission proposed in 1985 to relaunch the creation of the Common Market. This was the 'internal market' project or 'Objective 1992'.

However, the internal market is not an objective in itself; it is a means of enabling more growth and hence more jobs to be achieved. Here is where the stakes really lie.

To achieve this large market, it was necessary to adopt about 300 directives proposed in a White Paper.

However, to create the internal market, a revision of the Treaty of Rome was necessary so that a proportion of the Commission proposals could be adopted by a majority and no longer require unanimity and so that there would be a political commitment to achieve this objective.

The Single European Act is not confined to mere economic objectives, it contains five other priorities:

- monetary policy,
- research policy,
- environmental policy,
- regional policy,
- social policy.

It should be noted that the completion of the large internal market is not only a supply policy under the structural Funds, but also an industrial policy, especially if the interventions centred on physical and human infrastructures are added to it.

2. The need for a social area

As the Heads of State or Government and the European Parliament have repeated on several occasions,

taking account of the social dimension of the internal market is essential to its success.

This consideration for the social dimension is to be identified at two levels: firstly in the 'internal market' directives and secondly in the complementary initiatives arising from the amendments caused by the completion of the single market.

The social aspect of 'internal market' directives

The Commission has incorporated and defended social clauses in a very large number of proposals for the implementation of the White Paper. These social clauses may be divided into two major categories:

- ☐ the improvement of living conditions, particularly in the field of public health and the free movement of persons;
- ☐ the improvement of working conditions.

Improvement of living conditions

(a) Public health

A certain number of proposals include social aspects in the field of public health. These are principally Commission initiatives concerning:

- ☐ veterinary and plant health inspections,
- ☐ the free movement of goods.

The vast majority of Commission proposals in the field of plant health and veterinary inspections include components which protect public health directly or indirectly. For example, pesticide residues, microbiological control, the ban on certain plant-protection products.

In the field of the free movement of goods, the Commission has also been concerned about improving living conditions. For instance, the initiatives in the field of the classification, packaging and labelling of foodstuffs, in particular, but also those concerning car exhaust gases, toy safety and the construction of hotels.

(b) Free movement of persons

The Commission proposals in the field of the free movement of persons try to eliminate the discriminations or the obstacles currently encountered. For instance, the Commission has made proposals in the following fields:

- ☐ revision of the provisions governing the free movement of workers and their families (amendments to Regulation 1612/68 and Directive 360/68);
- ☐ abolition of frontier controls;
- ☐ customs franchise privileges (amendments to Directive 83/183);
- ☐ right of abode;
- ☐ education and training.

The Commission also supports the work in progress in the various intergovernmental groups concerned with the inspection of people (in particular: drugs, nationals from third countries, visas, extradition).

Improvement of working conditions

(a) Health and safety of workers

Using in the main Article 100a as a basis, the Commission has also been anxious to ensure protection for workers' health and safety, right from the stage of goods design and manufacture. For instance, thanks to the 'machines Directive', the health and safety of workers will be taken into account in the production of machines. Special directives including the protection of the health and safety of workers have been proposed by the Commission for various categories of machines and goods:

- personal protective equipment,
- aerosols,
- lifting equipment,
- tractors,
- building materials.

The possibilities offered by Article 118 a in the field of health and safety at the workplace will be explored.

(b) Transport

Well before the completion of the internal market, the Commission was aware of the need to harmonize certain social provisions in the field of road transport. The 1992 deadline requires revision and intensification of the action.

(c) Company law

The need to develop the Member States' firms to a Community scale and obtain their cooperation has prompted Commission initiatives in the field of company law. In its proposals, the Commission has always ensured that workers can be partners who are correctly informed and consulted. This is so in the Fifth Directive, which includes a section on information, consultation and participation. The plan to create a European Company Statute will also contain a social section.

(d) Public contracts

Social clauses have been introduced into the public works Directive, an important field in both economic and social terms. These clauses relate more particularly to the compliance with working conditions. However, it should also be stressed that the optional and limited nature of these clauses demands that more extensive consideration be given to social aspects.

The social dimension of the internal market

These various social sections of the 'internal market' directives, although important, are insufficient to cope with the transformations which will be accelerated or generated by the completion of the internal market.

Four aspects are of particular importance:

- the free movement of workers,
- employment,
- social dumping,
- social cohesion.

The free movement of workers

The free movement of workers allows:

- the harmonization of marginal productivity of labour between the regions;
- limited trade in goods to be remedied by trade in the factors of production. However, the labour factor is more 'viscous' than the capital factor;
- regional development to be assisted by limiting the surpluses of unemployed labour and by attracting the qualified people necessary for development.

The completion of the internal market and the creation of a European economic area could imply the development of job offers on a European scale. Indeed the following factors should emerge:

- demand for specialists;
- development of concentrations and mergers;
- opening up of public contracts on a European scale (and primarily in the context of public works);
- development of cooperation in the industrial and research fields;
- improved presence abroad and on foreign markets, etc.

The demand for European-scale employment should likewise develop under the following pressures:

- the need for European-scale training;
- more generally, the greater the increase in training, the greater the mobility;

- the development of communications and frontier-zone cooperation;
- the search for better working conditions;
- the possibility to seek work on a European scale as the existing barriers are removed, especially as regards recognition of qualifications, complementary social security schemes, etc.

Such greater geographical mobility in Europe will increase the pressure or the need for a larger number of Community initiatives in the social sphere.

Through a European passport, a European driving licence, free passage at the physical frontiers, etc., the free movement of persons should also allow the feeling of European citizenship to develop, the melting-pot for deeper European integration.

It is therefore necessary to promote the free movement of workers, but more generally of persons, which is currently curbed for a whole series of administrative, legislative and cultural reasons. There are at present less than 2 million Community workers working in other Community countries. To these must be added over 2 million non-Community workers.

The changes to the economic, social and cultural environment should thus facilitate the emergence of a European labour market, increasing the recruitment opportunities of workers and employers alike.

Employment

The studies carried out by the Commission under the title 'The cost of non-Europe' (also called the Cecchini report) estimated that the completion of the internal market had a job creation potential of 2 to 5 million. However, the distribution of this gain could be uneven in Europe and requires Commission measures. Its causes might be sectoral, regional or temporal. Some sectors will be more sensitive than others. Some regions will be more affected than others. At microeconomic level, job losses could precede job gains (development of a J-curve). The latter phenomenon is due to the very mechanism of the internal market, which is primarily a supply policy characterized, to start with, by restructuring the development of economies of scale, etc. This J-curve is however not very pronounced and it is developed under conditions of job creation.

This current growth climate is partly due to the expectations of entrepreneurs as regards 1992. The result is the creation of a considerable number of jobs (2.3 million in 1988, and almost 3 million in 1989), which in turn results from massive investments in expansion, with the capacity utilization rate approaching that existing in the Community before the crisis (over 85 %).The expectations of entrepreneurs are also obvious in the growing number of mergers, concentrations and industrial cooperation agreements.

On the other hand, the question of employment and possible job losses remains pertinent at regional, local and individual levels.

This is particularly so at the level of the individual, for we must avoid confusion between the number of jobs and the volume of employment. The difference lies in the use of part-time workers and the reduction of working hours. In addition, the Community is still experiencing substantial underemployment caused by the ongoing high level of unemployment but also the large portion of its population of working age which does not form part of the working population.

Social dumping

Will the increase in competition not lead to deregulation of the labour market and to a fall in the current levels of social protection or to the delocalization of investments?

These risks and fears underlie the concept of social dumping which could have a bearing on remuneration and health and safety standards, as well as on other working conditions.

(a) Remuneration

The ratio of average salaries in the Community is of 1 to 5, but when they are corrected for productivity, the range of average salaries is reduced substantially. There is thus no general fear in this field. Yet special attention could be directed at certain sectors which are more sensitive, particularly those using a great deal of unskilled labour. However, it should be noted that any delocalizations towards the countries of southern Europe in these sectors is no new risk for the countries of the north which have already experienced movements of this kind, but towards newly industrializing countries (NICs) or developing countries (DCs).

(b) Health and safety

The Commission does not wish the health and safety of workers to be potential factors of competitiveness (see Article 118a of the Single European Act). The Europe of wokers' health and safety has its price, but the Community should be ready to pay it.

(c) Other working conditions

In the social sphere, as in that of banks or technical standards for example, the principle of reciprocal recognition should be accompanied by prior action to harmonize or approximate basic conditions. This will be the role of the Social Charter guaranteeing the workers' basic rights.

In any case, these social variables are not the only localization factors. Infrastructure, research potential, training levels, existence of subcontractors, efficient banking and telecommunications networks are equally important.

In addition, and this is possibly more fundamental than the question of social dumping, the creation of jobs must not be achieved at too high a price (in particular in terms of health and safety and social protection). It is also important to ensure an increase in the quality of goods as this is essential to allow economic development in the coming years in the face of the competition from industrializing countries. Quality of goods and quality of labour go hand in hand.

Social cohesion

The Commission has always wanted the development of a Community where convergence accompanies progress, i.e. a Europe where the living standards of the various regions would tend to be harmonized at the highest level. To this end, it has long been initiating regional development policies. The arrival of the latest three Member States has made this question even more acute.

Secondly, it is fundamental for the Commission that completion of the internal market contains a social dimension with economic and social cohesion being one of the components. The Commission in effect wishes to ensure that the substantial gains which the Community will derive from the completion of the internal market, more than two million jobs, and the advantages which European industry will derive from the dismantling of the frontiers are distributed or redistributed correctly at regional level.

In addition, it is worth remembering that increased cohesion is advisable in itself and the actions taken to strengthen it may prove beneficial for the entire Community beyond the target regions.

Even if it has not been precisely defined, 'economic and social cohesion' obviously does not end with harmonizing the income of the regions, an objective which transfer programmes could achieve in themselves. It is in fact directed at reducing the disparities in the levels of development of employment.

Nor does economic and social cohesion end with the harmonization of the provisions governing working conditions and relations, even though convergence in these provisions is both an aspect and a consequence of greater economic and social cohesion.

The strengthening of economic and social cohesion, in the sense of a process of convergence, as progress is made,

in the levels of development and harmonization of the situations on the labour markets, essentially entails imparting greater dynamism to the indigenous development potential of the regions lagging the furthest behind — meaning mobilization of the regions' own resources. The flanking policies based on the reformed structural Funds have the basic task of contributing to this process. The mobility of labour, the mobility of production capital or a combination of these two factors, as well as the improvement in the levels of training, may also contribute to the cohesion sought.

From the start of the process of completing the internal market, the Commission had been aware of the need to strengthen the economic and social cohesion of the Community, for which there is evidence in the incorporation of this objective into the basic Community Treaties and the instigation of a thorough reform of the structural Funds.

The concept of economic and social cohesion does not however stop at these regional differences. It also involves the different social groups. In this field, the Commission has developed a whole series of policies for specific social groups. In particular, the Commission has set up action programmes which in several cases have existed for many years, for the poor, women, the disabled, young people and the long-term unemployed, to mention only the largest groups.

By improving the general economic situation, the internal market is clearly a necessary component of the fight against exclusion but once again, it is not enough. This is why it will continue to take and propose whatever measures are needed to strengthen cohesion between social groups. The Communtiy is concerned to show solidarity.

However, it will also have to seek the participation of all the other economic and social entities in achieving this primordial objective of economic and social cohesion. Such participation is important and necessary, as taking into account the social dimension of the internal market concerns the Member States as well as the two sides of industry.

The social dimension: a fundamental component

The social dimension of the future large single market is a fundamental component of this project.

This is because it is not only a matter of strengthening economic growth just by creating a free trade area. Completing the large market would be devoid of meaning if it were not possible for all the citizens of the Community to derive benefit from it.

In addition, the social dimension of the internal market must contribute to maximizing the benefits of the common economic area in particular by making its contribution to the optimization of the use of human resources, to the preparation for the changes to come and to the achievement of true freedom of movement for persons.

The social dimension is therefore one of the important, basic aspects for the success of this large market but also of the Single Act. Indeed, the progressive completion of the large market cannot be assessed independently of the other objectives which the Single European Act has associated with the revision of the Treaties of Rome, and in particular in terms of social policy and of economic and social cohesion.

Indeed, from the start of the process of completing the internal market, the Single European Act, which supplements and defines the objectives of the Community, incorporated aspects which are of importance for taking account of the social dimension:

- Article 118a, which concerns the development of the social dialogue; and
- Article 130a, which concerns the strengthening of economic and social cohesion.

At the end of 1987 and beginning of 1988, the need to take the social dimension of the internal market into account was recalled and emphasized through all the dynamic forces of the Community.This is shown especially in an Economic and Social Committee opinion (Beretta opinion), the conclusions of the Hanover European

Council and the Commission working document on the social dimension.

II — How to create an economic and social area

1. The Charter and action programme

In view of the new challenges and new opportunities afforded us by the completion of the internal market, the Commission also sees the need for a further commitment to the principles of social justice, a prerequisite for a true social consensus and for effective social cohesion. For this reason, following on from the Economic and Social Committee Opinion of February 1989 and the European Parliament Resolution of March 1989, the Commission presented a draft Social Charter in May 1989 which must be understood both as a declaration of intent on the part of the governments and as a basis for the future development of social policies at all levels. This Charter has now been adopted by 11 Member States.

An action programme accompanies the Charter. This comprises the various intitiatives which the Commission will undertake between now and 1992. In its work programme, the Commission will use all the instruments at its disposal so that the rights laid down in the Charter are incorporated into everyday life. These instruments fall into four categories:

- legislation for harmonization or for establishing a framework;
- contractual and cooperation or coordination instruments for convergence;
- financial assistance (mainly through the structural Funds) and instruments for the exchange of information, experience and information.

2. The impact of these measures in terms of employment

But could not all these proposals for action which have a precise interest in relation to the various themes they tackle have a negative impact on employment and might not the creation of a social area weaken the economic area?

It can be concluded from examination of the social systems of the industrialized countries that countries or groups of countries, such as the USA, Japan and the Scandinavian countries, have developed different social models ranging from a system with few constraints to a highly regulated system. These three models all seem to have achieved better results in terms of employment and standards of living than that, or those, of the Community. Overall, there are therefore no obvious links between social constraints and job creation.

The case of the Federal Republic of Germany is a good illustration of the complexity of defining an unequivocal link between level of social regulation and economic performance.

Certain measures improving flexibility and adaptability on the labour market are nevertheless necessary to allow firms to maintain their competitiveness in an economy which has to be conceived on a world scale.

In addition, it must be remembered that the Community has lost market shares at home and abroad in a whole series of sectors and mainly in sectors where demand is growing. These poor performances by the European economies in such sectors to the benefit of the USA and Japan have encouraged the pursuit of activities with stable or negative growth in which other competitors have been springing up (NICs, developing countries, etc.). The Community economy is therefore caught on the one hand between a lack of competitiveness in respect of a large number of future products and, on the other, keener competition on its traditional markets, forcing it to make a large number of rationalization investments in order to increase its productivity. The completion of a large internal market and its various consequences (R&D, competition, foreign trade policy) are likely to increase compe-

titiveness. Nevertheless, these elements will not suffice to guarantee the dynamism of the European economies. The Community also has to invest in the quality of its products. For the developed economies competing with the industrializing countries, quality has become the key factor of competitiveness. The quality of goods is linked to that of the production process which itself is derived from the quality of labour and hence of the workers. The large European firms are very aware of the importance of quality.

The Charter and the work programme contribute to the development of quality as they guarantee the basic social rights.

It is not a matter of analysing each measure precisely, but of presenting a few points for reflection.

The labour market

This section, which is explicitly only part of the action programme, is of capital importance for the development of a social area. The roles of employment and forward management should be developed at Community level in liaison with both sides of industry. In this connection, the Commission has presented its first annual report on the development and prospects of employment in the Community.

The development of the opportunities for observation in the economic and social fields which the Commission has introduced and will develop in the near future are tools which are to enable it to ensure that the processes under way lead the Community to greater cohesion. In this respect, drawing up a regular report on employment is a key element. The Commission published the first report of this type at the end of July.

The reform of the structural Funds already carried out by the Community will enable it to ensure that cohesion between regions is strengthened. This is a key element in the Commission's efforts to increase cohesion. The resources of the Funds are to be doubled progressively. These financial resources will mean considerably greater opportunities for investment in physical and human capital for the countries whose development is lagging behind. But what is more, the reform of the Funds is not confined to doubling their financial resources, it has changed the ways in which the Funds operate in order to increase their effectiveness.

In the context of this reform, the European Social Fund will be able to concentrate its support on the occupational integration of young people under 25 years of age and also on long-term unemployment.

Other Commission initiatives also contribute to achieving this objective of stronger cohesion. This is the case of the LEDA programme which, much like some measures to assist development agencies and SMEs, is intended to provide the know-how guaranteeing the success of local development plans and in this way to make Community financial assistance granted in the context of the structural Funds more effective.

Employment and remuneration

The relationship between employment and remuneration is very complex. Pay increases may have a negative effect on employment if they do not correspond to a rise in productivity but they also bring an increase, but to a lesser extent, in consumption and ultimately therefore, in firms' production.

There is an indissociable link between pay and productivity. This link is in both directions but is positively correlated. Firms which increasingly wish to develop the premium system have clearly understood this principle.

A large number of countries, such as the Federal Republic of Germany, show that high levels of pay are not incompatible with excellent trade performances, as they correspond to high levels of productivity.

The work programme calls for the Commission to produce an opinion on the introduction of fair pay. It should be recalled that in most countries there is a legal system (E, F, GR, L, B, P and NL) or a contractual system (DK, D and I) laying down a minimum wage. In the United Kingdom and Ireland, the 'pay commissions' determine minimum wages in certain sectors (clothing, retailing, catering, etc.) or for a few groups (young people).

Atypical work, which has been increasing significantly is beneficial for firms' as it allows better adaptation of work to the trends on the firms' markets'. It is therefore necessary for the supply of this type of labour to be sufficient. An appropriate improvement in the working conditions for this type of employment is likely to favour the increase in this supply.

Improvement of living and working conditions

Many studies, especially those carried out by the OECD, have demonstrated the absence of any formal, unequivocal link between flexibility of employment, including the procedures for dismissal, and economic results. On the other hand, flexibility of employment may be a factor which is detrimental to competitiveness as it acts as a disincentive for workers. For firms too, flexibility may have negative effects in the medium and long term, as it may reduce the motivation to invest in 'human capital', which has become one of the factors essential to growth.

The reduction in working time may also contribute to job creation under certain conditions, in particular if this reduction is linked to a reorganization of the working time allowing better use of the production capacity.

Free movement of persons

From the point of view of the achievement of freedom of movement of persons, the Commission has submitted proposals to supplement and adapt the current directives and regulations. This priority, which will be accompanied by a large number of other measures, is crucial to the completion of the internal market as it is a field which is tangible for all the citizens of the Community.

The revision of the instruments governing the mobility of workers and all the other measures designed to reinforce and develop the mobility of persons which the Commission has undertaken must allow the free movement of persons to be extended and to contribute to the efforts to strengthen cohesion.

Nevertheless, the Commission will ensure that every citizen will be able to make a real choice between access to stable employment in the region in which he lives and migration for a job in another region. For this, it is necessary to encourage the mobility of capital and the initiatives of entrepreneurs in the Community. In this respect, in addition to the reform of the structural Funds and the aid for indigenous development, the actions developed by the Commission to eliminate the obstacles to the movement of capital also contribute to this effort to strengthen the mobility of capital.

The free movement of persons is also beneficial to employers. For the latter, the free movement of persons is made onerous (2.5 times the cost of labour in the home country), in particular on account of the difficulties encountered and the adaptations which are then required by the worker.

The development of industrial cooperation on a European scale, a factor of competitiveness, will in particular lead to a greater mobility of workers and primarily of executives and of high-level technicians. Is is therefore essential for the development of firms that the free movement of workers is facilitated.

At macroeconomic level, freedom of movement allows greater flexibility to be achieved in the functioning of the labour market by avoiding the development of bottlenecks (and therefore of pay rises) in certain regions for certain qualifications.

Social protection

This is a matter of participating in the strengthening of social cohesion. In addition, these measures do not prevent job creation.

In this respect, it should be noted that the potential gain in terms of public finance resulting from the completion of the internal market could to a large extent allow the introduction of a minimum income without increasing the State's current burden in financing social security.

Association and collective bargaining

These bear little relationship to employment. Even if there were a relationship, this is an element essential to democracy.

Basically, there can be no question here of economic cost, as the political dimension of this right must be considered. The right of association and the right to strike are fundamental to the development of democracy. The fact that this freedom has been too limited in the countries of Eastern Europe has on many occasions been stressed by the Heads of State or Government of the Community.

Information, consultation and participation of workers

There is no negative effect on employment where information, consultation and participation practices have existed for some time in firms. On the contrary, a large number of studies have shown that such practices may be advantageous to firms by allowing firms' development plans to be implemented rapidly.

It is very often the absence of such practices which makes it difficult for firms to adapt.

It is not inappropriate to point out that, in their common opinion of 6 March 1987, the two sides of industry stressed the need to motivate employees at all levels of responsibility in the firm and to develop their aptitude to change, amongst other things through good information and consultation procedures. They considered that such motivation would be all the greater if all the staff were in a position to understand the economic and social necessities and the potential which the structural changes offer the firm and the workers.

Following various enquiries, it is estimated that 9 ideas out of 10 concerning the improvement of the production process come from workers. It is therefore important to develop a climate of dialogue in the firm.

Equal treatment for men and women

There are no negative effects on employment. On the contrary, greater access by women to the labour market allows the appearance of possible bottlenecks to be avoided.

The need for skilled labour and the need to increase the working population of the Community in the coming decades must encourage it to maintain and develop measures to permit real equality between men and women (the percentage of women at work is lower in the Community (32%) than in Japan (38.5%) or the USA (41.8%).

Vocational training

Even though a cost is involved in providing training, the advantages which may be drawn from it are substantially greater.

The link between vocational training and competitiveness has become so obvious to entrepreneurs that vocational training is one of their main preoccupations, whatever the size of the firm.

In their common opinion of 6 March 1987, the two sides of industry considered that in-service training should allow workers to adapt rapidly and constantly to the structural changes in the firm which should assume primary responsibility for it.

In addition, at macroeconomic level, the widest possible access to training is an essential factor for the future economic growth and development of the Community. The new technologies, a factor for the survival of Europe, need a skilled labour force.

In the field of vocational training, the Commission intends to continue and step up its action. It will make proposals in particular with regard to the possibility for all European workers to have access to vocational training. In-service training is necessary to facilitate the future economic changes and to strengthen the competitiveness of European firms.

The Commission also wishes to give education and training pride of place as, in many cases, they form the prerequisites for convergence in standards of living and to balance the intra-European migratory flows. All the work carried out in the last 15 years, both in the field of education and initial training and in that of in-service training of adults, illustrates the importance of these subjects for the Commission.

This is particularly true of the measures taken by the Commission to develop the Europe of the students and universities and a people's Europe. These two spheres of action must contribute to the free movement of persons.

The challenges arising from the internal market also call for action in the field of vocational training to be pursued and intensified. In 1989, the Commission will develop its proposals in the field of in-service training, in association with the discussions to take place in the context of the social dialogue. Specific proposals will also be made with regard to the Eurotecnet II programme in the field of vocational training and new technologies.

In addition, the importance of education and training as factors of economic and social cohesion is confirmed by the special programmes which have been or are to be introduced in particular in favour of Greece, Portugal, rural areas and less-favoured populations.

All these measures, and many others, were presented by the Commission on 2 June in a medium-term programme on education and training.

Health and safety at the workplace

Even though there are costs attributable to improving the health and safety of workers, it is unacceptable for them to be in a position to run risks which jeopardize their health and safety.

Moreover, firms lose a very large number of working days through accidents or illnesses attributable to working conditions (in France, it is estimated that some 22 million days were lost in 1986). These accidents also represent an enormous burden on the social security system (in 1984, compensation paid for accidents and industrial illness in the European Community cost about ECU 16 billion). It is therefore imperative for efforts to be made in this field.

Protection of children and adolescents

In connection with the need for a skilled work force, it is necessary for adolescents to be able to benefit from the fullest possible training. Any measures towards this can only be profitable in the long run to the competitiveness of firms.

The elderly

The demographic trend of European societies implies that at present 14.4% of the population is over 65 years of age, but that this percentage will rise to 19.2% in 2020. It is therefore crucial for this growing segment of the population to be able to have the resources to live, in other words to consume. A major market in services for these elderly people is developing rapidly.

The disabled

The measures to be proposed for the disabled will, however, have neutral or positive impacts on employment, as

- they will tend to increase the working population (according to the WHO, 10% of the population may be considered as disabled) and
- they will enable greater independence, including financial independence, for disabled people.

3. Existence of limits to Community action

If consideration for the social dimension is a prerequisite for the success of the single market and if, moreover, the Charter and the action programme do not destroy jobs, why has the Commission experienced so much difficulty in laying the bases for the social area?

There are several possible explanations:

- The place of social policy in the Treaties. There are few articles in the field of social policy (free movement of workers, social security for migrant workers, equality between men and women) and they often require unanimity. It is therefore difficult to use the Treaties as a basis to introduce major social legislation at Community level.
- Difference in principles governing social matters. It must be stressed that consideration for the social

dimension of the internal market concerns the Member States and the two sides of industry and that Community legislation is not the only means available. During their meeting of 12 January, the two sides of industry concluded that they would wish to seek a Community balance between legislative steps and the contractual approach which safeguards contractual autonomy. This finding, together with that of the existence of diversities in the social traditions and practices in the Community, guides the action of the Commission with regard to the social dimension of the internal market.

The major differences, particularly in the organization of trade unions, as regards the level of social dialogue which is most relevant and most used and as regards the place of legislation, do not make the creation of a European social area any easier.

- The need for a 'Community plus'. Fundamentally, the question of subsidiarity should be part of every measure: Is intervention at Community level necessary, is it the most effective? Some see this question as the 'Commission's cop-out'. Yet it is needed to ensure the effectiveness of measures and is used increasingly at all levels. The attempts at administrative decentralization currently being made by many countries in Europe effectively demonstrate the relevance of the subsidiarity principle.

- The diversity of situations and levels as regards living and working conditions. It is enough to measure living standards throughout the regions of Europe, from 1 to 5, to appreciate the difficulties which any attemps to approximate existing situations may encounter.

In view of these various considerations, it is therefore necessary to adopt an approach uniting subsidiarity, partnership and gradualism.

III — The future prospects strengthening the need for a social area

Indeed, some of the developments which the Community will experience will imply greater attention being paid to social policy. This is a matter in particular of demography, a new form of management of the labour market and of economic and monetary union.

1. Demography

In general, before the year 2000, there will be a fall in the population of the Community. It is already being felt in some countries, such as the Federal Republic of Germany.

In the firm, following the economic recession and the methods for managing employment used during the recession (halt in the recruitment of young people and early retirement), the age pyramid has also been unbalanced in many cases.

There will therefore be repercussions on the labour market, on the social infrastructures and on the social security system in terms of income and expenditure. All the European countries will have to face these developments.

2. New form of management of employment: labour shortage

Different signs seem to announce that the economic and social actors will in future years have to change the way in which they manage employment, for more and more regions and industries are currently facing a shortage in the supply of labour.

The short-term unemployment rate is tending to fall. Indeed, if one considers that long-term unemployment (over 50% of the total jobless) is a residual phenomenon of the recession, the treatment of which requires policies closer to those concerning social exclusion (poverty, lack of qualifications and hysteresis) than the employment of 'traditional' or cyclical jobseekers and that the natural unemployment rate is currently some 3%, there only remains a 'short-term' unemployment rate in the order of 2%.

In this way in future years and starting with the northern countries, the Community will find itself facing a new form of employment management. This future situation will certainly not affect all the regions with the same force, in particular those of southern Europe where there is still substantial underemployment in agriculture.

It should be mentioned that the improvement of the situation on the labour market is very often accompanied by an increase in the unemployment of women. The reason for this is that in a crisis situation, a large proportion of women retire from the labour market. Hence in Europe, the working population as a proportion of the population of working age was only some 60%, as opposed to some 70% in the USA and in Japan. If an improvement occurs, people who had left or did not want to enter the labour market now enter by beginning very often as jobseekers.

3. Progress towards economic and monetary union

The three-phase process which is to lead us to monetary and economic union (EMU) will have significant repercussions on the management of the economic policies (cooperation, convergence etc.) and therefore on the social policies.

Nevertheless, it must be stressed that EMU represents a leap forward which could ensure a substantial improvement in economic and monetary prosperity in each region of the Community. For it will require actions going beyond the purely monetary framework or that of the coordination of economic policies. Indeed, in the report of the Delors Committee, it is stated that: 'A special role should be attributed to the common policies designed to create a more balanced economic structure throughout the Community. This would enable the appearance or aggravation of regional and sectoral imbalances liable to compromise the viability of EMU to be avoided. This aspect is of particular importance as the adoption of definitively fixed parities would abolish an important indicator of the incompatibility of policies between member countries and would preclude recourse to the exchange rate as an instrument of adjustment among the arsenal of economic measures. If there is a wish to avoid significant regional disparities with regard to production and employment, the economic imbalances between the member countries should be corrected by policies having an effect on the structure of their economies and their production costs'.

The most crucial question raised by EMU is again that of economic and social cohesion. The three-phase programme drawn up by the Delors Committee has clearly identified this question and includes the necessary elements to take up the challenge of cohesion. EMU is not 'simply a stable exchange area', it is a comprehensive programme which should lead to greater European integration.

Jean-François Lebrun
Administrator at the Commission of the European Communities (DG V)

CHAPTER 2

Community Charter of the Fundamental Social Rights of Workers

The Social Charter will illustrate this leap forward in the social dimension. It will show our political will to build a social Europe, in accordance with the essential subsidiarity and also with variety.

Declaration by President Delors
on 8 December 1989
at the European Council of Strasbourg

Community Charter of the Fundamental Social Rights of Workers

THE HEADS OF STATE OR GOVERNMENT OF THE MEMBER STATES OF THE EUROPEAN COMMUNITY MEETING AT STRASBOURG ON 9 DECEMBER 1989 [1]

Whereas, under the terms of Article 117 of the EEC Treaty, the Member States have agreed on the need to promote improved living and working conditions for workers so as to make possible their harmonization while the improvement is being maintained;

Whereas following on from the conclusions of the European Councils of Hanover and Rhodes the European Council of Madrid considered that, in the context of the establishment of the single European market, the same importance must be attached to the social aspects as to the economic aspects and whereas, therefore, they must be developed in a balanced manner;

Having regard to the Resolutions of the European Parliament of 15 March 1989, 14 September 1989 and 22 November 1989, and to the Opinion of the Economic and Social Committee of 22 February 1989;

Whereas the completion of the internal market is the most effective means of creating employment and ensuring maximum well-being in the Community; whereas employment development and creation must be given first priority in the completion of the internal market; whereas it is for the Community to take up the challenges of the future with regard to economic competitiveness, taking into account, in particular, regional imbalances;

Whereas the social consensus contributes to the strengthening of the competitiveness of undertakings, of the economy as a whole and to the creation of employment; whereas in this respect it is an essential condition for ensuring sustained economic development;

Whereas the completion of the internal market must favour the approximation of improvements in living and working conditions, as well as economic and social cohesion within the European Community while avoiding distortions of competition;

Whereas the completion of the internal market must offer improvements in the social field for workers of the European Community, especially in terms of freedom of movement, living and working conditions, health and safety at work, social protection, education and training;

Whereas, in order to ensure equal treatment, it is important to combat every form of discrimination, including discrimination on grounds of sex, colour, race, opinions and beliefs, and whereas, in a spirit of solidarity, it is important to combat social exlcusion;

Whereas it is for Member States to guarantee that workers from non-member countries and members of their families who are legally resident in a Member State of the European Community are able to enjoy, as regards their living and working conditions, treatment comparable to that enjoyed by workers who are nationale of the Member State concerned;

[1] Text adopted by the Heads of State or Government of 11 Member States.

Whereas inspiration should be drawn from the Conventions of the International Labour Organization and from the European Social Charter of the Council of Europe;

Whereas the Treaty, as amended by the Single European Act, contains provisions laying down the powers of the Community relating *inter alia* to the freedom of movement of workers (Articles 7, 48 to 51), the right of establishment (Articles 52 to 58), the social field under the conditions laid down in Articles 117 to 122 — in particular as regards the improvement of health and safety in the working environment (Article 118a), the development of the dialogue between management and labour at European level (Article 118b), equal pay for men and women for equal work (Article 119) — the general principles for implementing a common vocational training policy (Article 128), economic and social cohesion (Article 130a to 130e) and, more generally, the approximation of legislation (Articles 100, 100a and 235); whereas the implementation of the Charter must not entail an extension of the Community's powers as defined by the Treaties;

Whereas the aim of the present Charter is on the one hand to consolidate the progress made in the social field, through action by the Member States, the two sides of industry and the Community;

Whereas its aim is on the other hand to declare solemnly that the implementation of the Single European Act must take full account of the social dimension of the Community and that it is necessary in this context to ensure at appropriate levels the development of the social rights of workers of the European Community, especially employed workers and self-employed persons;

Whereas, in accordance with the conclusions of the Madrid European Council, the respective roles of Community rules, national legislation and collective agreements must be clearly established;

Whereas, by virtue of the principle of subsidiarity, responsibility for the initiatives to be taken with regard to the implementation of these social rights lies with the Member States or their constituent parts and, within the limits of its powers, with the European Community; whereas such implementation may take the form of laws, collective agreements or existing practices at the various appropriate levels and whereas it requires in many spheres the active involvement of the two sides of industry;

Whereas the solemn proclamation of fundamental social rights at European Community level may not, when implemented, provide grounds for any retrogression compared with the situation currently existing in each Member State;

HAVE ADOPTED THE FOLLOWING DECLARATION CONSTITUTING THE 'COMMUNITY CHARTER OF THE FUNDAMENTAL SOCIAL RIGHTS OF WORKERS':

Title I

Fundamental social rights of workers

Freedom of movement

1. Every worker of the European Community shall have the right to freedom of movement throughout the territory of the Community, subject to restrictions justified on grounds of public order, public safety or public health.

2. The right to freedom of movement shall enable any worker to engage in any occupation or profession in the Community in accordance with the principles of equal treatment as regards access to employment, working conditions and social protection in the host country.

3. The right of freedom of movement shall also imply:

- harmonization of conditions of residence in all Member States, particularly those concerning family reunification;
- elimination of obstacles arising from the non-recognition of diplomas or equivalent occupational qualifications;
- improvement of the living and working conditions of frontier workers.

Employment and remuneration

4. Every individual shall be free to choose and engage in an occupation according to the regulations governing each occupation.

5. All employment shall be fairly remunerated.

To this end, in accordance with arrangements applying in each country:

- workers shall be assured of an equitable wage, i.e. a wage sufficient to enable them to have a decent standard of living;
- workers subject to terms of employment other than an open-ended full-time contract shall benefit from an equitable reference wage;
- wages may be withheld, seized or transferred only in accordance with national law; such provisions should entail measures enabling the worker concerned to continue to enjoy the necessary means of subsistence for him or herself and his or her family.

6. Every individual must be able to have access to public placement services free of charge.

Improvement of living and working conditions

7. The completion of the internal market must lead to an improvement in the living and working conditions of workers in the European Community. This process must result from an approximation of these conditions while the improvement is being maintained, as regards in particular the duration and organization of working time and forms of employment other than open-ended contracts, such as fixed-term contracts, part-time working, temporary work and seasonal work.

The improvement must cover, where necessary, the development of certain aspects of employment regulations such as procedures for collective redundancies and those regarding bankruptcies.

8. Every worker of the European Community shall have a right to a weekly rest period and to annual paid leave, the duration of which must be progressively harmonized in accordance with national practices.

9. The conditions of employment of every worker of the European Community shall be stipulated in laws, a collective agreement or a contract of employment, according to arrangements applying in each country.

Social protection

According to the arrangements applying in each country:

10. Every worker of the European Community shall have a right to adequate social protection and shall, whatever his status and whatever the size of the undertaking in which he is employed, enjoy an adequate level of social security benefits.

Persons who have been unable either to enter or re-enter the labour market and have no means of subsistence must be able to receive sufficient resources and social assistance in keeping with their particular situation.

Freedom of association and collective bargaining

11. Employers and workers of the European Community shall have the right of association in order to constitute professional organizations or trade unions of their choice for the defence of their economic and social interests.

Every employer and every worker shall have the freedom to join or not to join such organizations without any personal or occupational damage being thereby suffered by him.

12. Employers or employers' organizations, on the one hand, and workers' organizations, on the other, shall have the right to negotiate and conclude collective agreements under the conditions laid down by national legislation and practice.

The dialogue between the two sides of industry at European level which must be developed, may, if the parties deem it desirable, result in contractual relations in particular at inter-occupational and sectoral level.

13. The right to resort to collective action in the event of a conflict of interests shall include the right to strike, subject to the obligations arising under national regulations and collective agreements.

In order to facilitate the settlement of industrial disputes the establishment and utilization at the appropriate levels of conciliation, mediation and arbitration procedures should be encouraged in accordance with national practice.

14. The internal legal order of the Member States shall determine under which conditions and to what extent the rights provided for in Articles 11 to 13 apply to the armed forces, the police and the civil service.

Vocational training

15. 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.

Equal treatment for men and women

17. Equal treatment for men and women must be assured. Equal opportunities for men and women must be developed.

To this end, action should be intensified to ensure the implementation of the principle of equality between men and women as regards in particular access to employment, remuneration, working conditions, social protection, education, vocational training and career development.

Measures should also be developed enabling men and women to reconcile their occupational and family obligations.

Information, consultation and participation for workers

17. Information, consultation and participation for workers must be developed along appropriate lines, taking account of the practices in force in the various Member States.

This shall apply especially in companies or groups of companies having establishments or companies in two or more Member States of the European Community.

18. Such information, consultation and participation must be implemented in due time, particularly in the following cases:

- □ when technological changes which, from the point of view of working conditions and work organization, have major implications for the work-force, are introduced into undertakings;
- □ in connection with restructuring operations in undertakings or in cases of mergers having an impact on the employment of workers;
- □ in cases of collective redundancy procedures;
- □ when transfrontier workers in particular are affected by employment policies pursued by the undertaking where they are employed.

Health protection and safety at the workplace

19. Every worker must enjoy satisfactory health and safety conditions in his working environment. Appropriate measures must be taken in order to achieve further harmonization of conditions in this area while maintaining the improvements made.

These measures shall take account, in particular, of the need for the training, information, consultation and balanced participation of workers as regards the risks incurred and the steps taken to eliminate or reduce them.

The provisions regarding implementation of the internal market shall help to ensure such protection.

Protection of children and adolescents

20. Without prejudice to such rules as may be more favourable to young people, in particular those ensuring their preparation for work through vocational training, and subject to derogations limited to certain light work, the minimum employment age must not be lower than the minimum school-leaving age and, in any case, not lower than 15 years.

21. Young people who are in gainful employment must receive equitable remuneration in accordance with national practice.

22. Appropriate measures must be taken to adjust labour regulations applicable to young workers so that their specific development and vocational training and access to employment needs are met. The duration of work must, in particular, be limited — without it being possible to circumvent this limitation through recourse to overtime — and night work prohibited in the case of workers of under 18 years of age, save in the case of certain jobs laid down in national legislation or regulations.

23. Following the end of compulsory education, young people must be entitled to receive initial vocational training of a sufficient duration to enable them to adapt to the requirements of their future working life; for young workers, such training should take place during working hours.

Elderly persons

According to the arrangements applying in each country:

24. Every worker of the European Community must, at the time of retirement, be able to enjoy resources affording him or her a decent standard of living.

25. Any person who has reached retirement age but who is not entitled to a pension or who does not have other means of subsistence, must be entitled to sufficient

resources and to medical and social assistance specifically suited to his needs.

Disabled persons

26. All disabled persons, whatever the origin and nature of their disablement, must be entitled to additional concrete measures aimed at improving their social and professional integration.

These measures must concern, in particular, according to the capacities of the beneficiaries, vocational training, ergonomics, accessibility, mobility, means of transport and housing.

Title II

Implementation of the Charter

27. It is more particularly the responsibility of the Member States, in accordance with national practices, notably through legislative measures or collective agreements, to guarantee the fundamental social rights in this Charter and to implement the social measures indispensable to the smooth operation of the internal market as part of a strategy of economic and social cohesion.

28. The European Council invites the Commission to submit as soon as possible initiatives which fall within its powers, as provided for in the Treaties, with a view to the adoption of legal instruments for the effective implementation, as and when the internal market is completed, of those rights which come within the Community's area of competence.

29. The Commission shall establish each year, during the last three months, a report on the application of the Charter by the Member States and by the European Community.

30. The report of the Commission shall be forwarded to the European Council, the European Parliament and the Economic and Social Committee.

CHAPTER 3

Action programme relating to the implementation of the Community Charter of Basic Social Rights for Workers [1]

[1] COM(89) 568 final, Brussels, 29 November 1989.

Table of initiatives proposed in the work programme

Labour market

- ☐ 'Employment in Europe' report
- ☐ 'Observatory' and documentation system on employment
- ☐ Action programmes on employment creation for specific target groups
- ☐ Revision of Part II of Regulation 1612/68 on the clearance of vacancies and applications for employment and the related procedural decisions (Sedoc)
- ☐ Monitoring and evaluation of the activities of the European Social Fund

Employment and remuneration

- ☐ Opinion on the introduction of an equitable wage by the Member States
- ☐ Directive on contracts and employment relationships other than full-time open-ended contracts

Improvement of living and working conditions

- ☐ Directive for the adaptation of working time
- ☐ Council Directive on the introduction of a form to serve as proof of an employment contract or relationship
- ☐ Revision of the Council Directive of 17 February 1975 (75/129/EEC) on the approximation of the laws of the Member States pertaining to collective redundancies
- ☐ Memorandum on the social integration of migrants from non-member countries

Freedom of movement

- ☐ Revision of Commission Regulation (EEC) No 1251/70 of 29 June 1970 on the right of workers to remain on the territory of a Member State after having been employed in that State
- ☐ Proposal for a regulation extending Council Regulation (EEC) No 1408/71 on the application of social security schemes to employed persons, to self-employed persons and to members of their families moving within the Community and Council Regulation (EEC) No 574/72 (laying down the procedure for implementing Regulation No 1408/71) to all insured persons
- ☐ Proposal for a Community instrument on working conditions applicable to workers from another State performing work in the host country in the framework of the freedom to provide services, especially on behalf of a subcontracting undertaking
- ☐ Proposal for a Community instrument on the introduction of a labour clause into public contracts
- ☐ Communication on supplementary social security schemes
- ☐ Communication from the Commission to the Council on the living and working conditions of Community citizens residing in frontier regions and of frontier workers in particular

Social protection

- ☐ Recommendation on social protection: convergence of objectives
- ☐ Recommendation on common criteria concerning sufficient resources and social assistance in the social protection systems

Freedom of association and collective bargaining

- ☐ Communication on the role of the social partners in collective bargaining

Information, consultation and participation

- ☐ Community instrument on the procedures for the information, consultation and participation of the workers of European-scale undertakings
- ☐ Community instrument on equity-sharing and financial participation by workers

Equal treatment for men and women

- ☐ Third Community programme on equal opportunities for women
- ☐ Directive on the protection of pregnant women at work
- ☐ Recommendation concerning child care
- ☐ Recommendation concerning a code of good conduct on the protection of pregnancy and maternity

Vocational training

- ☐ Proposal for a Community instrument on access to vocational training
- ☐ Updating of the 1963 proposal for a Council Decision on the general principles for implementing a common vocational training policy
- ☐ Communication on the rationalization and coordination of Community action programmes in the field of initial and continuing vocational training

- ☐ Proposal concerning the joint programme for the exchange of young workers and youth exchanges
- ☐ Comparability of qualifications

Health protection and safety at the workplace

- ☐ Proposal for a Council Directive on the minimum health and safety requirements to encourage improved medical assistance onboard vessels
- ☐ Proposal for a Council Directive on the minimum health and safety requirements for work at temporary or mobile work sites
- ☐ Proposal for a Council Directive on the minimum requirements to be applied in improving the safety and health of workers in the drilling industries
- ☐ Proposal for a Council Directive on the minimum requirements to be applied in improving the safety and health of workers in the quarrying and open-cast mining industries
- ☐ Proposal for a Council Directive on the minimum safety and health requirements for fishing vessels
- ☐ Recommendation to the Member States on the adoption of a European schedule of industrial diseases
- ☐ Proposal for a Council Directive on the minimum requirements for safety and health signs at the workplace
- ☐ Proposal for a Council Directive defining a system of specific information for workers exposed to certain dangerous industrial agents
- ☐ Proposal for a Council Directive on the minimum safety and health requirements regarding the exposure of workers to the risks caused by physical agents
- ☐ Proposal for a Council Directive amending Directive 83/447/EEC on the protection of workers from the risks related to exposure to asbestos at work
- ☐ Proposal for a Council Directive on the minimum safety and health requirements for activities in the transport sector
- ☐ Proposal for the establishment of a safety, hygiene and health agency

Protection of children and adolescents

- ☐ Council Directive on the approximation of the laws of the Member States on the protection of young people

The elderly

- ☐ Community initiative for the elderly (communication and proposal for a Decision)

The disabled

- ☐ Proposal for a Council Decision establishing a third Community action programme for disabled people (Helios) for the period 1992-96
- ☐ Proposal for a Council Directive on the introduction of measures aimed at promoting an improvement in the travel conditions of workers with motor disabilities

Part I
General introduction

1. On 27 September 1989 the Commission presented a draft Community Charter of Fundamental Social Rights in which reference is made to an action programme and a set of related instruments. In its report to the European Council of 8 and 9 December 1989, the Presidency, at the end of the Social Affairs Council of 30 October 1989, took note of the Commission's intention to present an action programme relating to the concrete implementation of the rights defined in the Charter. Further, the Presidency 'invited the Commission to take into account the demands expressed by several delegations regarding, in particular, the determination of annual leave, the continued payment of remuneration during holidays and during sickness, the protection of children and adolescents, the situation of pregnant women and of mothers with children of an early age, the integration of the disabled into the ordinary working environment, protection of health and safety at the workplace, vocational guidance, mutual recognition of qualifications and temporary work'.

This is the purpose of this document, which the Commission has prepared under its sole responsibility, pursuant to its right of initiative, with regard to proposals for Community instruments to be presented to the Council and recommendations under Article 155 of the EEC Treaty. It is, however, the Commission's wish that this document should be the subject of a wide-ranging debate with the circles concerned, i.e. more particularly, the Council, the European Parliament, the Economic and Social Committee and the two sides of industry.

2. The attached action programme contains a number of new measures which the Commission sees a need to develop in order to implement the most urgent aspects of the principles of the draft Charter.

These measures are grouped under 13 short chapters, each covering an area relating to the development of the social dimension of the internal market and which, apart from the chapter on employment and remuneration and the labour market, correspond to the various sections of the Charter in the context of completing the internal market and, more generally, implementing the Treaty as amended by the Single European Act.

That being said, the social dimension has already become a fact. The reform of the structural Funds, the improvement of the working environment in order to protect the health and safety of workers, occupational equality between men and women, the various exchange programmes, etc. are but a few examples of the important fields in which substantial advances have been made.

Each of the 13 chapters also reviews measures already adopted by the Community with regard to the area concerned. Reference is also made to work that will be continued in each of these areas to adapt existing instruments to social change or change in the Community (for example, adaptation of certain regulations concerning freedom of movement and social security for migrant workers) or technical change (for example, adaptation of certain directives concerning the safety and health of workers).

Each of the new measures is included in a presentation in which the Commission emphasizes the reasons why it considers that action is needed at Community level and the essential components of the proposal it plans to draw up.

3. In accordance with the principle of subsidiarity whereby the Community acts when the set objectives can be reached more effectively at its level than at that of the Member States, the Commission's proposals relate to only part of the issues raised in certain articles of the draft Charter. The Commission takes the view that responsibility for the initiatives to be taken as regards the implementation of social rights lies with the Member States, their constituent parts or the two sides of industry as well as, within the limits of its powers, with the European Community.

4. Furthermore, in choosing the legal instruments it will propose, the Commission will take account of the fact that its proposals should be implemented in the form of laws or collective agreements, thus making it possible to adapt to particular situations and enabling the two sides of industry to be actively involved.

5. The Commission has therefore limited its proposals for directives or regulations to those areas where Community legislation seems necessary to achieve the social dimension of the internal market and, more generally, to contribute to the economic and social cohesion of the Community. It mainly concerns proposals relating to social security for migrant workers, freedom of movement, working conditions, vocational training, and improvements, particularly of the working environment, to protect the safety and health of workers. While the Commission is not making a proposal in respect of discrimination on the grounds of race, colour or religion, it none the less stresses the need for such practices to be eradicated, particularly in the workplace and in access to employment, through appropriate action by the Member States and by the two sides of industry.

6. In some cases, the Commission is not proposing any initiative. This applies in the case of that section of the draft Charter which is devoted to the right to freedom of association and collective bargaining.

The affirmation of these principles is vital in the field of industrial relations which largely control relations between the two sides of industry in firms, and more widely, on the labour market. Clearly, the problems deriving from the application of these principles must be settled directly

by the two sides of industry or, where appropriate, by the Member States.

This section also refers to the social dialogue; in the spirit of Article 118b of the Treaty, the Commission will actively seek to develop it at Community, sectoral or inter-occupational level, but also at national and regional levels, it being understood that the dialogue could lead eventually to relations based on agreement at European level.

7. By seeking to make a distinction between the measures to be taken by the Community and those to be taken by the Member States or the two sides of industry, the Commission believes it is acting fully in consonance with the request made by the Heads of State or Government at the European Council in Madrid which emphasized that 'the role to be placed by Community standards, national legislation and contractual relations must be clearly established'.

8. Although the draft Charter refers to employment policy and the necessary fight against unemployment only in the recitals, the Commission presents in this action programme some measures it plans to take to contribute on the one hand to improving knowledge about the labour market and measures to combat unemployment — thus responding to a request by the two sides of industry in the context of the social dialogue — and on the other hand to solving the problem of unemployment, particularly long-term unemployment, at Community level.

In addition, reference is made, albeit succinctly, in this action programme to European Social Fund operations, the main component of Community action in the field of vocational training for young people and for long-term unemployed workers, and thus an essential factor in the campaign against unemployment: the activities of the European Social Fund are henceforth a part of established Community practice.

9. The Commission believes that an action programme should include components concerning employment, training and workers' living and working conditions. Thus, by bringing into play the whole range of factors contributing to the development of the social dimension of the internal market a contribution will be made to the economic and social cohesion of the Community. It should be stressed that while priority must be given to job creation in the context of reinforcing firms' competitiveness, at the same time it is important to implement an overall policy aimed initially at workers' interests by affirming that the economic, industrial and social aspects form a whole. In this context, the Commission wants to stress the importance it attaches to the monitoring and assessment of the intervention of the structural Funds as primary instruments for contributing to employment development and job creation, particularly from the point of view of regional imbalances.

10. In most cases, the Commission has indicated the nature of the proposals to be presented: proposals for a directive, regulation, decision or recommendation, or communications, or opinions within the meaning of Article 118 of the Treaty.

However, it has not indicated the legal bases on which proposals will be based. The legal bases to which the Commission could refer are set out in one of the recitals in the Charter. It would be premature, at this stage, to make a statement with respect to the legal bases for proposals to be made in the course of the next three years.

11. With respect to the implementation of this action programme, the Commission will present all the proposals set out in the second part of this action programme. The first set of proposals, representing the most urgent priorities, will be put forward in the Commission's 1990 work programme. A second set will be included in the 1991 work programme. Any further proposals will be presented in 1992.

12. The Commission recalls that, in the context of the implementation of the Charter, it should also be instructed to present a regular report on the application of the Charter by the Member States and by the European Community.

The Commission therefore expects the governments of the Member States to transmit an initial report by the end of 1990 stating how they have applied the principles of the Charter.

13. More generally, the Commission stresses that the Council should reach decisions without delay on the proposals it plans to present.

The Commission therefore asks the Council, as it did in 1974 at the time of the adoption of the social action programme, to undertake to adopt a decision concerning the Commission proposals within a period of 18 months, but in any case within two years after transmission of the Commission proposals to the Council, the European Parliament, the Economic and Social Committee and the two sides of industry.

Part II
New initiatives

1. The labour market

A. Introduction

Development and the creation of employment are a priority for the Community. This conclusion of the European Council of Madrid assumes all the more importance when one considers that, for nearly two years now, we have been witnessing a reversal of the trend in this area; nearly 2.3 million new jobs have been created and the prospects for growth announced by the Commission in its last economic report (COM(89) 497 final) suggest that, in 1990, unemployment will fall to 8.7 % (as against 9 % in 1989). On the 1995 horizon, an extrapolation of the current growth figures (growth in employment of 1 % per annum) would mean 6.5 million more jobs and an unemployment rate of less than 7 %.

It is this context that the role and impact of the structural Funds should be situated following their reform of 1988. The concentration of the Funds' activities on a limited number of priority objectives should make a major contribution to the growth of employment:

- on the one hand, because of the horizontal action undertaken by the ESF in the context of Objectives Nos 3 (fight against long-term unemployment) and 4 (measures to promote the occupational integration of young people);
- on the other hand, in the context of the operations undertaken in relation to Objectives Nos 1, 2 and 5 (b) for less-advantaged regions, regions suffering from industrial decline and rural areas.

The fact that the single market will most certainly be characterized by quite profound changes in the structure of employment and the labour market implies a need for permanent detailed analysis of the employment situation at both macroeconomic and sectoral level as well as of trends in the structure of employment and changes in the very nature of unemployment, which remains very high despite a significantly high level of job-creation, especially as regards female employment. It is for this reason that the Commission intends to draw up a yearly report on employment as a complement to the annual report on the economic situation of the Community.

Change in the number of persons employed and full-time equivalents in the Member States 1979-88

Furthermore, in order to ensure greater transparency on the employment market at Community level and thereby promote the free movement of workers, a mechanism should be developed by means of which all interested persons can be informed in the Member States, if possible at regional level, of employment vacancies in the other countries of the Community.

The Commission considers that the Sedoc system, which has existed since 1972, is no longer suited to the situation of the labour market. It intends to improve it and will submit a proposal to the Council to this end.

Despite improvements in overall levels of employment, the problem of long-term unemployment remains extremely disturbing. The problems raised by long-term unemployment are difficult to solve because of the very nature of this type of unemployment. The Commission none the less considers that the Community should develop large-scale action based on the programmes currently existing under the European Social Fund and in particular its Objectives Nos 3 and 4, in order to be able to gauge both the problems raised by long-term unemployment and the methods used to solve them, especially at local and regional level.

The European Social Fund has become the principal instrument of Community action in the field of vocational training for young people under 25 years of age and the long-term unemployed.

Lastly, it should be borne in mind that many points concerning employment and the labour market also concern the social dialogue and that reference will be made to them in the section dealing with the development of collective bargaining.

B. New initiatives

'Employment in Europe' report

The report published in 1989 is the first of a series which will be produced annually. It will contain a fixed part, which will analyse the situation and prospects of the economy and employment from a macroeconomic point of view, structural shifts in employment in both its industrial and occupational dimensions, the problem of unemployment, the situation of particular groups, such as women, in the labour market and the policies concerning all those aspects implemented at Community and at national levels.

It will also contain a variable part given over to a more detailed analysis of certain specific aspects. This report should be seen as a necessary complement to the yearly economic report and the Commission has already underlined the necessity to consider them together.

It is intended to provide a sound basis for debate and discussion about the future development of employment in the Community and will be transmitted to the European Parliament, the Economic and Social Committee and the two sides of industry, where it will be the subject of a formal examination every year. It will also be discussed in the Standing Committee on Employment and in the Council of Ministers.

'Observatory' and documentation system on employment

The acceleration of structural changes in employment to be expected particularly from the establishment of the internal market, as well as imbalances between supply and demand in the labour market made evident by the recovery in employment levels during the last few years require anticipation of the problems through forward-looking management of human resources at all levels.

At Community level, this function will be developed through the setting-up of an 'observatory' of employment, designed to forecast, analyse and monitor the main trends in employment, in collaboration with the labour market authorities of the Member States.

This new action will integrate the already established systems of information on employment policies (Misep), the employment situation in the Member States (Sysdem) and on local employment development (Elise).

Action programmes on employment creation for specific target groups

With the aim of helping to increase the effectiveness of Community and national measures for employment creation targeted on specific groups or areas, the Commission has developed programmes which, combining, research and action, try to identify the most successful experiences and to disseminate information about them.

Two such programmes are now in operation: LEDA and ERGO.

The LEDA (local employment development action) programme seeks to identify successful local responses to employment problems. It is practical—drawing on concrete experiences in 24 participating areas as well as other experiences—and it is broad—encompassing local development strategies as well as specific job-creation initiatives.

The ERGO action-research programme is designed to identify successful programmes and projects which benefit long-term unemployed adults and young people.

In the light of the evaluation report on these two programmes, the Commission may, by reference to the 1986 Council resolution on growth and employment, make proposals regarding the full extension of LEDA and ERGO.

Revision of Part II of Regulation (EEC) No 1612/68 on the clearance of vacancies and applications for employment and the related procedural decisions (Sedoc)

In its current wording, Regulation (EEC) No 1612/68 lays down the obligation for the Member States to exchange vacancies and applications for employment which have not been satisfied at national level.

In order to comply with this obligation, in December 1972 the Commission adopted two decisions establishing Sedoc (European system for the international clearance of vacancies and applications for employment).

The radically changing face of today's employment market necessitates a complete overhaul of Sedoc.

Given that employment remains one of the priority objectives in the single market, a better balance will have to be sought between employment supply and demand. The design of the new Sedoc system in collaboration with the competent national authorities and other bodies would thus contribute to greater transparency on the labour market in parallel with other Community initiatives such as current work concerning the comparability of vocational qualifications.

At a later stage and in liaison with the two sides of industry, consideration could be given to any further information requirements implied by the creation of a European labour market.

Monitoring and evaluation of the activities of the European Social Fund

According to Article 6 of Regulation (EEC) No 2052/88, the effectiveness of the activities of the structural Funds is subject to monitoring and *ex ante* and *ex post* evaluation.The impact of the activities will therefore have to be evaluated in relation to the objectives of the European Social Fund which concern chiefly unemployed young people and long-term unemployed people of less than 25 years of age. More particularly in the regions covered by Objective No 1 (regions whose development is lagging behind), their effect on specific structural problems will also have to be gauged.

It should be pointed out that the principles and methods of evaluation must be clearly defined in the Community support framework and discussed with the Member States in the partnership context. The Commission is therefore now engaged with the Member States in determining the data, methodological criteria and structures most useful to the evaluation which has to be carried out at the various levels of activity, i.e. at the Community, national and regional levels. In the Commission's opinion, the evaluation exercise should focus on employment and training policies in relation to the activities of the Fund, more especially as regards the following:

- observation and evaluation of the labour market,
- observation and evaluation of occupations and vocational qualifications,
- analysis of infrastructures and methodologies of activities for the promotion of employment and vocational training.

On the basis of the evaluations made at national and regional level, an overall evaluation could be made for the Community as a whole.

The results of the evaluation will be presented once a year to the European Parliament and the Economic and Social Committee in the context of the annual report on the activities of the structural Funds.

They will also be referred to in the annual report on employment.

2. Employment and remuneration

A. Introduction

The Commission considers that, in matters of employment and remuneration, responsibility and, therefore, initiative lie mainly with the Member States and the two sides of industry according to national practices, legislation and agreements.

One aspect of this section of the draft Charter is that of equal treatment between men and women in matters of remuneration, which is laid down in Article 119 of the EEC Treaty and defined in Council Directive 75/117/EEC while Regulation (EEC) No 1612/68 ensures equal treatment between national workers and workers who are nationals of another Member State.

The Commission none the less considers that in a Community of 12 industrialized countries, an equitable wage should be guaranteed to one and all. It is in this spirit that it intends to act in close contact with Member States by delivering an opinion.

The Commission also takes the view that, faced with the considerable development of very varied forms of employment contracts other than those of an open-ended type, there should be a Community framework ensuring a minimum of consistency between these various forms of contract in order to avoid the danger of distortions of competition and to increase the transparency of the labour market at Community level. In this connection it should also be mentioned that two proposals for directives were submitted to the Council in 1982 — the directive on voluntary part-time work and the directive relating to temporary work and fixed-term contracts. The Commission considers that these directives should be updated and will make a proposal to this effect.

B. New initiatives

Opinion on the introduction of an equitable wage by the Member States

In the Commission's view, wage-setting is a matter for the Member States and the two sides of industry alone. Indeed, wages are often determined in the context of collective agreements or by reference to them according to the practices in force in the different Member States.

It should be added that the majority of the Member States, either through their constitution, their ordinary legislation or by means of the international agreements to which they are party, guarantee the right of workers to sufficient remuneration to provide them and their families with a decent standard of living. The fact remains however that the difficulties encountered on the labour market have led to the development of wage practices which no longer afford those concerned a decent standard of living. The reasons for this situation are very complex. They can in some cases be attributed to the current economic situation or the lack of vocational training and inadequate qualifications.

It is not the task of the Community to fix a decent reference wage. This concept corresponds to different criteria from one country of the Community to another and should be defined at the level of the Member States.

None the less, the Commission considers that in this field it does have a responsibility to assert its views on an important problem for a not inconsiderable proportion of the working population by delivering, in close contact with the Member States, an opinion. In the same optic, account should be taken of another specific issue which is the maintenance of remuneration in respect of periods of leave or sickness.

Directive on contracts and employment relationships other than full-time open-ended contracts

Two proposals for directives in this field were presented by the Commission in 1982.

The first was a proposal for a directive concerning voluntary part-time work (modified by the Commission in 1983) and the second a proposal for a directive relating to temporary work and fixed-term contracts.

Neither of these proposals has been adopted, the second never having been discussed in detail by the competent Council group.

The Commission considers that the proposals in question now have to be revised and adapted in the light of the present situation in the field concerned. It is for this reason that it intends to present a single proposal for a directive.

In the eyes of the Commission, this proposal is of great importance. More precisely, even if what are termed 'atypical' forms of employment are contested in some quarters, they none the less constitute an important component in the organization of the labour market. For example, part-time working in all its forms, casual work and fixed-term working have grown considerably in recent years, often in a quite anarchical manner.

Unless safeguards are introduced, there is a danger of seeing the development of terms of employment such as to cause problems of social dumping, or even distortion of competition, at Community level.

This proposal would therefore lay down at Community level minimum requirements, concerning working conditions and social protection in particular, which would have to be complied with in contracts or employment relationships of this nature in all the countries of the Community.

3. Improvement of living and working conditions

A. Introduction

In the Community, the field of the improvement of living and working conditions depends to a considerable extent on relations based on agreement or on national legislation. It is also a field in which it would be highly desirable for the dialogue between the two sides of industry to develop at European level leading, if the two sides consider it desirable, to relations on agreement (Article 118b).

Hitherto, there have only been three instruments of a Community nature: Directive 77/187/EEC on the approximation of the laws of the Member States pertaining to the safeguarding of workers' rights in the event of transfer of firms, establishments or parts of establishments, Directive 75/129 EEC on the approximation of the laws of the Member States pertaining to collective redundancies and Directive 80/987 EEC on the insolvency of employers. There is also a Council recommendation of 1975 on the introduction of four weeks' paid holidays.

The directive on collective redundancies should be completed so as to cover cases where the redundancy decision is taken by a decision-making centre or an undertaking located in another Member State.

Furthermore, the Commission considers that, given the importance of adaptation, flexibility and the organization of work in the countries of the Community as a whole, it would be worth-

while defining at Community level minimum rules of reference concerning specific employment situations which would be imposed in all the Member States.

In addition, given the increased freedom of movement of workers, provisions should be introduced whereby workers would have a document serving as proof of an employment contract or relationship.

Furthermore, in the Commission's view, even if free movement only applies to the workers of the Community and their families, the fact cannot be overlooked that there are at present several million non-Community workers in the Community. The Commission intends to submit a memorandum on this subject, which should be the subject of a wide-ranging debate with the circles concerned.

B. New initiatives

Council directive on the introduction of a form to serve as proof of an employment contract or relationship

A great diversity of terms of recruitment and a multiplicity of types of employment contract are currently to be seen in the Member States of the Community. Moreover, after the completion of the internal market, the mobility of workers can be expected to increase throughout the Community.

In this situation, the Community worker must have the right to have those of his tangible working conditions which are not governed by law or collective agreement laid down in writing. Such a right is of particular importance to workers covered by atypical contracts (e.g. open-ended contracts, temporary work, part-time work, etc.).

The Commission will therefore propose a draft directive granting those concerned the right to request their employer to provide a means of proving the existence of an employment contract and thereby ensuring greater transparency in the respective rights and obligations of employers and employees throughout the Community market. In particular, the document to be issued by the firms will have to define the nature of employment, stipulate the duration of the contract, indicate the system of protection provided and contain a reference to the relevant law and/or collective agreement.

This directive would not cover those persons who, in the public sector, are subject to public service regulations.

Revision of Council Directive 75/129/EEC of 17 February 1975 on the approximation of the laws of the Member States pertaining to collective redundancies

The Council Directive of 17 February 1975 on the approximation of the laws of the Member States pertaining to collective redundancies does not affect the freedom of the employer to proceed with collective redundancies. Its aim is to protect workers by obliging the employer to consult the trade unions in advance and to inform the public authorities when he is planning to carry out redundancies.

Furthermore, the directive does not apply to workers affected by the termination of the activities of an establishment resulting from a decision by the courts.

Several years' application of this directive, socio-economic changes and the establishment of a single European market necessitate a revision of this directive. There will most certainly be cases of transfrontier restructuring which, justified though they may be, will have to be accompanied by appropriate information and consultation. A response at Community level appears the most appropriate approach especially since the directive should apply in cases where the decision concerning collective redundancies is taken by a decision-making centre or an undertaking located in another Member State.

This legal loophole should be eliminated.

Directive on the adaptation of working time

In 1983 the Commission submitted to the Council a draft recommendation on the reduction and reorganization of working time.

The Council deliberated on this matter at its meeting of 7 June 1984 but failed to arrive at an agreement. Discussion of this subject has not been resumed at Council level.

The adaptation, flexibility and organization of working time are crucial aspects as regards both working conditions and the dynamism of firms and play a not inconsiderable role in determining the situation of the labour market and the creation of employment.

More precisely, the flexibility of labour enables firms to undertake the internal organization of work and production, which is an important factor in the adaptation of firms to the terms of competition and the improvement of their competitiveness at different levels.

Furthermore, flexibility is important for the organization of jobs, more especially in the field of atypical employment, which should be a source of job-creation.

Moreover, collective agreements on this matter are increasing in number in many industrial sectors throughout the Community.

In order to avoid excessive differences in approach from one sector or country to another, the basic conditions which these agreements should comply with ought therefore to be clearly defined.

The Commission considers moreover that in view of this diversity care should be taken to ensure that these practices do not have an adverse effect on the well-being and health of workers.

For this reason, as regards the maximum duration of work, rest periods, holidays, night work, weekend work and systematic overtime, it is important that certain minimum requirements be laid down at Community level.

For the Commission it would be a matter of proposing minimum reference rules without entering into details as regards their implementation.

Memorandum on the social integration of migrants from non-member countries

The establishment of 'an area without internal frontiers in which the free movement of ... persons ... is ensured ...' (Single European Act) will undoubtedly highlight the importance of this issue at Community level.

The geographical area of observation as regards the foreign population will therefore become the entire territory of the Community. In this way, the movements of Community nationals will increasingly come to resemble movements within one State and the beneficiaries will correspond less and less to the traditional definition of migrants.

This memorandum, as an extension of the Council resolution of 16 July 1985, will lay stress on the quality of administrative and social services afforded to migrants, especially in fields such as education and housing.

4. Freedom of movement

A. Introduction

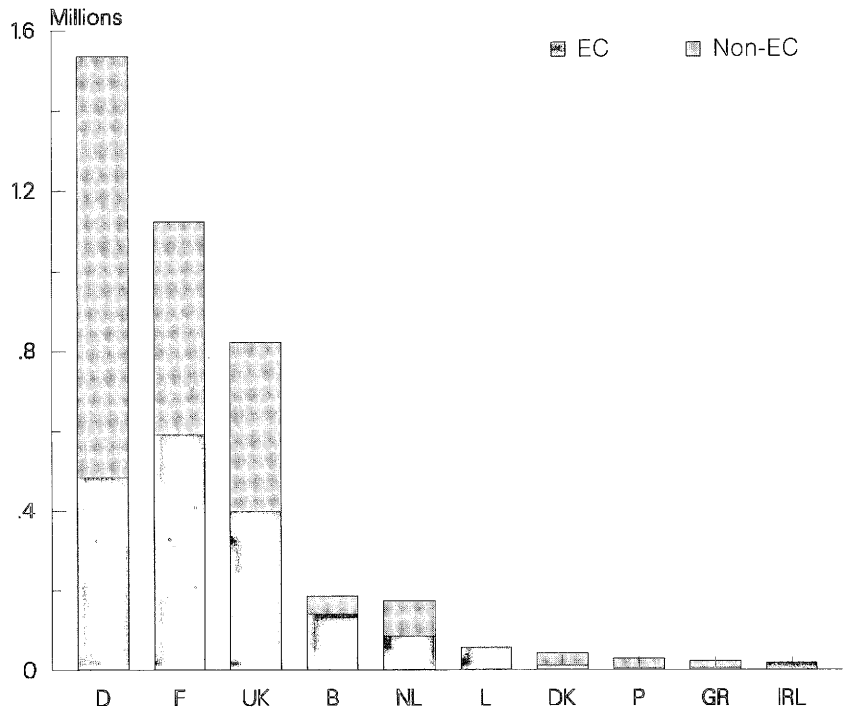
The freedom of movement of persons is already largely established as regards the workers of the Community. More precisely, in accordance with Article 49 of the Treaty, the measures necessary for its implementation have gradually been adopted with a view to ensuring the free movement of workers.

The rules laid down in Regulation (EEC) No 1612/68 and Directive 360/68/EEC as regards the free movement of employed persons and in Regulations Nos 1408/71 and 574/72 as regards the social security of migrant workers have been the subject of a series of new proposals on the part of the Commission which are currently under discussion in the Council (in the field of social security, they relate to unemployed workers, the inclusion of non-contributory benefits of a mixed type, the standardization of the system of granting family allowances).

The Commission will closely follow the development of all the problems concerning the beneficiaries of free movement and the social security of migrant workers. It intends to return to this matter at a later stage but considers that the proposals submitted to the Council satisfy the main preoccupations in this area.

The Commission none the less believes that it is important to continue deliberation on two aspects. On the one hand it is a matter of coordinating supplementary social security schemes,

Foreign workers in the Member States 1986



which are at present not transferable from one country of the Community to another, a situation which places a brake on free movement.

Furthermore, the opening-up of the single market will certainly pose new problems and develop new aspirations of mobility in the frontier regions. The Commission would like to submit two communications on these two subjects with a view to initiating a debate at Community level.

The Commission is moreover already confronted with two specific problems connected with the development of the single market which are important from the point of view of the free movement of persons and the freedom to provide services.

They concern working conditions applicable to workers of one Member State despatched to another Member State in the framework of the freedom to provide services and, in particular, the subcontracting of services and the introduction of a social clause in connection with the opening-up of public works contracts. A harmonization of the relevant rules in this field is deemed necessary in order to prevent, *inter alia,* the anarchical development of practices such as to harm the interests of the workers concerned.

B. New initiatives

Revision of Commission Regulation (EEC) No 1251/70 of 29 June 1970 on the right of workers to remain on the territory of a Member State after having been employed in that State

The free movement of workers within the Community is currently the subject of several instruments of secondary law.

In January 1989, the Commission forwarded to the Council the proposal for the revision of two instruments, i.e. Regulation 1612/68 EEC on the free movement of workers within the Community and Directive 68/360 EEC on the abolition of restrictions on movement and residence within the Community for workers of Member States and their families.

If the revision of these two instruments is successful, the Commission will propose the amendment of its own Regulation of 19 June 1970 (Regulation (EEC) No 1251/70) on the right of workers to remain on the territory of a Member State after being employed in that State.

This revision is necessary in order to ensure consistency with the amendments to be introduced by the Council to Regulation (EEC) No 1612/68 and to Directive 68/360 EEC, particularly as regards the personal scope and the strengthening of the rule of equal treatment.

Proposal for a regulation extending Council Regulation (EEC) No 1408/71 on the application of social security schemes to employed persons, to self-employed persons and to members of their families moving within the Community and Council Regulation (EEC) No 574/72 (laying down the procedure for implementing Regulation No 1408/71) to all insured persons

Article 8a, second paragraph, of the EEC Treaty describes the European internal market as 'an area without frontiers in which the free movement of goods, persons, services and capital is ensured according to the provisions of the present Treaty'.

The Community coordination of social security schemes, realized for employed persons and self-employed persons, shall be extended to other categories of persons such as workers of the public sector, students and non-active persons and ultimately to all insured persons.

Indeed, the effective guarantee of the right to remain as well as the accessibility of employment in the public sector requires, for the beneficiaries, sufficient social protection in case of movement within the Community.

Proposal for a Community instrument on working conditions applicable to workers from another State performing work in the host country in the framework of the freedom to provide services, especially on behalf of a subcontracting undertaking

The free movement of services, capital, goods and persons will increase considerably with the completion of the single market and is precisely the purpose of the single market.

The fact that, in some sectors, the freedom to provide services induces undertakings to send workers to another Member State raises the issue of their working conditions, which are generally defined by regulations applicable in the country where the undertaking has its registered office. Due to the fact that these working conditions are different, there is a risk that, in addition to disadvantages for workers, this will give rise to distortions of competition between undertakings.

Consequently, the activity of providing services, particularly subcontracting services, should respect the following principles, it being understood that the diversity of situations, particularly of a temporal nature, will be taken into account:

- application of national legislation on public order,
- respect for generally binding collective agreements.

The Commission will therefore resort to the appropriate Community instruments to ensure respect for these principles.

Similar problems arise in the field of public works contracts. They were put clearly into relief by Parliament during the discussions on the directives concerning public works contracts and public supply contracts.

As indicated by the Commission in its Communication COM(89) 400 on the regional and social aspects of public contracts, consideration cannot be given to distortions resulting from differences in working conditions between Member States unless account is also taken of regional problems.

This communication consequently sets out to open the way for a series of practical proposals aimed, in particular, at arriving at a clearer definition of subcontractors and at standardized terms for subcontracting contracts.

Proposal for a Community instrument on the introduction of a labour clause into public contracts

Within the framework of the Community action on public works contracts, Directive 71/305/EEC (the Works Directive) and Directive 77/62/EEC (the Supplies Directive) introduce rigid rules on the verification of the aptitude of bidders on the basis of their economic, financial or technical capacity. Fair competition and the promotion of efficiency is an objective which must be attained by the eradication of 'social dumping' and by guaranteed equal treatment for despatched workers.

Directive 89/440/EEC amending the Works Directive introduces a 'transparency clause' whereby the contracting authority may provide tenderers with the necessary information concerning working conditions applicable to the work envisaged.

On the basis of an analysis regarding the effective use by enterprises of the opening-up of public contracts and in the light of the current work in the domain of 'excluded' sectors, the Commission could formulate a proposal aiming at the introduction of a 'social clause' into public contracts.

Communication on supplementary social security schemes

The absence of coordination may cause workers to lose rights and may form an obstacle to the development of the occupational mobility of workers between the different Member States; this is especially true in the case of middle and upper managerial workers whose total social protection is more dependent on supplementary schemes. The diversity and multiplicity of supplementary schemes — also on the national level — makes the transferability of rights a very complicated matter. This is why, after studying the problem, the Commission intends — as a first stage — to stimulate debate by means of a communication and, on this basis, may propose appropriate measures.

Furthermore, on a more general level, supplementary protection is taking on greater importance in relation to statutory schemes in several Member States.

Communication from the Commission to the Council on the living and working conditions of Community citizens residing in frontier regions and of frontier workers in particular

The impetus provided by the completion of the single internal market can be expected to lead to an increase in the number of people making use of their right to free movement in the many frontier regions of the Community and, most certainly, also in fairly large geographical areas on each side of the frontiers.

The problem of transfrontier workers was examined by the Commission in 1985 in a communication to the Council (COM(85) 529) which concluded that the completion of the single market would eliminate, in the future, any specification of a status for transfrontier workers. Moreover, Regulations (EEC) Nos 1612/68 and 1408/71 and Directive 68/360 EEC are applicable to frontier workers.

However, owing to the very specific situation of transfrontier workers, many practical problems remain and a solution for some of these problems is now partly to be found in bilateral agreements.

Nevertheless, increased mobility will cause the residents of frontier regions to want to have access to services of every nature, particularly in the field of education, vocational training, health and access to housing. In addition, under Community law as it stands at present, a worker from one Member State may not settle with his family in a frontier region of another Member State with the intention of engaging in gainful activity in a third Member State.

Furthermore, in the context of the completion of the internal market, a number of proposals are on the table of the Council, which, once agreed, could solve some problems of transfrontier workers in the fiscal area as well as regarding the right of residence.

However, it is not the responsibility of the Community to solve certain problems in place of the Member States. Situations and traditions are too diverse and require specific solutions for all these problems.

However, the Commission considers it important to deliberate on a problem common to a large number of Community workers and citizens particularly concerned by the establishment of the single market and the disappearance of internal frontiers.

Such will be the purpose of the communication.

5. Social protection

A. Introduction

The social security schemes vary greatly in nature from one Member State of the Community to another. They reflect the history, traditions and social and cultural practices proper to each Member State, which cannot be called into question. There can therefore be no question of harmonizing the systems existing in these fields.

The fact remains however that it would be worthwhile conducting in-depth deliberations on a strategy for achieving the convergence of the objectives pursued by the various governments so as to determine how and under what conditions differences in the systems can be prevented from placing a brake on free movement.

The Commission proposes to do this by means of a recommendation.

Furthermore, but on the basis of a direct commitment which it intends to seek from the Member States, the Commission wishes the Community and its Member States to undertake to combat social exclusion by ensuring, using ways and means proper to each Member State, sufficient resources and social assistance in keeping with the particular situation of its citizens including the elderly.

In addition, emphasis should be laid on the link between the minimum income and the development of programmes to combat poverty and the programme for the exchange of experiences in the field of integration in the urban environment which will continue to be applied.

B. New initiatives

Recommendation on social protection: convergence of objectives

The divergence of social security systems may serve to place a brake on free movement and exacerbate regional imbalances (particularly North-South). The harmonization of systems is illusory, given their diversity and their history. A strategy for the convergence of objectives would make it possible to counteract the dangers referred to above without affecting the systems themselves.

The discussions which took place at the Council of 29 September on social protection and the internal market revealed the existence of a broad consensus on the promotion at Community level of a strategy for the convergence of social protection objectives and policies.

Recommendation on common criteria concerning sufficient resources and social assistance in the social protection systems

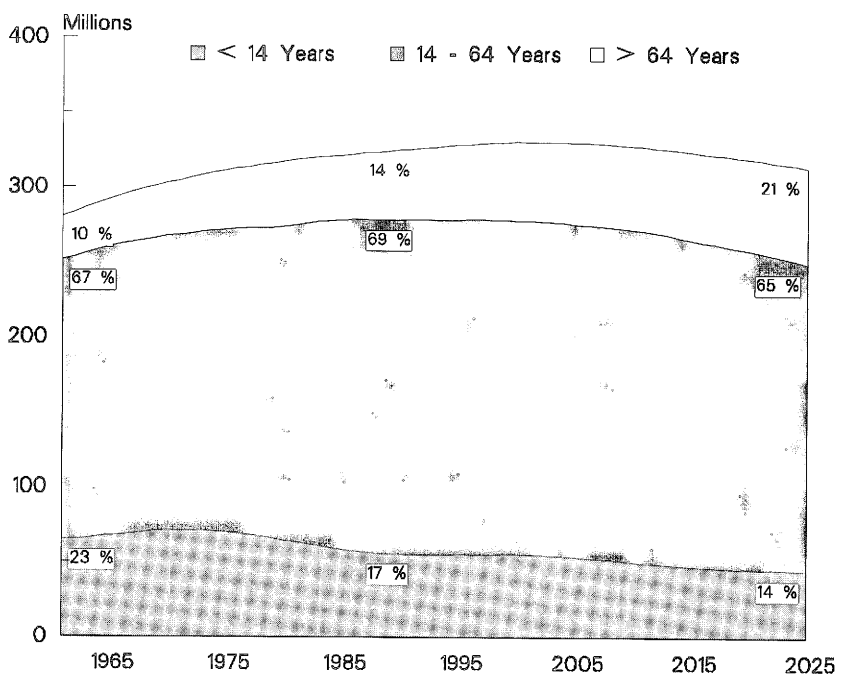
The resolution of the Council of Social Affairs Ministers of 29 September 1989 concerning social exclusion states that the existence of a means guarantee is a fundamental component of the fight against social exclusion.

In an opinion of 16 September 1988, the European Parliament for its part requested the Commission to promote the introduction of a minimum integration income as a factor for the integration of the poorest citizens of the Community.

Population structure trends in the Community 1961-2025

Demographic developments

At the beginning of 1987, the population of the European Community was 323 million, 34 % more than in the USA and 15 % more than in the USSR. After peaking in 2005, by 2010 the population of Europe will be only 2 % more than now — compared with an expected increase in that period of 19 % in the USA, 7 % in Japan, 20 % in the USSR and a massive 39 % globally. The Community share of the world's population is expected to fall from 6.4 % to 4.7 % by 2010.



It should also be stressed that a right to a minimum income already exists — in different forms — in a number of Member States whereas, in some others, it is the subject of regional projects and local experiments.

Whilst taking account of the existing situations and experience in this field, the Commission considers that it would be worthwhile defining certain basic common principles for the Community in this field so that, alongside the many activities which it carries out in the economic and social area, which mainly affect those who play an active part in economic and social life, the Community, in a spirit of solidarity, should at least take an initiative to assist the least advantaged citizens of the Community and the elderly in particular, whose social situation all too often resembles that of persons excluded from the labour market.

6. Freedom of association and collective bargaining

A. Introduction

The right to freedom of association and collective bargaining exists in all the Member States of the Community. The draft Charter reiterates a number of fundamental principles (for example the right to strike), responsibility for the implementation of which rests with the Member States in accordance with their national traditions and policies.

The Commission, in accordance with Article 118B of the Treaty 'shall endeavour to develop the dialogue between management and labour at European level which could, if the two sides consider it desirable, lead to relations based on agreement'.

Accordingly, the Commission has developed with the two sides of industry an ongoing dialogue procedure associating the leaders of the employers' organizations and the trade unions in the Community.

In the context of the dialogue, deliberations are currently in progress on problems of education and training and problems regarding the organization of the labour market and occupational and geographical mobility in view of the development of the large internal market. The aim of the dialogue is to arrive at joint opinions which, in accordance with procedures currently under study, would subsequently be presented and discussed with the two sides of industry in each Member State.

The two sides of industry will then determine the new topics to be discussed in depth at Community level, always with the aim of reaching joint opinions.

The Commission is also seeking to develop the social dialogue, especially in the area affecting the large internal market, either through the permanent work of joint committees (for example, transport, agriculture, coal, steel) or of *ad hoc* sectoral groups (for example, banks, insurance).

With the two sides of industry the Commission will also examine the extent to which and under what terms the former could agree to participate, in the framework of the social dialogue, in devising certain legal instruments which the Commission would subsequently submit to the Community bodies concerned.

The Commisison also proposes to consult systematically the two sides of industry on proposals to which reference is made in the action programme.

The Commission is examining ways and means of improving and intensifying information on social matters to be made available in particular to certain target groups (directors of small and medium-sized enterprises, those responsible for staff relations in firms and trade union leaders at regional level, etc.). It is desirable to improve the present day perception of the problems dealt with at Community level affecting the lives of firms and workers at local and regional level, which are often far removed from Community concerns and initiatives.

B. New initiatives

Communication on the role of the social partners in collective bargaining

On the basis of its comparative study on labour law (SEC(89) 1137) and taking into account the conclusions of the Council (Social Affairs) of 30 October 1989 as well as the current development of the social dialogue, the Commission will prepare a communication on the development of collective bargaining, including collective agreements at European level, with special reference to the settlement of disputes.

7. Information, consultation and participation

A. Introduction

In the social field, the Directive of 17 February 1975 on collective redundancies lays down a procedure for the consultation of workers' representatives after the employer has provided them with all the relevant information enabling them to make constructive proposals.

Likewise, the Directive of 17 February 1977 on the safeguarding of workers' rights in the event of transfers of undertakings, businesses or parts of businesses provides for the information and consultation of workers' representatives, specifying that such information and consultation must be timely.

Lastly, the Directive of 12 June 1989 on the implementation of measures to promote the improvement of workers' health and safety at the workplace adds the obligation of participation to those of information and consultation.

The Commission has presented to the Council a draft regulation concerning the European Limited Liability Company Statute and a draft directive on the question of worker participation under this Statute.

The subject is, however, under discussion in most Member States of the Community.

The completion of the internal market, in which national economies will be closely associated, while strengthening the competitiveness of undertakings, will accelerate changes and the restructuring in a large number of European industries.

In this connection, as indicated by the results of the social dialogue, there is a general consensus to the effect that these changes would take place in a context which is socially acceptable.

To this effect, the value of promoting and encouraging the development of information, consultation and participation practices is widely acknowledged.

While taking into account the existing diversity between Member States in this area, the Commission considers it necessary to propose appropriate instruments with a view to ensuring the recognition of such principles in all the Member States.

In so doing, the Commission is responding to the Council's conclusions of 21 June 1986 in which it agreed to resume its deliberations on this subject in 1989.

B. New initiatives

Community instrument on the procedures for the information, consultation and participation of the workers of European-scale undertakings

Procedures for informing and consulting employees as embodied in legislation or practices in Member States do not always correspond to the complex structure of undertakings which have establishments in more than one Member State or belong to a group of undertakings installed in more than one Member State. As information and consultation procedures do not apply beyond national boundaries, employees affected by decisions taken elsewhere by the parent undertaking or by the group of undertakings could be unequally treated. This situation is bound to have a direct effect on the operation of the internal market and on the resultant mulitiplication of mergers, takeovers and concentrations of enterprises. It would therefore be desirable to improve the information and consultation of the workers of these companies, which employ a large number of people in the Community.

The modified Commission proposals for a Council directive on the procedures for the information and consultation of the employees of undertakings with complex structures, in particular transnational undertakings, presented to the Council on 13 July 1983 still awaits the deliberation of the Council.

The Commission considers that, as regards companies of this type, it would be desirable once again to draw the attention of the governments and interested parties to the need to devise appropriate information and consultation systems.

The ideas concerning participation are acquiring a new relevance. Admittedly the approaches to this subject differ from one Member State to another according to their respective traditions and philosophies. The fact remains however that, in the field of health and safety at the workplace, participation is now an established Community fact and discussion has begun with regard to the Statute of the European limited liability company.

Subject to the outcome of the discussions that the Council of June 1986 undertook to resume in 1989 regarding the draft directive on procedures for informing and consulting the employees of undertakings with complex structures, in particular transnational undertakings, the Commission, following consultation with the two sides of industry, will prepare a draft Community instrument which, in substance, could follow the following principles:

(a) establishment of equivalent systems of worker representation in all European-scale enterprises;

(b) general and periodic information should be provided regarding the development of the enterprise as it affects the employment and the interests of workers;

(c) information must be provided and consultations should take place before taking any decision liable to have serious consequences for the interests of employees, in particular closures, transfers, curtailment of activities, substantial changes with regard to organization, working practices, production methods, long-term cooperation with other undertakings, etc.;

(d) the dominant associated undertakings will provide the information necessary for the employer to inform the employees' representatives.

Community instrument on equity-sharing and financial participation by workers

The Commission has underlined in the past the advantages of employee participation in asset formation [1] and the advantages of employee participation in productive capital formation as a device for a fairer distribution of wealth and as a means for attaining an adequate level of non-inflationary growth.

[1] COM(79) 190 final.

The requirements of economic competition as well as new management approaches have led to the establishment of various mechanisms for the financial participation of salaried workers which meet the objectives referred to earlier, as well as others making it possible to reconcile the role of workers in enterprises with their aspirations for better remuneration and the financial equilibrium of the enterprise.

The European Parliament in its resolution on employee participation in asset formation [1] requested the Commission to draw up a recommendation on the subject and to consider at a later stage whether a directive should be drawn up, at least in respect of specific forms of asset formation.

In the light of the above considerations, the Commission, taking due account of the latest developments and of the present policies in this area within the Community, will present a Community instrument on equity-sharing by workers.

Depending on national choices and traditions, this participation could be introduced on a statutory basis or be left to free negotiation by the two sides of industry within a legal framework which will facilitate and encourage the development of such practices whether it takes the form of:

- a share by employees in the profits, the capital growth or the capital of firms,
- a redistribution to the salaried workers, in forms to be negotiated, of a share of the enterprise's results.

[1] OJ C 307, 14. 11. 1983, p. 68.

The proliferation of these measures, at the level of the various European-scale establishments and undertakings, would be facilitated by a convergence of the fiscal procedures and advantages granted by Member States so as to strengthen coherence between their social policies.

8. Equal treatment for men and women

A. Introduction

The directives in the field of equal treatment represent a considerable step forward.

However, no Council agreement has yet been reached on three proposed directives (parental leave, burden of proof, retirement age). The Commission stresses the importance of the Council's resumption of its deliberations on these proposals in order to arrive at a decision.

The efforts launched in 1974 when the Commission presented its first proposal for a directive on equal pay must therefore be continued.

The third action programme referred to below and additional measures represent by no means a restraint. The measures in progress and the additional ones will provide responses to specific needs, for instance in relation to vocational training for women, the positive actions in the field of local employment initiatives and the measures announced but not yet completed under the second equal opportunities programme.

The Commission has played a motive role in promoting equal opportunities. The Commission

It is necessary to ensure that women can take full and equal advantage of the favourable effects expected from completion of the single market.
G. ZORBAS

will, however, put forward recommendations in some fields, for it sees its own task as ensuring that formal equality can become genuine equality. In this way, it will give consideration to the legislative and positive measures needed to ensure that the rights enshrined in Community law as regard the principle of equality can be put fully into practice at national level. The Commission will particulary examine remedies and procedures and the protection of workers and their dignity at work, having regard to the reports and recommendations prepared on various aspects of implementation of Community law.

B. New initiatives

Third Community programme on equal opportunities for women

The second Community programme on equal opportunities (1986-90) will come to an end in 1990.

At the informal meeting held on 28 April 1989 Ministers responsible for women's affairs unanimously recognized the need for a third action programme to tackle the new challenges to employment and equal opportunities that completion of the internal market raises.

The aim is to prevent any unfavourable repercussions on women's employment and to provide for specific accompanying measures to ensure that women can take full and equal advantage of the favourable effects expected from completion of the single market.

The 'strategic guidelines' of this third action programme will be established on the basis of the conclusions and recommendations drawn up in the course of work on assessment and also of the priorities for action established with a view to preparing for and facing the 1992 deadline.

As regards the assessment of the second programme, the Commission will prepare a report on the basis of questionnaires sent to all the Member States and also an inventory of all measures and initiatives.

Directive on the protection of pregnant women at work

In the past, the Commission has been concerned with the health and safety of women at the workplace within the general context of worker protection (e.g. noise, asbestos, lead, ionizing radiation and vinyl chloride monomer).

The 'Europe against cancer' programme provides for measures designed to protect workers from carcinogens.

The proposal for a directive concerning the protection of workers from the risks connected with exposure to carcinogens during work describes protective measures with regard to substances and industrial processes believed to be carcinogenic.

Lastly, the proposal for a directive concerning minimum health and safety requirements for work with visual display units, which, currently under discussion at the Council, is of particular interest to workers, defines a number of criteria to be complied with by such equipment (glare, noise, design of chairs, etc.).

However, these various measures have not taken sufficient account of the specific problems of pregnant women. This shortcoming should therefore be remedied by the Council by means of minimum requirements at Community level.

At the same time, these measures must take account both of the diversity of occupations and the need to avoid creating additional obstacles to the employment of women.

Recommendation concerning child care

As early as 1982, the first action programme on equal opportunities highlighted the links between employment and child care. In the context of the programme the Commission presented to the Council a proposal for a directive on parental leave, which the Council has been unable to approve.

In its second action programme on equal opportunities (1986-90), the Commission undertook to put forward recommendations for action on child care.

Child care methods, parental leave and maternity leave form part of a whole which enables people to combine their family responsibilities and occupational ambitions. A Community response alone will not suffice if this objective is to be attained.

Recommendation concerning a code of good conduct on the protection of pregnancy and maternity

In the 12 Member States of the European Community, there are at present 52 million working women for whom adequate protection in the case of pregnancy and maternity represents an important objective.

Job security is a vital factor in achieving equal opportunities between women and men in working life: recruitment opportunities, protection against dismissal and maintaining of employment and accrued rights in the case of pregnancy and maternity have implications for the propensity of girls to undergo training and further training and as regards the birth rate. If women consider that pregnancy weakens their chances at work, they will be less inclined to have children, and if they want to have children, they risk forgoing opportunities for appropriate training. As a result, women will continue to be largely employed in low-level jobs. If they wish

both to have a career and have children, they will have to overcome many difficulties.

In the light of current demographic trends and the search for greater competitiveness with a view to 1992 it is absolutely essential to make better use of skills and therefore of women workers. Women have in fact an ever increasing role to play in the economy. The workplace must therefore be adapted to this change in the economic scene and the social situation and allow women to carry out both their work and maternal responsibilities. This would require, in particular, improving the protection of pregnancy and maternity.

It is also necessary in this area to respect the principle of subsidiarity. Social protection should be established primarily at national level and the Community should only intervene further if necessary. A recommendation will thus permit Member States to assume primary responsibility for implementing minimum rules, which would however have to be implemented within a certain time-limit.

9. Vocational training

A. Introduction

Vocational training is at the forefront of Commission priorities to spearhead a new and indispensable effort to invest in people in their skills, their creativity and their versatility.

In its recent communication on 'Education and training in the European Community: Guidelines for the medium term', the Commission has already indicated the importance it attaches to the promotion of higher standards of training, integral to the priority objectives of the structural Funds, and with particular attention to training in the rural development context. Community action in the vocational training field currently comprises a range of programmes and activities dealing with different aspects of vocational training policy.

These programmes cover specific fields in which the Community considers that it can add to the value of the efforts of Member States. Comett and, from 1990, Comett II, provide support for partnership and mobility between university and industry in the field of training for technology; Eurotecnet deals with vocational training to prepare workers for technological change in industry; Erasmus concentrates on the mobility of students and inter-university cooperation in higher education; Lingua, from 1990 onwards, will aim to improve the teaching of foreign languages, notably by means of schemes in the different economic sectors.

The Petra programme, which relates to initial vocational training for young people, provides backing for the Member States in the measures which they apply in order to ensure, as they must, that all interested young people have the opportunity to follow a course of vocational training of at least one year's and, if possible, two or more years' duration after their compulsory education.

The Commission intends to update the Council Decision of 1 December 1987 on the initial vocational training of young people by including the need for young employed people to follow supplementary vocational training courses during working time. The proposal will also take account of the need to improve the transition of young people from school to working life as well as their technical and vocational education.

Furthermore, the Commission recently submitted to the Council a proposal for a decision concerning the development of continuing vocational training based on the Council Resolution of 5 June 1989. The programme thus proposed (Force) is designed in such a way as to involve all the parties concerned (competent public authorities, enterprises, two sides of industry).

There is a clear need to complete activities in progress with a further effort in the area of continuing vocational training together with a reinforcement of the initial vocational training activities. The challenges faced by the Community as a whole with the creation of the internal market, against a background of continuing technological, social and demographic change, makes concerted action in the training field indispensable. Community-level action is required to act as an impetus and as a complement to the different actions undertaken by and within Member States.

B. New initiatives

Proposal for a Community instrument on access to vocational training

In the light of the outcome of the social dialogue in the matter of the right to access to vocational training, the Commission intends to present a Community instrument on this subject. In order to achieve the aim of ensuring that every worker has the opportunity to continue his vocational training throughout his working life, measures will need to be taken by the Member States, by firms and the two sides of industry, including the provision of leave for training purposes. With a view to launching a structured debate within and between the Member States and amongst the different parties concerned, the proposed instrument aims to ensure the setting-up of continuing and permanent training systems enabling any person to undergo retraining, more especially

through leave for training purposes, to improve his/her skills or to acquire new skills, particularly in the light of technical developments.

Updating of the 1963 proposal for a Council decision on the general principles for implementing a common vocational policy

The Commission considers that there should be a revision of the general principles originally established in 1963 for implementing a common vocational training policy. This revision should include a consolidation of the principles adopted within the framework of more recent Council decisions, which cover specific fields such as youth training. It should also, in close cooperation with the Advisory Committee for Vocational Training, update the general principles themselves, in the light of the definition of vocational training given by the Court of Justice in recent judgments, and provide a Community-wide commitment to raising the levels and quality of training.

Communication on the rationalization and coordination of Community action programmes in the field of initial and continuing vocational training

Following the adoption of EuroTecnet II and other similar operational initiatives in the field of continuing training, the occupational integration of young people and like Community initiatives, the Commission will embark on deliberations with a view to the rationalization and coordination of specific measures in this field. On completion of these deliberations it will present a proposal for an appropriate instrument.

Proposal concerning the joint programme for the exchange of young workers and youth exchanges

The Commission is currently running the third joint programme for the exchange of young workers and the 'Youth for Europe' programme, which supports youth exchanges more generally.

The Commission intends to examine the scope for simplifying the presentation of the opportunities available to young people of the Community under these two progammes and to streamline their administration. A proposal will therefore be presented to extend the third joint programme for the exchange of young workers for one year (to end 1991), and proposals for the fourth joint programme and for the second phase of 'Youth for Europe' will be presented together to take effect from the beginning of 1992.

A report will be presented by the Commission in 1990 on youth exchange activities in general, including the recent activity for exchanges of young people with Comecon countries.

Comparability of qualifications

In implementing the Council Decision of July 1985 on the comparability of vocational training qualifications between the Member States of the European Community, the Commission has now published the results of the work on establishing comparability in the following sectors: hotel and catering work and motor vehicle repair. Publication of results in the construction and electricity-electronics sectors will follow shortly. Work is under way and due to be completed this year in the agriculture, textile, clothing and metal industry sectors.

This means in effect that by 1990 the technical work will have been completed for eight sectors, covering 117 professions which regroup about 300 job activities.

The work on comparability is currently limited to qualifications at 'skilled worker' level. The Commission is examining the need to extend the scope of this activity to other levels of skill, so as to cover all qualifications.

10. Health protection and safety at the workplace

A. Introduction

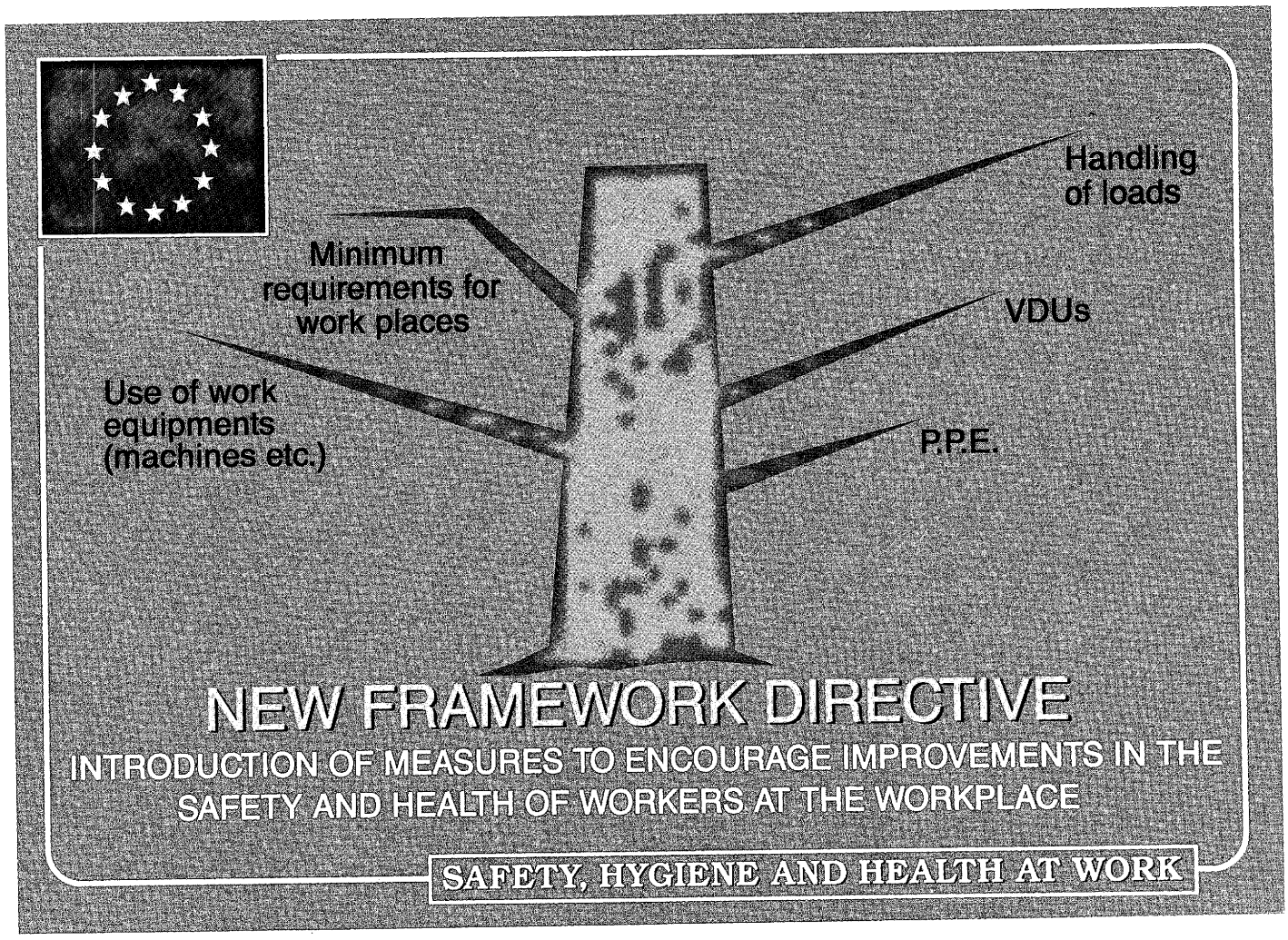
Protection of health and safety in the working environment is ensured by means of technical regulations regarding products and equipment used by workers and by provisions regarding worker protection in the working environment.

Before the Single Act came into force there were already a number of directives applicable in the field of health and safety at work (notably protection against risks from asbestos, noise and lead).

Since October 1987, when the Commission adopted its programme concerning safety, hygiene and health at work which the Council welcomed in its resolution of 21 December 1987, 10 proposals for directives have been presented to the Council. Three of them have already been adopted, including Directive 89/391/EEC on improvements in the safety and health of workers at work, which is of particular importance.

Other proposals should be adopted by the end of the year or during the first half of 1990.

In parallel, the Community has developed the implementation of a new approach regarding technical regulation which entails, for example for industrial machines or for individual protective clothing, compulsory safety requirements for the protection of workers. The implementation of



these requirements depends on European standards, in the definition of which workers' representatives are henceforth involved.

The Community already has, therefore, a series of binding provisions which ensure fairly broad protection for workers' health and safety at the workplace. It must be pointed out, moreover, that the Commission will propose, whenever necessary, amendments to the directives adopted to take account of developments occurring after their adoption (new substances, technical progress). Several such proposals will be presented in the next few years.

The Commission considers that priority should be given to new initiatives in areas where safety causes significant problems, notably the building industry, fisheries, drilling rigs and open-cast mines, the improvement of medical assistance on board vessels and also workplaces excluded from the specific workplace directive.

In addition, when freedom of movement develops further and the labour market takes on a European dimension, the Commission believes that the Member States should endeavour to approximate their ideas concerning the schedule of industrial diseases. There would doubtless be no question of introducing laws in an area closely connected with national social security systems. The Commission will accordingly put forward a recommendation emphasizing the importance of adopting a schedule of European industrial diseases.

B. New initiatives

Proposal for a Council directive on the minimum health and safety requirements to encourage improved medical assistance on board vessels

Work on board vessels involves specific risks. The consequences of accidents are heightened given that medical equipment on board is often inadequate and much time is required for help and intervention from elsewhere.

The proposed directive aims to promote better worker safety and health on board vessels by improving medical assistance on board.

Proposal for a Council directive on the minimum health and safety requirements for work at temporary or mobile work sites

Major risks are involved in work on temporary and mobile sites.

The directive aims to incorporate health requirements from the initial stages of site design: it defines responsibilities as regards the safety and health of all persons operating on temporary and mobile work sites and lays down safety requirements for certain tasks.

Proposal for a Council directive on the minimum requirements to be applied in improving the safety and health of workers in the drilling industries

No steps have so far been taken at Community level to promote improvement in the safety and health of workers in the drilling industries.

Following the disaster in the North Sea on the Piper Alpha oil and natural gas drilling rig, in which the explosions and fire caused the death of 167 persons on 6 July 1988, Parliament requested the Commission to take suitable measures as soon as possible.

Proposal for a Council directive on the minimum requirements to be applied in improving the safety and health of workers in the quarrying and open-cast mining industries

There are no special Community measures covering the quarrying and open-cast mining industries.

The risks and accident rates are higher in these industries than in others and they are not covered by the first individual directive on the workplace pursuant to Article 16 (1) of Directive 89/391/EEC.

On this account steps should be taken at Community level to improve the safety and health protection of workers in these industries.

Proposal for a Council directive on the minimum safety and health requirements for fishing vessels

The risks connected with work on board fishing vessels are greater than those in other 'high-risk' occupations. The purpose of the proposed directive is to lay down minimum safety and health requirements in relation, in particular, to working procedures on board such vessels.

Recommendation to the Member States on the adoption of a European schedule of industrial diseases

The Commission recommendations of 23 July 1962 and 20 July 1966 established a European schedule of industrial diseases.

Since then, within each Member State the schedule of the various industrial diseases which can give right to compensation has gradually developed on account of many factors, such as changing techniques, the use of new substances, different activities and varying constraints at the workplace.

The number of diseases known as 'industrial diseases' (that is where there is good reason to believe that they are closely connected with certain activities, but which the Member States have not yet recognized as giving any right to compensation) has constantly changed.

The Commission takes the view that in such a complex field it must, as in the past, make use of a recommendation to encourage the Member States to bring about the greatest possible convergence among themselves.

The recommendation would therefore consist in an updating of the European schedule of industrial diseases with the aim of harmonizing requirements in this area at Community level.

Proposal for a Council directive on the minimum requirements for safety and health signs at the workplace

The individual directive on workplaces establishes the minimum requirements for workplaces, but does not specifically cover the posting of signs. Some provisions on this subject already appear in Council Directive 77/575/EEC and Commission Directive 79/640/EEC. This proposal for a directive aims to revise and extend the abovementioned directives, updating the previous texts and adding a number of measures which are the result of technical progress.

Proposal for a Council directive defining a system of specific information for workers exposed to certain dangerous industrial agents

The proposal concerns the preparation of information sheets on dangerous agents. These sheets should be available whenever new substances are introduced.

This proposal defines the minimum requirements for the protection of workers and takes account of the work carried out by the ILO on chemical substances.

Information sheets on chemical substances are also required by the Council directives on the placing of chemical substances on the market, and these sheets are taken into consideration in this proposal for a directive.

Proposal for a Council directive on the minimum safety and health requirements regarding the exposure of workers to the risks caused by physical agents.

Physical agents, such as vibration and electromagnetic radiation, give rise to risks which are

often considered to be unacceptable. It often takes some time before effects which are damaging to health become apparent. A proposal will be made to introduce the preventive and corrective measures necessary to reduce the possibility of overexposure, accident and illness.

Proposal for a Council directive amending Directive 83/447/EEC on the protection of workers from the risks related to exposure to asbestos at work

Certain provisions are laid down by Directive 83/447/EEC to the effect that the Council, acting on a proposal from the Commission, must review this directive before 1 January 1990, taking into account, in particular, progress made in scientific knowledge and technology and in the light of the experience gained in applying this directive.

Proposal for a Council directive on the minimum safety and health requirements for activities in the transport sector

Activities in the transport sector often create dangerous working conditions, and transport-related maintenance, handling and loading work also expose workers to considerable risks. The proposal for a directive aims to set the minimum requirements for the prevention of dangerous situations and the protection of all the workers concerned.

Proposal for the establishment of a safety, hygiene and health agency

The Commission's programme concerning safety, hygiene and health at work is high on the list of priorities for a significant social policy initiative.

In its Resolution of 21 December 1987, the Council welcomed the Commission communication on its programme concerning safety, hygiene and health at work. Among other things, it requested the Commission to examine the possible ways of improving the exchange of information and experience in the field concerned, in particular as regards the gathering and dissemination of data and the advisability of setting up Community machinery to study the repercussions at national level of Community measures in the field of health and safety at work.

Moreover, this resolution called for an intensification of the cooperation with and between the bodies active in the field concerned.

The Council also stressed that it was fundamentally important for workers to be aware of the issues involved and to have access to information and, if necessary, to training if the measures recommended in the Commission's programme referred to above were to be successful.

Recognizing the dangers not only to health and safety, but also to the business environment and the labour markets of divergent health and safety conditions, employers' and workers' organizations have impressed upon the Commission the need to ensure that directives are implemented accurately, fully and equitably. They have also called for appropriate advice and assistance to be provided to undertakings and organizations concerned in order to help them comply with the requirements imposed by Community directives.

In order to satisfy these demands and whilst retaining its right to supervise the implementation of Community law, the Commission will set up a safety, hygiene and health agency which will provide support for the implementation of programmes relating to the workplace, including technical and scientific assistance and coordination as well as assistance in the field of training. In so doing, it will bear in mind the existence and experience of the European Foundation for the Improvement of Living and Working Conditions (Dublin Foundation).

11. Protection of children and adolescents

A. Introduction

While being aware of all the problems associated with the protection of children and adolescents, the Commission's aim in this section of the draft Charter has been to concentrate on the specific problems encountered by the members of this group on taking up employment for the first time. For this reason, the Commission is proposing only one directive on this question.

B. New initiatives

Council Directive on the approximation of the laws of the Member States on the protection of young people

Protecting children against any work at too young an age and against excessively arduous working conditions is seen as a vital task. Children should not be given employment before they have reached an appropriate minimum age and should in no event take up an occupation which endangers their health.

Thus, the Commission will propose a Community directive aimed at fixing the minimum age for admission to employment in the Community, although exceptions will be allowed for young people engaged in specified non-arduous

activities (family businesses, artistic activities, participation in public entertainment, etc.) which are not likely to damage their health.

The working hours of young workers aged under 18 will have to be limited to protect their health and safety, and to take account of their development.

Finally, with a view to protecting the health and safety of young people, night working must also be prohibited, with the exception of certain very specific jobs.

To the same end, the directive will have to provide for regular medical checks for workers under 18 to ensure that their health is not threatened by the job in question.

12. The elderly

A. Introduction

In the European Community, there are nearly 100 million elderly people out of a total population of 321 million and people aged over 60 years represent nearly 20 % of the population. Further, 31 % of the population and about 21 % of the labour force is over 50 years old. By the end of this century, one person in four will be over 60 in many Member States.

The growing number of elderly people, and especially of the very old, as well as the rise in the dependency ratio (number of active people to number of inactive people) will have implications for budgetary expenditure in the years to come, both as regards retirement pensions and as regards the social and medical services to be provided for people in this category. In this connection, account should be taken of Council Recommendation 82/857/EEC of 10 December 1982 on the principle of a Community policy with regard to retirement age.

There is, moreover, growing interest in the potential contribution the elderly could make to society by being more involved in various activities at local level, ranging from social services to training.

This problem has hitherto received little attention at Community level. Community measures have so far been limited to a Council Recommendation of 10 December 1982 on the principles of a Community policy on retirement age and the Commission Recommendation of 10 May 1989 concerning a European over-60s card as well as a number of measures in the area of social protection (Regulations (EEC) Nos 1612/68 and 1408/71 in particular).

The Commission considers moreover that most action in this area falls within the direct responsibility of the Member States at national, regional or local level.

It is however vital that, given such a large section of its population is involved, the Community should indicate the importance it attaches to its problems and situation.

With this in view, the Commission will present by the end of 1989 a communication on the elderly accompanied by a draft decision on an action programme which among other things provides for pilot projects, exchanges of experience, improved information and channels of com-

By the end of the century the number of very elderly (over 80) people shall increase.
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munication between groups representing the elderly.

Apart from specifying certain measures on the social protection of the elderly, particularly retired workers, the Commission will limit its activities in this area to the implementation of the action programme.

B. New initiatives

Community initiative for the elderly (communication and proposal for a decision)

The considerable increase by the end of the century in the number of elderly and very elderly (over 80) people in a society where, in most Community countries, the family unit leaves much less room than in the past for the elderly, has made the problems of integration into society and the economic and social consequences of ageing acute throughout the Community. Very few discussions have been held on this problem and, at present, they are often confined to specialist circles.

For its part, the European Parliament has on several occasions called for a Community initiative to be taken on this matter which concerns a considerable number of Community citizens, since soon, depending on the Community country in question, one person in three or four will be over 60.

It is not a question of the Commission's adopting legislation in an area in which approaches, traditions and culture vary greatly from one Member State to another.

The Commission considers, however, that all interested parties should now be made aware of the situation and problems of the elderly. Moreover, in order to ensure a degree of continuity in the action undertaken at Community level, the Commission considers that an action programme should be implemented.

Finally, in response to the call from the European Parliament, it will propose that 1993 be designated as a year for the elderly. The Commission will make a proposal to this effect.

13. The disabled

A. Introduction

The social and economic integration of disabled people is an important element of the social dimension of the single market, to be completed in 1992. It is not only a question of social justice. It is also an economic issue in so far as their occupational integration in a regular working environment may often represent an asset for the Community.

The Helios programme adopted by the Council on 18 April 1988 represents a pragmatic response to the growing needs and fresh aspirations of more than 30 million Community nationals suffering from long-term physical or mental disabilities of varying degrees who form one of the most disadvantaged sections of the population. This programme establishes for the first time in the European Community a basis and framework for the development, at Community level, of a coherent overall policy to promote the integration and independent way of life of disabled people.

However, the measures taken in this area in the Member States still take the form of innovatory pilot schemes. By definition, these actions are specific whereas there is a need for a coherent overall policy on the occupational and social integration of the disabled at both national and Community level.

For this reason, not only should the aim be to secure the rapid adoption of the proposal for a Council decision (COM(89) 450 final of 27 September 1989) on the further development of the Handynet system (exchange of information on the technical aids available for the disabled), but the Commission will also propose to the Council a new draft Council decision to continue the Community action programme for disabled people, with the aim of improving equality of opportunity for such people.

The Commission considers, moreover, that the social and economic integration of the disabled depends on their mobility being improved. To this end, it would be necessary to draw up common objectives and harmonized standards in order to ensure that workers with motor disabilities can move in complete safety within the Community, particularly in the working environment. In October 1987, the European Parliament underlined the importance of such a proposal by calling for it to take the form of a directive.

B. New initiatives

Proposal for a Council decision establishing a third Community action programme for disabled people (Helios) for the period 1992-96

When the second action programme expires at the end of 1991, the European policy on the integration of disabled people should be continued and stepped up by means of a five-year programme.

Vocational training at Sahva Håndværkskolen, Copenhagen. Training of young man with arm prosthesis and special tools (Radio and TV repair workshop)

The economic and social cohesion of the European market means that there has to be greater equality of opportunity for disabled people who form one of the most disadvantaged sections of the population. It is therefore vital to continue and step up an overall policy at European level.

Proposal for a Council directive on the introduction of measures aimed at promoting an improvement in the travel conditions of workers with motor disabilities

In the proposal for the Helios programme (COM(87) 342 final), the Commission undertook to present policy measures, particularly proposals concerning the mobility of disabled people, including transport.

In October 1987, the European Parliament stressed the importance of this proposal and stated that it should be submitted in the form of a directive.

In its conclusions of 12 June 1989 on the employment of disabled people in the Community, the Council invites the Commission to submit proposals in the field of employment 'which will ensure better coordination and greater consistency between the measures introduced by the Member States'.

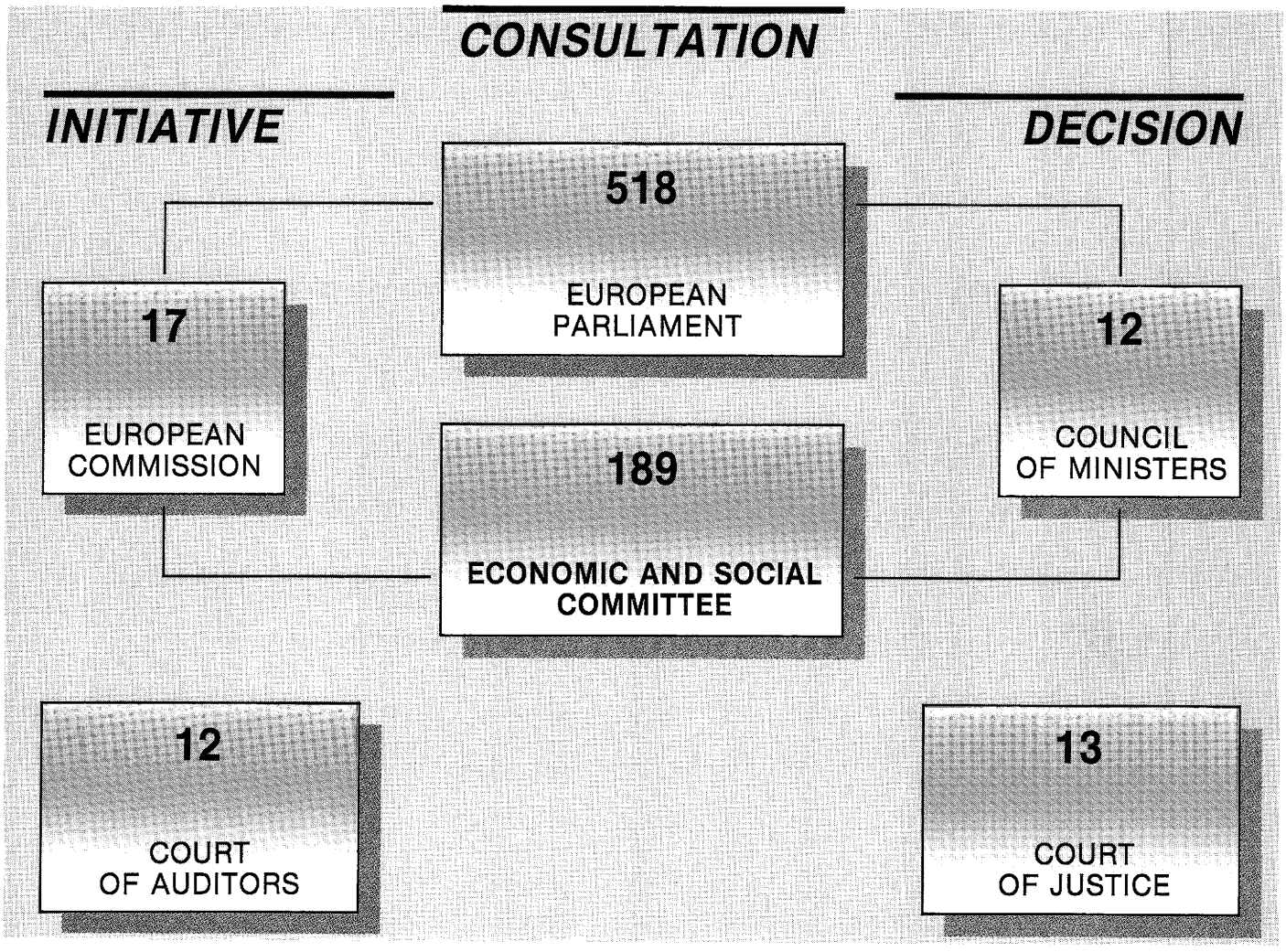
Making it easier for disabled people to travel is an essential prerequisite for vocational training and employment.

CHAPTER 4

From the opinion of the Economic and Social Committee to the Strasbourg Summit

Background documents

The position of the Economic and Social Committee among the institutions



1. Opinion of the Economic and Social Committee on basic Community social rights

On 9 November 1988, the President of the Commission, Jacques Delors, and the Vice-President, Manuel Marín, addressed these words to the Chairman of the Economic and Social Committee:

Dear Sir,

You are aware of the importance attributed by the European Council of Hanover — in the spirit of the Single Act — to the social dimension of the building of Europe. The European Commission, which has just adopted a major working document in the social sphere, considered that one of the decisions which could have an impact on this dimension would be the adoption of a Community Charter of Basic Social Rights, a Charter which would also be a significant contribution to the people's Europe.

There are precedents, framework texts adopted by international organizations, such as the Council of Europe, the International Labour Organization and the Organization for Economic Cooperation and Development. It is in a way the same method which inspires and guides us in drawing up this Charter. Although the existence of a common area based on economic, financial and social integration should warrant a greater requirement. It would however be appropriate to take the greatest account of the variety in the situations and sensitive areas in the various countries of the Europe of the Twelve.

The economic and social actors — both on the side of the heads of undertakings and on that of the employees and their organizations — need a clear message on the future of the Community and on the fundamental values which it intends to promote.

The preparation of a Community Charter of this kind is not an easy task. It requires a good knowledge of national practices and frank encounters between various partners of economic and social life. For this reason, it seemed to the European Commission that your assembly, in the form it is constituted, was in the best position to exchange views and give general consideration to the possible content of such a document. Thus we venture to refer this matter to the Economic and Social Committee, according to a procedure which is unusual, but provided for in the Treaty of Rome.

To conclude, we should like to mention the main subjects — without this list being limitative — which would merit joint discussion: social protection, the social dialogue, collective agreements, employment contracts, health and safety of workers, education throughout life, equality for men and women at work and the information and consultation of workers.

It would be important for the opinion of your Committee to reach us at the beginning of the Spanish Presidency, so that the Commission, on the basis of your views and proposals, is able to refer this matter to the Council of Ministers in the first half of 1989.

We should like to extend our congratulations on your recent election.

Yours faithfully,

Manuel Marín **Jacques Delors**

On 27 February 1989, the Chairman of the Economic and Social Committee, Mr Alberto Masprone, transmitted the following letter, enclosing the opinion of the Committee, to the President of the Commission.

Dear Sir,

In your letter of 9 November 1988, you asked the Economic and Social Committee to give general consideration to the possible content of a Charter of Basic Social Rights at Community level.

You wished for the opinion of the Economic and Social Committee on this subject to be adopted at the start of the Spanish Presidency so that the Commission, taking account of our views and proposals, is able to refer this matter to the Council of Ministers in the course of the first half of 1989.

In spite of the difficulty of such a task and the relatively short deadline given to it, the Economic and Social Committee has managed to adopt an opinion on the subject during this session.

During a discussion session lasting several hours which achieved an exceptional quorum, the Economic and Social Committee held very wide, very frank discussions which enabled the elements of convergence and the factors of divergence to be brought out which may bring together or separate business and social circles on this subject.

I am pleased to enclose the text of the opinion adopted, on the basis of a roll-call ballot, by 135 votes to 22 with 8 abstentions.

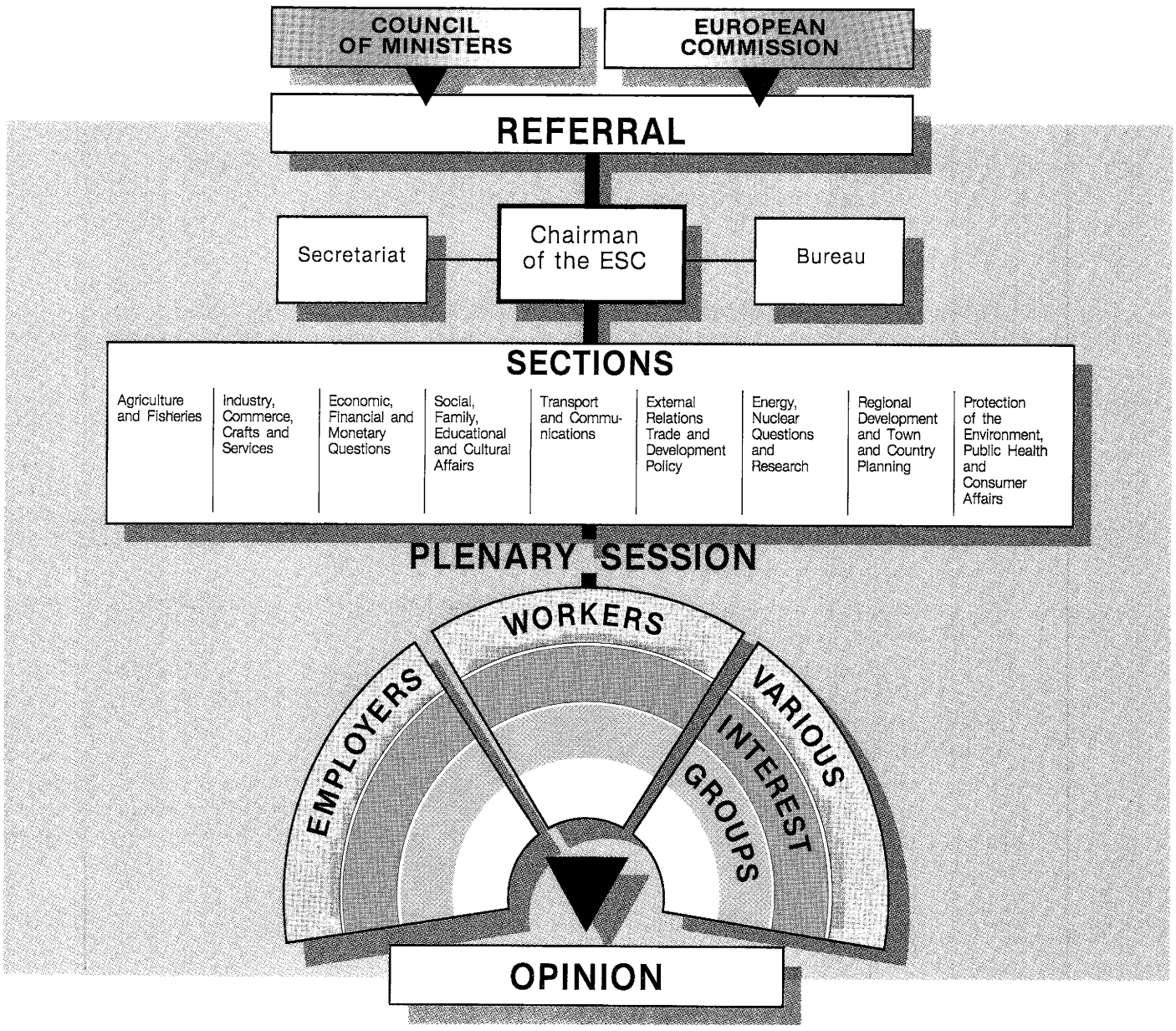
The debate that took place, the minutes of which will be sent to you as soon as possible, demonstrates the advantages the Economic and Social Committee can offer for examining economic and social problems and bringing about an approximation of positions in the framework of an autonomous institutional structure.

I should like to express my appreciation of the initiative you have taken in involving the Committee in these exceptional consultations; and I trust that the outcome of this experience will strenghten further your view of the role of the Economic and Social Committee in the institutional system of the Community.

Yours faithfully,

Alberto MASPRONE

Genesis of Opinions



In a letter dated 9 November 1988 from Mr Delors and Mr Marín, the Commission requested the Economic and Social Committee to debate and undertake a general appraisal of the possible components of a 'Community Charter of Basic Social Rights'.

At its 24 November 1988 Session, the Plenary Committee decided, under Article 17 of its Rules of Procedure, to set up a Subcommittee to carry out the relevant work. On 8 February 1989 the Subcommittee adopted a draft Opinion (Rapporteur: Mr Staedelin; Co-rapporteur: Mr Vassilaras).

At its 263rd Plenary Session (meeting of 22 February 1989), the Economic and Social Committee adopted the following Opinion by 135 votes to 22 with eight abstentions:

I — Pillars of a social Europe

1. The Economic and Social Committee, taking the view that implementation of the Single Act shapes a European economic and social area founded primarily on improved industrial relations, reiterates its support for the creation of a large single market which, besides strengthening the economy, trade, industry, crafts and services, must establish a common platform for increasing the well-being of all Europeans, bringing down high unemployment and facilitating the development of consumer protection and environment policies.

Basic social rights for the citizens of the Community can only be achieved in a free, democratic and peace-loving society, where individuals enjoy equal social status, regardless of their sex, race, language, nation, religion, political opinions or any other circumstances. Men and women will then be able to develop their full potential and participate effectively in the political, economic, social and cultural organization of society.

Our corner of the world shares a tradition of culture, democracy and freedom —indeed a whole way of life — that cannot be rejected for other visions of progress.

The Committee therefore welcomes the Commission's decision to seek its Opinion on the basic social rights to be safeguarded in this non-frontier Europe.

However, a comprehensive, detailed reply to this request would be tantamount to framing a European constitution or basic laws. Such a task, however exciting, cannot be accomplished in a few weeks.

2. Accordingly, bearing in mind that in their letter requesting an Opinion, Mr Delors and Mr Marín asked for a 'clearcut message on the future of the Community and the fundamental values that it seeks to promote', the Committee feels that the questions it has to examine should be confined to three categories:

(a) protection of 'fundamental values' in terms of social rights enshrined in Community legislation;

(b) the social dimension of the internal market;

(c) Community social dialogue.

3. Under a broad social policy sweep, basic social rights affect not only:

- ☐ the various components of society, in particular the most vulnerable groups (e.g. the disabled, migrants, ethnic and other minorities, groups on the fringes of society, the elderly);
- ☐ all social and occupational categories (e.g. employees, managers, the self-employed, liberal professions, public sector workers, craftsmen, pensioners);
- ☐ all areas of activity (e.g. agriculture, industry, commerce, services, the social economy);
- ☐ various kinds of undertakings, SMEs and cooperatives;

but also the consumer, environment and collective sectors.

4. These basic social rights are also part and parcel of the rights inherent in a people's Europe and encompass, more generally, the shared values of European society. They relate to the various aspects of the lives of all Europeans (right to work, right to adequate living conditions; right to a decent retirement; access to education; consumer information, education and protection; family rights; rights in the cultural sphere; health and environmental protection; freedom to reside, work, form associations, take up and pursue activities on an employed or self-employed basis and study in any Community Member State, etc.) as already stated by the Committee. [1]

5. However, the terms of the referral and the tight deadline assigned have prompted the Committee to focus its attention, for the time being, more particularly on basic social rights of key importance in the light of the entry into force of the Single Act and the specific new requirements accompanying completion of the Community-wide market. The Committee reserves the right to give its views on other matters in the future.

[1] In this connection, see the Opinion on social developments in 1987 (OJ C 208, 8. 8. 1988).

II — 1992: Guarantee of basic social rights

1. In supporting the attainment of a single market, the Committee, on account of the need for coordination between economic and social policies, has constantly pressed for measures envisaged in the industrial, trade, agricultural, financial and tax sectors to go hand-in-hand with the concurrent adoption of social measures.

2. In addition, the Committee has repeatedly stated that completion of a Community-wide internal market must not undermine basic social rights and that the fundamental principles of the EEC include a commitment to promote the well-being of all Europeans and to foster economic and social cohesion. [1]

3. The single market cannot stop short at a free-trade area; the recommended outline plan for European integration will be devoid of meaning or purpose unless the living and working conditions of all sections of the population are enhanced.

4. This approach was recently endorsed in the conclusions of the Hanover and Rhodes European Councils, namely:

- ☐ 'that, by removing the obstacles to growth, the large single market offers the best prospect for promoting employment and increasing the general prosperity of the Community to the advantage of all its citizens'. (Hanover)
- ☐ 'Completion of the single market cannot be regarded as an end in itself; it pursues a much wider objective, namely to ensure the maximum well-being of all, in line with the tradition of social progress which is part of Europe's history.
- ☐ This tradition of social progress should be a guarantee that all citizens, whatever their occupation, will have effective access to the direct benefits expected from the single market as a factor of economic growth, and as the most effective means of combating unemployment'. (Rhodes)

5. Similarly, the Committee Resolution adopted on 23 November 1988 declared that 'the completion of the single market, an indispensable requirement if Europe is to secure its rightful place in the world, should make it possible to preserve and promote a model of life and development which will provide Europe's citizens with:

- ☐ in the pursuit of social justice, an area of liberty allowing for private initiative and the development of collective undertakings;
- ☐ the possibility of gradually and reliably improving employment levels, living standards and quality of life;
- ☐ security based on the affirmation of a Europe in which economic and social cohesion is assured'. [2]

6. The Committee observes that governments and the social partners have reached consensus on the definition of basic social rights within a number of international organizations (United Nations, ILO, Council of Europe and OECD). Looking ahead to the single market, it is particularly urgent for certain social rights to be laid down in the Member States so as to incorporate a coherent, interdependent set of rules into the Member States' common heritage.

7. The aim is therefore not to devise new rules but, first and foremost, to take account of established rules already approved at other levels. The next stage is to define these rules via principles taking heed of the new requirements generated by implementation of the single market and conducive to its smooth operation. In determining their scope, the goal must be to secure basic social rights for all economic and social groups and all categories of workers throughout the Community.

8. Although the Committee does not feel that all areas of social policy have to be regulated by Community legislation, it stresses the need to adopt basic social rights founded on a common heritage of experience, taking due account of national differences.

9. To ensure concurrent economic and social development on a Community scale, a set of 'fundamental social guarantees' [3] must be determined in order to boost Community action to secure the extension and effective application of citizens' rights [4] and prevent competition being distorted as a result of differing conditions.

10. The Member States, occupational sectors, firms and services normally retain responsibility, through national legislation and/or collective bargaining, for determining how the basic principles and rights endorsed at Community level are to be implemented in practice.

11. The Committee is keenly interested in the promotion of social dialogue at all levels, with a view to devising framework agreements, taking due heed of the independence of the social partners.

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[1] See in particular the following opinions: Opinion on making a success of the Single Act (OJ C 180, 8. 7. 1987); annual Opinions on the economic situation and social developments; Opinion and information on the social aspects of the internal market (OJ C 356, 31. 12. 1987 and CES 225/87 final).

[2] CES 1267/88.

[3] Doc. 6736/87 (press 85), Social Affairs Council Declaration of 26 May 1987.

[4] OJ C 208, 8. 8. 1988, paragraph 3. 4.

12. All workers, regardless of the nature or terms of their work contract, must have the right to conduct collective bargaining negotiations with their employers at all levels (notably at the level of their firm, group of firms and occupational branch, and at sectoral, regional and national level).

12. All EEC Member States share a broadly similar social model in the shape of:

(1) the respective role of States and collective bargaining negotiations as regards recognition of basic social rights in establishing a hard core of standards from which no derogation may be made;

(2) the respective role of States and collective bargaining negotiations in protecting the workforce at the workplace (in particular by basic standards in respect of working conditions and working hours, protection of earnings, health and safety) and the State's role in safeguarding consumer and environmental rights;

(3) Recognition of:

— freedom of association and the right to organize;

— collective bargaining as a key component of industrial relations;

— the workforce's right to be represented within the firm, through either elected bodies or delegated representatives of labour organizations.

III — Attainment of the European social model

1. Guarantee of basic principles in terms of social rights within the Community legal system

Since the ESC's Opinion has to be delivered early in 1989, the Committee feels that the most constructive approach is to compile a list of basic social principles and rights which should be guaranteed by all Member States. To avoid lengthy, fruitless discussion that could delay the schedule for implementation and disturb social consensus, the ESC urges the Community institutions to take the procedural steps necessary to ensure that the scope of these principles and rights is interpreted with due respect for the standards already recognized in other international social legal instruments. [1]

The Committee reiterates that it attaches great importance to respect for the social partners' autonomy and to the right of Member States to legislate in the social sector.

The intention is not to devise a new instrument but to enshrine fundamental social guarantees in the Community legal system, with its distinctive supranational features. Each of the guaranteed rights or principles listed below will therefore be accompanied by the corresponding reference to existing international conventions.

A — Generally applicable standards

☐ Right of all sections of society to social security cover (ILO: Conventions 102, 118, 121, 128, 130 and 157; Council of Europe: Social Charter, Arts 12 and 13; European Code of Social Security and the Protocol thereto; European Convention on Social Security; Additional Protocol to the Social Charter, Art. 4; UN: International Covenant on Economic, Social and Cultural Rights, Art. 9);

☐ Right of all sections of society to social welfare, safety and health protection (ILO: Conventions 81, 115, 120, 129, 139, 148, 155 and 161; Council of Europe: Social Charter, Arts 3 and 11; European Code of Social Security, Arts 31 to 38 and the Protocol thereto; Additional Protocol in the Social Charter, Arts 3 and 4; UN: International Covenant on Economic, Social and Cultural Rights, Art. 12);

☐ Right to education (Council of Europe: First Additional Protocol to the European Convention for the Protection of Human Rights and Fundamental Freedoms, Art. 2; UN: International Covenant on Economic, Social and Cultural Rights, Arts 6, 13, 14 and 15);

☐ Right to protection of privacy and the integrity of the personal sphere, in particular in connection with the use of computerized systems and data banks (Council of Europe: Convention for the Protection of Individuals with regard to automatic processing of personal data).

☐ Right to protection of personal property and definition of the restrictions placed thereon by society (Council of Europe: Additional Protocol to the Convention for the Protection of Human Rights and Fundamental Freedoms, Art. 1);

☐ Right to equality of opportunity and treatment, and elimination of any form of discrimination (ILO: Conventions 100, 111 and 156; Council of Europe: Social Charter, Arts 1(2) and 4(3); Additional Protocol,

[1] Not all the international instruments listed under Section III, headings A and B, have been adopted by all Member States. The references are given to facilitate consultation of existing international instruments concerning a particular right.

Art. 1; UN: International Covenant on Economic, Social and Cultural Rights, Arts 2(2), 3 and 7);

- ☐ Rights of the child, mother and family to legal and economic protection (ILO: Convention 103; UN: International Covenant on Economic, Social and Cultural Rights, Art. 10; Council of Europe: Social Charter, Arts 16 and 17);
- ☐ Rights of the elderly (Council of Europe: Additional Protocol to the Social Charter, Art. 4);
- ☐ Right of workers, producers and consumers to form associations freely for the purpose of setting up undertakings such as cooperatives and mutual societies founded on the solidarity principle (ILO Recommendation 127; UN Resolution 2459 (20.12.1968 on the role of the cooperative movement in economic and social development);
- ☐ Right of consumers to health protection; full and objective financial information and free choice of goods and services (UN: Consumer Protection Guidelines — 1985);
- ☐ Right to protection of the environment (ILO: Convention 148 and Recommendation 156; Council of Europe: Social Charter, Art. 11);
- ☐ Right to preservation of the cultural heritage (Council of Europe: European Cultural Convention and Convention for the Protection of the Architectural Heritage of Europe).

B — Standards governing industrial relations, the labour market and working conditions

(including craftsmen, managers and the self-employed where concerned)

- ☐ Right of freedom of association and the right to organize, including recourse to collective action (ILO: Conventions 87 and 135; Council of Europe: Social Charter, Arts 5 and 6(4); Convention for the Protection of Human Rights and Fundamental Freedoms, Art. 11; UN: International Covenant on the Protection of Economic, Social and Cultural Rights, Art. 8);
- ☐ Right to organize and bargain collectively (ILO: Conventions 98, 151 and 154; Council of Europe: Social Charter, Art. 6(2);
- ☐ Prohibition and abolition of forced labour (ILO: Conventions 29 and 105; UN: International Covenant on Economic, Social and Cultural Rights, Art. 6; Council of Europe: Convention for the Protection of Human Rights and Fundamental Freedoms, Art. 4);
- ☐ Right freely to choose and exercise an occupation; right to a freely negotiated contract of employment;
- ☐ Right to participate in the determination of conditions of employment (ILO: Recommendations 94, 113 and 129; Council of Europe: Additional Protocol to the Social Charter, Art. 3);
- ☐ Right to a freely negotiated wage (ILO: Conventions 94 and 95; Council of Europe: Social Charter, Art. 4; UN: International Covenant on Economic, Social and Cultural Rights, Art. 7);
- ☐ Right to basic and in-service vocational training and retraining (ILO: Conventions 140, 142 and 159; Council of Europe: Social Charter, Arts 7, 9, 10 and 15; Additional Protocol to Social Charter, Art. 1; UN: International Covenant on Economic, Social and Cultural Rights, Art. 6);
- ☐ Right to protection of child labour (ILO: Convention 138; Council of Europe: Social Charter; Art. 7);
- ☐ Right of the workforce to information and consultation at decision-making levels, particularly in connection with the introduction of new technologies or changes affecting structures, organization of the production process or employment (ILO: Convention 154 and Recommendation 113; Council of Europe: Social Charter, Art. 6 (1) and (2); Additional Protocol to the Social Charter, Art. 2);
- ☐ Workers' right to protection in the event of individual or collective dismissal (ILO: Convention 158; Council of Europe: Social Charter, Art. 4(4));
- ☐ Right to similar safeguards, especially as regards the possibility for workers in part-time, temporary or other forms of employment to be covered by collective bargaining or occupational agreements and to contribute to and be covered by social security schemes (UN: International Covenant on Economic, Social and Cultural Rights, Art. 2(2); ILO: Conventions 29, 87, 98, 100, 105 and 111; Council of Europe: Social Charter, Arts 5 and 6);
- ☐ Right to annual leave (ILO: Convention 132; Council of Europe: Social Charter, Art. 2(3); UN: International Covenant on Economic, Social and Cultural Rights, Art. 7);
- ☐ Right to weekly rest period: (ILO: Conventions 14 and 106; Council of Europe: Social Charter, Art. 2(5));
- ☐ Right to protection of safety and health at the workplace (ILO: Conventions 102, 121, 155 and 161; Council of Europe: Social Charter, Art. 3; European Code of Social Security, Arts 31 to 38; Additional Protocol to the Social Charter; Arts 3 and 4; UN: International Covenant on Economic, Social and Cultural Rights, Art. 7);

- Right to protection in the event of sickness (ILO: Conventions 102, 118, 121, 130 and 157; Council of Europe: Social Charter, Arts 12 and 13; European Code of Social Security and Protocol thereto; European Convention on Social Security; Additional Protocol to the Social Charter, Art. 4);

- Right to free employment services (ILO: Conventions 88 and 96; Council of Europe, Social Charter, Art. 1(3).

2. Social dimension of the internal market

The second category of legal safeguards must address the social dimension of the single market, in response to the need to reconcile two interdependent aims:

(a) respect for national differences in labour, social security and industrial relations legislation (where consistent with the European social model);

(b) while recognizing the need to adopt common rules.

Community legal instruments, which take due account of the need for flexibility, cooperation and decentralization, will have to be framed in order to enshrine social guarantees vital for smooth implementation of the single market. The aim will have to be (a) to avoid the pitfalls of unfair competition and (b) — with a view to improving economic and social cohesion in the Community — to align, stage by stage, conditions of employment and direct and indirect social charges in sectors affected by the future Community-wide market. Here the proposals and comments contained in the Opinion and Information Report on the social aspects of the internal market should be borne in mind. [1]

Article 118 a of the Single Act requires the Community authorities to legislate in areas concerning the working environment, in particular matters relating to hygiene, health and safety at work. Observing that these spheres now fall within the Community's competence, the Committee calls on the Commission to frame the requisite implementing instruments without delay — and on the Council of Ministers to adopt them — bearing in mind that the purpose is not merely to harmonize the status quo but to provide for an upward alignment.

To make a success of the single market, it is particularly urgent to adopt instruments on:

- the dismissal of cross-frontier workers and unfair exploitation of their non-typical terms of employment; [2]

- the right to information and consultation in the event of the restructuring or merger of firms;

- the application of existing social legislation and collective bargaining agreements when awarding public contracts.

3. The consumer policy dimension of the European internal market

The European internal market has a consumer policy dimension in addition to the social dimension. In several Opinions the Committee has endorsed the Commission's approach to the completion of the internal market in foodstuffs and consumer goods. And the Committee is equally emphatic in calling for Community rules to ensure the safety and protection of consumers, product quality, protection against fraud, and the provision of consumer information, education and advice.

4. Community social dialogue

The role of Community social dialogue is to express the above two aims in a rapidly changing industrial and economic society: respect for national differences and adoption of Community rules. The Committee reiterates the importance it attaches to Community social dialogue, which should be developed on a sectoral basis, including public services, and calls on the Commission to press ahead with the implementation of Article 118b of the Treaty, particularly with a view to arriving as far as possible at European framework and collective bargaining agreements.

It is necessary to guarantee all components of the social fabric, in particular consumer, mutual and cooperative associations – in such a way as to involve representatives of the key socio-economic groups in appropriate forums — suitable scope to allow them to negotiate and, more broadly, exercise their functions.

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[1] OJ C 386, 31. 12. 1987 and CES 225/87 final.

[2] See ESC Own-initiative Opinion on cross-frontier labour market problems (OJ C 95, 11. 4. 1988).

IV — Comments on the implementation of basic social rights

The Committee feels that it is important not to classify the legal status of the instruments enshrining the basic social guarantees to be enjoyed by Europeans by using such traditional international social law terms as 'Charter', 'Treaty', 'Convention' or ' Covenant'. Any other course of action would be tantamount to relegating Community social policy to second place in the completion of the single market. [1]

In the Committee's view, the instruments and procedures specified in the Treaty are the ones to be deployed to (a) ensure that basic social rights are protected under the Member States' legal systems and (b) facilitate implementation of those social measures which are a *sine qua non* for the internal market to operate smoothly. Such action should be conducted in close liaison with the representatives of the social partners. The instrument guaranteeing protection of basic social rights will have to be adopted by the end of 1989 and the social measures which are crucial to smooth operation of the single market will have to observe a fixed timetable geared to the deadlines set for completion of the Community-wide market.

Future measures taken in accordance with this Opinion should in no way compromise any existing or future national legislation, collective agreements or treaty provisions according more favourable treatment to protected persons.

Without wishing to anticipate, at this stage in its work, the methodology for defining and implementing basic social rights, the Committee — as the spokesman for the economic and social forces — intends to undertake an annual review of the follow-up to future measures adopted in this field.

Done at Brussels, 22 February 1989

The Chairman of the Economic and Social Committee
Alberto MASPRONE

The Secretary-General of the Economic and Social Committee
Jacques MOREAU

[1] This would be inconsistent with the conclusions of the Social Council meeting on 22 June 1984 on the social area, namely that 'The Community will not be able to strengthen its economic cohesion in the face of international competition if it does not strengthen its social cohesion at the same time. Social policy must therefore be developed at Community level on the same basis as economic, monetary and industrial policy ' (OJ C 175/1, 3/4. 7. 1984).

Appendix I

List and titles af key international social law instruments already adopted by the United Nations, ILO and the Council of Europe

UN

- ☐ International Covenant on economic, social and cultural rights: Adopted on 16 December 1966 and entered into force on 3 January 1976

- ☐ Convention on the elimination of all forms of discrimination against women: Adopted on 18 December 1979 and entered into force on 3 September 1981

- ☐ Convention on the elimination of all forms of racial discrimination: Adopted on 21 December 1965 and entered into force on 4 January 1969

ILO

Conventions

14 — Weekly rest (industry) (1921)
26 — Minimum wage fixing machinery (1928)
29 — Forced labour (1930)
44 — Unemployment provision (1936)
81 — Labour inspection (1947)
87 — Freedom of association and the right to organize (1948)
88 — Employment service (1948)
89 — Night work (women) (1948)
90 — Night work of young persons employed in industry (1948)
94 — Labour clauses (public contracts) (1949)
95 — Protection of wages (1949)
98 — Right to organize and collective bargaining (1949)
100 — Equal remuneration (1951)
102 — Social security (minimum standard) (1952)
103 — Maternity protection (revised) (1952)
105 — Abolition of forced labour (1957)
106 — Weekly rest (commerce and offices) (1957)
111 — Discrimination (employment and occupation) (1958)
115 — Radiation protection (1960)
118 — Equal treatment (social security) (1962)
120 — Hygiene (commerce and offices) (1964)
121 — Employment injury benefit (1964)
122 — Employment policy (1964)
129 — Labour inspection (agriculture) (1969)
130 — Medical care and sickness benefit (1969)
132 — Holidays with pay (amended) (1970)
135 — Workers' representatives (1971)
138 — Minimum age (1973)
139 — Occupational cancer (1974)
140 — Paid educational leave (1974)
142 — Human resources development (1975)
143 — Migrant workers (1975)
144 — Tripartite consultation (1976)
148 — Working environment: Air pollution, noise, vibration (1977)
151 — Labour relations (public service) (1978)
154 — Collective bargaining (1981)
155 — Occupational safety and health (1981)
156 — Workers with family responsibilities (1981)
157 — Maintenance of rights in social security (1982)
158 — Termination of work contract (1982)
159 — Vocational rehabilitation and employment of the disabled (1983)
161 — Occupational health services (1985)

Recommendations

94 — Cooperation at the level of the undertaking (1952)
113 — Consultation (industrial and national levels) (1960)
129 — Communication within the undertaking (1967)
156 — Working environment (air pollution, noise and vibration)

Council of Europe

- ☐ Convention for the Protection of Human Rights and Fundamental Freedoms: Signed on 4 November 1950 and entered into force on 3 September 1953
- ☐ European Social Charter: Adopted on 18 October 1961 and entered into force on 26 February 1965
- ☐ European Cultural Convention: Signed on 19 December 1954 and entered into force on 5 May 1955
- ☐ European Code of Social Security and Protocol thereto: Adopted on 16 April 1964 and entered into force on 17 March 1968
- ☐ European Convention on Social Security and Supplementary Agreement for the application of the European Convention on Social Security: Adopted on 14 December 1972 and entered into force on 1 March 1977
- ☐ Convention for the Protection of Individuals with regard to Automatic Processing of Personal Data: Adopted on 28 January 1981 and entered into force on 1 October 1985
- ☐ European Convention on the legal status of migrant workers: Adopted on 24 November 1977 and entered into force on 1 May 1983
- ☐ Convention for the Protection of the Architectural Heritage of Europe: Adopted on 3 October 1985 and entered into force on 1 December 1987
- ☐ Additional Protocol to the European Social Charter: Adopted on 5 May 1988. Not yet in force.

Appendix II

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2. The preliminary draft and draft Community Charter of Basic Social Rights presented by the Commission of the European Communities

THE HEADS OF STATE OR GOVERNMENT OF THE MEMBER STATES OF THE EUROPEAN COMMUNITY MEETING AT.....—..... ON .....

Whereas, under the terms of Article 117 of the EEC Treaty, the Member States have agreed on the need to promote improved living and working conditions for workers so as to make possible their harmonization while the improvement is being maintained;

Having regard to the importance attached by the European Councils of Hanover and Rhodes to the implementation of a social policy at Community level, particularly in view of the impending completion of the internal market;

Having regard to the resolution of the European Parliament of 15 March 1989 and the opinion of the Economic and Social Committee of 22 February 1989;

Whereas one of the priority objectives in the economic and social field is to combat unemployment and to this end the completion of the internal market presents major opportunities for growth and job creation;

Whereas the completion of the internal market should be conducive to the approximation of improvements in living and working conditions, as well as economic and social cohesion within the European Community while avoiding distortions of competition;

Whereas the completion of the internal market must also offer improvements in the social field for citizens of the European Community, especially in terms of freedom of movement, living and working conditions, social protection, education and training;

Whereas, in a spirit of solidarity, it is important to combat every form of social exclusion and discrimination;

Whereas workers from third countries who are legally resident in a Member State of the Community should benefit from treatment comparable to that of workers of the Member State concerned;

[1] COM(89) 248 final, Brussels, 30 May 1989.

Whereas it is appropriate to draw inspiration from the Conventions of the International Labour Organization and from the European Social Charter of the Council of Europe;

Whereas the Treaty, as amended by the Single European Act, contains provisions laying down the powers of the Community, relative *inter alia* to the freedom of movement of workers (Arts 48 to 51), the right of establishment (Arts 52 to 58), the approximation of laws (Arts 100a), the social field (Arts 117 to 122) — in particular as regards improvement of the working environment (Art. 118a), the development of the dialogue between management and labour at European level (Art. 118b), the principle that men and women should receive equal pay for equal work (Art. 119), a common vocational training policy (Art. 128) and economic and social cohesion (Art. 130a to 130e);

Whereas the present Charter aims on the one hand to build on the progress made in the social field, in particular through Community action;

Whereas it aims, on the other hand, to be solemnly declared that the implementation of the Single European Act must be accompanied, either at European Community level or at the level of the Member States or of their constituent parts, by a development of the social rights of citizens of the European Community, especially workers and self-employed persons;

Whereas responsibility for the initiatives to be taken with regard to the implementation of these social rights, which must be guided by the principle of 'subsidiarity', lies, according to the circumstances, with the Member States or their constituent parts or with the European Community; whereas this implementation requires the involvement of the two sides of industry;

Whereas the solemn proclamation of fundamental social rights at European Community level must not, when implemented, provide grounds for any retrogression compared with the situation currently existing in each Member State,

Have adopted the following declaration constituting the Community Charter of fundamental social rights:

Title I

Fundamental social rights

Right to freedom of movement

1. Every citizen of the European Community shall have the right to freedom of movement throughout the territory of the Community subject to restrictions justified on grounds of public policy, public security or public health.

Harmonization of conditions of residence in all Member States, particularly those concerning family reunification, shall be continued.

2. The right to freedom of movement must enable any citizen to engage in any occupation or profession in the Community under the same terms as those applied to nationals of the host country, subject to the provisions of Community law.

3. This right to freedom of movement shall imply entitlement to equal treatment in all fields, including social and tax advantages.

4. In order to ensure the implementation of freedom of movement, those obstacles constituted by the non-recognition of certain categories of qualifications or occupational skills must be eliminated.

5. Special attention must be devoted to improving the living and working conditions of European Community citizens residing in frontier regions and, in particular, of frontier workers.

6. The wage conditions as well as other social benefits relating to this wage applied in the host country must in particular be guaranteed to workers of another European Community Member State performing work for the account of a subcontracting undertaking in the host country concerned.

7. Furthermore, social protection must be extended to all citizens of the Community engaged in gainful employment in a country other than their country of origin on terms identical to those enjoyed by workers of the host country.

8. Working conditions and social protection applicable in the place of employment must in particular be ensured in the event of public works contracts in the Community.

Employment and remuneration

9. All employment shall be fairly remunerated.

To this effect, either by law or by collective agreement at national, regional, interoccupational, sectoral or company level:

- ☐ decent wage shall be established:
- ☐ rules shall be laid down on the basis of which workers subject to terms of employment other than a contract of unfixed duration can be assured of an equitable reference wage;
- ☐ wages may be withheld, seized or transferred, only in accordance with national law; under no circumstances may employed persons be deprived of the necessary means of subsistence for themselves and their families.

10. Every individual is free to choose and engage in an occupation.

11. Every individual shall have access to placement services free of charge.

Improvement of living and working conditions

12. The development of a single European labour market must lead to an improvement in the living and working conditions of workers in the European Community, this process resulting from an approximation of these conditions, while the improvement is being maintained.

This approximation relates first and foremost to the organization and flexibility of working time, particularly by establishing a maximum duration of working time per week.

It also relates to all forms of employment other than contracts of unfixed duration and in particular to contracts of fixed duration, seasonal work, part-time work, temporary work, weekend work, night work and shift-work.

The improvement shall also cover, where necessary, the development of certain aspects of employment regulations, such as procedures for collective redundancies or those regarding bankruptcies.

13. Every worker residing in the European Community shall have a right to annual paid leave and to a weekly rest period.

Right to social protection

14. According to the arrangements applicable to each country:

- ☐ every citizen of the European Community shall have a right to adequate social protection;
- ☐ all workers, whatever their status and whatever the size of the undertaking in which they are employed, shall enjoy social security cover proportional, where appropriate, to length of service and pay and to their financial contribution to the appropriate social protection system.

15. Workers who are excluded from the labour market without being able to continue claiming unemployment benefit or who do not have adequate means of subsistence, shall be able to receive a minimum income and appropriate social assistance.

Right to freedom of association and collective bargaining

16. Every employer and every worker in the European Community shall have the right to belong freely to any professional or trade-union organization of his choice.

17. This right shall entail recognition of the right to belong to a union, the freedom to negotiate and conclude collective agreements, the right to resort to collective action in the event of a conflict of interests — including the right to strike and the freedom to join any association of a democratic nature or to renounce this right without any personal or occupational damage being thereby suffered by the individual concerned. The establishment and utilization of procedures of conciliation, mediation and arbitration for the settlement of industrial disputes should also be encouraged.

18. This right shall imply that relations based on agreements may be established between the two sides of industry at European level if they consider it desirable. The contractual agreements thus entered into may cover employment and working conditions, including measures of social protection for the workers concerned.

To this end, the dialogue between the two sides of industry at European level must be developed, in particular at interoccupational and sectoral level.

Right to vocational training

19. Every European Community worker shall have the opportunity to continue his vocational training during his working life. The public authorities, enterprises or, where appropriate, the two sides of industry, each within their own sphere of competence, shall set up continuing and permanent training systems enabling every citizen to undergo retraining, more especially through leave for training purposes, improve his skills or acquire new skills, particularly in the light of technical developments.

20. Every European Community citizen shall have the right to enrol for occupational training courses, including those at university level, on the same terms as those enjoyed by nationals of the Member State in the territory of which the courses take place.

Right of men and women to equal treatment

21. Equal treatment for men and women shall be guaranteed. Equal opportunities for men and women shall be developed.

To this effect, action shall be intensified to ensure the implementation of the principle of equality between men and women in matters of remuneration, access to employment, social protection, education and vocational training and career development.

Right to information, consultation and participation of workers

22. Information, consultation and participation of workers must be developed along appropriate lines and in such a way as to take account of the laws, contractual agreements and practices in force in the Member States. This shall apply especially in companies or groups of companies having establishments or companies in several Member States.

23. In particular, these provisions shall be implemented in the following cases:

- □ when technological changes that have major implications for the workforce as far as working conditions and work organization are concerned, are introduced into firms;
- □ in connection with restructuring operations in firms or mergers having an impact on the employment of workers;
- □ when transfrontier workers are affected by employment policies pursued by the firm where they are employed.

Right to health protection and safety at the workplace

24. Every worker must enjoy satisfactory health and safety conditions, more especially in his working environment, and appropriate measures must be taken to this effect with a view to achieving further harmonization of conditions in this area while maintaining the improvements made.

Such protection may not be jeopardized by the provisions concerning the implementation of the single market, especially where public works are concerned.

Protection of children and adolescents

25. Without prejudice to such rules as may be more favourable to young people, in particular those ensuring their preparation for work through vocational training, the minimum employment age shall be fixed at 16 years.

26. Young people of more than 16 years of age who are in gainful employment shall receive equitable remuneration. Furthermore, for a period of at least two years, they shall receive complementary vocational training during working hours in order to adapt to the requirements of their working life.

27. Appropriate measures shall be taken to adjust labour regulations applicable to young workers so that their specific development and vocational training needs are met.

The elderly

Every European Community citizen in retirement or early retirement shall be able to receive an income affording him or her a decent standard of living.

29. Any European Community citizen having reached retirement age but who is not entitled to a pension, for example owing to a very long period of exclusion from the labour market, and who does not have other adequate means of subsistence, shall be entitled to a minimum income.

30. Furthermore, the elderly must be given adequate social protection and specific additional measures shall be taken to ensure that they have social protection and medical assistance specifically suited to their needs and as wide an access as possible to that assistance.

The disabled

31. Measures shall be taken to ensure the fullest possible integration of the disabled into working life, in particular where vocational training, professional reinsertion and readaptation and social integration are concerned, by means of improving accessibility, mobility, means of transport and housing.

Title II

Implementation of the Charter

32. Member States commit themselves to take such steps as are appropriate and to mobilize all the resources that may be necessary in order to guarantee the fundamental social rights contained in this Charter and full implementation of the social measures indispensable to the efficient operation of the internal market. This shall be done either through legislative measures, or by encouraging both sides of industry to conclude collective agreements at national, regional, sectoral or company level.

33. The European Council hereby invites the Commission of the European Communities to pursue, within the framework of the Treaty, its present activities in the social domain and instructs it to present by 30 June 1990 an action programme with a set of related instruments.

34. The Commission is also instructed to present at regular intervals a report on the implementation of the principles of the Charter, in parallel with the implementation of the Treaty of Rome as amended by the single Act.

35. The Commission's report shall be transmitted to the Council of Ministers, the European Parliament and the Economic and Social Committee.

THE HEADS OF STATE OR GOVERNMENT OF THE MEMBER STATES OF THE EUROPEAN COMMUNITY MEETING AT - - - - ON - - - -

Whereas, under the terms of Article 117 of the EEC Treaty, the Member States have agreed on the need to promote improved living and working conditions for workers so as to make possible their harmonization while the improvement is being maintained;

Whereas, following on from the conclusions of the European Councils of Hanover and Rhodes, the European Council of Madrid considered that, in the context of the establishment of the single European market, the same importance must be attached to the social aspects as to the economic aspects and whereas, therefore, they must be developed in a balanced manner;

Having regard to the resolutions of the European Parliament of 15 March 1989 and 14 September 1989 and the opinion of the Economic and Social Committee of 22 February 1989;

Whereas one of the priority objectives in the economic and social field is to promote employment and to combat unemployment and whereas to this end the completion of the internal market presents major opportunities for growth and job creation;

Whereas the social consensus contributes to the strengthening of the competitiveness of undertakings, of the economy as a whole and of the creation of employment; thus it is an essential condition for ensuring sustained economic development;

Whereas the completion of the internal market must be conducive to the approximation of improvements in living and working conditions, as well as to economic and social cohesion within the European Community while avoiding distortions of competition;

Whereas the completion of the internal market must offer improvements in the social field for citizens of the European Community, especially in terms of freedom of movement, living and working conditions, social protection, education and training;

Whereas, in a spirit of solidarity, it is important to combat every form of social exclusion and discrimination, including discriminations on grounds of race, colour, and religion;

Whereas workers from non-member countries who are legally resident in a Member State of the Community should be able to enjoy treatment comparable to that enjoyed by workers who are nationals of the Member State concerned;

[1] COM(89) 471 final, Brussels, 2 October 1989.

Whereas inspiration should be drawn from the Conventions of the International Labour Organization and from the European Social Charter of the Council of Europe;

Whereas the Treaty, as amended by the Single European Act, contains provisions laying down the powers of the Community, relating, *inter alia,* to the freedom of movement of workers (Arts 7 and 48 to 51), the right of establishment (Arts 52 to 58), the social field (Arts 117 to 122), in particular as regards the improvement of the working environment (Art. 118a), the development of the dialogue between management and labour at European level (Art. 118b), equal pay for men and women for equal work (Art. 119), a common vocational training policy (Art. 128), economic and social cohesion (Art. 130a to 130e) and, more generally the approximation of legislation (Arts 100, 100a and 235);

Whereas the aim of the present Charter is to consolidate the progress made in the social field, in particular through Community action;

Whereas its aim is also to declare solemnly that the implementation of the Single European Act must take full account of the social dimension of the Community and that, in this context, the development of the social rights of citizens of the European Community, especially workers and self-employed persons, must be assured at appropriate levels;

Whereas responsibility for the initiatives to be taken with regard to the implementation of these social rights, which must be applied according to the principle of 'subsidiarity', lies, according to the circumstances, with the Member States or their constituent parts or with the European Community; whereas this implementation may take the form of laws, collective agreements or existing practices and requires, where appropriate, the active involvement of the two sides of industry at the various levels concerned;

Whereas the solemn proclamation of fundamental social rights at European Community level must not, when implemented, provide grounds for any retrogression compared with the situation currently existing in each Member State.

HAVE ADOPTED THE FOLLOWING DECLARATION CONSTITUTING THE COMMUNITY CHARTER OF FUNDAMENTAL SOCIAL RIGHTS:

Title I

Fundamental social rights

Right to freedom of movement

1. Every citizen of the European Community shall have the right to freedom of movement throughout the territory of the Community subject to restrictions justified on grounds of public order, public safety or public health.

2. The right to freedom of movement shall enable any citizen to engage in any occupation or profession in the Community on the same terms as those applied to nationals of the host country, subject to the provisions of Community law.

3. The right to freedom of movement shall imply entitlement to equal treatment with nationals of the host country in all fields, including social advantages and taxation.

4. This right of freedom of movement shall imply that:

- Harmonization of conditions of residence in all Member States, particularly those concerning family reunification, must be continued.
- Obstacles arising from the non-recognition of certain categories of diplomas or occupational qualifications must be eliminated.
- Special attention must be devoted to improving the living and working conditions of European Community citizens residing in frontier regions and, in particular, of frontier workers.

5. The working conditions as well as social protection shall be guaranteed to all Community workers engaged in non-temporary gainful employment in a Member State other than their country of origin, in particular when awarding public works contracts on terms identical to those enjoyed by workers of the host country.

6. Recourse to subcontracting in the context of the freedom to provide services, when it leads a worker of one Member State to perform non-temporary work in another Member State cannot be an obstacle to the principle of equal treatment with workers of the host country, especiallay in so far as the wage conditions and the other social benefits related to this wage are concerned.

Employment and remuneration

7. Every individual shall be free to choose and engage in an occupation according to the regulations governing each occupation.

8. All employment shall be fairly remunerated.

To this effect, either by law or by collective agreement at national, regional, interoccupational, sectoral or company level or in accordance with national practices:

- a decent wage shall be established, particularly at the level of the basic wage;
- rules shall be laid down on the basis of which workers subject to terms of employment other than an open-ended full time contract can be assured of an equitable reference wage;
- wages may be withheld, seized or transferred only in accordance with national law; such provisions should entail measures enabling the worker concerned to continue to enjoy the necessary means of subsistence for himself and his family.

9. Every individual must be able to have access to public placement services free of charge.

Improvement of living and working conditions

10. The development of a European labour market must lead to an improvement in the living and working conditions of workers in the European Communiy, this process resulting from an approximation of these conditions while the improvement is being maintained. This process will concern:

- the organization and flexibility of working time, particularly by establishing a maximum duration of working time;
- all forms of employment other than open-ended contracts, and in particular fixed-term contracts, seasonal work, part-time work and temporary work;
- other forms of work such as weekend work, night work and shift work as well as to systematic overtime.

The improvement must also cover, where necessary, the development of certain aspects of employment regulations such as procedures for collective redundancies or those regarding bankruptcies.

11. Every worker residing in the European Community shall have a right to annual paid leave and to a weekly rest period, or to a rest period at a regular rhythm to be agreed jointly by the two sides of industry.

12. Every worker residing in the European Community shall have a right to have his conditions of employment stipulated in a contract of employment save where such conditions are governed by law or collective agreement.

Right to social protection

13. According to the arrangements applying in each country:

- every citizen of the European Community shall have a right to adequate social protection;
- all workers, whatever their status and whatever the size of the undertaking in which they are employed, must enjoy adequate levels of social security benefits proportional, where appropriate, to length of service and pay and to their financial contribution to the appropriate social protection system;
- persons who have been unable either to enter or re-enter the labour market and who are no longer eligible for unemployment benefit, must be able to

receive a minimum income and appropriate social assistance;

- persons, especially the elderly, who do not have adequate means of subsistence must be able to receive a minimum income modulated or complemented by appropriate social assistance.

Right to freedom of association and collective bargaining

14. Every employer and every worker in the European Community shall have the right to join freely any professional organization, trade union, or any association of his choice legally constituted.

Everyone shall have the freedom to exercise this right or to renounce it without any personal or occupational damage being thereby suffered by the individual concerned.

15. This right shall entail recognition of the right to belong to a union, the freedom to negotiate and conclude collective agreements, which should be promoted.

This right shall imply that relations based on agreement may be established between the two sides of industry at European level if they consider it desirable. The texts of the agreements thus concluded may cover employment and working conditions as well as related social entitlements.

To this end, the dialogue between the two sides of industry at European level must be developed, in particular at interoccupational and sectoral level.

16. The right to resort to collective action in the event of a conflict of interests includes the right to strike, save in exceptions specified in existing legislation.

In order to facilitate the settlement of industrial disputes it is desirable to make possible the establishment and utilization of procedures of conciliation, mediation and arbitration.

Right to vocational training

17. Every European Community worker must have the opportunity to continue his vocational training throughout his working life. The public authorities, enterprises or, where appropriate, the two sides of industry, each within their own sphere of competence, must set up continuing and permanent training systems enabling every citizen to undergo retraining, more especially through leave for training purposes, improve his skills or acquire new skills, particularly in the light of technical developments.

18. Every European Community citizen shall have the right to enrol for occupational training courses, including those at university level, on the same terms as those enjoyed by nationals of the Member State in the territory of which the courses take place.

Right of men and women to equal treatment

19. Equal treatment for men and women must be assured. Equal opportunities for men and women must be developed.

To this end, action should be intensified to ensure the implementation of the principle of equality between men and women in matters of remuneration, access to employment, social protection, education and vocational training and career development.

Such action shall imply the development of amenities enabling those concerned to reconcile their occupational and family obligations more easily.

Right of workers to information, consultation and participation

20. Information, consultation and participation of workers must be developed along appropriate lines and in such a way as to take account of the laws, collective agreements and practices in force in the Member States.

This shall apply especially in companies or groups of companies having establishments or companies in several Member States of the European Community.

21. In particular, these provisions must be implemented in due time in the following cases:

- when technological changes which, from the point of view of working conditions and work organization, have major implications for the workforce are introduced into firms;
- in connection with restructuring operations in firms or in cases of mergers having an impact on the employment of workers;
- in case of procedures of collective redundancies or those regarding bankruptcies;
- when transfrontier workers are affected by employment policies pursued by the firm where they are employed.

Right to health protection and safety at the workplace

22. Every worker must enjoy satisfactory health and safety conditions, more especially in his working environment. Appropriate measures must be taken to this effect with a view to achieving further harmonization of conditions in this area while maintaining the improvements made.

Such protection may not be jeopardized by provisions concerning the implementation of the single market, especially as regards the awarding of public works contracts.

Protection of children and adolescents

23. Without prejudice to such rules as may be more favourable to young people, in particular those ensuring their preparation for work through vocational training, the minimum employment age must be fixed at 16 years.

24. Young people aged over 16 who are in gainful employment must receive equitable remuneration.

25. Appropriate measures must be taken to adjust labour regulations applicable to young workers so that their specific development and vocational training needs are met.

Furthermore, for a period of at least two years, following the end of compulsory education, young people must be entitled to receive two years of initial vocational training in order to adapt to the requirements of their future working life; for young workers, such training must take place during working hours.

26. Except where so permitted by legal provisions or the provisions of collective agreements, young workers aged under 18 may not work more than 40 hours per week and shall not perform night work.

Elderly persons

27. Every person in retirement or early retirement must be able to enjoy resources affording him or her a decent standard of living.

28. Any person who has reached retirement age but who is not entitled to a pension, for whatever reason, or who does not have other adequate means of subsistence, should be entitled to a minimum income, modulated or complemented by social protection, and medical and social assistance specifically suited to their needs and as wide an access as possible to such assistance.

Disabled persons

29. All disabled persons, whatever be the origin and nature of their disablement, must be entitled to additional concrete measures aiming at improving their social and professional integration.

These measures must concern, in particular, according to the capacities of the beneficiaries, vocational training, ergonomics, accessibility, mobility, means of transport and housing.

Title II

Implementation of the Charter

30. The Member States commit themselves to take such steps as are appropriate and to mobilize all the resources that may be necessary in order to guarantee the fundamental social rights contained in this Charter and full implementation of the social measures indispensable to the efficient operation of the internal market. This shall be done either through legislative measures or by encouraging both sides of industry to conclude collective agreements at national, regional, sectoral or company level.

31. The European Council hereby invites the Commission of the European Communities to pursue, within the framework of the Treaty, its present activities in the social domain and instructs it to present, by 31 December 1989 at the latest, an action programe with a set of related instruments.

32. The Commission is also instructed to present at regular intervals a report on the implementation of the principles of the Charter, in parallel with the implementation of the Treaty of Rome as amended by the Single Act.

33. The Commission's report shall be forwarded to the Council of Ministers, the European Parliament and the Economic and Social Committee.

3. From the Council of Ministers to the European Council

A few words of explanation . . .

At the 1 357th session of the Council of the European Communities, which took place in Brussels on 30 October 1989, the Presidency, held by France, transmitted to the European Council the draft Charter and an accompanying report. The Heads of State or Government of 11 Member States subsequently adopted the draft Charter as submitted by the Council of the European Communities and the Presidency presented its conclusions.

A — The report of the Presidency to the European Council

After a long and constructive discussion, the Presidency notes that the procedure defined by the European Council in Madrid for drawing up the Charter of Basic Social Rights for Workers has been observed.

On the basis of the Commission's draft, the social partners were consulted on 17 and 18 October, the European Parliament was informed on 17 October, and the Economic and Social Committee on 18 October.

The Community Charter of Basic Social Rights for workers must express the Member States' desire to harness together economic development and social progress in the Community, while complying with the principle of subsidiarity and, in general, remaining strictly within the powers of the Community authorities as defined by the Treaties.

The amendments submitted by the Member States have been taken into account and a Presidency draft drawn up. It defines the fundamental social rights of European workers in 26 articles.

The Presidency has taken note of the Council's agreement to forward the attached draft Charter with a view to a decision on adoption by the European Council.

The United Kingdom delegation, having objections to a number of articles of the Charter, maintained its general reservation.

The Presidency has noted that, before the European Council meets, the Commission intends to submit an action programme on the practical implementation of the rights laid down in this Charter.

It invites the Commission in so doing to take into account the requests made by a number of delegations relating *inter alia* to the length of annual leave, pay for public holidays and sickness leave, protection of children and adolescents, the situation of pregnant women and mothers of small children, integration of the disabled into the ordinary working environment, health and safety at the workplace, vocational guidance, the mutual recognition of qualifications and temporary work.

In addition, the Presidency wants genuine equality of treatment to be applied to all workers, and to cover all forms of work, in particular work which offers no long-term security. It believes that, allowing for the differences in situations, any worker employed in another Member State in the context of subcontracting or the award of public works contracts should enjoy equal treatment with employees of the host country.

In connection with the priorities which the Council has set itself regarding employment and vocational training, it hopes that the project to set up a European employment observatory will be examined by the Council at its meeting on 30 November, along with the Community programme for the development of continuing training for employees in undertakings.

Lastly, it stresses the importance which it attaches to continuation of the dialogue between management and labour, particularly as regards the implementation of the principles laid down in the Charter.

To recap . . .

From March 1975, the date of the first session of the European Council in Dublin, until the 42nd session (that of 8 and 9 December 1989 in Strasbourg), social issues came to figure increasingly in the work of the Heads of State or Government.

The European Council of Hanover (27 and 28 June 1988) stressed 'the importance of the social aspects of progress towards the objectives of 1992'.

The European Council of Rhodes (2 and 3 December 1988) was more explicit and considered that 'the completion of the single market cannot be regarded as an aim in itself but as pursuing a greater objective which consists in ensuring a maximum of well-being for all in accordance with the tradition of social progress established in the history of Europe'.

As for the application of social rights, the Council 'awaits such proposals as the Commission considers it appropriate to bring forward based on the Social Charter of the Council of Europe'.

A further step was taken by the European Council of Madrid (26 and 27 June 1989) which stated that in the context of the establishment of the single European market 'the same importance should be assigned to social aspects as to economic aspects and that they should consequently be developed in a balanced manner'.

For the first time, the European Council was presented with the preliminary draft Charter drawn up by the Commission. It was discussed initially at the session of the Council of Ministers for Social Affairs on 12 June 1989.

That preliminary draft and the first discussions had given rise to draft conclusions of the Council of Social Affairs accepted by 11 delegations at the European Council of Madrid.

B — Conclusions of the Presidency to the European Council Strasbourg, 8 and 9 December 1989

(. . .)

The Community is determined to carry out all the commitments contained in the Single Act in order to continue and extend the process of integration with a view to European Union. This presupposes that the Community must finish off, within the time-limits laid down, the completion of the single market and that it should apply itself, at the same time, to giving concrete form to large-scale projects which will signify a new stage in its development.

(. . .)

G — Social dimension

Establishment of the single market has already led to significant results, as evidenced by sustained growth, a considerable increase in investment and in particular by the creation of new jobs, projected at five million for 1988-90.

The European Council considers that this trend, together with the adoption of directives on the health and safety of workers, Community action programmes relating to the integration of unemployed young persons into working life and the fight against long-term unemployment, and of those relating to vocational training, constitute decisive aspects of the Community social dimension.

The Heads of State or Government of 11 Member States adopted the Community Charter of Basic Social Rights for Workers. This Charter reflects their sincere attachment to a model of social relations based on common traditions and practices. It will serve them as a reference point for taking fuller account in future of the social dimension in the development of the Community.

The European Council takes note of the fact that the Commission has drawn up an action programme on the application of the Charter and calls upon the Council to deliberate upon the Commission's proposals in the light of the social dimension of the internal market and having regard to national and Community responsibilities.

(. . .)

4. Resolutions of the European Parliament

A few explanations:

The resolutions of the European Parliament in the social sphere are numerous. It would be impossible to cite them all. This is why double limits were necessary: on the one hand, we had to concentrate on what concerned the Charter and on the other we had to stick to what was absolutely essential.

The resolution on the Community Charter of Fundamental Social Rights adopted following the report by Mrs M. Buron (see her article above) is essential reading (No 1). However, significant extracts are reproduced from other resolutions, notably that of 15 March 1989 (No 2) and those of 14 September 1989 (Nos 3 to 8). Lastly, for the sake of completeness, extracts from the resolutions of 12 October (No 9), 22 November 1989 (Nos 10 to 15) and 14 December 1989 (Nos 16 to 18) are also reproduced. However, only reading of the full text of the various resolutions makes it possible to appreciate their full scope and nuances.

All these resolutions are published in the Minutes of the European Parliament before being published slightly later in the Official Journal of the European Communities *No C ...*

1. Resolution

on the Community Charter of Fundamental Social Rights

The European Parliament,

Having regard to Rule 121 of its Rules of Procedure,

Having regard to the report of the Commission of the European Communities (COM(89) 471 final),

Having regard to the social provisions of the Treaties of Rome as amended by the Single Act and the Accession Treaties of the various Member States,

Having regard to the conclusions of the Hanover European Council of 27 and 28 June 1988, the Rhodes European Council of 2 and 3 December 1988 and the Madrid European Council of 26 and 27 June 1989,

Having regard to the opinion of the Economic and Social Committee of 22 February 1989 on fundamental Community social rights,

Having regard to its resolutions of 15 March 1989 on the social dimension of the internal market [1] and 14 September 1989 on the implementation of economic and social cohesion, [2]

Convinced that social rights form part of the part of the general body of fundamental human rights and that their definition in a formal declaration at Community level underlines the significance which attaches to them,

Having regard to Parliament's Declaration on Fundamental Rights and Freedoms adopted on 12 April 1989, [3] and in particular Articles 3, 8, 12, 13, 14 and 15 thereof,

Having regard to the report of the Committee on Social Affairs, Employment and the Working Envrionment and the opinions of the Committee on Institutional Affairs and the Committee on Women's Right (Doc. A 3-69/89),

A — Whereas the strengthening of the Community's economic and social cohesion in the Community, provided for in Article 130a, is a prerequisite for the success of the internal market and implies that the creation of a genuine social Europe must keep up with progress made in the economic, technological and financial aspects of European integration,

B — Having regard to the urgent need to establish this area, in the light of the deadline of 31 December 1992,

C — Convinced that the adoption by the Council of the Charter of Fundamental Social Rights constitutes the first step towards strengthening the social dimension and should be seen as a call for an action programme to put into effect the rights defined in this Charter,

D — Whereas this social dimension depends on the Community's adopting and implementing all the fundamental social rights enshrined in Community law, creating new scope for actions before the Court of Justice, which cannot be called into question by pressure of competition or a desire to improve competitive position,

E — Whereas these fundamental rights will form one basis for the future negotiations between the two sides of industry provided for in Article 118b, their participation being essential to the success of the internal market,

F — Whereas a dynamic policy for growth and the creation of stable jobs which takes account of environmental protection needs must also be pursued before there can be economic and social cohesion,

G — Whereas, as a Community institution expressing the will of European citizens, it has the firm obligation to defend and promote their legitimate aspirations concerning the improvement of living and working conditions,

1. Vigorously deplores the fact that the procedure followed by the Commission and Council in adopting a text of such vital importance to the European Community did not permit the European Parliament to be associated with its adoption;

2. Considers that the draft Social Charter adopted by the Commission on 27 September 1989 constitutes a first step towards the establishment of fundamental social rights in the European Community but that it represents a minimum threshold below which the European Council cannot go; deplores the watering down of many points in the amended text of the Charter accepted by the Council of Social Affairs' Ministers on 30 October 1989 for forwarding to the European Council in Strasbourg; calls on the Strasbourg Council to revise and improve the text to preserve its credibility in the fact of the expectations of Community citizens; regrets that the Charter has not been embodied in Community law by means of binding instruments, as called for by the European Parliament in its resolutions of 15 March 1989 and 14 September 1989;

3. Calls on the Council to conduct a conciliation procedure with Parliament on the Charter before the Strasbourg Summit;

4. Stresses that this draft Charter is at the same time still inadequate and imprecise in many respects and draws the Council's attention to disagreement on the following points:

- ☐ the fact that workers from a third country will not receive the same treatment as workers from a Member State,
- ☐ the restriction of numerous rights to those in 'non-temporary' employment, which places a dangerous question mark against the fate of temporary workers employed in a Member State other than their own and which may lead to social dumping,
- ☐ the repeated references to 'national legislation' and 'national practices' (the right to strike, child labour, etc.) which must on no account be allowed to weaken the fundamental nature of the rights set out in the Charter, nor be interpreted by certain Member States to the detriment of workers;

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[1] OJ C 96, 17. 4. 1989, p. 61.

[2] Minutes of that day's sitting, Part II, Item 7.

[3] OJ C 120, 16. 5. 1989, p. 5.

5. States, in addition, that:

- ☐ the adoption of the Charter must commit the Council, the Commission and the Parliament to adopting practical implementing provisions in the near future and commit the Member States to carrying them out,
- ☐ the full value of the Charter will be brought out only through the implementation, in accordance with a strict timetable, of binding measures, in particular those provided for in the action programme submitted by the Commission and on which Parliament will have delivered its opinion, and that these measures must become an integral part of the Communities' legal system and be accepted as a basis for legal action,
- ☐ the action programme must take account of its abovementioned resolutions of 15 March and 14 September 1989 and must, without fail, be submitted to Parliament before it is implemented;

6. Stresses, with a view to the completion of the internal market and to protecting the interests of all Community nationals, that it considers that priority should be given in the Charter and the action programme to:

- ☐ the creation of jobs, in order to make the right to paid work feasible,
- ☐ the right to public social protection,
- ☐ the right to a minimum salary which ensures a living standard compatible with those of the Member States in which the worker is employed,
- ☐ the right to claim to continue to receive remuneration in the event of sickness,
- ☐ the right to a minimum income related to the average cost of living of the Member State concerned together with measures to facilitate reintegration into the world of work,
- ☐ the right of all workers to equal protection regardless of their nationality, race, religion, age, sex, sexual preference or legal status,
- ☐ the right to guarenteed social protection for atypical working situations, in particular:
  - work at home;
  - part-time work;
  - supply work;
  - temporary work, etc.;
- ☐ the effective establishment of the right to freedom of movement and professional mobility for workers and self-employed persons, which implies, *inter alia,* the universal recognition of diplomas, qualifications and training; in this connection any discrimination in the host country in respect of salaries, working conditions, social protection and taxation must be banned,
- ☐ the gradual upward harmonization, to the highest level, of social protection systems and the immediate provision of guarantees as to the continuity and transferability of these rights,
- ☐ the right of workers and their representatives to information, prior consultation and participation, in particular with regard to business strategies and programmes in the case of technological innovations, reorganization of work, transfers and changes in undertakings, including takeover bids and share-exchange offers, or mass redundancies,
- ☐ equal treatment for men and women and an end to discrimination against older workers,
- ☐ the right of the family to appropriate compensatory payments in accordance with the number of children,
- ☐ the right to continuing vocational training and paid educational leave for men and women,
- ☐ the right of association and collective action including the right to strike, and to collective bargaining, as well as the right of workers' representatives to legal protection in the exercise of their duties, and the right to form industrial organizations and to join or not join them (positive and negative right of free association),
- ☐ the right to a share of the profits resulting from their undertakings' activities,
- ☐ the right to health at the workplace and to a healthy working environment,
- ☐ the drawing up of rules for the reorganization and reduction of working hours, in agreement with the social partners, to enable people to divide up their time more satisfactorily between their working lives and their private lives, thereby guaranteeing both men and women a full working, family and social life,
- ☐ the right of workers to protection against dismissal,
- ☐ the right to maternity protection with remuneration continuing to be paid pursuant to ILO rules,
- ☐ the right of workers to a share of productive wealth;

7. Opposes any restrictive interpretation of the provisions of the EEC Treaty on social matters, since any such interpretation would be contrary to Article 2 of the Treaty; calls on the Commission, so as to ensure the rapid adoption of the measures set out in the action programme, to make full use of the legal potential of the Single Act, and in particular Article 118a, [1] in accordance with the statement made by Mr Jacques Delors, President of the Commission, in Parliament on 13 September 1989; Article 118a should constitute the natural legal basis for areas as important as:

- ☐ the adjustment and reduction of working hours, in particular as regards maximum working hours, length of holidays, night work and shift work, overtime, etc.,
- ☐ the organization of working hours, and measures enabling workers to reconcile family and professional life;

8. Calls, in addition, for the extension of the procedures provided for in the Single Act (qualified majority voting in the Council and the cooperation procedure with Parliament) to include all those areas connected with the establishment of the social dimension of the internal market to be placed on the agenda for the next intergovernmental conference;

9. Calls on the Commission to submit to it, annually, the report provided for in the draft Charter, this to include an assessment of the implementation of the complementary action programme;

[1] See resolution of 15 December 1988.

10. In view of its concern regarding the scant headway achieved in the dialogue between management and labour stipulated in Article 118b, calls on the Commission to play a more active role in encouraging social dialogue and stressed that the necessary legislative advances must be accompanied by:

- the establishment of an indispensable Community legal framework so that social dialogue — a vital tool for the implementation of the Charter — may lead to Community framework agreements and the adoption of a directive on economic democracy, [1]

- an active, adequately funded employment policy, and specific measures in all the Member States, so as to provide the best possible practical guarantees of the universal right to employment, with special attention being given to less-favoured regions and the long-term unemployed;

11. Recalls that the Social Charter of the Council of Europe, with its additional protocol, constitutes a basis for Community law, and that there is a pressing need for all the Member States to complete the ratification procedure and ensure the implementation of the Charter, the same applying to the ILO Conventions;

12. Calls on the Strasbourg European Council to give a firm mandate to the Commission and the Council of Social Affairs' Ministers to adopt, on the basis of the action programme and with the legislative participation of Parliament, the related measures in accordance with a precise timetable and, in any event, before 31 December 1992;

13. Considers that the existence of a Charter of Fundamental Social Rights and an action programme does not relieve the Council, Commission and European Parliament of their duty to pay proper attention to the shortcomings in social terms of directives, regulations, action programmes and resolutions on matters relating to company law and economic, financial and monetary affairs;

14. Urges the Commission, as part of the planned action programme on fundamental social rights, to take account of the specific situation of women on the labour market and the aim of equal treatment for men and women, to implement without delay measures in the texts already submitted and to speed up the execution of the directives approved by the European Parliament, by drawing up proposals for directives in the fields listed in the opinion of the Committee on Women's Rights, [2] and to seek solutions to the equality directives which are at present blocked by the Council;

15. Reserves the right to make its agreement to internal market measures in the business, financial and economic fields, which it is considering or is yet to consider, conditional on the content, legally binding nature and pace of introduction of measures contained in the action programme;

16. Instructs its President to forward this resolution to the Strasbourg European Council, the Commission, the Council, the Economic and Social Committee, the European Trade Union Confederation, Unice and the parliaments of the Member States.

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[1] See resolution of 15 March 1989.

[2] See Doc. A 3-69/89.

2. Resolution

on the social dimension of the internal market

The European Parliament,

having regard to motions for resolutions B2-116/86 . . .

having regard to the Commission document on the social dimension of the internal market (SEC(88) 1148 final),

having regard to the final conclusions of the European Council of Hanover (27/28 June 1988) and the European Council of Rhodes (2/3 December 1988),

having regard to the report by its Committee on Social Affairs and Employment and the opinion of the Committee on Youth, Culture, Education, Information and Sport (Doc. A2-399/88),

A — whereas the creation of a harmonious economic and social area will be possible only in so far as the development models adopted can reconcile the economic growth essential to the Community with a strengthening of economic and social cohesion, contribute to social progress and lead to real economic convergence,

B — whereas the establishment of the internal market as a means of bringing about the economic growth essential to the European Community will therefore only be a success if, alongside the economic, financial, fiscal and commercial aspects already broached, a programme of specific, time-tabled measures is adopted and implemented, which give expression to the social dimension of the internal market and contribute to social progress,

C — whereas social policy cannot but include the effective stepping up of the cooperation strategy for growth and employment, and also the application of social measures which make provisions for current changes in technology and make it possible to keep up with such changes,

D — noting that the major obstacles which still exist to the effective exercise of the free movement of persons and freedom of establishment, represent barriers to the creation of a people's Europe,

E — whereas granting the right to vote in local elections to citizens of one Member State residing in another Member

State constitutes an important step towards the creation of a people's Europe and hence the proposal for a directive establishing this right should be welcomed,

F — whereas the European Community should be not only an economic area but also a social and cultural area and whereas a commitment to the social and cultural dimensions is essential for the creation of a people's Europe and, all the more so, for European union,

G — mindful that no obstacles should be raised to the adoption of new measures intended to improve working conditions, nor should the levels of protection of workers' rights already reached in the Member States be reduced,

H — whereas economic democracy, as an expression of the right of workers to have access to information, to consultation and to negotiation, should allow the social partners to participate effectively in the establishment of the internal market and the life of the Community,

I — whereas the main economic and social problem confronting the European Community remains the need to implement an effective and comprehensive policy aimed at combating mass unemployment on a permanent basis and which, being unevenly distributed, requires a special response, with particular reference to long-term unemployment both over and under the age of 25 and to unemployment amongst young people and women,

J — whereas knowledge, experience, research and technology are the bases of contemporary economies, calling for a specialized workforce, and aware that mutual recognition of professional qualifications, worker retraining and updating of skills and of information contribute to greater mobility of workers and allow the labour market to function more efficiently,

K — noting that the social dimension of the internal market has been approached above all from the stance of the working population seen as a production factor, that the growing number of 'non-employed' social categories, whose position is already unfavourable, have been forgotten, and that this has contributed to the growth of discrimination within the Community,

L — whereas it is becoming necessary to adopt measures to integrate immigrants into the Community from third countries, with a view to combating the difficulties they will face when the internal market is established,

M — whereas, finally, the social dimension of the internal market should be founded upon the adoption at Community level of the fundamental social rights which should not be jeopardized because of the pressure of competition or the search for increased competitiveness, and could be taken as the basis for the dialogue between management and labour referred to in Article 118b of the EEC Treaty,

(...)

PART VIII: Fundamental social rights

55. Is convinced of the need, in accordance with the Commission's wishes, to introduce Community legislation laying down a platform of fundamental workers' rights related to the completion of the internal market, in order to ensure economic and social cohesion as mentioned in Article 130a of the EEC Treaty;

56. Calls on the Commission to draw up, as a matter of priority, and in close cooperation with the social partners, directives and regulations setting out these rights, on the broadest possible legal basis, and in particular Article 118a in its wider sense as defined in Parliament's resolution of 15 December 1988, [1]

57. Strongly urges, following the opinion of the Economic and Social Committee, the urgent adoption by the Council of a directive for the application of fundamental social rights in all the Member States of the Community;

58. States that the fundamental social rights to be guaranteed to workers, whatever their terms of employment and the type of undertaking, should include the following:

- ☐ the right to equal opportunities and to equal pay for equal work, without discrimination on grounds of sex,
- ☐ the right to safety and health at the workplace,
- ☐ the protection of minors,
- ☐ the right to free association and the right to strike,
- ☐ the right of workers to be informed, to be consulted and to participate,
- ☐ the right to free collective bargaining,
- ☐ the right to initial and on-going vocational training and vocational guidance,
- ☐ the right to social protection and a pension,
- ☐ the right to an appropriate wage in accordance with national legislation or collective agreements and to financial security for workers, and the right to above-subsistence level compensatory payments and financial support for workers excluded from the job market throught no fault of their own,
- ☐ the right to a minimum guaranteed wage and a minimum guaranteed income for workers excluded from the job market,
- ☐ the right to petition the Court of Justice of the European Communities,
- ☐ the right to free choice of job, place of work and place of training within the Community;

59. Stresses the importance of laying down, as the internal market is achieved:

- ☐ the right to vocational mobility, in its various forms,
- ☐ the right to equal protection for all workers whatever their terms of employment,
- ☐ the right to be informed and consulted and to participate in the event of technological innovation or change

[1] See minutes of that day's sitting (Part II, Item 11).

to the organization of work, transfers within undertakings or any change in the status of undertakings,

- the right, in the same circumstances, to suitable training and/or retraining;

60. Points out that the ILO Conventions and the Council of Europe's Social Charter provide a firm basis for Community laws; urges therefore the Member States which have not yet done so to ratify them, in particular the Council of Europe's Social Charter and Additional Protocol;

61. Calls on the Member States, furthermore, to give a formal undertaking, in the form of a Charter, to guarantee all their citizens fundamental rights such as the right to health care, satisfactory housing and environmental conditions, a decent existence, social protection, a pension, education and continuing education, free movement etc. and to initiate or continue joint policies in those spheres;

62. Instructs its President to forward this resolution to the Council, the Commission, the Economic and Social Committee and the governments and parliaments of the Member States.

3. Resolution

on economic and social cohesion

The European Parliament,

having regard to the decision of the European Council meeting on 26/27 July 1989 in Madrid,

(...)

1. Welcomes the progress made hitherto towards the completion of the single market and notes with deep satisfaction that the anticipated positive effects of the single market on growth and the employment situation are already beginning to be seen;

2. Expects now, however, that specific measures will at long last be taken to ensure that young people are better integrated into working life and that the training of the long-term unemployed is improved, so that they, too, may benefit from the positive effects of the internal market on the employment situation;

3. Points to the serious social and regional disparities within the Community and hopes that greater efforts will be made to reduce those disparities;

4. Looks not only for an inventory of this situation to be made but also for a specific programme in the form of a White Paper for the achievement of social and economic cohesion;

5. Supports the efforts of the European Council to introduce the mutual recognition of professional and vocational qualifications and calls, therefore, on the Commission, the Council and the social partners to enshrine the results of their deliberations in legislation so as to guarantee freedom of choice as to the type and place of work;

6. Cannot be content with a solemn declaration of the Council concerning the fundamental social rights of workers and calls, therefore, despite all the problems involved, for the embodiment of fundamental social rights in Community law as rights that may be tested in the courts and for the progressive approximation of social security schemes at the highest level;

(...)

4. Resolution

on the achievement of economic and social cohesion

The European Parliament,

A — whereas the European Councils in Rhodes and Madrid failed to take the necessary measures to ensure genuine economic and social cohesion in the Community and put an end to the subordination of the social policy of harmonization with progress,

B — whereas, on the contrary, the measures decided on at the above European Councils concerning the free movement of capital, as well as the prospect of the total abolition of capital taxation, are likely to jeopardize the social rights which have been gained in the Member States of the Community and to undermine the promotion of those social rights,

(...)

4. Calls for genuine cooperation with all trade union organizations at Community level with a view to ensuring that workers are enabled significantly to influence EEC decisions;

5. Expresses the view that, on the basis of workers' proposals, the project for a Charter of Social Rights should be made binding, in order to guarantee progress with equality;

6. Calls on the Commission and the Council, in this spirit, to accept the amendments already adopted by Parliament and endorsed by the trade unions to the directives concerning health and safety in the workplace, which will guarantee that workers' rights are harmonized in a progressive direction;

7. Urges the European Council to give priority to these matters at its next meeting in Strasbourg, and to propose measures to this end;

(...)

5. Resolution

on economic and social cohesion

The European Parliament,

A — having regard to the crucial importance of the social dimension of the internal market, which is an absolutely essential condition for the construction of a large common economic area,

B — having regard to the lack of enthusiasm shown by the European Council in Madrid and to the superficial manner in which the Twelve have dealt with the issue of economic and social cohesion,

C — whereas the European Social Charter should define the fundamental principles of the European social area, while guaranteeing a margin of independence to national and regional governments,

D — whereas, according to the Commission's estimates in its annual economic report for 1988/89, the GNP of the four poorest Member States will be approximately 65 % of the Community average by 1992 (as opposed to 60 % in 1987),

1. Expresses its concern at the failure of the Commission and the Council to act rapidly in implementation of the social dimension of the internal market;

2. Calls on the Commission to submit to Parliament, as soon as possible, a draft of the content of the Charter of fundamental social rights;

3. Reminds the Commission that the primary aim of any social policy is to combat unemployment through economic and social measures;

(. . .)

6. Resolution

on economic and social cohesion

The European Parliament,

A — convinced that the completion of the large internal market, a key stage in the process of European integration, must be simultaneously and indissociably linked with the establishment of a genuinely social Europe,

B — noting the delays in the establishment of a social Europe and the legal political obstacles to it, and whereas the rise in unemployment, the increase in the number of unsecured jobs, and the attacks on union rights are undermining European consciousness and go a long way towards explaining why the process of European integration does not inspire public opinion to a sufficient degree, as demonstrated by the low turnout in European elections,

C — having regard to the social objectives which flow from the various treaties establishing the Community, in particular:

- the achievement of full employment on the best possible terms,
- the improvement of the living and working conditions of the population in general and the least-favoured groups in particular,
- the involvement of the two sides of industry in framing economic and social policy,
- equality between men and women,

D — anxious to respond to workers' concerns and expectations as voiced by their trade union organizations in the Community which are no longer satisfied with solemn declarations but wish to see rapid, practical steps taken towards the establishment of a Europe based on full employment and social progress.

1. Reiterates that the implementation of a thoroughgoing and wider-ranging social policy is an essential prerequisite for the completion of the internal market;

2. Warns that the lack of significant progress in the sphere of the social dimension will have serious consequences for future cooperation between the European Parliament and the other Community institutions with regard to certain matters to be dealt with under the Single Act;

3. Calls on the Commission in future — as decided by Parliament — to submit all its legislative proposals on employment, notably the directives on the duration, organization and content of work, on the basis of Article 118a of the Treaty, which stipulates that the Council shall act by a qualified majority;

4. Calls, in accordance with a strict timetable to be put forward by the Commission by the end of 1989, for the legally binding enactment of basic social rights in accordance with its resolution of 15 March 1989 on the social dimension of the internal market;

5. Looks to a future government conference called to amend the Single Act to simplify targeted and legally binding Community action not only in the sphere of economic and monetary union but also in the social sphere by introducing majority voting in the Council on all social matters;

(. . .)

7. Resolution

on economic and social cohesion

The European Parliament,

A — having regard to the conclusions of the Madrid European Council of 26/27 June 1989,

B — having regard to the urgent need to bring about the social dimension of the internal market in time for completion of the market proper,

C — concerned that further delays in the social, economic and political integration process may block progress towards the 1992 target date,

1. Repeats the views expressed and the proposals contained in its resolution of 15 March 1989 on the social dimension of the internal market; [1]

2. Urges the next European Council, which is to meet in December in Strasbourg, to state its position on that resolution and take clear decisions with a view to:

(i) ensuring that the Community Charter of Fundamental Social Rights is given actual legal force;

(ii) combating unemployment effectively, if need be by adopting exceptional measures;

(iii) making up the serious delay in bringing about the social dimension of the internal market by means of an action programme to be completed before the deadline of 31 December 1992;

(iv) laying down a global Community policy on immigration from third countries in order to regulate the situation and promote the integration of workers and their families;

3. Considers it essential to implement an agreement between the Commission and the European Parliament to govern the substance, the instruments, and the time-scale of Community social policy, making provision for the involvement of the national parliaments and employers' and workers' representatives and giving particular attention to:

- ☐ the substance and implementation of the Community Charter of Fundamental Social Rights;
- ☐ initiatives to fight unemployment;
- ☐ the action programme on the social dimension of the internal market;

(...)

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[1] OJ No C 96, 17. 4. 1989, p. 61.

8. Resolution

on economic and social cohesion in the completion of the internal market

The European Parliament,

A — whereas the internal market will have major effects on the social and ecological spheres,

B — whereas ecological principles are a basic condition of economic and social policy,

C — whereas it has no say at all regarding the creation of the European Social Charter,

(...)

E — whereas moreover the content of the European Social Charter offers too little scope for a sound European social policy as there is no proposed directive regarding a minimum wage, nor is there a basic directive on the shorter working week,

1. Believes that the adverse social and ecological effects of the internal market should be offset by means of an improved European Social Charter and directives on key ecological conditions;

(...)

3. Proposes that the European Social Charter should be extended to include a directive on the minimum wage related to the average wage level of the country concerned and a basic directive on the shorter working week;

(...)

6. Resolves to make its activities in respect of the completion of the internal market contingent upon the improvement of the European Social Charter and the introduction of strict ecological directives, both of which should be integral parts of the completion of the internal market;

(...)

9. Resolution

on the internal market

The European Parliament,

A — whereas the various participants in the economy have not all enjoyed the same facilities for making their views heard,

B — whereas completion of the internal market will not automatically solve the Community's economic problems, particularly those relating to employment, for example in the peripheral regions and for certain categories of the population (women, unskilled workers),

C — whereas the fundamental objective which justifies the efforts to be made to complete the internal market is to improve the living conditions of 320 million European citizens but the adoption of all measures directly connected with a citizens' Europe is being delayed,

(...)

1. Points out that completion of the internal market must be matched by the implementation of positive policies, particularly in the social, employment, environmental, transport and regional planning fields so that its benefits are fairly distributed among the people of Europe and the regions;

(...)

4. Considers that only a concerted effort to stimulate growth and a negotiated reduction in working hours will make it possible to improve the employment situation;

(...)

6. Points out that the Commission has not put forward any proposal for mutual societies and cooperatives, and that these sectors will therefore be placed at a disadvantage compared with the private sector;

(...)

11. Urges the adoption of a binding European Social Charter containing provisions intended to guarantee the social rights of working people and to ensure their promotion, in particular through worker participation and consultation; considers that the proposal submitted by the Commission does not contain the necessary commitments and guarantees as demanded by Parliament;

(...)

10. Resolution

on economic and social cohesion

The European Parliament,

having regard to the eight resolutions on economic and social cohesion (Docs B 3-44/89, B 3-80/89, B 3-90/89, B 3-92/89, B 3-157/89, B 3-158/89, B 3-159/89, B 3-160/89) and the resolution on the application of Council directives, resolutions and recommendations concerning women (Doc. A 2-166/88),

(...)

A — whereas, with a view to the completion of the internal market in 1993, the position of women on the labour market and in society in general must be consolidated,

B — whereas the fostering of the well-being of Community citizens presupposes the implementation of coordinated economic and social and family policies,

C — regretting that it was informed only at a late stage as to the content of and procedure for the declaration of a Social Charter, which to a large extent prevented the directly elected representatives of the people of Europe from expressing their views on the social expectations,

1. Agrees with the Committee on Social Affairs, Employment and the Working Environment that the adoption of the Community Charter of Fundamental Social Rights will take on its true significance only if the planned action programme is implemented swiftly and systematically by means of practical legislative measures, special attention being paid to the position of women in society and the economy;

2. Takes the view that the Social Charter is the first step towards the achievement of basic social rights in the European Community; considers, however, that this draft Charter represents a minimum level below which the Council may not go;

3. Stresses the need to use the Single European Act, especially Article 118a, in breaking the deadlock, which has particularly affected the directives on women's rights, caused by the unanimity rule which is binding on the Council and laid down in the articles of the EEC Treaty that have usually formed the legal bases for the directives on women's rights hitherto (Articles 100 and 235);

4. Calls on the Commission, as part of the planned action programme on fundamental social rights, as a matter of urgency to take into account the specific situation of women in the labour market and, in order to guarantee equal treatment, to complete the draft texts already submitted and to push forward the implementation of the directives adopted by Parliament, also drawing up proposals for directives with:

- ☐ concrete proposals defining the concept of work of equal value,
- ☐ proposals for the introduction of adequate sanctions for failure to comply with the principle of equal treatment laid down in the directives,
- ☐ proposals for positive action, including quotas,
- ☐ proposals relating to equal treatment of men and women with regard to income tax,
- ☐ proposals with regard to the upward harmonization of the provisions on pregnancy and maternity protection in order to prevent discrimination against pregnant women and women on maternity leave,
- ☐ arrangements concerning flexible working and working hours and the provision of adequate social protection;

(...)

11. Resolution

on the attainment of economic and social cohesion

The European Parliament,

having regard to the decisions of the European Council meetings in Hanover, Rhodes and Madrid on the social dimension of the internal market,

having regard to the statement by the European Council that the social aspects of the internal market should be accorded the same weight as the economic ones,

having regard to the short period of time left before the end of 1992 in which to implement the social aspects of the internal market,

1. Considers that, because of the costs it entails in connection with the completion of the internal market, social policy must be accorded the same weight as every other measure so as to avoid distortions of competition which would undermine what has already been achieved;

2. Expresses its profound concern that the negotiations in which the Council is considering measures to implement the social dimension are dragging on;

3. Looks to the Council to put forward a specific and detailed programme so as to make up for the delay in implementing the social dimension;

4. Is not satisfied merely with a solemn declaration by the Council on the basic social rights of workers;

5. Calls, instead, for basic social rights to be enshrined in Community law as actionable rights and for the progressive approximation of social security legislation at the highest level;

6. Calls on the European Council, therefore, at its meeting of 8 and 9 December 1989 in Strasbourg, to supplement the social charter with specific measures;

(...)

12. Resolution

on the implementation of economic and social cohesion

The European Parliament,

(...)

E — seriously concerned at the growing disparity between the progress made in terms of economic integration and the manifest lack of progress in the social and political spheres, which may ultimately cause the creation of the large market to fail,

F — whereas economic and social cohesion also requires the pursuit of a dynamic policy for growth and stable job creation while taking into account the requirements of protection of the environment,

1. Expresses severe criticism of the draft Charter on Fundamental Social Rights drawn up by the Council on 30 October 1989, which falls well short of the text initially proposed by the Commission; deplores the failure to consult the European Parliament during the procedure for drawing up the Charter and the action programme;

2. Points out again that in order to enhance the scope and quality of the social policy it is necessary to define and effectively implement a core of fundamental, imprescriptible social rights for all citizens of the Community, and to take into account all the other social aspects not covered by the Charter and the action programme, in particular all the legislative provisions relating to work under the directives on the duration, organization and content of work;

3. Considers that the draft Social Charter adopted by the Commission on 27 September 1989, despite its shortcomings and vagueness, constitutes a first step, and a basis for discussion and decision on the establishment of fundamental social rights;

4. Formally calls on the Strasbourg European Council, possibly acting by majority vote, to amend and supplement the Commission's draft along the lines requested by Parliament in respect of:

- ☐ the right to work and the fight against unemployment,
- ☐ the establishment of ongoing projections concerning trends in employment and the creation of an employment watchdog,
- ☐ equality of opportunity and equal treatment for all citizens, taking into account all forms of work, particularly casual labour,
- ☐ the right to a basic minimum wage and a minimum income,
- ☐ the right to in-service vocational training for wage earners in industry, paid leave for training purposes, retraining to enable workers to learn other skills, the right to reintegration for the long-term unemployed and to positive integration on the labour market for young people,
- ☐ the levelling-up of social protection systems,
- ☐ information, consultation and participation of workers,

- ☐ support for collective bargaining on the basis of Article 118b of the Single Act,
- ☐ the protection of migrant workers;

5. Formally requests that the adoption of the Charter, once it has been revised and corrected by the Council, should be accompanied by the implementation, in accordance with a precise timetable, of an action programme based on binding legal instruments such as those provided by the present provisions of the Treaties; lays particular emphasis on the importance attached by Parliament to the use of Article 118a of the Single Act as a legal basis for the implementation of the measures set out in the action programme;

requests that Parliament, as the representative of the will of the peoples of the Community, should be formally consulted both in the drafting of this programme and in the monitoring of its implementation, taking into consideration its resolutions of 15 March and 14 September 1989;

(...)

13. Resolution

on speeding up the process of implementing economic and social cohesion and the Social Charter on Fundamental Social Rights

The European Parliament,

(...)

1. Once again reaffirms its total unreserved support for the objectives defined in the Single Act, in particular completion of the internal market and strengthening of the economic and social cohesion which must result therefrom;

2. Considers that the formal adoption by the European Council of the Charter of Fundamental Social Rights is a positive step which will help to strengthen economic and social cohesion and secure the social consensus which is vital to the smooth development of the Community;

3. Nevertheless deplores the fact that although it has already striven so much for economic and social cohesion it was not involved in the formulation of the Charter; fears that the results of this omission will be to deprive the Charter of Fundamental Social Rights of some democratic support;

4. Welcomes the fact that the Commission is using its powers under the Treaties to draw up proposals for social measures in order to incorporate the content of the Charter of Fundamental Social Rights into Community legislation; points out that the Charter of Fundamental Social Rights as it now stands gives insufficient attention to the rights and obligations of self-employed persons and therefore calls on the Commission to put forward specific proposals for them;

5. Points out that the social dimension constitutes a fundamental prerequisite for completion of the internal market; takes the view however that since the levels of development of the Member States cannot be compared, account must be taken when pursuing the priority objective of economic and social cohesion of the need for gradual application of Community social measures provided that fundamental social rights are complied with to the letter;

6. Approves the willingness of the Commission to make full use of the legal possibilities afforded it by the Treaties in the social sphere, which should lead to the necessary strengthening of economic and social cohesion; points out however that Commission action on the subject as announced by its President [1] should comply with the principles of subsidiarity and of the autonomy of contractual relations between the two sides of industry;

(...)

[1] Statement by Mr Delors on 13 September 1989.

14. Resolution

on speeding up the implementation of economic and social cohesion

The European Parliament,

A — deeply concerned at the decisions taken by the Council of Social Affairs Ministers on 30 October 1989 on the Social Charter,

B — whereas it is absolutely essential for the social dimension of the internal market to be achieved within the time-limit laid down for the completion of the internal market itself,

C — whereas discussion and decision-making on the social dimension are being seriously handicapped by the absence of the expected Commission action programme,

D — deeply concerned at the complete disregard of the ecological dimension of the internal market,

E — whereas it is absolutely essential for the ecological dimension of the internal market to be brought into being within the time-limit laid down for the completion of the internal market itself,

1. Considers the Social Charter now before the Council to be absolutely inadequate to the task of creating the necessary social dimension;

2. Strongly criticizes the absence of proposals from the Commission and the Council for ecological framework provisions for the internal market;

3. Fears that the internal market risks being confined to economic and financial aspects;

4. Reaffirms its decision of 14 September 1989 making its cooperation in the completion of the internal market dependent on an improved Social Charter, an effective action programme and ecological framework provisions for the internal market;

5. Instructs its President to forward this resolution to the Commission, the Council and the parliaments of the Member States.

15. Resolution

on the implementation of economic and social cohesion

The European Parliament,

(...)

C — having regard to the need to involve both sides of industry at national and Community level in the process of drawing up Community directives on the single market,

D — concerned at the lack of real, long-term consultation with national parliaments on such legislation,

1. Reaffirms that the first objective of the Community must be to create the conditions needed to ensure growth based on investment and stable employment, combat job insecurity and unemployment and improve living and working conditions;

2. Believes that the Community and the Member States must, to this end, take the steps needed to reduce structural disparities in Europe, in particular regional and social disparities, and that any coordination of the economic policies of the Twelve must contribute to reducing the excessive trade surpluses and deficits between them;

3. Believes that the Social Charter currently being drawn up must firmly establish the right to work and be accompanied by specific, binding national and Community measures against job insecurity and unemployment;

(...)

16. Resolution

on the European Council in Strasbourg and the French Presidency's six months in office

The European Parliament,

having regard to the conclusions of the European Council meeting in Strasbourg on 8 and 9 December 1989,

(...)

Social Charter

(...)

10. Condemns the inadequacy of the text of the Social Charter adopted by the Council;

11. Draws the attention of the Council and Commission to the need for rapid implementation of the action programme, which must encompass not only the substance of the Charter adopted by the Council, the directives pending before Council but also all the other elements necessary for the attainment of social Europe, already formulated on several occasions by the European Parliament; insists that the main proposals for directives must be submitted to the Council and Parliament as a matter of priority by the first quarter of 1990 so that they may be adopted by 1 January 1993; will take the necessary steps to affirm its role in the implementaiton of the Charter and common social policies;

12. Considers that the Commission's diligence in this regard will be a test of its resolve actually to establish the social dimension in parallel with the completion of the single market; calls in particular for an extension of the scope of Article 118a to all social issues; calls, further, on the Commission to provide, in its legislative programme for 1990, a specific timetable and legal basis for the instruments it proposes to use;

(...)

17. Resolution

on the Strasbourg European Council

The European Parliament,

having regard to the conclusions reached by the Strasbourg European Council and the statements made by the President-in-Office of the Council and the President of the Commission,

(...)

III — As regards social policy in Europe

(...)

E — whereas the establishment of the single market must go hand in hand with the creation of a European social area based on the right to work and a guaranteed minimum income, a reduction in working hours at Community level, guaranteed basic social rights for all workers, including nationals of non-member States, the development of economic democracy, the introduction of collective bargaining at Community level and an improvement in the living and working conditions of ordinary people, thereby leading to greater equality and progress,

(...)

3. Notes the approval by a majority of the Social Charter but expresses deep dissatisfaction at the content of this document, and deplores the fact that the procedure chosen did not involve Parliament in shaping the Charter;

4. Stresses that the Commission and Council, by virtue of their powers to initiate and adopt legislation under the Treaties, have a duty to propose and adopt rapidly, with Parliament's participation, all the binding legislative provisions and programme measures needed to implement basic social rights and an overall Community social policy;

5. Reserves the right to take all necessary initiatives as quickly as possible to assert its role in shaping and implementing the Charter as well as common social policies;

(...)

18. Resolution

on the conclusions of the European Council

The European Parliament,

(...)

Social Charter

1. Regrets that the European Council has adopted the draft Social Charter drawn up by the Ministers of the Twelve which has been strongly criticized by the European Parliament and trade union organizations on account of its shortcomings in substance and implementing mechanism at European level and its potential for jeopardizing existing social rights in certain Member States,

2. Recalls in particular the failure of the draft adopted by the European Council in contradiction with the text of the Council of Europe's Social Charter adopted by the 12 Member States to mention the right to work with a view to the achievement of full employment, the progressive reduction in working hours, the guarantee of social security rights for all workers, including those from third countries, rules to govern night-time working by women and a ban on employing female labour for dangerous, harmful or heavy work;

3. Regrets the absence in the Social Charter adopted by the European Council of any reference to the obligation of improving working and living conditions for paid workers through progressive harmonization;

4. Recalls that it will judge the social action programme being prepared by the Commission by the extent to which it includes the following concepts in its proposal for directives:

- ☐ the right to work,
- ☐ upward harmonization of social security rights,
- ☐ progressive harmonization towards the highest level of social security benefits and an immediate guarantee concerning the continuity and transferability of those rights,
- ☐ reduction in working hours,
- ☐ measures to combat insecure employment,
- ☐ rejection of all discrimination against wage-earners in the host country based on salary, working conditions, social security protection and taxation,
- ☐ equal treatment of workers who are nationals of Member States and migrant workers from third countries,
- ☐ the right to information, prior consultation and the participation of workers and their representatives, with particular regard to employers' strategies or programmes in the areas of technological innovation, changing the organization of work and changes in the firm itself including public takeover bids or mergers and collective redundancies,
- ☐ obligations for vocational training to take place during working hours,
- ☐ a ban on child labour;

(...)

PART II

FACTS AND DOCUMENTS

CHAPTER 1

Community social policy

Progress report for 1989

A first progress review for 1989: specific achievements, in particular in the fields of health and safety at the workplace and training and the establishment of a solid basis from which to carry out a wide-ranging social programme for the future of Europe.

PRELIMINARY COMMENTS

The objective and description of the content of the article: the lines of force of the Communities' activities in the field of social policy in 1989.

I — The main aspects of the Commission's activity in 1989

1. Excerpts from the statement by President Delors to the European Parliament on the Commission policies for 1989.
2. Commission work programme for 1989.
3. Principal Commission initiatives.

II — The achievements of the first half-year

1. The policies of the Spanish Presidency
2. Legal instruments and other acts adopted or approved by the Council

   Health and safety
   Vocational training
   Social security for migrant workers
   Fight against social exclusion
   The disabled
   Cancer
   AIDS
   Drugs

III — The achievements of the second half-year

1. The policies of the French Presidency
2. Legal instruments and other acts adopted or approved by the Council

   Health and safety
   Vocational training
   Employment
   Social Charter
   Social security for migrant workers
   Fight against social exclusion
   The disabled
   Family policy
   Cancer
   AIDS
   Drugs
   Health card

IV — 1989: a positive year for the European social area

PRELIMINARY COMMENTS

The year 1989, which has been exceptional in many respects in the light of the events occurring in the international community, and in particular in the countries of Eastern Europe, has been remarkable in respect of the progress made towards the construction of a true Eureopean social area.

Indeed, during this year, the Commission of the European Communities has taken initiatives and the Council of Ministers of the European Communities adopted acts which have enabled the Community to achieve several of the objectives which it had set itself for 1989 and for the future.

Placing itself in the perspective of the principles of subsidiarity and necessity in relation, on the one hand, to the social requirements of the integration process and, on the other hand, to the national policies of the Member States, the Council concentrated its efforts in the following directions:

- ☐ harmonization, while improvement is being maintained, of the standards governing health and safety at the workplace;
- ☐ introduction of a common policy for training, and in particular in-service training;
- ☐ starting up a constitutional policy for the social and occupational integration of the disabled;
- ☐ adoption of a Community Charter of Basic Social Rights.

In this way, the Council, on the one hand, made substantial progress to attain the objective of ensuring increased protection for the workers of the Member States through the minimum requirements provided for by the directives in the field of health and safety at the workplace, which were adopted in accordance with Article 118 a of the EEC Treaty.

On the other hand, alongside this valuable work in a specific vital field for workers — whether they are employed in industry or in services — the Council started and completed important work on the general principles of social law. The Commission, for its part, accompanied this work, from a more operational point of view, with a work programme listing the legal instruments which will have to be adopted by the Council. The Community Charter of Basic Social Rights for Workers forms the overall, constitutional framework in which the Communtiy's activity in the social sphere will develop in a more consistent and less piecemeal manner than in the past.

We shall endeavour below to provide a summary of the activity of the Commision and the Council concerning the European social area in 1989.

This activity will be illustrated by reference to past events which are its essential premises, as well as by recalling the interventions of the institutional authorities of the Communtiy, which shed light on the policies adopted and the political priorities.

I — The main facets of the Commission's activity in 1989

In 1988, the departments of the Commission considered in detail the various aspects of the social dimension of the single market to be completed in 1992. On the basis of this work, at the end of 1988 the Commission presented a communication on the social dimension of the internal market. In this communication, the objectives and priorities of the Communtiy social policy started to be identified to form the social platform for the Community from which the principles and the essential elements could be recorded in a Community Charter of Basic Social Rights.

The key ideas were put to the European Parliament by President Delors in January 1989, when he presented his statement on the Commission policies during its term of office, and in February 1989, when Mr Delors illustrated the policies of the Commission with regard to its work programme for 1989.

These policies are thus in line with the wishes and concerns of the Heads of State or Government meeting at the European Council of Hanover in June 1988.

On this occasion, the European Council reiterated, amongst other things, the need '... to ensure better protection of the health and safety of workers at their place of work ...'.

Likewise, the European Council placed the emphasis on improved access to vocational training, including schemes combining training and work.

It asked the Commission to draw up a comparative study on the regulations applied in the various Member States with regard to working conditions.

The memorandum of the Greek Presidency (second half of 1988) which is along the same lines, defines as priority initiatives for the creation of a common social area, in order: the implementation of Articles 118a and 118b concerning the health and safety of workers at the workplace and the promotion of the social dialogue respectively.

The social dimension is a prerequisite to meet any social imbalances generated by the completion of the internal market. One of the strengths of the social dimension is the harmonization, while improvement is being maintained, of working conditions, hygiene, health and safety of Community workers at the workplace. To this is added the introduction of a true common vocational training policy, the social dialogue, the measures in favour of the disabled, etc.

Finally, to emphasize and to provide a framework for all the initiatives to be pursued in the field of the Community social policy, a Community Charter of Basic Social Rights for Workers was adopted during the Strasbourg Summit.

1. Excerpts from the statement by President Delors to the European Parliament on the Commission policies for 1989

On 17 January 1989, before the European Parliament of Strasbourg, President Delors announced the priorities in the social sphere.

First, he referred to the drawing up of a European Charter of Basic Social Rights for Workers 'to put into practice and to bring to life our European model of society' (see page 6 of the statement on the policies of the Commission of the European Communities).

Secondly, the Commission will apply itself to drawing up the European Company Statute, within which employee participation in the management of undertakings will be facilitated.

Thirdly, work must be continued towards the adoption of directives based on Article 118a of the EEC Treaty in order to promote the improvement in the conditions of safety and health of workers at the workplace, by adopting the minimum requirements which Member States should gradually apply.

Finally, reviving the social dialogue is essential so that the two sides of industry make their specific contribution to the social dimension of the internal market.

These four priorities were laid down in the Commission's work programme for the duration of its term of office. As far as 1989 is concerned, the following points emerged from the presentation by President Delors to the Eureopean Parliament on 16 February 1989:

- ☐ development of the social dialogue with the setting up of steering groups;
- ☐ drawing up of the Community Charter of Basic Social Rights for Workers with a view to its adoption by the European Council;

- improvement and harmonization of the conditions of health and safety at work;
- employment and in-service training.

2. Commission's work programme for 1989

More particularly, the Commission's work programme defined the following priorities:

(a) with regard to employment the Commission intends to reinforce occupational mobility within the Community by proposing a directive for the recognition of occupational training and qualifications; by making an attempt at analysing the new forms of employment; by promoting a common vocational and in-service training programme; and by carrying out the programme on long-term unemployment;

(b) the harmonization, while improvement is being maintained, of conditions of health and safety at the workplace. The Commission will endeavour to achieve the adoption by the Council of the directives already presented and will propose others for specific sectors;

(c) for the promotion of employee participation within undertakings, the Commission will propose a Council regulation on a European Company Statute;

(d) to continue the social dialogue through *ad hoc* steering groups;

(e) to put into practice the European approach to society, the social dialogue, the rights of each Community worker on the labour market by proposing the adoption of a Community Charter of Basic Social Rights covering, *inter alia,* social protection, the social dialogue, collective agreements, contracts of employment, health and safety of workers, education, equality of men and women with regard to work, the information and consultation of workers, etc.

3. Principal Commission initiatives

Irrespective of the decisions of various types approved by the Council, the Commission took new initiatives in 1989 which are worth mentioning.

3.1. Following the invitation of the Council, as provided for in the Community Charter of Basic Social Rights, the Commission drew up and adopted a vast action programme covering almost all aspects of the European social area. For further details, the reader may refer to the part of this issue of *Social Europe* dealing with the Community Charter of Basic Social Rights for Workers and the work programme.

3.2. On 19 July, the Commission approved the first annual report on employment in Europe (1989) for subsequent transmission to the Council, the European Parliament, the Standing Committee on Employment and the two sides of industry. This initiative is part of the follow-up to be given to the social dialogue. This report starts with the analysis of the economic outlook and examines the context of employment in all the Member States. Here we mention just a few of the subjects emerging from this examination:

- the impossibility of returning to the conditions which gave rise to full employment in Europe before 1973;
- the state of confidence and optimism to be found among businessmen, as a result of constant economic growth;
- the growth of employment in the tertiary sector, which is confirmed, as well as the increased importance of new forms of work, such as temporary employment and part-time work;
- The forecast of an increase in the number of retired people, which in about 1995 should exceed the number of young people entering the labour market.

This is a report which will henceforth be produced annually during the first half of the year. Each year, this report will be discussed by the Standing Committee on Employment, which will in this way have a new instrument at its disposal to analyse the Community employment market.

The Commission has also complied with a request by the Council which wished to be informed of the general situation with regard to working conditions in the Member States. The comparative study on these conditions in all the Member States covers the national legislation in force on the subject. This information tool, made available to Member States, will be updated regularly.

At its Madrid meeting on 26 and 27 June 1989, the European Council examined this study and considered that the comparative analysis will be very useful for the work in progress at Community level.

Finally, the Commission relaunched the social dialogue with the two sides of industry. Taking the conclusions of Val Duchesse of 12 November 1985 as a starting point, the dialogue produced important conclusions, adopted on 12 January 1989, following the meeting with the European Trade Union Confederation (ETUC), the Union of Industries of the European Community (Unice) and the European Confederation of Public Enterprises (CEEP). The first conclusion concerns the working method and consequently a steering group was set up to give constant impetus to the dialogue, to organize the work and to evaluate the common opinions. The second conclusion concerns the priority themes to choose as possible subjects for common opinions, these being education, training and the outlook of a European labour market.

The steering group set up two working groups, for training and education and for the outlook of a European labour market respectively.

On 3 October 1989, the education and training working group finalized a common opinion on the problems of basic education and those of initial training, vocational training and adult training. This opinion was approved by the competent bodies of the ETUC, Unice and the CEEP. The outlook of the European labour market working group is continuing to examine two draft common opinions: one deals with the creation of a European area for occupational and geographical mobility; the other with improving the functioning of the labour market in Europe.

II — The achievements of the first half-year

1. The policies of the Spanish Presidency

Before the European Parliament of 17 January 1989, the Spanish Minister for Foreign Affairs stressed the will 'to give real content to the Community social policy' and the fact that 'the creation of the single market requires . . . special attention to be paid to the social consequences in the aspects most directly affecting the daily life of

citizens'. He spoke of the need for resolute caution to achieve the social dimension, in particular by harmonizing the various systems of labour law of the Member States on the basis of identical criteria.

It is a matter of achieving conceptual harmonization, without going as far as to standardize all the systems, which should rather converge while improvement is maintained. Gradual construction is necessary, based on setting up legal foundations to achieve the future application of general working conditions valid for the entire Community.

As regards this, the priority objectives of the Spanish Presidency were laid down as follows:

(a) harmonization of the systems of labour legislation, with a place reserved in the forefront for the development of Community standards in the field of health, safety and hygiene at the workplace;

(b) employment and vocational training;

(c) progress in social protection, in particular in the fields of equal treatment for men and women, social security for migrant workers and the protection of the disabled;

(d) development of the social dialogue for the purposes of harmonization of the labour legislation;

(e) strengthening of the free movement of persons;

(f) progress in the work towards drawing up the Community Charter of Basic Social Rights for Workers.

2. Legal instruments and other acts adopted or approved by the Council

During this first half of the year, the Council adopted the following acts.

Health and safety [1]

Directive on the implementation of measures designed to promote the improvement in the safety and health of workers at work.

Common position on the three proposals for directives concerning:

- ☐ the minimum health and safety requirements for the workplace;
- ☐ the minimum health and safety requirements for the use by workers of work equipment;
- ☐ the minimum health and safety requirements for the use by workers of personal protective equipment;

Vocational training

Resolution on in-service vocational training (Appendix 1).

Social security for migrant workers

Regulation amending Regulation (EEC) No 1408/71 for technical adaptations following the accession of Spain and Portugal (OJ, L 131, p. 1)

Regulation amending Regulation (EEC) No 1408/71 and No 574/72 for minor points (OJ, L 224, p. 1)

Fight against social exclusion

Decision to set up a medium-term Community action programme on the economic and social integration of economically and socially less-favoured people — duration: five years; amount allotted ECU 55 million (Appendix 2).

The disabled

Conclusions concerning the employment of the disabled in the Community (Appendix 3).

Cancer

Resolution of the Community and the Member States concerning the ban on smoking in public places (Appendix 4).

AIDS

Four conclusions on combating AIDS:

- ☐ conclusions on drugs and AIDS;
- ☐ conclusions on the information of health staff;
- ☐ conclusions on the improvement in the collection of epidemiological data;
- ☐ conclusions on the future preventive actions and the control of AIDS (Appendix 5).

Drugs

Resolution on a European network of health data in the field of drug addiction (Eppendix 6).

Conclusions on the reliability of analyses of body fluids to detect the use of illegal drugs. (Appendix 7).

III — The achievements of the second half-year

1. The policies of the French Presidency

On 27 July 1989, Mr Dumas, Minister for External Relations, presented France's work programme to the European Parliament. He stressed the urgency of implementing the Single Act through the achievement of the social dimension of the internal market in order to create a common area for the 320 million Community citizens. He stated that it was not possible to construct economic Europe separately from social Europe. The achievement of the European social area is not a by-product of the economic integration of the 12 Member States. It is a priority in the objectives to be achieved by the Community.

Establishing the priority objectives in the social field for the French Presidency, Mr Dumas gave pride of place to the adoption of the Community Charter of Basic Social Rights for Workers, accompanied by the continuation of the work for the implementation of Article 118a on harmonization, while improvement is maintained, of the national standards on health and safety at the workplace.

Another major preoccupation is employment and the fight against inflation. The French Presidency intends to perfect the knowledge of the developments in the phenomenon of employment at Community level by setting up a 'European employment observatory' in order to give itself the means of reorienting the Community and national policies in this field.

Finally, improvement in the coordination of the systems of protection and social integration was also mentioned.

[1] The texts of these instruments will be published in Issue No 2/1990 of *Social Europe*.

These same objectives were confirmed by Mr J. P. Soisson, Minister for Labour, before the Economic and Social Committee during the plenary session which took place on 18 and 19 October 1989, as well as during a meeting of the Committee on Social Affairs, Employment and the Working Environment, held in Brussels on 16 and 17 October 1989. In addition, the Minister for Labour added the relaunching of the social dialogue and catching up the European backwardness with regard to vocational and in-service training.

It should be noted that in the social field, the French Presidency stressed the same priority themes as the Spanish Presidency had defined in January 1989.

This continuity is easily visible when the two programmes are compared. The same emphasis is placed on the need to adopt the Community Charter of Basic Social Rights for Workers. The intention to concentrate efforts on the continuation of the work towards the adoption and implementation of the directives in the field of health and safety and working conditions at the workplace is also stressed.

Finally, employment and the training of workers and young people to be placed in work remains at the heart of the preoccupations of the two presidencies.

2. *Legal instruments and other acts adopted or approved by the Council*

Health and safety [1]

Common position on the proposal for a directive on the minimum health and safety requirements relating to the manual handling of heavy loads entailing risks of dorso-lumbar injuries to workers;

Common position on the proposal for a directive on the minimum health and safety requirements for workers relating to work on visual display units;

- directive on the minimum health and safety requirements for the workplace;
- directive on the minimum health and safety requirements for the use by workers of work equipment;
- directive on the minimum health and safety requirements for the use by workers of personal protective equipment;

Common position: directive on the protection of workers against the risks associated with exposure to carcinogenic substances during work;

Decision concerning the directives at the Commission to negotiate a convention and a recommendation, in the context of the ILO, on safety in the use of chemical substances at work.

Vocational training

Eurotecnet programme of Community measures to promote innovation in the field of vocational training resulting from technological change in the European Community (Appendix 8).

Employment

Resolution on the introduction of a European employment observatory (Appendix 9).

Social Charter

Draft Charter of Basic Social Rights. Agreement to transmit the document of the Presidency to the Strasbourg Council.

Social security for migrant workers

Regulation amending Regulation (EEC) No 1408/71 on the application of social security systems to employed persons, to self-employed persons and to the members of their families moving within the Community, and Regulation (EEC) No 574/72 laying down the procedure for implementing Regulation 1408/71.

Fight against social exclusion

Resolution of the Council of Ministers for Social Affairs on combating social exclusion (Appendix 10).

The disabled

Council Decision on the development of the Handynet system in the context of the Helios programme (Appendix 11).

Family policy

Conclusions of the Council of Ministers for Social Affairs concerning family policies (Appendix 12).

Cancer

The Directive on the labelling of tobacco products in the context of the 'Europe against cancer' programme (Appendix 13).

Common position on the proposal for a directive on the maximum tar content of cigarettes (Appendix 14).

AIDS

Resolution on combating AIDS (Appendix 15).

Drugs

Conclusions concerning the implementation of coordinated measures to prevent drug addiction and to take care of drug addicts (Appendix 16).

Health card

Conclusions of the Council of Ministers for Social Affairs on a European emergency treatment card project (Appendix 17).

Conclusions concerning the European emergency health card (Appendix 18).

IV — 1989: A positive year for the European social area

An attentive examination of the acts mentioned above leaves no doubt about the objectives which the Community intends to achieve in the social area. On the one hand, it intends to ensure that the Community citizen's primary needs are met, and certainly the most important needs for the daily life of the individual: employment — a vital source of income for almost the entire population of the Community — and health, without which any other need or desire or aspiration of the individual is pointless.

On the other hand, the Community has taken care to improve as a whole the various aspects of the legal and economic status of the Community worker. It has not for all that neglected the task of ensuring increased social protection for certain categories of Community citizens who find themselves excluded.

[1] The texts of these instruments concerning health will be published in Issue No 2/1990 of *Social Europe*.

Employment

The Commission has worked on two planes in this field: that of information about the employment situation in the Member States and that of the fight against unemployment of young people, women and the long-term unemployed; that of safeguarding the person of the worker through the adoption of minimum requirements to preserve his health and safety at the workplace.

The Council, for its part, has followed more or less the same path by noting with satisfaction the Commission communication on the employment report, as well as on the comparative study of national labour law. Furthermore, the Council of Ministers has adopted directives to preserve the health and safety of workers at the workplace.

At the Commission's proposal, the Council adopted the Community Charter of Basic Social Rights which forms a reference framework.

As for the Commission, it adopted a work programme which provides for the presentation to the Council of proposals for instruments of Community law in all the fields covered by the Charter.

Vocational training

At the Commission's proposal, the Council adopted a resolution on in-service training and the Eurotecnet programme. These two acts, even though not instruments of Community law of the same level as regulations and directives, constitute an enormous step forward towards consolidation of a Community vocational training policy.

Health

This field, which is relatively new for the Community institutions, is assuming increasing importance in the context of Community activities. At the Commission's proposal, the Council adopted measures to combat tobacco addiction. With regard to the fight against AIDS and the spreading of drug abuse, the Council adopted resolutions and conclusions to improve knowledge of the phenomenon and to make operators aware and finally to coordinate the prevention of drug addiction.

Mobility of workers within the Community

At the Commission's proposal, the Council adopted a regulation amending Regulation (EEC) No 1408/71 on the coordination of the national social security systems with regard to their application to migrant workers in order to solve the problem of the criteria for determining family benefits for children not residing in the country of employment.

Conclusion

The directives based on Article 118a have shown the validity of the new interinstitutional cooperation procedure. Furthermore, the will has also been affirmed to make full use of all the possibilities opened up by the provisions of Article 118a. They in this way integrate an important section of the social dimension of the internal market.

The future prospects seem excellent for continuing the work of achieving the European social area. The work programme accompanying the Charter of Basic Social Rights will provide the action of the Commission and the Council, in liaison with the European Parliament, with a consistent framework in which the institutional work will be able to develop consistently and effectively.

Durante Rapacciuolo
Principal Administrator
at the Commission of the
European Communities (DG V)

CHAPTER 2

Texts

COUNCIL RESOLUTION

of 5 June 1989

on continuing vocational training

(89/C 148/01)

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

...

HEREBY ADOPTS THIS RESOLUTION:

I. The Council invites the Member States, with due regard for the powers under national law of the parties concerned, to take or promote measures to:

1. encourage continuing vocational training to be made a more integral part of the short and medium-term development strategies of firms, branches and sectors in order to strengthen economic competitiveness;
2. integrate continuing vocational training into local, regional and national employment policies with a view to better forward management of employment;
3. strengthen training infrastructures, particularly in disadvantaged regions, so as better to achieve the objective of economic and social cohesion;
4. promote greater interaction between basic training and continuing vocational training and ensure that the latter leads to qualifications likely to be recognized by employers and the labour market;
5. develop specific forms of linked work and training, ensuring a fair balance between activities carried out within the undertaking and those conducted outside;
6. encourage public and private training organizations to diversify the training they offer and to adapt it to the particular requirements of small and medium-sized entreprises;
7. develop the preventive function of continuing vocational training by making it more accessible to categories of workers whose jobs are threatened as a result of economic or technological restructuring;
8. encourage steps to ensure that workers, whether or not in employment, can adapt to the consequences which technological change and sectoral restructuring have for employment and qualifications, so that they can take advantage of all the potential offered by technological and industrial innovation;
9. distribute fairly the organizational and financial burdens of continuing vocational training;
10. extend access of workers, whether or not in employment, to continuing vocational training by supporting the implementation of training measures and programmes inside and outside the firm, in particular measures aimed at workers in small and medium-sized enterprises;
11. integrate continuing vocational training measures into economic and social development schemes, particularly in regions whose development is lagging behind or regions in industrial decline, by promoting partnerships between the public and private sectors which include employers and workers' representatives, if they so desire, and all other interested parties;
12. strengthen the managerial, administrative and innovative skills of executive and supervisory staff in small firms;
13. encourage all workers, whether or not in employment, to make an effort to adapt and take vocational training in order to acquire better qualifications;
14. ensure, pending completion of the internal market, which will create positive new prospects for employment, that any adverse short-term effects resulting from the completion of the internal market are anticipated, inter alia, by continuing vocational training;
15. promote continuing vocational training for all workers, either employed or self-employed, whether or not in employment, and for employers and members of cooperatives;
16. encourage dialogue between workers and employers at all appropriate levels, in order to promote the implementation of the above measures on continuing vocational training.

II. The Council requests the Commission to lay before it as soon as possible an action programme on continuing vocational training aiming at:

1. identification and assessment, with the national authorities and in consultation with workers and employers, of existing measures to promote continuing vocational training;
2. support for schemes, including transnational schemes, to increase awareness and motivation in respect of continuing vocational training, particularly among executive and supervisory staff and workers in small and medium-sized enterprises;
3. reinforcing, with the help of existing mechanisms, the monitoring of qualifications at all levels, particularly in relation to new jobs, with a view to mutual recognition of qualifications;
4. continuing promotion, through the exchange of experience and support for innovative projects, of the development of transnational and transfrontier partnerships between public and private vocational training bodies and between undertakings, having regard to the specific needs of small and medium-sized enterprises;
5. support, as far as possible within the framework of the Structural Fund, the development of appropriate technical aid apparatus to help the regions of the Community which do not yet have sufficient infrastructure and experience in the field of continuing vocational training;
6. support for the transfer and spread, in particular transnationally, of innovations in continuing training equipment

and methods, using where appropriate multimedia distance training systems;

7. examination of the conditions which, in accordance with requirements and for all those concerned, will enable the provision of information about continuing vocational training, access to such training and the benefit thereof, and in particular retraining leading to qualifications outside and/or during working time, to be made effective.

The proposal for an action programme should take account of the opportunities afforded by the Structural Funds, especially the European Social Fund, and by the Comett and EuroTecNet programmes.

III. The Council invites the Commission to submit to it, no later than three years after the adoption of this resolution, a report on the implementation of this resolution.

COUNCIL DECISION

of 18 July 1989

establishing a medium-term Community action programme concerning the economic and social integration of the economically and socially less privileged groups in society

(89/457/EEC)

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

...

HAS DECIDED AS FOLLOWS:

Article 1

A medium-term Community action programme concerning the economic and social integration of the economically and socially less privileged groups in society is hereby established for the period from 1 July 1989 to 30 June 1994.

Article 2

The aims of the programme shall be to:

(a) ensure overall coherence between all Community operations having an impact on the economically and socially less privileged groups in society, whilst adhering to the respective rules applicable to those operations;

(b) contribute to the development of preventive measures to assist groups in society at risk of becoming economically and socially less privileged and of corrective measures to meet the needs of the very poor;

(c) produce, from a multidimensional viewpoint, innovatory organizational models for the integration of the economically and socially less privileged members of society, involving all economic and social agents;

(d) conduct an information, coordination, assessment and exchange of experience operation at Community level;

(e) continue to study the characteristics of the economically and socially less privileged members of society.

Article 3

With a view to achieving the aims referred to in Article 2, the Commission may promote and/or financially support:

(a) the carrying-out of pilot projects which are integrated into the fabric of local society and aimed at fostering the economic and social integration of the economically and socially less privileged groups in society by coordinating local initiatives with national or regional policies.

These pilot projects must correspond to the actual needs of the economically and socially less previleged and must allow them to play an active role so that they can become genuinely integrated into society;

(b) innovatory measures to foster the economic and social integration of certain groups of people who suffer from specific forms of isolation, in particular those measures undertaken by non-governmental organizations;

(c) the assessment of schemes, the intra-Community exchange of knowledge and the transfer of methods, to be carried out by a network of research and development units whose members shall be appointed by the Commission in consultation with the Member States concerned;

(d) the exchange on a regular basis of comparable data on the economically and socially less privileged groups in society and the improvement of knowledge of the phenomenon.

Article 4

1. The Commission shall be responsible for implementing the programme in accordance with this Decision.

2. Non-exhaustive information regarding the definition, selection, presentation and assessment of pilot projects and innovatory measures is given in the Annex.

Article 5

1. Pilot projects and innovatory measures shall be submitted to the Commission by the Member States.

2. Pilot projects and innovatory measures shall be drawn up in close cooperation between the Member State concerned and the relevant public or private bodies designated by that Member State.

Article 6

1. The content of pilot projects and innovatory measures which may qualify for Community funding shall be adopted within the framework of prior consultation between the Commission and the Member State concerned.

2. After consulting the Committee provided for in Article 7, the Commission shall take a decision on the content and the selection of pilot projects and innovatory measures.

3. The Commission shall also consult the Committee provided for in Article 7 on the other activities undertaken under this programme.

Article 7

1. The Commission shall be assisted by an Advisory Committee, hereinafter referred to as 'the Committee', comprising a representative of the Government of each Member State and chaired by a representative of the Commission.

2. The representative of the Commission shall submit to the Committee a draft of the measures to be taken. The Committee shall deliver its opinion on the draft, within a time limit which the chairman may lay down according to the urgency of the matter, if necessary by taking a vote.

The opinion shall be recorded in the minutes; in addition, each Member State shall have the right to ask to have its position recorded in the minutes.

The Commission shall take the utmost account of the opinion delivered by the Committee. It shall inform the Committee of the manner in which its opinion has been taken into account.

3. The Committee shall adopt its own rules of procedure.

Article 8

1. The dissemination and exchange of information and knowledge concerning this programme shall be organized on the responsibility of the Commission.

2. The Commission shall disseminate the results of operations carried out pursuant to this Decision using such means as may be most appropriate.

Article 9

1. The amount estimated necessary to finance the Community contribution to this programme is ECU 55 million for the entire duration of the programme.

2. Community financial support shall be granted, in the framework of the appropriations entered annually in the general budget of the European Communities for that purpose, at the following rates:

(a) for pilot projects and for the innovatory measures for which responsibility is borne by the public authorities of the Member States concerned, the maximum rate shall be 50 % of actual expenditure within the limits of the assistance approved by the Commission; however, in exceptional cases, this ceiling may be raised to 55 %;

(b) for direct subsidies to innovatory measures on the part of private or public bodies at regional or local level for which responsibility is not borne by the public authorities of the Member State concerned, the rate may be raised to 75 % of actual expenditure within the limits of the assistance approved by the Commission.

Article 10

1. Before 1 July 1993 the Commission shall present to the Council and the European Parliament an interim report on the implementation and results of the programme.

2. Before 1 January 1995, the Commission shall present to the Council and the European Parliament a final report on the implementation and results of the programme.

Article 11

The Decision shall be published in the *Official Journal of the European Communities.*

Done at Brussels, 18 July 1989.

For the Council
The President
R. DUMAS

CONCLUSIONS OF THE COUNCIL

of 12 June 1989

on the employment of disabled people in the Community

(89/C 173/01)

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

1. NOTES with interest the Commission report on the application of Council recommendation 86/379/EEC of 24 July 1986 on the employment of disabled people in the Community [1];

2. NOTES that the said Council recommendation:

   (a) has contributed to a review of national measures relating to the employment and vocational training of disabled people which have been brought into line with the common objectives set out in the recommendation;

   (b) has offered a Community reference framework for national measures which were being prepared when it was adopted;

   (c) has encouraged the introduction or preparation of new measures in accordance with the spirit of the recommendation;

3. RECOGNIZES that, in spite of the efforts by Member States, disabled people are continuing to experience difficulty in gaining access on an equal basis to vocational training and employment and that their unemployment rate is appreciably higher than that of the population as a whole;

4. CONSIDERS that improvement in the employment situation for disabled people must essentially be achieved through the implementation of general policies based on economic growth and job creation, but that success of such policies does not necessarily guarantee equal opportunities for disabled people in the employment system and in vocational training in view of their particular problems; whereas there is therefore a need to promote special measures in this respect;

5. CONSIDERS that the implementation, both at national and Community level, of programmes intended to encourage the process of insertion in the labour market and to improve the situation on the labour market for disabled people, who form one of the most disadvantaged groups in the population is a basic requirement of an active social policy of a kind which will help to strengthen economic and social cohesion in the context of achieving the internal market, including its social dimension, from which all citizens of the Community must, without exception, benefit;

6. DRAWS attention to the Council resolution of 22 December 1986 on an action programme on employment growth [2] which emphasized the need to adopt measures to increase equal opportunities for disabled people within the labour market;

7. CONSIDERS that the aim of such measures should be, firstly, to guarantee that no citizen of the Community suffers discrimination with regard to access to vocational training and employment or, when employed, to the pursuit of his employment in the sole grounds of his disability and to promote positive measures which help to make such equality effective;

8. CONSIDERS that one of the main aspects of the policy of occupational integration of disabled people is to inform and increase the awareness of all the parties involved in the integration process, and to back this up by dialogue between the social partners at all levels;

9. INVITES therefore the Member States:

   (a) to uphold and continue to implement policies of positive action to promote the occupational integration of disabled people;

   (b) to encourage and promote the involvement of the social partners and the representatives of disabled people in defining and implementing such measures;

10. INVITES the Member States and the Commission to develop measures to achieve a better knowledge of the social realities affecting disabled people and of their situation in relation to employment;

11. INVITES the Commission to:

   (a) develop measures within the Helios programme to promote cooperation, exchanges of experience and greater reciprocal knowledge amongst the various Member States of the measures implemented by them and encourage Community-wide debate on the most effective instruments for achieving a greater degree of occupational integration for disabled people;

(1) OJ No L 225, 12. 8. 1986, p. 43.

(2) OJ No C 340, 31. 12. 1986, p. 2.

(b) continue to give effective support, particularly within the framework of the European Social Fund rules, to national measures for the occupational integration of disabled people, taking account of the special problems they experience and the aims of Community social policy;

(c) submit to the Council, on the basis of an evaluation of the results of the implementation of recommendation 86/379/EEC, proposals in the field covered by the said recommendation which will ensure better coordination and greater consistency between the measures introduced by the Member States.

RESOLUTION

of the Council and the Ministers for health of the Member States, meeting within the Council

of 18 July 1989

on banning smoking in places open to the public

(89/C 189/01)

THE COUNCIL OF THE EUROPEAN COMMUNITIES AND THE MINISTERS FOR HEALTH OF THE MEMBER STATES, MEETING WITHIN THE COUNCIL,

Having regard to the Treaty establishing the European Economic Community,

Having regard to the draft recommendation from the Commission,

Having regard to the opinion of the Economic and Social Committee [1],

Whereas the European Council held in Milan on 28 and 29 June 1985 stressed the importance of launching a European action programme against cancer;

Whereas the Council and the Representatives of the Governments of the Member States, meeting within the Council, in their resolution of 7 July 1986 on a programme of action of the European Communities against cancer, set the objective of contributing to an improvement in the health and quality of life of citizens within the Community by reducing the number of cases of cancer and under this heading gave priority to measures against smoking;

Whereas, in addition to the potential encouragement to smoke and the unpleasant physical effects and the nuisance which smoke causes for non-smokers, there is an increased risk of respiratory illnesses for non-smokers involuntarily exposed to the smoke of tobacco products; whereas consequently, it is appropriate to protect the right to health of non-smokers against involuntary smoking;

Whereas, to ensure respect for the right to health of non-smokers, it is essential to ban smoking in public places in certain establishments and in forms of transport;

Whereas, however, in view of the extent of tobacco addiction affecting part of the population, it is appropriate to make provision to permit smoking in part of these establishments and forms of transport;

Whereas it is necessary to extend to the citizens of all Member States the protection they are afforded in some Member States against the damage caused by involuntary smoking;

Whereas, finally, the initiative set out in this resolution will have an even more beneficial effect on public health, particularly for the workers directly concerned, when coupled with health education programmes during the years of compulsory education and with information and public awareness campaigns,

INVITES THE MEMBER STATES:

to take the following measures by introducing legislation or by other methods in accordance with national practices and conditions:

1. Ban smoking in enclosed premises open to the public which form part of the public or private establishments listed in the Annex. Member States may add to the said list;
2. Extend the ban on smoking to all forms of public transport;
3. Provide, where necessary, for clearly defined areas to be reserved for smokers in the above establishments and, if possible, in public transport, particularly for long journeys;
4. Ensure that in the event of a conflict, in areas other than those reserved for smokers, the right to health of non-smokers prevails over the right of smokers to smoke;

to inform the Commission every two years of action taken in response to this resolution.

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[1] Opinion delivered on 26 April 1989 (not yet published in the Official Journal).

ANNEX

Public and private establishments referred to in point 1 of the resolution

(non-exhaustive list)

1. Establishments where services are provided to the public, whether for a charge or free, including the sale of goods;
2. Hospitals, establishments where health care is given and all other medical establishments;
3. Establishments where elderly persons are received;
4. Schools and other premises where children or young people are received or housed;
5. Establishments where higher education and vocational training are given;
6. Enclosed establishments used for entertainment (cinemas, theatres, etc.); radio and television studios open to the public;
7. Enclosed establishments where exhibitions are held;
8. Establishments and enclosed places where sports are practised;
9. Enclosed premises of underground and railway stations, ports and airports.

CONCLUSIONS

of the Council and the Ministers for Health of the Member States meeting within the Council

of 16 May 1989

regarding the prevention of AIDS in intravenous drug users

(89/C 185/03)

THE COUNCIL OF THE EUROPEAN COMMUNITIES AND THE MINISTERS FOR HEALTH OF THE MEMBER STATES MEETING WITHIN THE COUNCIL

draw the following conclusions from the exchange of views held on experience acquired in this field:

I. INTRODUCTION

1. It is becoming increasingly clear that in all the Member States of the Community intravenous drug users have become the high-risk behaviour group showing the greatest increase in AIDS cases. There is epidemiological evidence that in some Member States they are also the group in which HIV infection has become most widespread.

2. In terms of routes of HIV transmission, intravenous drug users are unique in that they combine the three known channels by which HIV infection can be transmitted, namely:

— transmission through the bloodstream, mainly through sharing syringes,

— sexual transmission,

— vertical transmission (mother-baby).

3. These individuals are potentially a very significant source of infection both for each other and for the rest of the community.

4. Therapy has so far made very slow progress and no means of protection for general use has yet been developed.

Most action programmes in this area must therefore concentrate on preventive activities, particularly health education programmes designed to reduce the risk of HIV infection.

5. All the Member States have set various action programmes in motion. Joint assessment of these could be of mutual benefit for the planning of future action.

II. PRECONDITIONS

1. In this particular situation, the need for clearly-defined policies to deal with drug abuse problems is more pressing than ever.

These policies must not only be geared to the ultimate objective (an end to drug use), but must also set out intermediate objectives (lowering of the mortality rate, reduction of the risk of infection by HIV and other agents of infection, reduction of marginalization, etc.), the attainment of which must be viewed as essential.

2. With this in mind, it is becoming increasingly necessary to ensure effective coordination between programmes to combat AIDS and programmes for the treatment and prevention of drug abuse, at both national and international level.

3. Drug users possess very distinctive social characteristics which must be taken into account in any preventive approach since they may hinder the proper implementation of programmes: a high degree of marginalization, behaviour associated with the administration of substances highly dangerous to health, and considerable difficulties in being reached by the medical and social services.

4. Experience acquired to date in various quarters shows that an awareness of the risk of HIV infection helps to motivate addicts to stop taking drugs or change to safer methods of administering them.

5. Provision of this motivation remains difficult and a great deal of imagination is needed in designing action programmes; every available opportunity for progress in this direction must be seized.

6. Programmes must be designed in such a way that the absence of any element of repression, proximity (in time and space) of assistance to areas most frequented by drug users, rapid provision of health care on request and provision of other additional social measures enable these barriers to be overcome.

7. Any such strategy must encourage participation by all the appropriate professional and social services: public and private welfare services, judicial authorities, voluntary organizations, youth organizations, former drug users, etc.

III. CENTRAL POINTS OF A POLICY FOR THE PREVENTION OF HIV INFECTION

Obviously there can be no definitive, universal solutions, and while a number of measures have proved their effectiveness, they have always paid the greatest attention to the

social characteristics of this special sector of the population to which drug addicts belong in each country, region or community.

Each State will therefore consider which solutions seem best suited to its specific situation.

A. **Health education**

1. In addition to the consideration given to measures in general health education programmes, provision must be made for other measures aimed specifically at a particular environment or community, (prisons, the social milieux of drug users, prostitutes, etc.). When these measures are drawn up, the opinion of people who are familiar which these circles and their communication networks (people who have lived or are living in such circles, drug addicts, former drug addicts, etc.) must be sought.

2. Use must be made here of the strategic position of primary health care personnel, since it is known that for various reasons drug addicts frequently consult them before requesting withdrawal treatment. Efforts must be made to make such personnel aware of the importance of their role in altering the risk behaviour associated with drug addiction and sexual practices.

3. A similar process of communication must be initiated with other health care personnel to dispel the negative attitudes to these patients and thus to ensure that all contacts between patients and health care personnel can be put to advantage in furthering health education.

4. Following a diagnosis as HIV positive, in order to prevent the patient, convinced of his incurability, being tempted to adopt irresponsible behaviour with a high risk of transmitting HIV to others, realistic information must be provided on the likelihood of developing the disease, as well as on what the individual himself can do to reduce it by adopting a healthy lifestyle, particularly one which prevents or makes less possible any reinfection from the same source or other carriers.

B. **Dependency treatment programmes**

1. The various therapeutic options available for withdrawal treatment and the rehabilitation of drug users must be reviewed and assessed in the light of the emergence and spread of HIV infection.

2. It would be desirable to promote alternative approaches in this area where possible under national legislation. For example consideration might be given to implementing or extending methods which — like support programmes using substitutes — enable a transition to be made to drug-taking patterns which do not involve the risk of contracting infectious diseases.

3. Advantage must be taken of all opportunities for contacting drug users and drawing up programmes with differing requirement thresholds, so that each drug user can find one which he can realistically follow at any given moment.

C. **Supply of condoms**

1. In addition to including information on sexual practices which provide protection against HIV infection in health education programmes, condoms must be made easily available to drug addicts, either free of charge or at very low cost.

2. Information on such matters should be transmitted by health professionals, especially those who are closest to the patient, and their advice in this area must be applied in such a way that the patient accords it the same credibility as any other health measure.

D. **Coordination of programmes to monitor pregnant drug addicts**

Coordination should be increased between programmes to combat AIDS, drug addiction care and prevention programmes and programmes concerning mothers and children. All such programmes should envisage, from their own standpoint, the adoption of measures aimed at the population of female drug addicts of childbearing age and pregnant women who are drug addicts.

Such programmes should include the following in particular:

— information and advice for female drug addicts concerning the risks of HIV infection to themselves, the foetus and the new-born child,

— high-risk pregnancy measures.

E. **Diagnosis of HIV-positive individuals**

1. Public authorities should create the conditions necessary to make diagnosis and treatment available to all those who require it, irrespective of their financial situation.

2. Tests should be carried out in such a way as to safeguard the voluntary nature of requests for tests and the confidentiality of results. It is also important that health professionals and teams should be in a position to offer advice and psycho-social support.

F. **Specific case of prisons**

1. Inasmuch as, for a variety of reasons, a large number of drug users spend some time in prison at some stage in their lives, prisons must be regarded as places of special importance for the development of varying prevention and assistance programmes.

2. Where necessary, the various possible measures which have been indicated for the general public should be carefully considered before being implemented in the prison environment, in the light of its very particular social and legal circumstances.

IV. FURTHER ACTION

1. In order to be able to take the fullest possible advantage of the experience acquired in the various Member States and bearing in mind the activities and guidelines of international organizations such as the WHO and the Council of Europe, the *ad hoc* Working Party on AIDS will exchange information on the basis of assessments of national action programmes.

At the end of its proceedings the Working Party will submit to the Council proposals for joint guidelines.

2. The Commission is requested to prepare and submit to the Council by the end of 1989 a programme in this area which could envisage, in particular, encouragement and funding for meetings of experts and other initiatives which allow for the exchange of knowledge gained in each country by assessing the different strategies and methods of implementation bearing in mind the activities of the international organizations referred to above.

3. Member States should, if appropriate, examine the impact of their national legislation in order to facilitate implementation of the measures put forward above, thus ensuring greater effectiveness in the fight against problems associated with the non-therapeutic use of drugs and HIV infection.

CONCLUSIONS

of the Council and the Ministers for Health of the Member States meeting within the Council

of 16 May 1989

on awareness measures for health care personnel

(89/C 185/04)

THE COUNCIL OF THE EUROPEAN COMMUNITIES AND THE MINISTERS FOR HEALTH OF THE MEMBER STATES MEETING WITHIN THE COUNCIL

EMPHASIZE that the behaviour of health care personnel towards HIV-positive individuals and AIDS sufferers plays a decisive role in the prevention and treatment of AIDS;

NOTE that the risk of HIV infection is slight and virtually non-existent if protective measures appropriate to the channels of HIV transmission are observed;

INVITE the Member States, where this is necessary, to:

- encourage health care personnel to behave in the same way as they would for any other infectious disease in order to avoid any sort of stigmatization of HIV-positive individuals or AIDS sufferers, or discrimination against them,
- accordingly take the necessary steps to ensure that technical and training information is circulated to health care personnel at all levels and introduce or, where appropriate, improve psycho-social support for such personnel;

INSTRUCT the *ad hoc* working Party on AIDS to conduct an exchange of experience on the matter and report to the Council thereof.

CONCLUSIONS

of the Council and Ministers for Health of the Member States meeting within the Council

of 16 May 1989

on the improvement of the general system for collecting epidemiological data, including the application of the new definition of AIDS cases

(89/C 185/05)

THE COUNCIL OF THE EUROPEAN COMMUNITIES AND THE MINISTERS FOR HEALTH OF THE MEMBER STATES MEETING WITHIN THE COUNCIL

HAVING REGARD to the desirability of stepping up the work of the *ad hoc* Working Party on AIDS, with the participation of the Commission and the WHO collaborating centre in Paris, in order to guarantee the quality and comparability of all the epidemiological data available in the Member States,

AGREE that such comparability at Community level may be impaired by the application of the latest definition of AIDS cases approved by the WHO and used as from 1 January 1988, on account of the epidemiological situation obtaining in some member countries because of other diseases;

ASK the Commission, in cooperation with the WHO collaborating centre in Paris, to:

(a) assess the impact of the application of the new definition of AIDS on the number of cases recorded;

(b) compare the system for recording notifications of AIDS cases at national and Community level in order to pinpoint improvable aspects of the system's coverage and the reliability and comparability of the data used;

(c) propose to the Council the measures and methods necessary to:

- improve both the comparability of data on AIDS cases and, where appropriate, the system for recording AIDS morbidity and death rates at national and Community level,
- exchange data available in the Member States on HIV infection, while respecting in full the confidentiality of such data.

CONCLUSIONS

of the Council and the Ministers for Health of the Member States meeting within the Council

of 16 May 1989

regarding future activities on AIDS prevention and control at Community level

(89/C 185/06)

THE COUNCIL OF THE EUROPEAN COMMUNITIES AND THE MINISTERS FOR HEALTH OF THE MEMBER STATES MEETING WITHIN THE COUNCIL,

CONSIDERING the conclusions adopted hitherto at Community level on the fight against AIDS, and the ongoing activities and preoccupations in Member States,

1. CALL UPON the Commission to:

— examine, within the framework of the internal market, the possibilities for technical harmonization to ensure that condoms available in Member States are of the necessary quality, and submit a proposal to the Council on this matter,

— examine, within the framework of the internal market, the possibilities for harmonization of the technical requirements and limitation of availability of HIV self-testing kits, and submit a proposal to the Council on this matter;

2. INSTRUCT the *ad hoc* Working Party on AIDS, in close cooperation with, and with the participation of, the Commission:

— to develop further the exchange of information on the results of the evaluation of national prevention measures, including information campaigns, and on problems which may concern women or certain specific categories of individuals,

— to examine the possibilities for improving at Community level the HIV-related technical safety requirements for organs, tissues, semen and blood.

RESOLUTION

of the Council and the Ministers for Health of the Member States meeting within the Council

of 16 May 1989

concerning a European network of health data on drug abuse

(89/C 185/01)

THE COUNCIL OF THE EUROPEAN COMMUNITIES AND THE MINISTERS FOR HEALTH OF THE EUROPEAN COMMUNITIES MEETING WITHIN THE COUNCIL,

HAVING REGARD to the Treaties establishing the European Communities,

CONCERNED at the increase in drug abuse and its public health consequences,

NOTE the demonstrated usefulness of the existing structures in various Member States for the collection of information on the illicit use of drugs, but that varying legislative and organizational differences render comparisons difficult;

CONSIDER that the work carried out by the Pompidou Group constitutes an important basis for moving ahead towards a possible joint initiative of Member States and that, in order to avoid duplication, future work at Community level should take account of the activities of the Pompidou Group, the Council of Europe and the WHO;

NOTE the usefulness of an exchange of information among Member States on drug abuse which should assist planning and evaluation of the impact of changes which might occur in the run-up to 1993;

NOTE that Member States which are currently beginning to collect systematic information have expressed a wish for cooperation and assistance to improve comparison possibilities;

CONSIDER it important that reports produced by Member States contain a common nucleus of data as well as complementary information so as to facilitate their interpretation; that the collation of such reports could constitute one of the bases for an exchange of information at Community level;

On this basis, INVITE the Commission to:

- draw up a full inventory of work already carried out or planned both by the Member States and by international organizations such as the Pompidou Group and the WHO,
- identify any areas where further work is required,
- present a report to Council indicating, if appropriate, possible initiatives to be taken in this field.

In this work, the Commission will be assisted by a working party composed of representatives from the Member States.

CONCLUSIONS

of the Council and the Ministers for Health of the Member States meeting within the Council

of 16 May 1989

concerning the reliability of tests on body fluids to detect the use of illicit drugs

(89/C 185/02)

THE COUNCIL OF THE EUROPEAN COMMUNITIES AND THE MINISTERS FOR HEALTH OF THE MEMBER STATES MEETING WITHIN THE COUNCIL

1. EXPRESS their concern at the use of illicit drugs and its consequences for public health;

2. NOTE the increase in the screening of urine, in the Member States, for the presence of illicit drugs;

3. CONSIDER that it is important to avoid false positive results which may have undesirable consequences for the individual;

4. ALSO NOTE that the following difficulties may exist in certain cases:

   — screening and tests to confirm the presence of illicit drugs in urine involve the identification of the possible presence of a number of illicit drugs and their metabolites; however, reliable reference materials are not always available and are costly to produce,

   — the specificity of all the screening tests on the market is not always appropriate to the problems at hand and confirmation test methods can show significant discrepancies in specificity and sensitivity,

   — several intercomparison programmes already carried out reveal the difficulties which often exist in carrying out such screening, and in particular the risks of false positive results,

   — the need for adequate confirmation of positive screening results may not always be met,

   — an increasing number of laboratories perform screening and confirmation tests, sometimes for commercial interests not always compatible with quality;

5. INVITE the Commission, with the assistance of a Working Party of representatives of the Member States, to examine firstly:

   (a) in what circumstances, for what purposes and the frequency with which individuals undergo screening for the use of illicit drugs by urine testing,

   (b) what are the consequences for individuals of positive tests,

   (c) to what extent such screening and confirmation tests and their consequences are compatible with the new circumstances which will apply with the establishment of the internal market;

6. INVITE the Commission, in the light of the results of the examinations referred to in 5 (a), (b) and (c) and after coordination with other competent bodies, such as the United Nations Division of Narcotic Drugs and the WHO, to assess whether it would be necessary or desirable to:

   (a) examine the criteria currently used for reporting positive results, including the need to distinguish between screening and confirmation,

   (b) examine the existing quality assurance programmes,

   (c) check on the availability of certified reference materials for illicit drugs and metabolites;

7. CALL UPON the Commission to report to the Council on its findings.

COUNCIL DECISION

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)

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

(...)

HAS DECIDED AS FOLLOWS:

Article 1

Establishment of the EuroTecNet programme

1. The European Community action programme to promote innovation in the field of vocational training resulting from technological change is hereby adopted.

2. The programme, hereinafter referred to as the 'EuroTecNet programme', shall be implemented with effect from 1 January 1990 for a period of five years.

Article 2

Objective

The objective of the EuroTecNet programme shall be to promote innovation in the fields of basic and also of continuing vocational training with a view to taking account of current and future technological changes and their impact on employment, work and necessary qualifications and skills.

Article 3

Content

The EuroTecNet programme shall comprise:

(a) a network of national or transnational innovatory projects which take account of a common framework of guidelines as set out in Article 4 and which are designed to develop and improve vocational training policies and systems for the new technologies in the Member States.

(b) a series of Community measures, as set out in Articles 5 and 6 and in the Annex, which are designed to support and supplement those measures taken by and within Member States.

Article 4

Common framework of guidelines

1. The common framework of guidelines referred to in Article 3(a) shall take account of the following objectives:

(a) extending cooperation with public and private bodies at all levels;

(b) analysing the impact of technological change on the qualifications and skills of the groups of persons concerned, such as managerial staff, employees and the unemployed; specific account should be taken of the situation of small and medium-sized undertakings as regards both managers and employees;

(c) implementing national or transnational demonstration projects making it possible to innovate in the provision for vocational training;

(d) providing for the entry into working life of young people and the unemployed, in particular those whose qualifications are inadequate or unsuitable, through measures which provide them with training both in the new technologies and in mastering technological development;

(e) promoting equal opportunities for men and women, in particular the access of women to types of training with significant technological content, as well as the retraining or re-entry into employment of women whose professional activities are affected by technological change;

(f) developing the training and retraining of trainers in technical, educational and social skills;

(g) disseminating relevant information.

2. Both sides of industry shall be fully associated in the implementation of the common framework of guidelines referred to in Article 3(a), in accordance with national practices.

Article 5

Community measures

The Community measures referred to in Article 3(b) shall be aimed at:

(a) setting up at Community level a network of innovatory projects in the fields of basic and also of continuing training;

(b) strengthening cooperation, the exchange and transfer of methodologies and the development of transnational projects;

(c) encouraging measures to ensure the basic and also continuing vocational training of trainers;

(d) launching research and analytical work concerning the qualification requirements created by technological change;

(e) developing the use of open and flexible methods of learning, paying attention, *inter alia*, to the promotion of self-training;

(f) disseminating relevant information within the Community.

Article 6

Support measures

1. In order to support and supplement the efforts of Member States to improve the quality and level of vocational training and

of the necessary qualifications and skills in line with technological change, the Commission shall implement various measures as indicated in the Annex, taking account of the differing needs and situations which exist in the Member States, with particular regard to the level of technological advancement in each Member State and to the respective provisions for vocational training.

2. Both sides of industry shall be fully associated, according to the appropriate procedures, in the implementation of the measures referred to in paragraph 1.

Article 7

Financing

1. The funds estimated as necessary for the financing of the EuroTecNet programme in the first three years of the five-year period referred to in Article 1(2) amount to ECU 7.5 million.

2. The necessary annual appropriations shall be authorized in the annual budgetary procedure in accordance with the financial outlook decided on jointly by the European Parliament, the Council and the Commission and on the basis of the way it develops.

Article 8

Consistency and complementarity

1. The Commission shall ensure that there is consistency and complementarity between the Community actions to be implemented under the EuroTecNet programme and other Community programmes involving vocational training and/or technological development.

2. The Commission shall draw upon the assistance of the European Centre for the Development of Vocational Training (Cedefop) in the implementation of the EuroTecNet programme, subject to the conditions laid down in Council Regulation (EEC) No 337/75 of 10 February 1975 establishing a European Centre for the Development of Vocational Training.[1]

Article 9

Briefing of the Advisory Committee on Vocational Training

The Commission shall keep the Advisory Committee on Vocational Training regularly informed of the development of the EuroTecNet programme.

Article 10

Committee

1. The Commission shall be assisted by a committee of an advisory nature composed of the representatives of the Member States and chaired by the representative of the Commission.

Three representatives of both sides of industry, appointed by the Commission on the basis of proposals from the organizations representing both sides of industry at Community level, shall participate in the work of the committee as observers.

2. The representative of the Commission shall submit to the committee a draft of the measures concerning:

(a) the general guidelines governing the EuroTecNet programme;

(b) questions relating to the overall balance of the EuroTecNet programme, including the breakdown between the various actions.

3. The committee shall deliver its opinion on the draft, within a time-limit which the chairman may lay down according to the urgency of the matter, if necessary by taking a vote.

4. The opinion shall be recorded in the minutes; in addition, each Member State shall have the right to ask to have its position recorded in the minutes.

5. The Commission shall take the utmost account of the opinion delivered by the committee. It shall inform the committee of the manner in which its opinion has been taken into account.

Article 11

Assessment

1. The results of the national or transnational projects undertaken by the Member States pursuant to Article 4 and of measures taken by the Commission pursuant to Articles 5 and 6 and the Annex shall be subject to objective external assessment in accordance with criteria established in consultation between the Commission and the Member States:

(a) for the first time, during the first six months of 1992;

(b) for the second time, during the first six months of 1994.

2. The Commission shall, in consultation with the Member States, coordinate the assessments referred to in paragraph 1 and report to the European Parliament, the Council and the Economic and Social Committee on the results of these assessments, highlighting the financing procedures for the EuroTecNet programme:

(a) in the case referred to in paragraph 1(a), by 30 June 1992 at the latest;

(b) in the case referred to in paragraph 1(b), by 30 June 1994 at the latest.

Article 12

(...)

(1) OJ L 39, 13. 2. 1975, p. 1.

RESOLUTION

of the Council and of the Ministers for Labour and Social Affairs meeting within the Council

of 20 November 1989

on setting up a European employment observatory

THE COUNCIL OF THE EUROPEAN COMMUNITIES AND THE MINISTERS FOR LABOUR AND SOCIAL AFFAIRS, MEETING WITHIN THE COUNCIL,

Having regard to the Treaty establishing the European Economic Community,

Having regard to the Council Resolution of 22 December 1986 on an action programme on employment growth [1],

Having regard to the Council Resolution of 5 June 1989 on continuing vocational training, [2]

1. INVITE the Commission and the Member States to set up a European employment observatory, its remit being to study employment trends on an ongoing basis, focusing on the sectors affected by completion of the internal market, taking into account the work already carried out at Community level, namely:
   - to gather available information from the Member States on the prospects for change in employment and qualifications in the sectors most affected by completion of the internal market;
   - to provide an overview of the information gathered, making it possible to distinguish the broad trends in those sectors;
   - to circulate widely, for operational purposes, the results of the work referred to in the preceding indent to all those with responsibility for economic and social affairs, especially both sides of industry, within the Community;

2. INVITE the Commission, in conjunction with the Member States and after consulting both sides of industry, to submit to them on a regular basis the topics and sectors covered by the observatory's remit and, at the annual debate on employment, to submit to the Council a summary of work carried out on these topics and sectors;

   INVITE the Commission, from the beginning of 1990, to take the necessary steps to set up the observatory in question by calling upon the human and financial resources at its disposal;

3. INVITE the Member States to cooperate with the Commission in conducting the observatory;

   INVITE in particular each Member State to designate a national coordinator to provide the information referred to in the first indent of point 1 and give the Commission any appropriate assistance with its task, thereby creating a Community-wide network to assist in carrying out the remit described in point 1;

   CONSIDER that the information provided within the framework of the observatory should contribute to enabling both the Member States and the Commission to reflect, *inter alia,* upon improving the employment and job creation impact of the European Social Fund.

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(1) OJ C 340, 31. 12. 1986, p. 1.
(2) OJ C 148, 15. 6. 1989, p. 1.

RESOLUTION

of the Council and of the Ministers for Social Affairs meeting within the Council

of 29 September 1989

on combating social exclusion

(89/C 277/01)

THE COUNCIL OF THE EUROPEAN COMMUNITIES AND THE MINISTERS FOR SOCIAL AFFAIRS MEETING WITHIN THE COUNCIL,

1. RECALL the efforts already undertaken by the Community and the Member States to combat poverty and to promote the economic and social integration of economically and socially disadvantaged groups of people, demonstrated specifically in the adoption of the third programme to combat poverty.

   EMPHASIZE that combating social exclusion may be regarded as an important part of the social dimension of the internal market;

2. NOTE that the process of social exclusion is spreading in a number of fields, resulting in many different types of situation affecting various individuals and groups of people in both rural and urban areas;

3. NOTE that the reasons for this process lie in structural changes in our societies and that, of these, difficulty of access to the labour market is a particularly decisive factor;

4. URGE the need for economic development policies to be accompanied by integration policies of a specific, systematic and coherent nature;

5. AFFIRM that the existence of a series of measures guaranteeing adequate aid and resources adapted to the situation of each individual is a fundamental factor in combating social exclusion;

6. EMPHASIZE that social exclusion is not simply a matter of inadequate resources, and that combating exclusion also involves access by individuals and families to decent living conditions by means of measures for social integration and integration into the labour market;

7. Accordingly REQUEST the Member States to implement or promote measures to enable everyone to have access to:

   — education, by acquiring proficiency in basic skills,

   — training,

   — employment,

   — housing,

   — community services,

   — medical care;

8. POINT in this connection to the effectiveness of coordinated, coherent development policies based on active participation by local and national bodies and by the people involved;

9. UNDERTAKE to continue and, as necessary, to step up the efforts undertaken in common as well as those made by each Member State, and to pool their knowledge and assessments of the phenomena of exclusion;

10. Consequently CALL ON the Commission:

    — taking account of the studies which exist or are still in progress, to study, together with the Member States, the measures they are taking to combat social exclusion,

    — to report on the measures taken by the Member States and by the Community in the spheres covered by this resolution within three years of its adoption.

COUNCIL REGULATION (EEC)

of 18 December 1989

concerning the further development of the Handynet system in the context of the Helios programme

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community, and in particular Articles 128 and 235 thereof,

Having regard to Council Decision 88/231/EEC of 18 April 1988 establishing a second Community action programme for disabled people (Helios) [1] and, in particular, Article 4(2) thereof and point 2(d) of the Annex thereto,

Having regard to the proposal from the Commission,

Having regard to the Opinion of the European Parliament, [2]

Having regard to the Opinion of the Economic and Social Committee, [3]

Whereas the Council, in accordance with point 2(d) of the Annex to Decision 88/231/EEC will review the Handynet system on the basis of a Commission report and, on the basis of a Commission proposal, will decide on the conditions for continuing the system after that date;

Considering the Commission report;

Whereas the Commission's consultations with the members of the Advisory Committee (Helios) and the Liaison Group (Helios) set up by Articles 6 and 7 of Decision 88/231/EEC as well as the cooperation with the representatives of users and suppliers of information and with international experts have made it possible to define, in the light of studies and the experience of existing data bases in certain Member States, the general design of the Handynet system;

Whereas during the initial phase relating to the coordination and further development of the Handynet system (May 1988 to end of 1989), the Commission has, in accordance with the Helios programme, applied priority to the further development and updating of Handyaids as the first module of the Handynet system;

Whereas the first module of the Handynet system could have implications on the social level by making a contribution towards improving the conditions for the integration of the disabled, since technical aids constitute an indispensable factor in the training and vocational rehabilitation, employment, education, and autonomous living of persons in this category, in particular from the point of view of their mobility, and their return home;

Whereas, on the economic level, information plays an important role in the development and coherence of the European economy as a whole; whereas this first module of the Handynet system is likely to ensure transparency in a specific sector of the European market and will probably have beneficial effects for the disabled in terms of quality and price of products by stimulating consumption, production and competition, thus giving rise to economies of scale at the level of both production and distribution; whereas the effects of the transparency of the Community market will also serve the interests of those in charge of social policy who, at national, regional or local level, assume a considerable part of the burden of financing technical aids;

Whereas, with a view to ensuring efficiency, the fields of the Handynet system to be implemented by way of priority in the years 1990 and 1991 should be defined; whereas the first step therefore should be the finalization and entry into operation of the Handyaids module during first half of 1990;

Whereas the amount necessary for carrying out the priority activities provided for under the Handynet System in the years 1990 and 1991 is comprised in the amount estimated necessary for the activities of the Helios programme as a whole;

HAS DECIDED AS FOLLOWS:

Article 1

The European Community computerized information system on disability questions, known as Handynet, shall be continued in consultation with the Member States under the Helios programme and in particular under Article 6 of Decision 88/231/EEC for the period 1 January 1990 to 31 December 1991.

Article 2

Within the amount estimated necessary for the Helios programme, priority shall be given to the activities of completion and putting into operation of the Handyaids module on technical aids intended for persons affected by impaired motor, visual, hearing, mental or communication faculties.

Done at Brussels, 18 December 1989

For the Council
The President

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(1) OJ L 104, 23. 4. 1988, p. 38.

(2) Opinion delivered on 24 November 1989 (not yet published in the Official Journal).

(3) Opinion delivered on 16 November 1989 (not yet published in the Official Journal).

CONCLUSIONS

of the Council and the Ministers responsible for family affairs, meeting within the Council

of 29 September 1989

regarding family policies

1. The last decades have been marked by profound demographic and socio-economic changes.

   No Community country is immune, even if the changes take place with certain time lags and at different rates.

   The demographic outlook raises the question of Europe's political, economic and cultural future in the world.

2. In short, the demographic trend is characterized by a lower fertility rate and an increase in life expectancy resulting in an ageing population, which will decline in the long term.

   This change in age structure of the population will be accompanied by a change in family structure, a result of the decline in marriage and of the increase in the number of divorces.

   The restructuring of the labour market, changes in working conditions and the increase in female employment are the principal factors in this new economic landscape.

3. In view of the impact of these economic and demographic changes on the family, it is important to ask what are the prospects for and the objectives and methods of Community action at family level.

   The legitimacy of such Community interest is based less on ideological grounds than on the acknowledgement of such objective facts as the economic role of the family, the responsibility of families in bringing up children, the importance of the family as the touchstone for solidarity between generations, the irreversible desire for equality between men and women and the wish of women to have complete access to working life in order to provide the family with a suitable environment in which it can develop harmoniously and in which its members can flourish, with due regard for freedom of choice in the number of their children.

   Community action will have to be pragmatic in order to respect the special features of different national policies already created and the varying socio-economic contexts in which such policies operate.

4. In this context, the following activities will be started or continued at Community level:

   (a) continuation of actions seeking to inform and to increase awareness, particularly through the production and presentation of regular information on demography and measures concerning families (household structure, female employment rates, trend in birthrates, etc.) using to that effect the network of experts already set up by the Commission, as well as thematic studies;

   (b) taking into account the family dimension in the establishment of appropriate Community policies, for example in the freedom of movement of persons and equality between men and women;

   (c) a regular exchange of information and views at Community level on major themes of common interest as regards family policy and demography, with particular emphasis on:

   — the impact of other Community policies on the family;

   — measures making it possible to implement policies on equal opportunities for men and women, in particular access for women to the labour market;

   — measures in favour of families, including measures tailored to the characteristics or difficulties of some families,

   taking account of activities in other international organizations, to avoid any duplication of effort.

5. The activities would be monitored by:

   (a) regular assessment of the measures taken through regular consultation between the Commission and:

   — the working party of senior national officials with responsibility for family affairs;

   — organizations representing families at Community level on the basis of representative pluralist criteria;

   (b) periodic assessment in the Council.

COUNCIL DIRECTIVE

of 13 November 1989

on the approximation of the laws, regulations and administrative provisions of the Member States concerning the labelling of tobacco products

(89/622/EEC)

THE COUNCIL OF THE EUROPEAN COMMUNITIES;

Having regard to the Treaty establishing the European Economic Community, and in particular Article 100a thereof,

...

HAS ADOPTED THIS DIRECTIVE:

Article 1

The objective of this Directive is the harmonization of the laws, regulations and administrative provisions of the Member States concerning the warnings regarding health to appear on the unit packet of tobacco products and the indiction of the tar and nicotine yield to apper on cigarette packets, taking as a base a high level of health protection by reducing the harm done to health by tobacco addiction.

Article 2

For the purposes of this Directive:

(1) 'tobacco products' means products for the purpose of smoking, sniffing, sucking or chewing, inasmuch as they are, even partly, made of tobacco;

(2) 'tar' means the raw anhydrous nicotine-free condensate of smoke;

(3) 'nicotine' means nicotinic alkaloids.

Article 3

1. The tar and nicotine yields that must be indicated on cigarette packets shall be measured on the basis of the ISO 4387 and ISO 3400 methods.

2. The accuracy of the indications on packets shall be verified in accordance with ISO standard 8243.

3. The indications concerned shall be printed on the side of cigarette packets, in the official language or languages of the country of final marketing in clearly legible print on a contrasting background so that at least 4 % of the corresponding surface is covered. This percentage shall be raised to 6 % for countries with two official languages and to 8 % for countries with three official languages.

4. In January each year the Member States shall forward to the Commission lists of the tar and nicotine contents of the cigarettes sold on their markets. The Commission shall publish this information in the *Official Journal of the European Communities.*

Article 4

1. All unit packets of tobacco products shall carry, on the most visible surface, the following general warning in the official language or languages of the country of final marketing: 'Tobacco seriously damages health'.

2. With regard to cigarette packets, the other large surface of the packet shall carry, in the official language or languages of the country of final marketing, specific warnings alternating in accordance with the following rule:

— each Member State shall draw up a list of warnings taken exclusively from those listed in the Annex,

— the specific warnings selected shall be printed on the unit packets so as to guarantee the appearance of each warning on an equal quantity of unit packets, with a tolerance of around 5 %.

3. Member States may stipulate that the warnings referred to in paragraphs 1 and 2 be combined with the indication of the authority that is their author.

4. On cigarette packets the warnings provided for in paragraphs 1 and 2 shall cover at least 4 % of each large surface of the unit packet, excluding the indication of the authority provided for in paragraph 3. This percentage shall be increased to 6 % for countries with two official languages and to 8 % for countries with three official languages.

The required warnings on the two largest surfaces of each cigarette packet:

(a) shall be clear and legible;

(b) shall be printed in bold letters;

(c) shall be printed on a contrasting background;

(d) shall not be printed in a place where they may be damaged when the package is opened;

(e) shall not be printed on the transparent wrapper or any other external wrapping.

5. In the case of tobacco products other than cigarettes, the general warning laid down in paragraph 1 shall be printed in, or irremoveably affixed to, a conspicuous place on a contrasting background and in such a way as to be easily visible, clearly legible and indelible. It shall not in any way be hidden, obscured or interrupted by other written or pictorial matter.

Article 5

Adaptation to technical progress of the provisions of this Directive shall be limited to the measurement and verification methods referred to in Article 3 (1) and (2).

Article 6

With a view to the adaptation to technical progress referred to in Article 5, the Commission shall be assisted by an advisory Committee, composed of representatives of the Member States and chaired by the Commission representative.

Article 7

The Commission representative shall submit to the Committee a draft of the measures to be taken. The Committee shall deliver its opinion on the draft, within a time limit which the chairman may lay down according to the urgency of the matter, if necessary by taking a vote.

The opinion shall be recorded in the minutes; in addition, each Member State may ask to have its position recorded in the minutes.

The Commission shall take the utmost account of the opinion delivered by the Committee. It shall inform the Committee of the manner in which its opinion has been taken into account.

Article 8

1. Member States may not, for reasons of labelling, prohibit or restrict the sale of products which comply with this Directive.

2. The provisions of this Directive do not affect the right of the Member States to lay down, in compliance with the Treaty, requirements concerning the import, sale and consumption of tobacco products which they deem necessary in order to protect public health, provided such requirements do not imply any changes to labelling as laid down in this Directive.

Article 9

1. Member States shall adopt the laws, regulations and administrative provisions necessary to comply with this Directive before 1 July 1990.

They shall forthwith inform the Commission thereof and communicate to it the provisions of national law which they adopt in the field governed by this Directive.

The Commission shall publish in the *Official Journal of the European Communities* the national warning lists drawn up in accordance with the first indent of Article 4 (2).

2. Member States shall bring into force the above laws, regulations and administrative provisions before 31 December 1991.

However,

— until 31 December 1992 cigarettes, and

— until 31 December 1993 other tobacco products

existing on 31 December 1991 which do not comply with this Directive may still be put on sale.

3. Member States which, after 31 December 1991, amend their warning lists drawn up in accordance with the first indent of Article 4 (2) shall notify the Commission of that amendment eighteen months before its application. The Commission shall publish it in the *Official Journal of the European Communites.*

Article 10

This Directive is addressed to the Member States.

Done at Brussels, 13 November 1989.

For the Council
The President
C. Evin

COMMON POSITION

adopted by the Council on 13 November 1989 with a view to adopting a Directive on the approximation of the laws, regulations and administrative provisions of the Member States concerning the maximum tar yield of cigarettes

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community, and in particular Article 100a thereof,

(...)

HAS ADOPTED THIS DIRECTIVE:

Article 1

The objective of this Directive is the harmonization of the laws, regulations and administrative provisions of the Member States concerning the maximum tar yield of cigarettes, taking as a basis a high level of public-health protection by the reduction of the health damage caused by tar.

Article 2

1. For the purposes of this Directive, 'tar' means the raw anhydrous nicotine-free condensate of smoke.

2. The tar yield of cigarettes marketed in the Member States shall not be greater than:

15 mg per cigarette as from 31 December 1992 and
12 mg per cigarette as from 31 December 1997.

3. For the Hellenic Republic, as a temporary derogation, the limit values and dates of implementation shall be as follows:

20 mg – 31. 12. 1992,
18 mg – 31. 12. 1998,
15 mg – 31. 12. 2000,
12 mg – 31. 12. 2006.

However, this derogation may not be used to justify controls at the Community's internal frontiers.

Article 3

The tar yield of cigarettes shall be measured according to ISO standards 4387 and 3400. Verification must bye carried out according to ISO standard 8243.

Article 4

Adaptation of this Directive to technical progress shall be limited to the method of measuring tar yields and the method of verification referred to in Article 3.

Article 5

With a view to the adaptation to technical progress referred to in Article 4, the Commission shall be assisted by a committee of an advisory nature composed of representatives of the Member States and chaired by the Commission representative.

Article 6

The representative of the Commission shall submit to the committee a draft of the measures to be taken. The committee shall deliver its opinion on the draft within a time-limit which the chairman may lay down according to the urgency of the matter, if necessary by taking a vote.

The opinion shall be recorded in the minutes; in addition, each Member State may ask to have its position recorded in the minutes.

The Commission shall take the utmost account of the opinion delivered by the committee. It shall inform the committee of the manner in which its opinion has been taken into account.

Article 7

1. The Member States may not, for considerations of limitation of the tar yield of cigarettes, prohibit or restrict the sale of products which comply with this Directive.

2. This Directive shall not otherwise affect the right of the Member States to adopt, in accordance with the Treaty, rules concerning the import, sale and consumption of tobacco products which they deem necessary in order to protect public health, provided such rules do not imply any changes to limits on the tar yield of cigarettes as laid down in this Directive.

Article 8

1. Member States shall bring into force the laws, regulations and administrative provisions necessary to comply with this Directive within 18 months of its notification. They shall forthwith inform the Commission thereof.

2. Products existing at the dates referred to in Article 2(2) which do not comply with this Directive may continue to be marketed for two years thereafter.

3. Member States shall communicate to the Commission provisions of national law which they adopt in the field governed by this Directive.

Article 9

This Directive is addressed to the Member States.

Done at Brussels.

For the Council
The President

RESOLUTION

of the Council and the Ministers for Health of the Member States, meeting within the Council,

of 13 November 1989

on the fight against AIDS

THE COUNCIL OF THE EUROPEAN COMMUNITIES AND THE MINISTERS FOR HEALTH OF THE MEMBER STATES, MEETING WITHIN THE COUNCIL,

Having regard to the Treaties establishing the European Communities,

Having regard to their common approach to combating AIDS, worked out in 1986 and subsequently expanded, (1)

Remain concerned by the increase in the AIDS epidemic in the Member States of the Community and by its social, economic, legal and ethical consequences;

Recall their conclusions of 16 May 1989 (2) affirming that contamination by drug injection is a major concern of the health authorities;

Stress the very considerable efforts made by all Member States in the fields of research, treatment and prevention as well as the major endeavour to coordinate research at Community level;

Note that, in spite of encouraging progress achieved in research, effective vaccines and treatment will not be widely available for several years;

Reiterate the importance of international cooperation, in particular with the World Health Organization (WHO) and the Council of Europe;

Consider it advisable to reaffirm and specify, for the attention of all European citizens, the principles which should guide them in preventing and combating AIDS;

Draw attention also to their conclusions of 15 May 1987 (3) in which they decided to draw up an action and coordination plan for adoption by the Member States and at Community level;

Therefore agree to step up the coordination of national and Community projects and promote activities of common interest.

A — Common principles for the fight against AIDS

I — *Prevention*

1. In the fight against AIDS, top priority should, alongside research, continue to be given to prevention by means of health information and health education.

2. The information should be clear and full and stress the fact that HIV infection and the disease of AIDS in no way justify any reaction of fear or of discrimination.

3. Health-information and health-education measures should deliver well-aimed messages: on the one hand, it remains indispensable that the general public and young people in particular be given repeated general messages on prevention; on the other hand, local or targeted measures must bring these messages home.

   Special attention should be given to ways of reaching drug addicts and those living on the fringes of society.

4. Prevention must include improved access to suitable individual counselling and to the available means of protection against the virus, such as condoms and safe injection material.

5. These measures should be thoroughly reviewed on a regular basis.

II — *Use of diagnostic tests*

1. Suitable diagnostic tests must be widely available on a voluntary and confidential basis within the public health systems.

   Where advisable, additional arrangements may be made to offer individuals the possibility of being tested anonymously, if possible free of charge.

2. These tests form part of individual preventive measures, always accompanied by information and counselling provided by qualified persons.

3. On the basis of knowledge gleaned to date, no public health reason justifies the systematic and compulsory screening of individuals, i.e. screening without prior information or consent of the persons tested. Such a practice is particularly ineffective as a means of prevention.

4. To improve epidemiological data, in the context of longitudinal or prospective studies and for public health purposes, requires the use of appropriate strategies.

5. Progress in the medical use of substances of human origin (such as blood and its derivatives, organs, tissues and semen) must be actively continued.

   Voluntary donation of such substances without remuneration, maintaining screening on the occasion of each donation by means of suitable tests (testing of AIDS viruses), the development of a policy of informing donors in order to exclude risk donors and similarly stringent quality controls throughout the Community make an essential contribution to the safe use of such donations, and particularly to safe transfusion.

(1) OJ C 184, 23. 7. 1986, p. 21; OJ C 178, 7. 7. 1987, p. 1; OJ C 197, 27. 7. 1988, p. 8; OJ C 28, 3. 2. 1989, p. 1; OJ C 185, 22. 7. 1989, p. 3.

(2) OJ C 185, 24. 7. 1986, p. 3.

(3) OJ C 178, 7. 7. 1987, p. 1.

III — *The fight against discrimination*

1. Any discrimination against persons with AIDS or HIV-positive persons constitutes a violation of human rights and prejudices an effective prevention policy because of its effects of exclusion and ostracism.

2. The free movement of persons, goods and services in the Community and equal treatment as laid down in the Treaties are, and must continue to be, guaranteed.

3. The greatest possible vigilance must therefore be exercised in order to combat all forms of discrimination, particularly in recruitment, at the workplace, at school and as regards accommodation and sickness insurance.

4. With regard, more particularly, to accommodation and private insurance, solutions should be found which reconcile economic interests with the principle of non-discrimination.

IV — *Medical and social care for HIV-positive individuals and persons with AIDS*

1. In order to enable persons affected to take full advantage of improvements in therapy and diagnosis, the fullest and earliest possible access to care should be made available.

2. In particular, persons who do not have social security cover, as is often the case with drug addicts or former drug addicts, require specific measures, where appropriate.

3. The dissemination of information on solutions which have proved successful in certain countries should be encouraged and backed up, especially at Community level.

4. Non-governmental organizations, whether their members be affected persons or persons concerned by the epidemic, play an essential role in the provision of psychological and social care for affected persons. This role must be encouraged and more widely recognized.

B — **Specific activities: action plan**

I — *Basic operational research*

Community research policy has to date been based in particular on vaccines, treatment and epidemiology and on the ways of involving health services, particularly in developing countries, in combating AIDS.

This policy must be continued and backed by all the necessary means.

II — *Research into, and evaluation of, the socio-economic impact*

Better knowledge of the pathogenesis of AIDS should go hand in hand with a better understanding of the psychosocial, economic and demographic effects of the disease and of its consequences for society in Europe and the world.

The Commission is called upon to consider in particular the following topics in coordinated research projects: analysis and assessment of requirements for caring, research into behaviour and behavioural factors with particular reference to prevention, development of methods for assessing preventive measures, analysis of socio-economic consequences and preparation of forecasts and scenarios in this field.

III — *International cooperation*

The Council takes note of the measures already undertaken under the programme to combat AIDS in developing countries adopted on 21 May 1987.

Without prejudice to the priorities which have still to be determined, the Council considers it advisable to continue and strengthen these measures which must be consistent with the common approach adopted by the Council and the Ministers for Health on this matter.

The Community has a specific role to play in this field in close collaboration with the Member States, the WHO and the other international organizations concerned.

IV — *Monitoring of the epidemiological situation in the Community*

In the light of the considerable work already done to improve the general system for gathering epidemiological data, and notably the conclusions of the Council and the Ministers for Health meeting within the Council on 15 December 1988 and 16 May 1989, [1] the Member States and the Commission are requested, each as far as it is concerned, to:

— continue improving the general system for gathering epidemiological data, and particularly national monitoring systems;

— forward regularly to the European Centre for the Epidemiological Monitoring of AIDS (WHO-EC Collaboration Centre in Paris) the available epidemiological data and provide suitable access to the Centre's data base;

— develop coordinated epidemiological studies for assessing the present situation and the possible spread of the epidemic;

— take account of the above information when subsequently developing strategies for prevention and care;

— develop, together with experts designated by the Member States and the European Centre, methodological approaches to ensure greater comparability of epidemiological data.

The Commission will ensure that appropriate Community support is given to the European Centre to carry out all these tasks.

V — *Development of measures to combat AIDS*

In the light of the conclusions of the Council and the Ministers for Health meeting within the Council on 16 May 1989 [1] which:

— requested the Commission to prepare and submit to the Council by the end of 1989 a programme on the prevention of AIDS in intravenous drug users,

— requested the Commission to examine, within the framework of the internal market, the possibilities for harmonization of condoms and HIV self-testing kits,

— instructed the *ad hoc* Working Party on AIDS, in close cooperation with, and with the participation of, the Commission, to develop the exchange of information on the results of the assessment of the national prevention measures including information campaigns, and on awareness measures for health personnel and finally to examine the possibilities for improving at Community level the HIV-related technical safety requirements for organs, tissues, semen and blood:

(a) the Commission is requested, on the basis of the guidelines laid down by the Council in this resolution and in close cooperation with the Member States and with the possible assistance of experts appointed by each of them, to:

develop exchanges of information and experience in priority areas of the fight against AIDS, in particular those indicated in the Annex, and the resultant coordination,

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(1) OJ C 28, 3. 2. 1989, p. 1 and OJ C 185, 22. 7. 1989, p. 7.
(2) OJ C 185, 22. 7. 1989, p. 3.

draw up and submit to the Council, at the earliest opportunity, proposals defining the details and content of an action plan integrating appropriate measures to prevent and control AIDS, including the coordination of the pilot projects carried out by the Member States and contributions to preparing Community projects on research and international cooperation;

(b) the *ad hoc* Working Party on AIDS is instructed, in accordance with the conclusions previously adopted by the Council and the Ministers for Health, to continue its work, in particular on exchanges of information and experience, to examine the communications and proposals to be submitted by the Commission and to report to the Council on the implementation of this resolution.

ANNEX

Priority topics for the exchanges of information and experience

I — *Topics which have been the subject of earlier conclusions*

Assessment of national prevention measures, including assessment of information campaigns and problems which may concern women or certain specific categories of persons;

Preventive measures aimed at drug addicts;

Technical ways of improving safety in the use of substances of human origin.

II — *New topics*

Care of infected persons;

Health information and education for young people;

Implementation of the conclusions of the Council and the Ministers for Health concerning AIDS and the place of work.

CONCLUSIONS

of the Council and the Ministers for health of the Member States within the Council

of 13 November 1989

on the implementation of coordinated measures for preventing drug addiction and coping with drug addicts

THE COUNCIL OF THE EUROPEAN COMMUNITIES AND THE MINISTERS FOR HEALTH OF THE MEMBER STATES MEETING WITHIN THE COUNCIL,

Reiterate their profound concern at the spread of drug addiction throughout the Member States of the Community;

Confirm in this connection the importance of carrying out rapidly the work entrusted to the Commission at their meeting on 16 May 1989, especially as regards the setting up of a European network of health data on drug abuse;

Feel that the Community is in a position to make a significant contribution of its own to national and international activities in this field;

Consider that, particularly in the area of the prevention of drug addiction and coping with drug addicts, the speedy development of measures at all appropriate levels is essential; such measures should take account of the work of the Council of Europe, in particular the Pompidou Group, the WHO and Unesco;

Note that there are areas or regions in the Community with sufficiently similar socio-economic and cultural characteristics to make possible exchanges of information or the implementation of coordinated action;

Ask the Commission, with the assistance of experts appointed by each Member State, in particular to:

- make an inventory of areas appropriate for experimenting with coordinated action;
- encourage the exchange of practical experience and promote the implementation of coordinated action between qualified persons and institutions, active in the prevention of drug addiction and coping with drug addicts (treatment, social and occupational reintegration), in accordance with the methods set out in the Annex hereto;
- cooperate with the Council of Europe, in particular the Pompidou Group, and the WHO, to extend the scope of such initiatives;
- report on the results of this work, assessing the contribution made by the Community to the development of national policies in this area and, where appropriate, including proposals to improve activities in the field.'

COUNCIL CONCLUSIONS

of 29 September 1989

on a European card for provision of immediate care

(89/C 277/03)

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

Whereas it is important to promote freedom of movement for insured persons by any means capable of simplifying their everyday life when travelling within the Community;

Whereas, to this end, access to the benefits offered by Community provisions on social security should be made easier;

Whereas this objective could be attained, in particular by establishing a harmonized European social insurance card, using media that may change in line with modern administrative techniques;

Whereas in 1983 the Commission considered simplification of the procedures required for provision of health care during a stay abroad;

Whereas, as the first stage, access to treatment required during temporary stays in a Member State other than the competent State could be improved and simplified forthwith by taking existing national social insurance cards into account,

1. REQUESTS the Commission, with the long-term aim of establishing a European card for provision of immediate care, to conduct a survey initially of procedures whereby Member States could recognize national social insurance cards issued by other Member States.

   This should enable cardholders staying temporarily in a Member State other than the competent Member State to have access, on the terms laid down by Article 22 (1) (a) of Regulation (EEC) No 1408/71, to urgently needed treatment, on presentation of their national insurance card or form E 111;

2. IS in favour, as of now, of any experiments in mutual recognition of national social insurance cards that Member States may engage in.

CONCLUSIONS

of the Council and the Ministers for Health, meeting within the Council,

of 13 November 1989

concerning the European emergency health card

THE COUNCIL OF THE EUROPEAN COMMUNITIES AND THE MINISTERS FOR HEALTH OF THE MEMBER STATES, MEETING WITHIN THE COUNCIL,

Having regard to the Resolution of the Council and of the Representatives of the Governments of the Member States, meeting within the Council, of 29 May 1986 concerning the adoption of a European emergency health card, and in particular Section III thereof (OJ C 184, 23. 7. 1986),

Having regard to the Commission communication on the introduction of the European emergency health card,

Having regard to the conclusions of the Council and the Ministers for Health, meeting within the Council, on action to be taken on Council decisions (OJ C 185, 22. 7. 1989),

Consider that the conditions in which this European emergency health card has been introduced have not allowed it to fulfil at European level its principal objective of improving individual emergency medical assistance abroad for citizens of one Community Member State travelling in another Member State;

Consider that the effectiveness of the European emergency health card depends amongst other things on its general use throughout the Member States;

Confirm the importance of the European emergency health card within the context of a People's Europe for facilitating free movement and believe it could usefully be supplemented by the introduction of a standard Europe-wide emergency call number;

Invite the Commission to re-examine, on the basis of experience to date, both the form and the content of the European emergency health card and to make proposals to the Council during the first half of 1990 making the card easier to use and defining a strategy for its general introduction. To that end the Commision will be assisted by a working party of representatives of the Member States;

Stress the interest of a decision on the introduction of a standard Europe-wide emergency call number.